

## CHAPTER 2012-96

### Committee Substitute for House Bill No. 7041

An act relating to governmental reorganization; amending s. 20.60, F.S.; establishing the Division of Information Technology within the Department of Economic Opportunity; establishing additional duties of the department with respect to the processing of state development approvals or permits; amending ss. 68.096, 68.105, 159.81, 163.2517, 163.2523, 163.3178, 163.3191, 163.3204, 163.3221, 163.3246, 163.3247, 163.336, 163.458, 163.460, 163.461, 163.462, 163.5055, 163.506, 163.508, 163.511, 163.512, 212.096, 213.053, 215.55865, 218.411, 220.153, 220.183, 220.194, 258.501, 259.042, 259.101, 282.201, 288.021, 288.1045, 288.106, 288.108, 288.1083, 288.1089, 288.1097, 288.11621, 288.1168, 288.1171, 288.1254, 288.714, 288.7102, 288.987, 290.0055, 290.0065, 290.00726, 290.00727, 290.00728, 311.09, 320.08058, 339.135, 342.201, 373.461, 377.703, 377.809, 380.06, 402.56, 403.0891, 420.503, 420.507, 420.101, 420.0005, 420.0006, 443.036, 443.091, 443.111, 443.141, 443.1715, 443.17161, 446.50, 450.261, 509.032, 624.5105, 1002.75, and 1002.79, F.S.; correcting references to agency names and divisions and correcting cross-references to conform to the governmental reorganization resulting from the enactment of chapter 2011-142, Laws of Florida; making technical and grammatical changes; amending s. 163.3178, F.S.; deleting provisions that encourage local governments to adopt countywide marina siting plans and use uniform criteria and standards for marina siting; conforming a cross-reference; amending s. 259.035, F.S.; correcting a reference to the number of members of the Acquisition and Restoration Council; amending s. 288.12265, F.S.; authorizing Enterprise Florida, Inc., to contract with the Florida Tourism Industry Marketing Corporation for management and operation of welcome centers; amending s. 288.901, F.S.; revising the membership of the board of directors of Enterprise Florida, Inc.; limiting the requirement that members of the board of directors be confirmed by the Senate to those members who are appointed by the Governor; amending s. 288.980, F.S.; replacing an obsolete reference to the former Office of Tourism, Trade, and Economic Development; correcting the number of grant programs relating to Florida Economic Reinvestment Initiative; amending s. 331.3081, F.S.; revising the membership of the board of directors of Space Florida; providing for designation of the chair of the board of directors; deleting provisions establishing the Space Florida advisory council; repealing s. 163.03, F.S., relating to the powers and duties of the Secretary of Community Affairs and functions of Department of Community Affairs with respect to federal grant-in-aid programs; repealing s. 379.2353, F.S., relating to the designation of enterprise zones in communities suffering adverse impacts from the adoption of the constitutional amendment limiting the use of nets to harvest marine species; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (3) and paragraph (f) is added to subsection (4) of section 20.60, Florida Statutes, to read:

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

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

(e) The Division of Information Technology.

(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:

(f) Coordinate with state agencies on the processing of state development approvals or permits to minimize the duplication of information provided by the applicant and the time before approval or disapproval.

Section 2. Subsection (1) of section 68.096, Florida Statutes, is amended to read:

68.096 Definitions.—For purposes of this act:

(1) “Department” means the Department of Legal ~~Community~~ Affairs.

Section 3. Section 68.105, Florida Statutes, is amended to read:

68.105 Use of funds; reports.—All appropriations made for the purposes of ~~the Florida Access to Civil Legal Assistance~~ this Act shall ~~only~~ only be used for legal education or assistance in family law, juvenile law, entitlement to federal benefits, protection from domestic violence, elder abuse, child abuse, or immigration law. These funds ~~may~~ shall not be used in criminal or postconviction relief matters; for lobbying activities; to sue the state, its agencies or political subdivisions, or colleges or universities; for class action lawsuits, to provide legal assistance with respect to noncriminal infractions pursuant to chapter 316, chapter 318, chapter 320, or chapter 322; to contest regulatory decisions of any municipal, county, or state administrative or legislative body; or to file or assist in the filing of private causes of action under federal or state statutes relating to or arising out of employment or terms or conditions of employment. The contracting organization shall require pilot projects to provide data on the number of clients served, the types of cases, the reasons the cases were closed, and the state dollars saved and federal dollars brought into the state because of the legal services provided. The contracting organization shall provide to the department of ~~Community Affairs~~, within 60 days ~~after completing of the completion of~~ the contract, a report on the legal services provided, the state dollars saved, and the federal dollars brought into the state.

Section 4. Subsection (1) of section 159.81, Florida Statutes, is amended to read:

159.81 Unused allocations; carryforwards.—

(1) The division shall, when requested, provide carryforwards pursuant to s. 146(f) of the Code for written confirmations for priority projects which qualify for a carryforward pursuant to s. 146(f) of the Code, if such request is accompanied by an opinion of bond counsel to that effect. In addition, in the case of Florida First Business projects, the division shall, when requested, grant requests for carryforward only after receipt of a certification from the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development that the project has been approved by the such department office to receive carryforward.

Section 5. Paragraph (b) of subsection (6) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(6)

(b) If the local government fails to implement the urban infill and redevelopment plan in accordance with the deadlines set forth in the plan, the state land planning agency ~~Department of Community Affairs~~ may seek to rescind the economic and regulatory incentives granted to the urban infill and redevelopment area, subject to the provisions of chapter 120. The action to rescind may be initiated 90 days after issuing a written letter of warning to the local government.

Section 6. Section 163.2523, Florida Statutes, is amended to read:

163.2523 Grant program.—An Urban Infill and Redevelopment Assistance Grant Program is created for local governments. A local government may allocate grant money to special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects consistent with an adopted urban infill and redevelopment plan or plan employed in lieu thereof. Thirty percent of the general revenue appropriated for this program shall be available for planning grants to be used by local governments for the development of an urban infill and redevelopment plan, including community participation processes for the plan. Sixty percent of the general revenue appropriated for this program shall be available for fifty/fifty matching grants for implementing urban infill and redevelopment projects that further the objectives set forth in the local government’s adopted urban infill and redevelopment plan or plan employed in lieu thereof. The remaining 10 percent of the revenue must be used for outright grants for implementing projects requiring an expenditure of under \$50,000. If the volume of fundable applications under any of the allocations specified in this section does not fully obligate the amount of the allocation, the Department of Economic Opportunity ~~Community Affairs~~ may transfer

the unused balance to the category having the highest dollar value of applications eligible but unfunded. However, in no event may the percentage of dollars allocated to outright grants for implementing projects exceed 20 percent in any given fiscal year. Projects that provide employment opportunities to clients of the Temporary Cash Assistance program and projects within urban infill and redevelopment areas that include a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, federal enterprise zone, enterprise community, or neighborhood improvement district must be given an elevated priority in the scoring of competing grant applications. ~~The Division of Housing and Community Development of the Department of~~ Economic Opportunity Community Affairs shall administer the grant program. ~~The Department of~~ Economic Opportunity Community Affairs shall adopt rules establishing grant review criteria consistent with this section.

Section 7. Subsection (3) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(3) Expansions 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); port transportation facilities and projects listed in s. 311.07(3)(b); intermodal transportation facilities identified pursuant to s. 311.09(3); and facilities determined by the state land planning agency ~~Department of Community Affairs~~ and applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan area which rely upon the use of port and intermodal transportation facilities may ~~shall~~ not be designated as developments of regional impact if such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with this section.

Section 8. Subsection (3) of section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed pursuant to ~~in accordance with~~ s. 163.3184(4).

Section 9. Section 163.3204, Florida Statutes, is amended to read:

163.3204 Cooperation by state and regional agencies.—~~The~~ state land planning agency ~~Department of Community Affairs~~ and any ad hoc working groups appointed by the department and all state and regional agencies involved in the administration and implementation of the Community

Planning this Act shall cooperate and work with units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, and of local land development regulations.

Section 10. Subsection (14) of section 163.3221, Florida Statutes, is amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

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

Section 11. Subsection (1) of section 163.3246, Florida Statutes, is amended to read:

163.3246 Local government comprehensive planning certification program.—

(1) There is created the Local Government Comprehensive Planning Certification Program to be administered by the state land planning agency ~~Department of Community Affairs~~. The purpose of the program is to create a certification process for local governments who identify a geographic area for certification within which they commit to directing growth and who, because of a demonstrated record of effectively adopting, implementing, and enforcing its comprehensive plan, the level of technical planning experience exhibited by the local government, and a commitment to implement exemplary planning practices, require less state and regional oversight of the comprehensive plan amendment process. The purpose of the certification area is to designate areas that are contiguous, compact, and appropriate for urban growth and development within a 10-year planning timeframe. Municipalities and counties are encouraged to jointly establish the certification area, and subsequently enter into joint certification agreement with the department.

