

COMMITTEE MEETING EXPANDED AGENDA

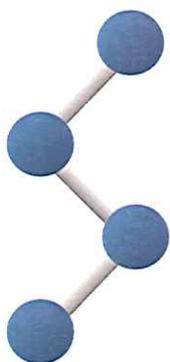
**BUDGET SUBCOMMITTEE ON TRANSPORTATION,
TOURISM, AND ECONOMIC DEVELOPMENT
APPROPRIATIONS**

**Senator Gaetz, Chair
Senator Margolis, Vice Chair**

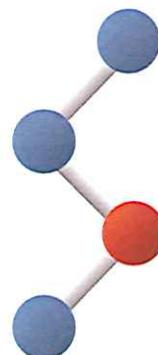
MEETING DATE: Friday, March 11, 2011
TIME: 10:15 a.m.—12:15 p.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Gaetz, Chair; Senator Margolis, Vice Chair; Senators Alexander, Benacquisto, Bennett, Bogdanoff, Bullard, Dean, Diaz de la Portilla, Evers, Fasano, Hill, Latvala, Norman, Sachs, Smith, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
		Introduction of Mr. F. Gray Swoope, Jr., designated President of Enterprise Florida, Inc.	
1	Presentation by Scripps Florida		
2	Budget Work Session		



THE
SCRIPPS
RESEARCH
INSTITUTE



SCRIPPS
FLORIDA

THE SCRIPPS RESEARCH INSTITUTE

Scripps Florida

On the Front Lines of Hope

11 March 2011

Harry W. Orf, PhD
Vice President for Scientific Operations
and Professor of Chemistry
Scripps Florida

Scripps Florida – Agenda

- 1. Introduction to Scripps Research Institute and Scripps Florida**
- 2. Scripps Florida Organization – What Makes Us Unique?**
- 3. Brief Virtual Tour of Campus and Departments**
- 4. Education Programs**
- 5. By The Numbers – Agreement Milestones**
- 6. Toward the Future – Scientific Highlights and Accomplishments**



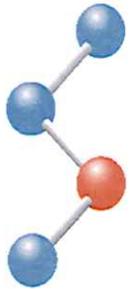
THE
SCRIPPS
RESEARCH
INSTITUTE

Research that Fuels Hope

*As the nation's largest independent non-profit biomedical
research facility,*

*TSRI's mission is to remain a leader in the discovery and
application of biomedical breakthroughs*

*that improve human health and expand the frontiers of science
that create hope for millions*



SCRIPPS
FLORIDA™

THE SCRIPPS RESEARCH INSTITUTE

Pioneering New Discoveries

*As a division of TSRI, Scripps Florida is dedicated to basic
biomedical research,*

developing cutting-edge technologies,

*and applying discoveries towards finding new and better
potential treatments for a variety of devastating human diseases*