Section 12. Paragraphs (a) and (b) of subsection (5) of section 163.3247, Florida Statutes, are amended to read:

163.3247 Century Commission for a Sustainable Florida.—

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

(a) The executive director of the state land planning agency ~~Secretary of Community Affairs~~ shall select an executive director of the commission, and the executive director of the commission shall serve at the pleasure of the executive director of the state land planning agency ~~secretary~~ under the supervision and control of the commission.

(b) The state land planning agency ~~Department of Community Affairs~~ shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

Section 13. Paragraph (c) of subsection (2) of section 163.336, Florida Statutes, is amended to read:

163.336 Coastal resort area redevelopment pilot project.—

(2) PILOT PROJECT ADMINISTRATION.—

(c) The Office of the Governor, the Department of Environmental Protection, and the Department of Economic Opportunity Community Affairs are directed to provide technical assistance to expedite permitting for redevelopment projects and construction activities within the pilot project areas consistent with the principles, processes, and timeframes provided in s. 403.973.

Section 14. Section 163.458, Florida Statutes, is amended to read:

163.458 Three-tiered plan.—The Department of Economic Opportunity ~~may Community Affairs~~ is authorized to award core administrative and operating grants. Administrative and operating grants shall be used for staff salaries and administrative expenses for eligible community-based development organizations selected through a competitive three-tiered process for the purpose of housing and economic development projects. The department shall adopt by rule a set of criteria for three-tiered funding which ~~that~~ shall ensure equitable geographic distribution of the funding throughout the state. This three-tiered plan shall include emerging, intermediate, and mature community-based development organizations recognizing the varying needs of the three tiers. Funding shall be provided for core administrative and operating grants for all levels of community-based development organizations. Priority shall be given to those organizations that demonstrate community-based productivity and high performance as evidenced by past projects developed with stakeholder input that have responded to neighborhood needs, and have current projects located in high-poverty neighborhoods, and to emerging community-based development corporations that demonstrate a positive need identified by stakeholders. Persons, equipment, supplies, and other resources funded in whole or in part by grant funds shall be used ~~utilized~~ to further the purposes of the Community-Based Development Organization Assistance ~~this Act~~, and may be used ~~utilized~~ to further the goals and objectives of the Front Porch Florida Initiative. Each community-based development organization ~~is shall be~~ eligible to apply for a grant of up to \$50,000 per year for a period of 5 years.

Section 15. Section 163.460, Florida Statutes, is amended to read:

163.460 Application requirements.—A community-based development organization applying for a core administrative and operating grant pursuant to the Community-Based Development Organization Assistance ~~this Act~~ must submit a proposal to the Department of Economic Opportunity ~~which Community Affairs~~ that includes:

- (1) A map and narrative description of the service areas for the community-based development organization.
- (2) A copy of the documents creating the community-based development organization.
- (3) A listing of the membership of the board of the community-based development organization, including individual members' terms of office and the number of low-income residents on the board.
- (4) The organization's annual revitalization plan that describes the expenditure of the funds, including goals, objectives, and expected results, and has a clear relationship to the local municipality's comprehensive plan.
- (5) Other supporting information that may be required by the Department of Economic Opportunity Community Affairs to determine the organization's capacity and productivity.
- (6) A description of the location, financing plan, and potential impact of the business enterprises on residential, commercial, or industrial development, which that shows a clear relationship to the organization's annual revitalization plan and demonstrates how the proposed expenditures are directly related to the scope of work for the proposed projects in the annual revitalization plan.

Section 16. Section 163.461, Florida Statutes, is amended to read:

163.461 Reporting and evaluation requirements.—Community-based development organizations that receive funds under the Community-Based Development Organization Assistance this Act shall provide the following information to the Department of Economic Opportunity Community Affairs annually:

- (1) A listing of business firms and individuals assisted by the community-based development organization during the reporting period.
- (2) A listing of the type, source, purpose, and amount of each individual grant, loan, or donation received by the community-based development organization during the reporting period.
- (3) The number of paid and voluntary positions within the community-based development organization.
- (4) A listing of the salaries and administrative and operating expenses of the community-based development organization.
- (5) An identification and explanation of changes in the boundaries of the target area.
- (6) The amount of earned income from projects, programs, and development activities.

(7) The number and description of projects in predevelopment phase, projects under construction, ongoing service programs, construction projects completed, and projects at sell-out or lease-up and property management phase, and a written explanation of the reasons that caused any projects not to be completed for the projected development phase.

(8) The impact of the projects, as a result of receiving funding under this act, on residents in the target area, and the relationship of this impact to expected outcomes listed in the organization's annual revitalization plan.

(9) The number of housing units rehabilitated or constructed at various stages of development, predevelopment phase, construction phase, completion and sell-out or lease-up phase, and condominium or property management phase by the community-based development organization within the service area during the reporting period.

(10) The number of housing units, number of projects, and number of persons served by prior projects developed by the organization, the amounts of project financing leverage with state funds for each prior and current project, and the incremental amounts of local and state real estate tax and sales tax revenue generated directly by the projects and programs annually.

(11) The number of jobs, both permanent and temporary, received by individuals who were directly assisted by the community-based development organization through assistance to the business such as a loan or other credit assistance.

(12) An identification and explanation of changes in the boundaries of the service area.

(13) The impact of completed projects on residents in the target area and the relationship of this impact to expected outcomes listed in the organization's annual revitalization plan.

(14) Such other information as the Department of Economic Opportunity ~~Community Affairs~~ requires.

Section 17. Section 163.462, Florida Statutes, is amended to read:

163.462 Rulemaking authority.—The Department of Economic Opportunity ~~Community Affairs~~ shall adopt rules for the administration of the Community-Based Development Organization Assistance ~~this~~ Act.

Section 18. Subsection (1) of section 163.5055, Florida Statutes, is amended to read:

163.5055 Registration of district establishment; notice of dissolution.—

(1)(a) Each neighborhood improvement district authorized and established under this part shall within 30 days thereof register with both the Department of Economic Opportunity ~~Community Affairs~~ and the



Department of Legal Affairs by providing these departments with the district’s name, location, size, and type, and such other information as the departments may require.

(b) Each local governing body ~~that which~~ authorizes the dissolution of a district shall notify both the Department of Economic Opportunity Community Affairs and the Department of Legal Affairs within 30 days after the dissolution of the district.

Section 19. Paragraph (h) of subsection (1) of section 163.506, Florida Statutes, is amended to read:

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.—

(1) After a local planning ordinance has been adopted authorizing the creation of local government neighborhood improvement districts, the local governing body of a municipality or county may create local government neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(h) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity Community Affairs in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 20. Paragraph (g) of subsection (1) of section 163.508, Florida Statutes, is amended to read:

163.508 Property owners’ association neighborhood improvement districts; creation; powers and duties; duration.—

(1) After a local planning ordinance has been adopted authorizing the creation of property owners’ association neighborhood improvement districts, the local governing body of a municipality or county may create property owners’ association neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(g) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity Community Affairs in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 21. Paragraph (i) of subsection (1) of section 163.511, Florida Statutes, is amended to read:

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.—

(1) After a local planning ordinance has been adopted authorizing the creation of special neighborhood improvement districts, the governing body of a municipality or county may declare the need for and create special

residential or business neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(i) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity Community Affairs in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 22. Paragraph (i) of subsection (1) of section 163.512, Florida Statutes, is amended to read:

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.—

(1) Upon the recommendation of the community redevelopment agency and after a local planning ordinance has been adopted authorizing the creation of community redevelopment neighborhood improvement districts, the local governing body of a municipality or county may create community redevelopment neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(i) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity Community Affairs in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 23. Paragraph (d) of subsection (1) of section 212.096, Florida Statutes, is amended to read:

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

(1) For the purposes of the credit provided in this section:

(d) “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 a business operation in this state. This term does ~~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. 220.181(1). The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month. The person must be performing such duties at a business site located in the enterprise zone.

Section 24. Paragraphs (k) and (bb) of subsection (8) of section 213.053, Florida Statutes, are amended, and present paragraphs (l) through (bb) of that subsection are redesignated as paragraphs (k) through (aa), respectively, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

~~(k) Information relative to single sales factor apportionment used by a taxpayer to the Office of Tourism, Trade, and Economic Development or its employees or agents who are identified in writing by the office to the department for use by the office to administer s. 220.153.~~

~~(aa)(bb) Information relating to tax credits taken under s. 220.194 to the Office of Tourism, Trade, and Economic Development or to Space Florida.~~

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.

Section 25. Section 215.55865, Florida Statutes, is amended to read:

215.55865 Uniform home grading scale.—The Financial Services Commission shall adopt a uniform home grading scale to grade the ability of a home to withstand the wind load from a sustained severe tropical storm or hurricane. The commission shall coordinate with the Office of Insurance Regulation, the Department of Financial Services, and the Florida Building Commission ~~Department of Community Affairs~~ in developing the grading scale, which must be based upon and consistent with the rating system required by chapter 2006-12, Laws of Florida. ~~The commission shall adopt the uniform grading scale by rule no later than June 30, 2007.~~

Section 26. Paragraph (c) of subsection (1) of section 218.411, Florida Statutes, is amended to read:

218.411 Authorization for state technical and advisory assistance.—

(1) The board is authorized, upon request, to assist local governments in investing funds that are temporarily in excess of operating needs by:

(c) Providing, in cooperation with the Department of Economic Opportunity ~~Community Affairs~~, technical assistance to local governments in investment of surplus funds.

Section 27. Subsections (1), (2), and (3), paragraphs (b) and (c) of subsection (4), and subsection (5) of section 220.153, Florida Statutes, are amended to read:

220.153 Apportionment by sales factor.—

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

(a) ~~“Office” means the Office of Tourism, Trade, and Economic Development.~~

(b) ~~“qualified capital expenditures” means expenditures in this state for purposes substantially related to a business’s production or sale of goods or services. The expenditure must fund the acquisition of additional real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and the furniture and equipment necessary to furnish and operate a new or improved facility. The term “qualified capital expenditures” does not include an expenditure for a passive investment or for an investment intended for the accumulation of reserves or the realization of profit for distribution to any person holding an ownership interest in the business. The term “qualified capital expenditures” does not include expenditures to acquire an existing business or expenditures in excess of \$125 million to acquire land or buildings.~~

(2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not including a financial organization as defined in s. 220.15(6) or a bank, savings association, international banking facility, or banking organization as defined in s. 220.62, doing business within and without this state, who applies and demonstrates to the Department of Economic Opportunity office that, within a 2-year period beginning on or after July 1, 2011, it has made qualified capital expenditures equal to or exceeding \$250 million may apportion its adjusted federal income solely by the sales factor set forth in s. 220.15(5), commencing in the taxable year that the Department of Economic Opportunity office approves the application, but not before a taxable year that begins on or after January 1, 2013. Once approved, a taxpayer may elect to apportion its adjusted federal income for any taxable year using the method provided under this section or the method provided under s. 220.15.

(3) QUALIFICATION PROCESS.—

(a) To qualify as a taxpayer who is eligible to apportion its adjusted federal income under this section:

1. The taxpayer must notify the Department of Economic Opportunity office of its intent to submit an application to apportion its adjusted federal income in order to commence the 2-year period for measuring qualified capital expenditures.

2. The taxpayer must submit an application to apportion its adjusted federal income under this section to the Department of Economic Opportunity office within 2 years after notifying the Department of Economic Opportunity office of the taxpayer's intent to qualify. The application must be made under oath and provide such information as the Department of Economic Opportunity office reasonably requires by rule for determining the applicant's eligibility to apportion adjusted federal income under this section. The taxpayer is responsible for affirmatively demonstrating to the satisfaction of the Department of Economic Opportunity office that it meets the eligibility requirements.

(b) The taxpayer notice and application forms shall be established by the Department of Economic Opportunity office by rule. The Department of Economic Opportunity office shall acknowledge receipt of the notice and approve or deny the application in writing within 45 days after receipt.

(4) REVIEW AUTHORITY; RECAPTURE OF TAX.—

(b) The Department of Economic Opportunity office may, by order, revoke its decision to grant eligibility for apportionment pursuant to this section, and may also order the recalculation of apportionment factors to those applicable under s. 220.15 if, as the result of an audit, investigation, or examination, it determines that information provided by the taxpayer in the application, or in a statement, representation, record, report, plan, or other document provided to the Department of Economic Opportunity office to become eligible for apportionment, was materially false at the time it was made and that an individual acting on behalf of the taxpayer knew, or should have known, that the information submitted was false. The taxpayer shall pay such additional taxes and interest as may be due pursuant to this chapter computed as the difference between the tax that would have been due under the apportionment formula provided in s. 220.15 for such years and the tax actually paid. In addition, the department shall assess a penalty equal to 100 percent of the additional tax due.

(c) The Department of Economic Opportunity office shall immediately notify the department of an order affecting a taxpayer's eligibility to apportion tax pursuant to this section. A taxpayer who is liable for past tax must file an amended return with the department, or such other report as the department prescribes by rule, and pay any required tax, interest, and penalty within 60 days after the taxpayer receives notification from the Department of Economic Opportunity office that the previously approved credits have been revoked. If the revocation is contested, the taxpayer shall file an amended return or other report within 30 days after an order becomes final. A taxpayer who fails to pay the past tax, interest, and penalty by the due date is subject to the penalties provided in s. 220.803.

(5) RULES.—The Department of Economic Opportunity office and the department may adopt rules to administer this section.

Section 28. Paragraph (b) of subsection (2) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(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 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 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 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.

Section 29. Paragraphs (b), (d), (e), and (f) of subsection (3), paragraphs (a), (c), and (e) of subsection (4), subsection (5), paragraph (b) of subsection (6), paragraphs (a), (b), (d), and (e) of subsection (7), paragraph (a) of subsection (8), and subsection (9) of section 220.194, Florida Statutes, are amended to read:

220.194 Corporate income tax credits for spaceflight projects.—

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

(b) “Certified” means that a spaceflight business has been certified by the Department of Economic Opportunity office as meeting all of the requirements necessary to obtain at least one of the approved tax credits available under this section, including approval to transfer a credit.

(d) “New job” means the full-time employment of an employee in a manner that 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 compensation tax administration and employment estimation. In order to meet the requirement for certification specified in paragraph (5)(b), a new job must:

1. Pay new employees at least 115 percent of the statewide or countywide average annual private sector wage for the 3 taxable years immediately preceding filing an application for certification;

2. Require a new employee to perform duties on a regular full-time basis in this state for an average of at least 36 hours per week each month for the 3 taxable years immediately preceding filing an application for certification; and

3. Not be held by a person who has previously been included as a new employee on an application for any credit authorized under this section.

(e) ~~“Office” means the Office of Tourism, Trade, and Economic Development.~~

(e)(f) “Payload” means an object built or assembled in this state to be placed into earth’s upper atmospheres or space.

(4) TAX CREDITS.—

(a) If approved and certified pursuant to subsection (5), the following tax credits may be taken on a return for a taxable year beginning on or after October 1, 2015:

1. A certified spaceflight business may take a nontransferable corporate income tax credit for up to 50 percent of the business’s tax liability under this chapter for the taxable year in which the credit is taken. The maximum nontransferable tax credit amount that may be approved per taxpayer for a taxable year is \$1 million. No more than \$3 million in total tax credits

pursuant to this subparagraph may be certified pursuant to subsection (5). No credit may be approved after October 1, 2017.

2. A certified spaceflight business may transfer, in whole or in part, its Florida net operating loss that would otherwise be available to be taken on a return filed under this chapter, provided that the activity giving rise to such net operating loss must have occurred after July 1, 2011. The transfer allowed under this subparagraph will be in the form of a transferable tax credit equal to the amount of the net operating loss eligible to be transferred. The maximum transferable tax credit amount that may be approved per taxpayer for a taxable year is \$2.5 million. No more than \$7 million in total tax credits pursuant to this subparagraph may be certified pursuant to subsection (5). No credit may be approved after October 1, 2017.

a. In order to transfer the credit, the business must:

(I) Have been approved to transfer the tax credit for the taxable year in which it is transferred;

(II) Have incurred a qualifying net operating loss on activity in this state after July 1, 2011, directly associated with one or more spaceflight projects in any of its 3 previous taxable years;

(III) Not be 50 percent or more owned or controlled, directly or indirectly, by another corporation that has demonstrated positive net income in any of the 3 previous taxable years of ongoing operations; and

(IV) Not be part of a consolidated group of affiliated corporations, as filed for federal income tax purposes, which in the aggregate demonstrated positive net income in any of the 3 previous taxable years.

b. The credit that may be transferred by a certified spaceflight business:

(I) Is limited to the amount of eligible net operating losses incurred in the immediate 3 taxable years before the transfer; and

(II) Must be directly associated with a spaceflight project in this state as verified through an audit or examination by a certified public accountant licensed to do business in this state and as verified by the Department of Economic Opportunity office.

(c) Credits approved under subparagraph (a)1. may be taken only against the corporate income tax liability generated by or arising out of a spaceflight project in this state, as verified through an audit or examination by a certified public accountant licensed to do business in this state and as verified by the Department of Economic Opportunity office.

(e) The certified spaceflight business or transferee must demonstrate to the satisfaction of the Department of Economic Opportunity office and the department that it is eligible to take the credits approved under this section.



## (5) APPLICATION AND CERTIFICATION.—

(a) In order to claim a tax credit under this section, a spaceflight business must first submit an application to the Department of Economic Opportunity office for approval to earn tax credits or create transferable tax credits. The application must be filed by the date established by the Department of Economic Opportunity office. In addition to any information that the Department of Economic Opportunity office may require, the applicant must provide a complete description of the activity in this state which demonstrates to the Department of Economic Opportunity office the applicant's likelihood to be certified to take or transfer a credit. The applicant must also provide a description of the total amount and type of credits for which approval is sought. The Department of Economic Opportunity office may consult with Space Florida regarding the qualifications of an applicant. The applicant shall provide an affidavit certifying that all information contained in the application is true and correct.