Interdisciplinary Themes of Scripps Florida

Collaboration is Key

**Biomedical
Research**

**Advanced
Technologies**

**Drug
Discovery**

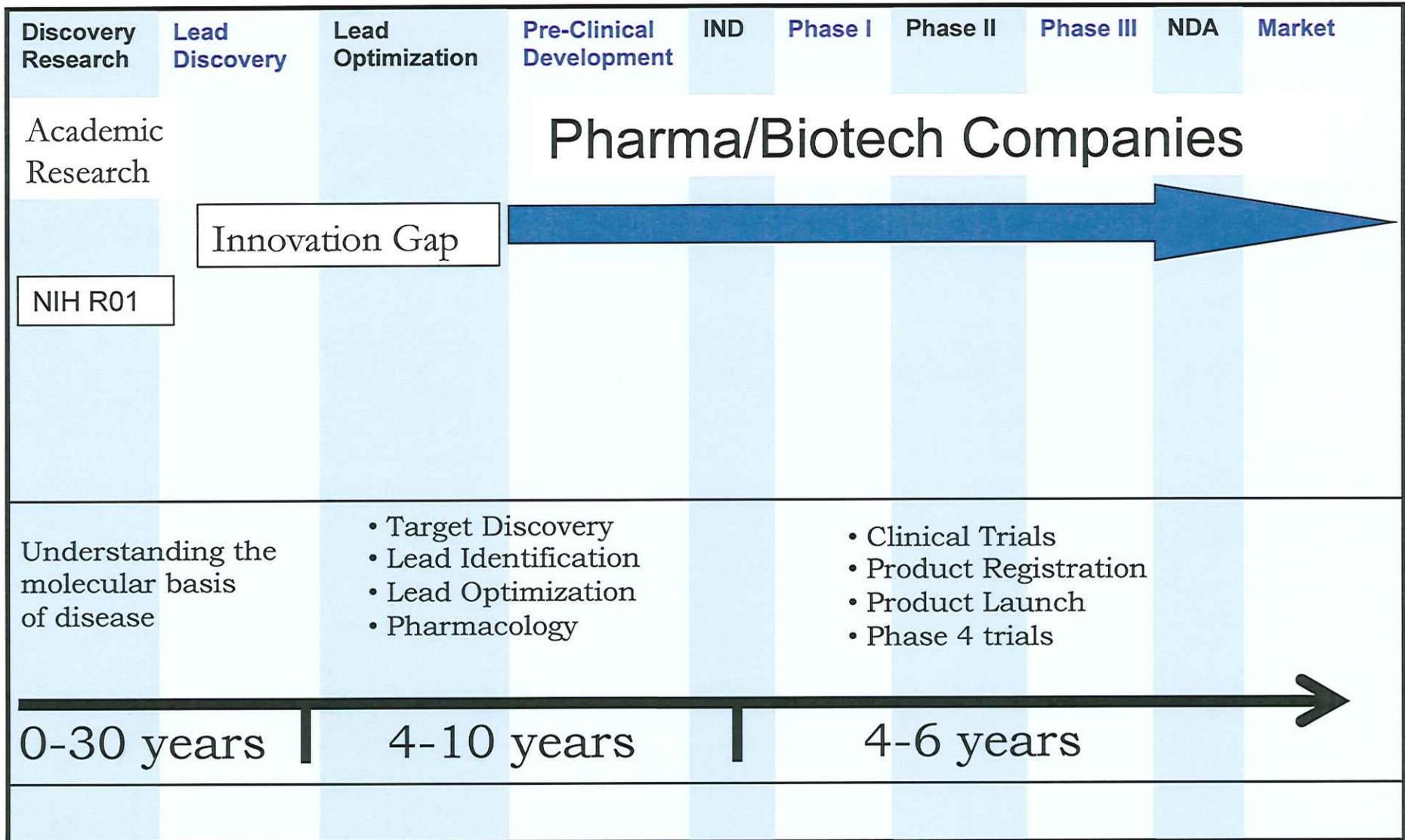
Cancer Biology
Chemistry
Infectology
Metabolism and Aging
Molecular Therapeutics
Neuroscience