1. Approval of the credits shall be provided on a first-come, first-served basis, based on the date the completed applications are received by the Department of Economic Opportunity office. A taxpayer may not submit more than one completed application per state fiscal year. The Department of Economic Opportunity office may not accept an incomplete placeholder application, and the submission of such an application will not secure a place in the first-come, first-served application line.

2. The Department of Economic Opportunity office has 60 days after the receipt of a completed application within which to issue a notice of intent to deny or approve an application for credits. The Department of Economic Opportunity office must ensure that the corporate income tax credits approved for all applicants do not exceed the limits provided in this section.

(b) In order to take a tax credit under subparagraph (a)1. or, if applicable, to transfer an approved credit under subparagraph (a)2., a spaceflight business must submit an application for certification to the Department of Economic Opportunity office along with a nonrefundable \$250 fee.

1. The application must include:

a. The name and physical in-state address of the taxpayer.

b. Documentation demonstrating to the satisfaction of the Department of Economic Opportunity office that:

(I) The taxpayer is a spaceflight business.

(II) The business has engaged in a qualifying spaceflight project before taking or transferring a credit under this section.

c. In addition to any requirement specific to a credit, documentation that the business has:

(I) Created 35 new jobs in this state directly associated with spaceflight projects during its immediately preceding 3 taxable years. The business shall be deemed to have created new jobs if the number of full-time jobs located in this state at the time of application for certification is greater than the total number of full-time jobs located in this state at the time of application for approval to earn credits; and

(II) Invested a total of at least \$15 million in this state on a spaceflight project during its immediately preceding 3 taxable years.

d. The total amount and types of credits sought.

e. An acknowledgment that a transfer of a tax credit is to be accomplished pursuant to subsection (5).

f. A copy of an audit or audits of the preceding 3 taxable years, prepared by a certified public accountant licensed to practice in this state, which identifies that portion of the business's activities in this state related to spaceflight projects in this state.

g. An acknowledgment that the business must file an annual report on the spaceflight project's progress with the Department of Economic Opportunity office.

h. Any other information necessary to demonstrate that the applicant meets the job creation, investment, and other requirements of this section.

2. Within 60 days after receipt of the application for certification, the Department of Economic Opportunity office shall evaluate the application and recommend the business for certification or denial. The executive director of the Department of Economic Opportunity office must approve or deny the application within 30 days after receiving the recommendation. If approved, the Department of Economic Opportunity office must provide a letter of certification to the applicant consistent with any restrictions imposed. If the Department of Economic Opportunity office denies any part of the requested credit, the Department of Economic Opportunity office must inform the applicant of the grounds for the denial. A copy of the certification shall be submitted to the department within 10 days after the executive director's approval.

(6) TRANSFERABILITY OF CREDIT.—

(b) In order to perfect the transfer, the transferor shall provide the department with a written transfer statement that has been approved by the Department of Economic Opportunity office notifying the department of the transferor's intent to transfer the tax credits to the transferee; the date that 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. Upon receipt of the approved transfer statement, the department shall provide the transferee and the Department of Economic Opportunity office 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 the credits.

(7) AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

(a) In addition to its existing audit and investigative authority, the department may perform any additional financial and technical audits and investigations, including examining the accounts, books, and financial records of the tax credit applicant, which are necessary for verifying the accuracy of the return and to ensure compliance with this section. If requested by the department, the Department of Economic Opportunity office and Space Florida must provide technical assistance for any technical audits or examinations performed under this subsection.

(b) Grounds for forfeiture of previously claimed tax credits approved under this section exist if the department determines, as a result of an audit or examination, or from information received from the Department of Economic Opportunity office, that a certified spaceflight business, or in the case of transferred tax credits, a taxpayer received tax credits for which the certified spaceflight business or taxpayer was not entitled. The spaceflight business or transferee must file an amended return reflecting the disallowed credits and paying any tax due as a result of the amendment.

(d) The Department of Economic Opportunity office may revoke or modify a certification granting eligibility for tax credits if it finds that the certified spaceflight business made a false statement or representation in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The Department of Economic Opportunity office shall immediately notify the department of any revoked or modified orders affecting previously granted tax credits. The certified spaceflight business must also notify the department of any change in its claimed tax credit.

(e) The certified spaceflight business must file with the department an amended return or other report required by the department by rule and pay any required tax and interest within 60 days after the certified business receives notification from the Department of Economic Opportunity office that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the spaceflight business must file the amended return or other report within 60 days after a final order is issued.

(8) RULES.—

(a) The Department of Economic Opportunity office, in consultation with Space Florida, shall adopt rules to administer this section, including rules relating to application forms for credit approval and certification, and the application and certification procedures, guidelines, and requirements necessary to administer this section.

(9) ANNUAL REPORT.—Beginning in 2014, the Department of Economic Opportunity office, in cooperation with Space Florida and the department, shall submit an annual report summarizing activities relating to the Florida Space Business Incentives Act established under this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by each November 30.

Section 30. Paragraph (b) of subsection (3), paragraph (b) of subsection (4), subsection (6), paragraph (a) of subsection (7), and paragraph (c) of subsection (9) of section 258.501, Florida Statutes, are amended to read:

258.501 Myakka River; wild and scenic segment.—

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

(b) “Agreement” means the interagency operating agreement between the department, the Department of Economic Opportunity Community Affairs, and Sarasota County or the City of North Port.

(4) DESIGNATION OF WILD AND SCENIC RIVER.—

(b) The governments of Sarasota County and the City of North Port shall manage the Myakka River wild and scenic protection zone under their existing authorities for comprehensive planning, the regulation of land development activities, and other necessary or appropriate ordinances and in conformance with this section, the management plan required under subsection (5), and the agreements adopted by the department and the Department of Economic Opportunity Community Affairs with the city and county pursuant to this section.

(6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—

(a) Sarasota County and the City of North Port shall amend their comprehensive plans so that the parts of such plans that affect the wild and scenic protection zone conform to, or are more stringent than, this section, the river management plan, and management guidelines and performance standards to be developed and contained within agreements to be adopted by the department, the Department of Economic Opportunity Community Affairs, and the city and county. The guidelines and performance standards must be used by the department and the Department of Economic Opportunity Community Affairs to review and monitor the regulation of activities by the city and county in the wild and scenic protection zone. Amendments to those comprehensive plans must include specific policies and guidelines for minimizing adverse impacts on resources in the river area and for managing the wild and scenic protection zone in conformance with this section, the river management plan, and the agreement. Such comprehensive plans must be amended within 1 year after the adoption date of the agreement, and thereafter, within 6 months following an amendment to this section, the river management plan, or the agreement, as may be necessary.

For the purposes established in this subsection, such amendments need not conform to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(b) Sarasota County and the City of North Port shall adopt or amend, within 1 year after the department and the Department of Economic Opportunity Community Affairs adopt with the city and with the county agreements for regulating activities in the wild and scenic protection zone, any necessary ordinances and land development regulations so that those ordinances and regulations conform to the purposes of this section, the river management plan, and the agreement. Thereafter, following any amendment to this section, the river management plan, or the agreement, the city and county must amend or adopt, within 1 year, appropriate ordinances and land development regulations to maintain such local ordinances and regulations in conformance with this section, the river management plan, and the agreement. Those ordinances and regulations must provide that activities must be prohibited, or must undergo review and either be denied or permitted with or without conditions, so as to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners' use of land for residential purposes. The resource values of concern are those identified in this section and by the coordinating council in the river management plan. Activities which may be prohibited, subject to the agreement, include, but are not limited to, landfills, clear cuttings, major new infrastructure facilities, major activities that would alter historic water or flood flows, multifamily residential construction, commercial and industrial development, and mining and major excavations. However, appurtenant structures for these activities may be permitted if such structures do not have adverse visual or measurable adverse environmental impacts to resource values in the river area.

(c) If the Department of Economic Opportunity Community Affairs determines that the local comprehensive plan or land development regulations, as amended or supplemented by the local government, are not in conformance with the purposes of this section, the river management plan, and the agreement, the Department of Economic Opportunity Community Affairs shall issue a notice of intent to find the plan not in compliance and such plan shall be subject to the administrative proceedings in accordance with s. 163.3184.

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Department of Economic Opportunity Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, the Tampa Bay

Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

(9) RULEMAKING AUTHORITY.—

(c) The department and the Department of Economic Opportunity Community Affairs must enter into agreements with the City of North Port and Sarasota County which ~~that~~ provide for guiding and monitoring the regulation of activities by the city and county, in accordance with subsection (6). Such agreements shall include guidelines and performance standards for regulating proposed activities so as to minimize adverse environmental and visual impacts of such activities on the resource values in the river area, and to minimize adverse impacts to landowners' use of land for residential purposes.

Section 31. Subsection (3) of section 259.042, Florida Statutes, is amended to read:

259.042 Tax increment financing for conservation lands.—

(3) The governing body of the jurisdiction that will administer the separate reserve account shall provide documentation to the Department of Economic Opportunity Community Affairs identifying the boundary of the tax increment area. The department shall determine whether the boundary is appropriate in that property owners within the boundary will receive a benefit from the proposed purchase of identified conservation lands. The department must issue a letter of approval stating that the establishment of the tax increment area and the proposed purchases would benefit property owners within the boundary and serve a public purpose before any tax increment funds are deposited into the separate reserve account. If the department fails to provide the required letter within 90 days after receiving sufficient documentation of the boundary, the establishment of the area and the proposed purchases are deemed to provide such benefit and serve a public purpose.

Section 32. Paragraph (c) of subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a)-(g), that portion of each program's total remaining cash balance which, as of June 30, 2000, is in excess of that

program's total remaining appropriation balances shall be redistributed by the department and deposited into the Save Our Everglades Trust Fund for land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(c) Ten percent to the Department of Environmental Protection ~~Community Affairs~~ to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, \$3 million annually shall be used by the Division of State Lands within the Department of Environmental Protection to implement the Green Swamp Land Protection Initiative specifically for the purchase of conservation easements, as defined in s. 380.0677(3), of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, \$3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of a real property interest in those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

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 the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund. The board of trustees shall hold title to land protection agreements and conservation easements that were or will be acquired pursuant to s. 380.0677, and the Southwest Florida Water Management District and the St. Johns River Water Management District shall monitor such agreements and easements within their respective districts until the state assumes this responsibility.

Section 33. Paragraphs (e) and (h) of subsection (4) of section 282.201, Florida Statutes, are amended to read:

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service as defined in s. 282.0041, is established.

(4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

(e) During the 2012-2013 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:

1. By September 30, 2012, the Division of Emergency Management and ~~the Department of Community Affairs~~, except for the Emergency Operation Center’s management system in Tallahassee and the Camp Blanding Emergency Operations Center in Starke.

2. By September 30, 2012, the Department of Revenue’s Carlton Building and Imaging Center locations.

3. By December 31, 2012, the Department of Health’s Test and Development Lab and all remaining data center resources located at the Capital Circle Office Complex.

(h) During the 2014-2015 fiscal year, the following agencies shall work with the Agency for Enterprise Information Technology to begin preliminary planning for consolidation into a primary data center:

1. The Department of Health’s Jacksonville Lab Data Center.

2. The Department of Transportation’s district offices, toll offices, and the District Materials Office.

3. The Department of Military Affairs’ Camp Blanding Joint Training Center in Starke.

4. ~~The Department of Community Affairs’~~ Camp Blanding Emergency Operations Center in Starke.

5. The Department of Education’s Division of Blind Services disaster recovery site in Daytona Beach.

6. The Department of Education’s disaster recovery site at Santa Fe College.

7. The Department of the Lottery’s Disaster Recovery Backup Data Center in Orlando.



8. The Fish and Wildlife Conservation Commission’s Fish and Wildlife Research Institute in St. Petersburg.

9. The Department of Children and Family Services’ Suncoast Data Center in Tampa.

10. The Department of Children and Family Services’ Florida State Hospital in Chattahoochee.

Section 34. 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 Agency for Workforce Innovation~~, the Department of Education, 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 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 35. Paragraph (f) of subsection (2) and paragraph (c) of subsection (5) of section 288.1045, Florida Statutes, are amended to read:

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

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

(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. Excise taxes paid on documents pursuant to chapter 201.
- d. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.
- e. 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, 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 department office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section.

(5) ANNUAL CLAIM FOR REFUND.—

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund for that refund. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 or the appraised market value of municipal or county land, including any improvements or structures, conveyed or provided at a discount through a sale or lease to that applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement granted or the value of the land granted, including the value of any improvements or structures; and the limitations in subsection (2) shall be reduced by the amount of any such tax abatement or the value of the land granted, including any improvements or structures. A report listing all sources of the local financial support shall be provided to the department office when such support is paid to the Economic Development Trust Fund.

Section 36. Paragraph (f) of subsection (4) and paragraphs (c), (d), and (e) of subsection (6) of section 288.106, Florida Statutes, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(4) APPLICATION AND APPROVAL PROCESS.—

(f) ~~Effective July 1, 2011,~~ Notwithstanding paragraph (2)(j) ~~(2)(k)~~, the department ~~office~~ may reduce the local financial support requirements of this section by one-half for a qualified target industry business located in Bay County, Escambia County, Franklin County, Gadsden County, Gulf County, Jefferson County, Leon County, Okaloosa County, Santa Rosa County, Wakulla County, or Walton County, if the department ~~office~~ determines that such reduction of the local financial support requirements is in the best interest of the state and facilitates economic development, growth, or new employment opportunities in such county. This paragraph expires June 30, 2014.

(6) ANNUAL CLAIM FOR REFUND.—

(c) The department may waive the requirement for proof of taxes paid in future years for a qualified target industry business that provides the department ~~office~~ with proof that, in a single year, the business has paid an amount of state taxes from the categories in paragraph (3)(d) which ~~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.

(d) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account for that refund. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted, and the limitations in subsection (3) and paragraph (4)(e) must be reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the department ~~office~~ when such support is paid to the account.

(e) A prorated tax refund, less a 5 percent ~~5-percent~~ penalty, shall be approved for a qualified target industry business if all other applicable requirements have been satisfied and the business proves to the satisfaction of the department ~~office~~ that:

1. It has achieved at least 80 percent of its projected employment; and
2. The average wage paid by the business 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, or 150 percent or 200 percent of the average private sector wage if the business requested the additional per-job tax refund authorized in paragraph (3)(b) for wages above those levels. The prorated tax refund shall be calculated by multiplying the tax refund amount for which

the qualified target industry business 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.

Section 37. Paragraph (a) of subsection (3) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

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

(a) Upon commencement of operations, a qualified high-impact business is eligible to receive a high-impact business performance grant in the amount as determined by the department office under subsection (5), consistent with eligible amounts as provided in paragraph (b), and specified in the qualified high-impact business agreement. The precise conditions that are considered commencement of operations must be specified in the qualified high-impact business agreement.

Section 38. Subsection (3) of section 288.1083, Florida Statutes, is amended to read:

288.1083 Manufacturing and Spaceport Investment Incentive Program.

(3) Beginning July 1, 2010, and ending June 30, 2011, and beginning July 1, 2011, and ending June 30, 2012, sales and use tax paid in this state on eligible equipment purchases may qualify for a refund as provided in this section. The total amount of refunds that may be allocated by the department office to all applicants during the period beginning July 1, 2010, and ending June 30, 2011, is \$19 million. The total amount of tax refunds that may be allocated to all applicants during the period beginning July 1, 2011, and ending June 30, 2012, is \$24 million. An applicant may not be allocated more than \$50,000 in refunds under this section for a single year. Preliminary refund allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

Section 39. Paragraph (1) of subsection (2) of section 288.1089, Florida Statutes, is amended to read:

288.1089 Innovation Incentive Program.—

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

(1) “Match” means funding from local sources, public or private, which will be paid to the applicant and which is equal to 100 percent of an award. Eligible match funding may include any tax abatement granted to the applicant under s. 196.1995 or the appraised market value of land, buildings, infrastructure, or equipment conveyed or provided at a discount to the

applicant. Complete documentation of a match payment or other conveyance must be presented to and verified by the department office prior to transfer of state funds to an applicant. An applicant may not provide, directly or indirectly, more than 5 percent of match funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

Section 40. Subsection (2) of section 288.1097, Florida Statutes, is amended to read:

288.1097 Qualified job training organizations; certification; duties.—

(2) To be eligible for funding, an organization must be certified by the department ~~Office of Tourism, Trade, and Economic Development~~ as meeting the criteria in subsection (1). After certification, the department ~~Office of Tourism, Trade, and Economic Development~~ may release funds to the qualified job training organization pursuant to a contract with the organization. The contract must include 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, the methodology for validating performance, the schedule of payments, and sanctions for failure to meet the performance requirements including any provisions for repayment of awards. The contract must also require that salaries paid to officers and employees of the qualified job training organization comply with s. 4958 of the Internal Revenue Code of 1986, as amended.

Section 41. Paragraph (c) of subsection (3) of section 288.11621, Florida Statutes, is amended to read:

288.11621 Spring training baseball franchises.—

(3) USE OF FUNDS.—

(c) The Department of Revenue may not distribute funds to an applicant certified on or after July 1, 2010, until it receives notice from the department ~~office~~ that the certified applicant has encumbered funds under subparagraph (a)2.

Section 42. Subsection (6) of section 288.1168, Florida Statutes, is amended to read:

288.1168 Professional golf hall of fame facility.—

(6) The department ~~Office of Tourism, Trade, and Economic Development~~ must recertify every 10 years that the facility is open, continues to be the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., and is meeting the minimum projections for attendance or sales tax revenue as required at the time of original certification. If the facility is not certified as meeting the minimum projections, the PGA Tour, Inc., shall increase its required advertising contribution of \$2 million

annually to \$2.5 million annually in lieu of reduction of any funds as provided by s. 212.20. The additional \$500,000 must be allocated in its entirety for the use and promotion of generic Florida advertising as determined by the department ~~Office of Tourism, Trade, and Economic Development~~. If the facility is not open to the public or is no longer in use as the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., the entire \$2.5 million for advertising must be used for generic Florida advertising as determined by the department ~~Office of Tourism, Trade, and Economic Development~~.