Genomics
Proteomics
Cell Based Screening
HTS
Informatics
Discovery Biology

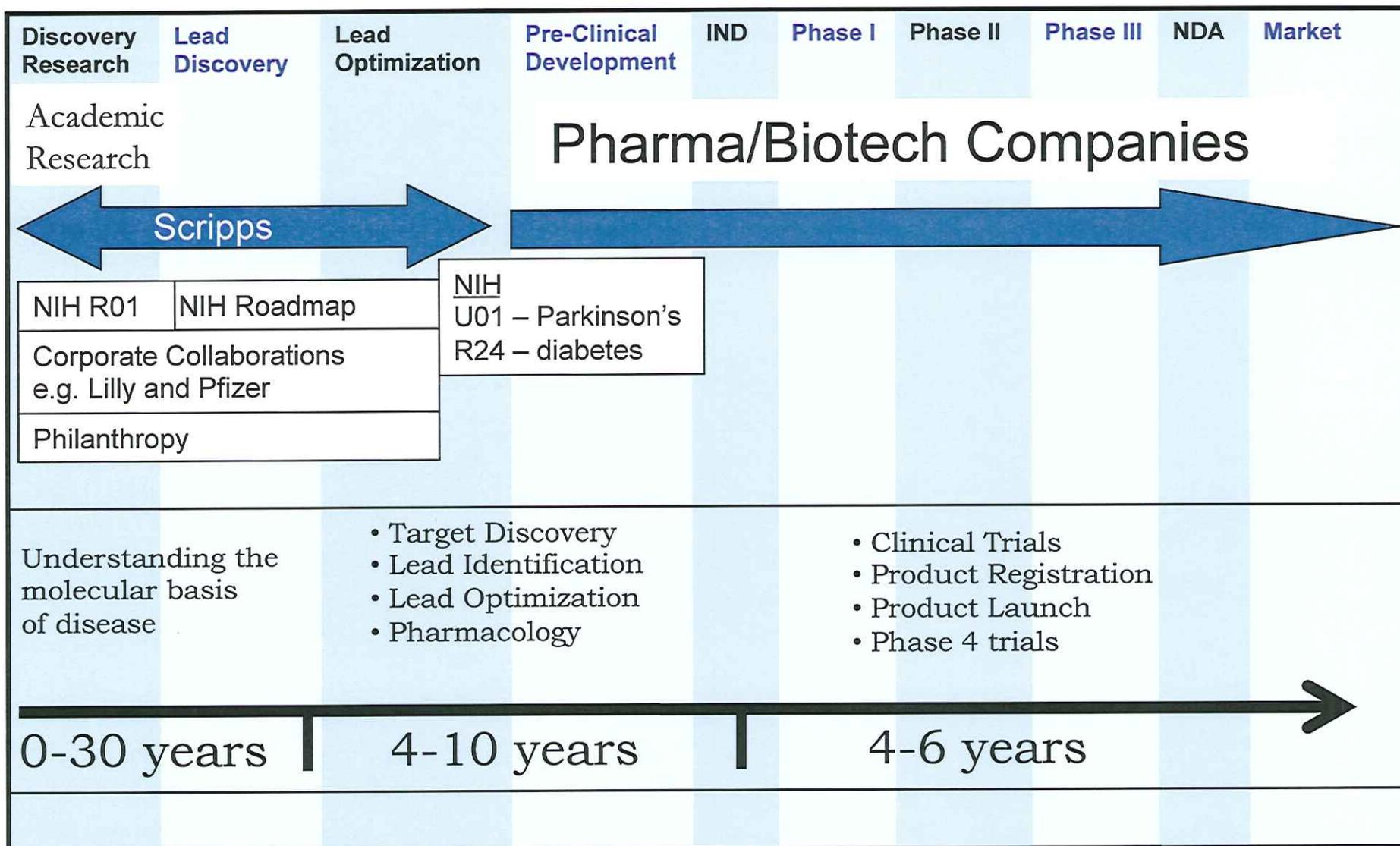
Medicinal Chemistry
Pharmacology
DMPK

Translational Research Institute (TRI)

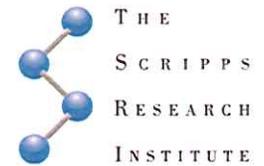
Scripps Florida: From the lab bench to the patient's bedside



Scripps Florida: From the lab bench to the patient's bedside



NIH Funding of Translational Programs at Scripps Florida



Examples of Translational NIH Grants at Scripps Florida

NIDDK

Regulation of Brown Fat: Toward New Therapy for Human Obesity

NIDDK

Seeding Collaborative Interdisciplinary Team Science in Diabetes Endocrine Metabolic Diseases

NIDA

Development of GABAB Receptor Compounds for Nicotine Dependence

NINDS

Preclinical Development of JNK3 Inhibitors to Treat Parkinson's Disease

NIDDK

Development of Second Messenger, Trafficking, and Functional Assays for GPR119 (Diabetes)

NCI

Development of HTS assays to discovery novel modulators of LRH-1 (Cancer)