Section 43. Subsection (4) of section 288.1171, Florida Statutes, is amended to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

(4) Upon determining that an applicant meets the requirements of subsection (3), the department ~~office~~ shall notify the applicant and the executive director of the Department of Revenue of such certification by means of an official letter granting certification. If the applicant fails to meet the certification requirements of subsection (3), the department ~~office~~ shall notify the applicant not later than 10 days following such determination.

Section 44. Paragraph (a) of subsection (8) of section 288.1254, Florida Statutes, is amended to read:

288.1254 Entertainment industry financial incentive program.—

(8) RULES, POLICIES, AND PROCEDURES.—

(a) The department ~~Office of Tourism, Trade, and Economic Development~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 and develop policies and procedures to implement and administer this section, including, but not limited to, rules specifying requirements for the application and approval process, records required for substantiation for tax credits, procedures for making the election in paragraph (4)(d), the manner and form of documentation required to claim tax credits awarded or transferred under this section, and marketing requirements for tax credit recipients.

Section 45. Subsection (2) of section 288.714, Florida Statutes, is amended to read:

288.714 Quarterly and annual reports.—

(2) The department 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 which ~~that~~ includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102.

Section 46. Subsection (7) of section 288.7102, Florida Statutes, is amended to read:

## 288.7102 Black Business Loan Program.—

(7) The department, ~~in consultation with the board,~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 47. Subsections (5) and (7) of section 288.987, Florida Statutes, are amended to read:

## 288.987 Florida Defense Support Task Force.—

(5) The ~~executive~~ director of the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development ~~within the Executive Office of the Governor,~~ or his or her designee, shall serve as the ex officio, nonvoting executive director of the task force.

(7) The ~~department Office of Tourism, Trade, and Economic Development~~ shall contract with the task force for expenditure of appropriated funds, which may be used by the task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The task force may annually spend up to \$200,000 of funds appropriated to the ~~department Executive Office of the Governor, Office of Tourism, Trade, and Economic Development,~~ for the task force for staffing and administrative expenses of the task force, including travel and per diem costs incurred by task force members who are not otherwise eligible for state reimbursement.

Section 48. Paragraph (d) of subsection (6) of section 290.0055, Florida Statutes, is amended to read:

## 290.0055 Local nominating procedure.—

(6)

(d)1. The governing body of a jurisdiction which has nominated an application for an enterprise zone that is no larger than 12 square miles and includes a portion of the state designated as a rural area of critical economic concern under s. 288.0656(7) may apply to the ~~department Office of Tourism, Trade, and Economic Development~~ to expand the boundary of the enterprise zone by not more than 3 square miles. An application to expand the boundary of an enterprise zone under this paragraph must be submitted by December 31, 2012.

2. Notwithstanding the area limitations specified in subsection (4), the ~~department Office of Tourism, Trade, and Economic Development~~ may approve the request for a boundary amendment if the area continues to satisfy the remaining requirements of this section.

3. The ~~department Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of an enterprise zone designated under this paragraph.

Section 49. Paragraph (a) of subsection (4) of section 290.0065, Florida Statutes, is amended to read:

290.0065 State designation of enterprise zones.—

(4)(a) Notwithstanding s. 290.0055, the department 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 department 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 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.

Section 50. Section 290.00726, Florida Statutes, is amended to read:

290.00726 Enterprise zone designation for Martin County.—Martin County may apply to the ~~department Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within Martin County, which zone shall encompass an area of up to 10 square miles consisting of land within the primary urban services boundary and focusing on Indiantown, but excluding property owned by Florida Power and Light to the west, two areas to the north designated as estate residential, and the county-owned Timer Powers Recreational Area. Within the designated enterprise zone, Martin County shall exempt residential condominiums from benefiting from state enterprise zone incentives, unless prohibited by law. The application must have been submitted by December 31, 2011, 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 51. Section 290.00727, Florida Statutes, is amended to read:

290.00727 Enterprise zone designation for the City of Palm Bay.—The City of Palm Bay may apply to the ~~department Office of Tourism, Trade, and Economic Development~~ department Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the northeast portion of the city, which zone shall encompass an area of up to 5 square miles. The application must have been submitted by December 31, 2011, 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~~ 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~~ department Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 52. Section 290.00728, Florida Statutes, is amended to read:

290.00728 Enterprise zone designation for Lake County.—Lake County may apply to the ~~department Office of Tourism, Trade, and Economic Development~~ department Office of Tourism, Trade, and Economic Development for designation of one enterprise zone, which zone shall encompass an area of up to 10 square miles within Lake County. The application must have been submitted by December 31, 2011, 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~~ 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~~ department Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 53. Subsections (1) and (6) 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~~ 18 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Port Citrus, 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 or his or her designee.

(6) The Department of Economic Opportunity ~~Community Affairs~~ shall review the list of projects approved by the council to determine consistency with approved local government comprehensive plans of the units of local government in which the port is located and consistency with the port master

plan. The Department of Economic Opportunity ~~Community Affairs~~ shall identify and notify the council of those projects that ~~which~~ are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans.

Section 54. Paragraph (b) of subsection (9), paragraph (a) of subsection (35), and paragraph (b) of subsection (62) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(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. 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 Department of Economic Opportunity ~~Florida Sports Foundation~~.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to Enterprise Florida, Inc. These funds must be deposited into the Professional Sports Development Trust Fund within the Department of Economic Opportunity. These funds must be used by Enterprise Florida, Inc., 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., and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Department of Economic Opportunity.

3. Enterprise Florida, Inc., 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. The auditor shall submit the

audit report to the Department of Economic Opportunity for review and approval. If the audit report is approved, the Department of Economic Opportunity 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., and financial support of the Sunshine State Games.

(35) FLORIDA GOLF LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf license plate as provided in this section. The word “Florida” must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with the PGA TOUR, Enterprise Florida, Inc., ~~the Florida Sports Foundation~~, the LPGA, and the PGA of America may submit a revised sample plate for consideration by the department.

(62) PROTECT FLORIDA SPRINGS LICENSE PLATES.—

(b) The annual use fees shall be distributed to the Wildlife Foundation of Florida, Inc., a citizen support organization created pursuant to s. 379.223, which shall administer the fees as follows:

1. Wildlife Foundation of Florida, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process.

2. Thereafter, a maximum of 10 percent of the fees may be used for administrative costs directly associated with education programs, conservation, springs research, and grant administration of the foundation. A maximum of 15 percent of the fees may be used for continuing promotion and marketing of the license plate.

3. At least 55 percent of the fees shall be available for competitive grants for targeted community-based springs research not currently available for state funding. The remaining 20 percent shall be directed toward community outreach programs aimed at implementing such research findings. The competitive grants shall be administered and approved by the board of directors of the Wildlife Foundation of Florida. The granting advisory committee shall be composed of nine members, including one representative from the Fish and Wildlife Conservation Commission, one representative from the Department of Environmental Protection, one representative from the Department of Health, one representative from the Department of Economic Opportunity ~~Community Affairs~~, three citizen representatives, and two representatives from nonprofit stakeholder groups.

4. The remaining funds shall be distributed with the approval of and accountability to the board of directors of the Wildlife Foundation of Florida, and shall be used to support activities contributing to education, outreach, and springs conservation.

Section 55. Paragraph (b) of subsection (5) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(5) ADOPTION OF THE WORK PROGRAM.—

(b) Notwithstanding paragraph (a), and for the 2011-2012 fiscal year only, the Department of Transportation shall transfer funds to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development in an amount equal to \$15 million for the purpose of funding transportation-related needs of economic development projects. This transfer does ~~shall~~ not reduce, delete, or defer any existing projects funded, as of July 1, 2011, in the Department of Transportation's 5-year work program. This paragraph expires July 1, 2012.

Section 56. 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 Economic Opportunity Environmental Protection the Waterfronts Florida Program to provide technical assistance and support to communities in revitalizing waterfront areas in this state.

Section 57. Paragraph (f) of subsection (5) of section 373.461, Florida Statutes, is amended to read:

373.461 Lake Apopka improvement and management.—

(5) PURCHASE OF AGRICULTURAL LANDS.—

(f)1. Tangible personal property acquired by the district as part of related facilities pursuant to this section, and classified as surplus by the district, shall be sold by the Department of Management Services. The Department of Management Services shall deposit the proceeds of such sale in the Economic Development Trust Fund in the Department of Economic Opportunity Executive Office of the Governor. The proceeds shall be used for the purpose of providing economic and infrastructure development in portions of north-western Orange County and east central Lake County which will be adversely affected economically due to the acquisition of lands pursuant to this subsection.

2. The Department Office of Tourism, Trade, and Economic Opportunity Development shall, upon presentation of the appropriate documentation justifying expenditure of the funds deposited pursuant to this paragraph, pay any obligation for which it has sufficient funds from the proceeds of the sale of tangible personal property and which meets the limitations specified in paragraph (g). The authority of the Department Office of Tourism, Trade,

and Economic Opportunity Development to expend such funds shall expire 5 years from the effective date of this paragraph. Such expenditures may occur without future appropriation from the Legislature.

3. Funds deposited under this paragraph may not be used for any purpose other than those enumerated in paragraph (g).

Section 58. Paragraph (h) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

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

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

(h) The department 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 Economic Opportunity 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 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.

Section 59. Paragraphs (c) and (d) of subsection (4) of section 377.809, Florida Statutes, are amended to read:

377.809 Energy Economic Zone Pilot Program.—

(4)

(c) Upon approving an incentive for an eligible business, the governing body that has jurisdiction over the energy economic zone shall provide the taxpayer with a certificate indicating the name and federal identification number of the eligible business, the date the incentive is provided, the name of the energy economic zone, the incentive type, and the incentive amount. The local governing body shall certify to the Department of Revenue or the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, whichever is applicable, which businesses or properties are eligible to receive any or all of the state incentives according to their statutory requirements. The governing body that has jurisdiction over the energy economic zone shall provide a copy of the certificate to the Department of Revenue and the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development as notification that such incentives were approved for the specific eligible business or property. For incentives to be claimed against the sales and use tax under chapter 212, the Department of Revenue shall send, within 14 days after receipt, written instructions to an eligible business on how to claim the credit on a sales and use tax return initiated through an electronic data interchange. Any credit against the sales and use tax shall be deducted from any sales and use tax remitted by the dealer to the Department of Revenue by electronic funds transfer and may be deducted only on a sales and use tax return initiated through an electronic data interchange. The dealer shall separately state the credit on the electronic return. The net amount of tax due and payable must be remitted by electronic funds transfer. If the credit exceeds the amount owed on the sales and use tax return, such excess amount may be carried forward for a period not to exceed 12 months after the date that the credit is initially claimed.

(d) If all conditions are deemed met, the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development and the Department of Revenue may adopt emergency rules pursuant to ss. 120.536(1) and 120.54 to administer ~~the provisions of~~ this subsection. The emergency rules shall remain in effect for 6 months after the rules are adopted, and the rules may be renewed while the procedures to adopt permanent rules addressing the subject of the emergency rules are pending.

Section 60. Paragraph (b) of subsection (6), paragraph (b) of subsection (19), paragraphs (l) and (q) of subsection (24), and paragraphs (b) and (c) of subsection (29) of section 380.06, Florida Statutes, are amended to read:

## 380.06 Developments of regional impact.—

## (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 and applicable local ordinances, without regard to local limits on the frequency of consideration of amendments to the local comprehensive plan. This paragraph does not require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184(3)(b) and (c) ~~163.3184(4)(b)-(d)~~ must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days after ~~from~~ receipt of the response from the state land planning agency pursuant to s. 163.3184(3)(c)1. ~~163.3184(4)(d)~~.

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25 percent ~~25-percent~~ lengthening of an existing runway, or a 25 percent ~~25-percent~~ increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.

4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term “affordable workforce housing” means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term “statewide median purchase price of a single-family existing home” means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.



6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent ~~10-percent~~ increase, whichever is greater.

7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.

8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

10. A 15 percent ~~15-percent~~ increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

11. Any change that ~~which~~ would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., 6., and 9., excluding residential uses, and in subparagraph 10., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(24) STATUTORY EXEMPTIONS.—

(1) Any proposed development within an urban service boundary established under s. 163.3177(14), Florida Statutes (2010), which is not otherwise exempt pursuant to subsection (29), is exempt from this section if the local government having jurisdiction over the area where the development is

proposed has adopted the urban service boundary and 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.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k), Florida Statutes (2010), is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(u), 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 under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(b) If a municipality that does not qualify as a dense urban land area ~~pursuant to s. 163.3164~~ designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;
2. Community redevelopment areas as defined in s. 163.340;
3. Downtown revitalization areas as defined in s. 163.3164;
4. Urban infill and redevelopment under s. 163.2517; or
5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

(c) If a county that does not qualify as a dense urban land area ~~pursuant to s. 163.3164~~ designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;
2. Urban infill and redevelopment under s. 163.2517; or
3. Urban service areas as defined in s. 163.3164.

Section 61. 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 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 Office ~~Division~~ of Early Learning;
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 62. Subsection (6) of section 403.0891, Florida Statutes, is amended to read:

403.0891 State, regional, and local stormwater management plans and programs.—The department, the water management districts, and local governments shall have the responsibility for the development of mutually compatible stormwater management programs.

(6) The department and the Department of Economic Opportunity Community Affairs, in cooperation with local governments in the coastal zone, shall develop a model stormwater management program that could be adopted by local governments. The model program shall contain dedicated funding options, including a stormwater utility fee system based upon an equitable unit cost approach. Funding options shall be designed to generate capital to retrofit existing stormwater management systems, build new treatment systems, operate facilities, and maintain and service debt.

Section 63. Subsection (8) of section 420.503, Florida Statutes, is amended to read:

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

(8) “Contract” means the contract between the executive director ~~secretary~~ of the department and the corporation for provision of housing services referenced in s. 420.0006.

Section 64. Subsection (30) of section 420.507, Florida Statutes, is amended to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(30) To prepare and submit to the executive director ~~secretary~~ of the department a budget request for purposes of the corporation, which request shall, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, contain a request for operational expenditures and separate requests for other authorized corporation programs. The request ~~need shall not be required to~~ contain information on the number of employees, salaries, or any classification thereof, and the approved operating budget therefor need not comply with s. 216.181(8)-(10). The executive director ~~may secretary is authorized to~~ include within the department's budget request the corporation's budget request in the form as authorized by this section.

Section 65. 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 executive director ~~secretary~~ of the Department of Economic Opportunity 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 66. 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 that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the executive director ~~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 67. Section 420.0006, Florida Statutes, is amended to read:

420.0006 Authority to contract with corporation; contract requirements; nonperformance.—The executive director ~~secretary~~ of the department shall contract, notwithstanding the ~~provisions of part I of chapter 287,~~ with the Florida Housing Finance Corporation on a multiyear basis to stimulate, provide, and foster affordable housing in the state. The contract must incorporate the performance measures required by s. 420.511 and must be consistent with the provisions of the corporation's strategic plan prepared in accordance with s. 420.511. The contract must provide that, in the event the corporation fails to comply with any of the performance measures required by s. 420.511, the executive director ~~secretary~~ shall notify the Governor and shall refer the nonperformance to the department's inspector general for review and determination as to whether such failure is due to forces beyond the corporation's control or whether such failure is due to inadequate management of the corporation's resources. Advances shall continue to be made pursuant to s. 420.0005 during the pendency of the review by the department's inspector general. If such failure is due to outside forces, it shall not be deemed a violation of the contract. If such failure is due to inadequate management, the department's inspector general shall provide recommendations regarding solutions. The Governor is authorized to resolve any differences of opinion with respect to performance under the contract and

may request that advances continue in the event of a failure under the contract due to inadequate management. The Chief Financial Officer shall approve the request absent a finding by the Chief Financial Officer that continuing such advances would adversely impact the state; however, in any event the Chief Financial Officer shall provide advances sufficient to meet the debt service requirements of the corporation and sufficient to fund contracts committing funds from the State Housing Trust Fund so long as such contracts are in accordance with the laws of this state.

Section 68. Subsection (26) of section 443.036, Florida Statutes, is amended to read:

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

(26) “Initial skills review” means an online education or training program, such as that established under s. 1004.99, which that is approved by the Department of Economic Opportunity Agency for Workforce Innovation and designed to measure an individual’s mastery level of workplace skills.

Section 69. Paragraphs (c) and (d) of subsection (1) 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 finds that:

(c) To make continued claims for benefits, she or he is reporting to the department in accordance with this paragraph and department agency rules, and participating in an initial skills review as directed by the department agency. Department Agency rules may not conflict with s. 443.111(1)(b), which requires that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

1. For each week of unemployment claimed, each report must, at a minimum, include the name, address, and telephone number of each prospective employer contacted, or the date the claimant reported to a one-stop career center, pursuant to paragraph (d).

2. The administrator or operator of the initial skills review shall notify the department agency when the individual completes the initial skills review and report the results of the review to the regional workforce board or the one-stop career center as directed by the workforce board. The workforce board shall use the initial skills review to develop a plan for referring individuals to training and employment opportunities. The failure of the individual to comply with this requirement will result in the individual being determined ineligible for benefits for the week in which the noncompliance occurred and for any subsequent week of unemployment until the requirement is satisfied. However, this requirement does not apply if the individual

is able to affirmatively attest to being unable to complete such review due to illiteracy or a language impediment.