NIDA

Development of orexin-1 receptor antagonists to prevent drug relapse



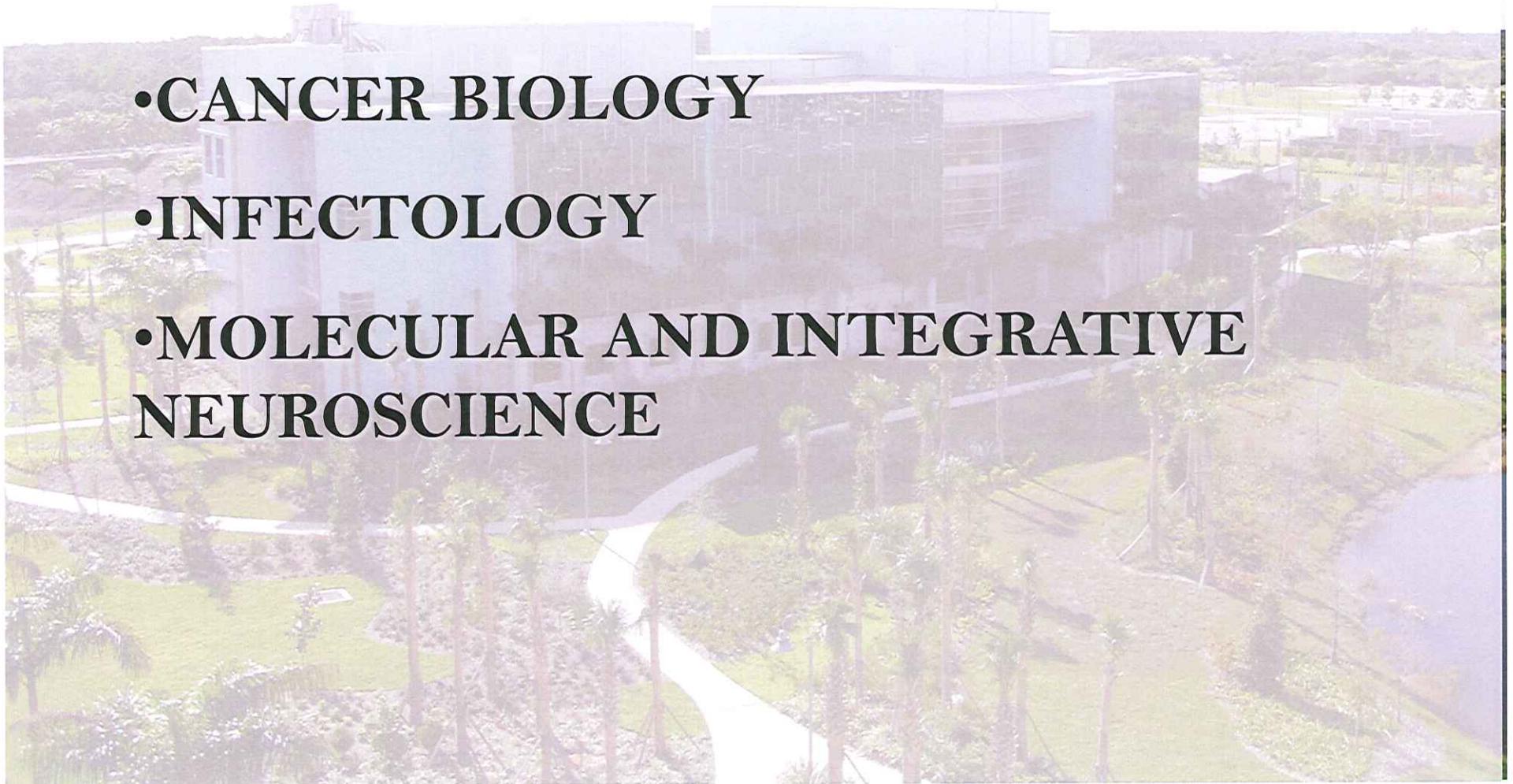
Scripps Florida

Print# 81027165
Date: 10/27/08



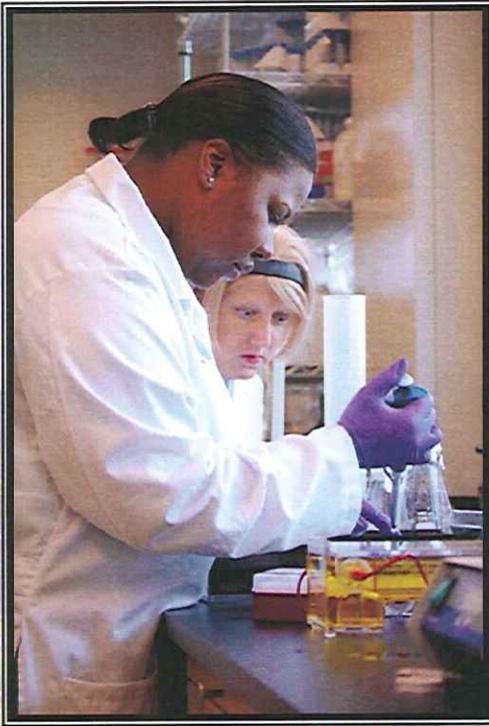
BUILDING C

- **CANCER BIOLOGY**
- **INFECTOLOGY**
- **MOLECULAR AND INTEGRATIVE
NEUROSCIENCE**



Neuroscience

*A multidisciplinary approach to drug discovery
in diseases of the brain and CNS*



**Research involving
Alzheimer's disease,
Parkinson's disease,
depression, alcohol addiction,
fragile X syndrome, autism,
and aging.**



BUILDING B

- **CORE LABORATORIES**

- Genomics

- Proteomics

- Cell Based Screening

- **METABOLISM AND AGING**

- **INFORMATICS AND IT**

- **AUDITORIUM, CLASSROOMS,
CAFETERIA, LIBRARY**

Genomics

The latest technologies for gene expression analysis and high-throughput genotyping



The interrogation and comparison of the role genetics play in the disease state at the global level, or at specified locations in the genome.