(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 shall develop criteria to determine a claimant's ability to work and availability for work. A claimant must be actively seeking work in order to be considered available for work. This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed. The department agency may require the claimant to provide proof of such efforts to the one-stop career center as part of reemployment services. The department agency shall conduct random reviews of work search information provided by claimants. As an alternative to contacting at least five prospective employers for any week of unemployment claimed, a claimant may, for that same week, report in person to a one-stop career center to meet with a representative of the center and access reemployment services of the center. The center shall keep a record of the services or information provided to the claimant and shall provide the records to the department agency upon request by the department agency. 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, 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 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 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.

Section 70. Paragraph (a) of subsection (5) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

## (5) DURATION OF BENEFITS.—

(a) As used in this section, the term “Florida average unemployment rate” means the average of the 3 months for the most recent third calendar year quarter of the seasonally adjusted statewide unemployment rates as published by the Department of Economic Opportunity Agency for Workforce Innovation.

Section 71. Paragraph (b) of subsection (1) of section 443.141, Florida Statutes, is 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 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 department 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 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 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 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 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.

Section 72. Paragraph (b) of subsection (2) of section 443.1715, Florida Statutes, is amended to read:

443.1715 Disclosure of information; confidentiality.—

(2) DISCLOSURE OF INFORMATION.—

(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 records of wages of the employee reported to the department 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 department agency. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested.

3. The department shall provide the most current information readily available within 15 days after receiving the request.

Section 73. Subsections (1), (2), (4), (5), (6), and (7) of section 443.17161, Florida Statutes, are amended to read:

443.17161 Authorized electronic access to employer information.—

(1) Notwithstanding any other provision of this chapter, the Department of Economic Opportunity Agency for Workforce Innovation shall contract with one or more consumer reporting agencies to provide users with secured electronic access to employer-provided information relating to the quarterly wages report submitted in accordance with the state’s unemployment compensation law. The access is limited to the wage reports for the appropriate amount of time for the purpose the information is requested.

(2) Users must obtain consent in writing or by electronic signature from an applicant for credit, employment, or other permitted purposes. Any written or electronic signature consent from an applicant must be signed and must include the following:

(a) Specific notice that information concerning the applicant's wage and employment history will be released to a consumer reporting agency;

(b) Notice that the release is made for the sole purpose of reviewing the specific application for credit, employment, or other permitted purpose made by the applicant;

(c) Notice that the files of the Department of Economic Opportunity Agency for Workforce Innovation or its tax collection service provider containing information concerning wage and employment history which is submitted by the applicant or his or her employers may be accessed; and

(d) A listing of the parties authorized to receive the released information.

(4) If a consumer reporting agency or user violates this section, the Department of Economic Opportunity Agency for Workforce Innovation shall, upon 30 days' written notice to the consumer reporting agency, terminate the contract established between the Department of Economic Opportunity Agency for Workforce Innovation and the consumer reporting agency or require the consumer reporting agency to terminate the contract established between the consumer reporting agency and the user under this section.

(5) The Department of Economic Opportunity Agency for Workforce Innovation shall establish minimum audit, security, net worth, and liability insurance standards, technical requirements, and any other terms and conditions considered necessary in the discretion of the state agency to safeguard the confidentiality of the information released under this section and to otherwise serve the public interest. The Department of Economic Opportunity Agency for Workforce Innovation shall also include, in coordination with any necessary state agencies, necessary audit procedures to ensure that these rules are followed.

(6) In contracting with one or more consumer reporting agencies under this section, any revenues generated by the contract must be used to pay the entire cost of providing access to the information. Further, in accordance with federal regulations, any additional revenues generated by the Department of Economic Opportunity Agency for Workforce Innovation or the state under this section must be paid into the Administrative Trust Fund of the Department of Economic Opportunity Agency for Workforce Innovation for the administration of the unemployment compensation system or be used as program income.

(7) The Department of Economic Opportunity Agency for Workforce Innovation may not provide wage and employment history information to

any consumer reporting agency before the consumer reporting agency or agencies under contract with the Department of Economic Opportunity Agency for Workforce Innovation pay all development and other startup costs incurred by the state in connection with the design, installation, and administration of technological systems and procedures for the electronic access program.

Section 74. Subsection (2) of section 446.50, Florida Statutes, is amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(2) DEFINITION.—For the purposes of this section, the term “displaced homemaker” means an individual who:

(a) Is 35 years of age or older;

(b) Has worked in the home, providing unpaid household services for family members;

(c) Is not adequately employed, as defined by rule of the department agency;

(d) Has had, or would have, difficulty in securing adequate employment; and

(e) 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.

Section 75. 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 executive director secretary of the Department of Economic Opportunity as his or her representative.

Section 76. Paragraph (c) of subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(c) Paragraph (b) does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency ~~Department of Community Affairs~~ pursuant to an area of critical state concern designation.

Section 77. Subsection (3) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(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 the proposed project is located certifying that the project is consistent with local plans and regulations.

(b)1. Any insurer wishing to participate in this program must submit an application for tax credit to the Department of Economic Opportunity office which sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor must verify, in writing, the terms of the application and indicate its willingness to receive the contribution, which verification must accompany the application for tax credit.

2. The insurer must submit a separate application for tax credit for each individual contribution which it proposes to contribute to each individual project.

Section 78. Subsection (4) of section 1002.75, Florida Statutes, is amended to read:

1002.75 Office of Early Learning; powers and duties; operational requirements.—

(4) The Office of Early Learning shall also adopt procedures for the ~~agency's~~ distribution of funds to early learning coalitions under s. 1002.71.

Section 79. Subsection (2) of section 1002.79, Florida Statutes, is amended to read:

1002.79 Rulemaking authority.—

(2) The Office of Early Learning shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the office ~~agency~~.

Section 80. Subsections (7) through (9) of section 163.3178, Florida Statutes, are renumbered as subsections (6) through (8), respectively, and paragraph (h) of subsection (2) and present subsection (6) of that section are amended to read:

## 163.3178 Coastal management.—

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (8) (9). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

~~(6) Local governments are encouraged to adopt countywide marina siting plans to designate sites for existing and future marinas. The Coastal Resources Interagency Management Committee, at the direction of the Legislature, shall identify incentives to encourage local governments to adopt such siting plans and uniform criteria and standards to be used by local governments to implement state goals, objectives, and policies relating to marina siting. These criteria must ensure that priority is given to water-dependent land uses. Countywide marina siting plans must be consistent with state and regional environmental planning policies and standards. Each local government in the coastal area which participates in adoption of a countywide marina siting plan shall incorporate the plan into the coastal management element of its local comprehensive plan.~~

Section 81. Paragraph (a) 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.

(a) The council shall be composed of 10 ~~eleven~~ voting members, four of whom shall be appointed by the Governor. Of these four appointees, three shall be from scientific disciplines related to land, water, or environmental sciences and the fourth shall have at least 5 years of experience in managing lands for both active and passive types of recreation. They shall serve 4-year terms, except that, initially, to provide for staggered terms, two of the appointees shall serve 2-year terms. All subsequent appointments shall be for 4-year terms. ~~An~~ ~~No~~ appointee may not shall serve more than 6 years. The Governor may at any time fill a vacancy for the unexpired term of a member appointed under this paragraph.

Section 82. Subsection (2) of section 288.12265, Florida Statutes, is amended to read:

## 288.12265 Welcome centers.—

(2) Enterprise Florida, Inc., shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, Enterprise Florida, Inc., 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. Enterprise Florida, Inc., may contract with the Florida Tourism Industry Marketing Corporation for the management and operation of the welcome centers.

Section 83. Paragraph (a) of subsection (5) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

(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 Attorney General or his or her designee.

4. The Commissioner of Agriculture or his or her designee.

~~5.3.~~ The chairperson of the board of directors of Workforce Florida, Inc.

~~6.4.~~ The Secretary of State or the secretary's designee.

~~7.5.~~ 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. Members appointed by the Governor ~~All appointees~~ are subject to Senate confirmation.

Section 84. Paragraph (d) of subsection (2) and subsection (3) of section 288.980, Florida Statutes, are amended to read:

288.980 Military base retention; legislative intent; grants program.—

(2)

(d) In making grant awards the department ~~office~~ shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the military installation be closed.

3. The potential adverse impact on industries and technologies which service the military installation.

(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 three ~~two~~ distinct grant programs to be administered by the department:

(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.

(c) The Florida Military Installation Reuse Planning and Marketing Grant Program, through which funds shall be used to help counties, cities, and local economic development councils develop and implement plans for the reuse of closed or realigned military installations, including any necessary infrastructure improvements needed to facilitate reuse and related marketing activities.

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.

Section 85. Section 331.3081, Florida Statutes, is amended to read:

331.3081 Board of directors; ~~advisory board.~~—

(1) Space Florida shall be governed by a 13-member ~~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)7. and the Governor, who shall serve ex officio, or who may appoint a designee to serve, as the chair and a voting member of the board 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 86. Sections 163.03 and 379.2353, Florida Statutes, are repealed.

Section 87. This act shall take effect upon becoming a law.

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.