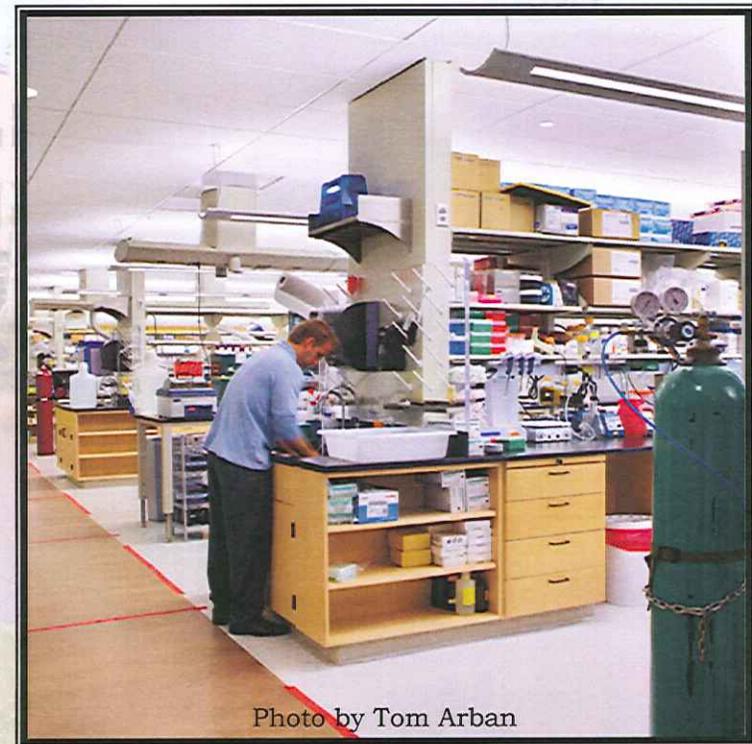


Photo by Tom Arban

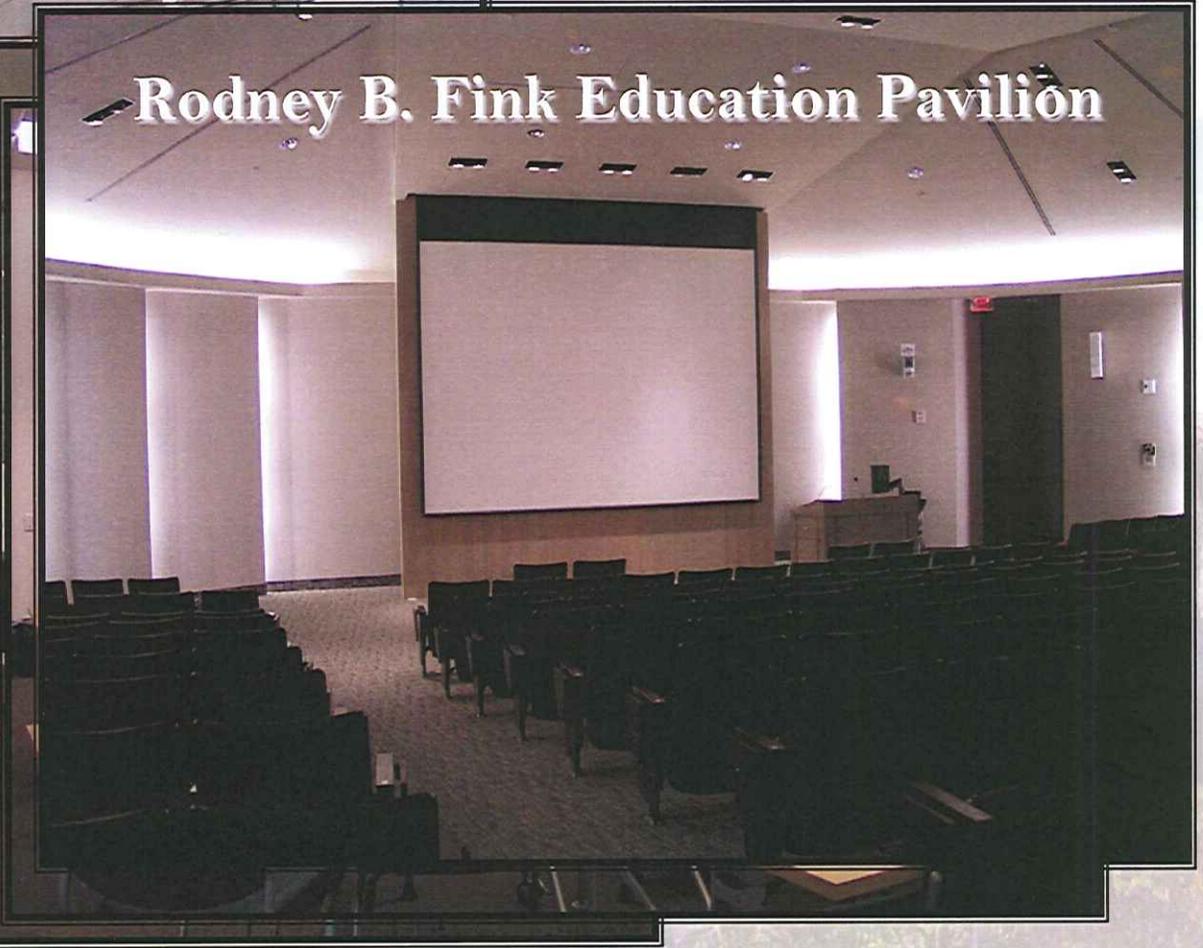
Library

Auditorium

Elizabeth M. Fago Library



Rodney B. Fink Education Pavilion



Cafeteria

Education Classrooms

BUILDING A

- **CHEMISTRY**

- Synthetic and Bioorganic Chemistry
- Energy and Materials Laboratories

- **MOLECULAR THERAPEUTICS**

- **TRANSLATIONAL RESEARCH INST.**

- Medicinal Chemistry
- High Throughput Screening
- DMPK and Pharmacology

High Throughput Screening (Robotics)

Identifying "lead" compounds to drive drug discovery research forward

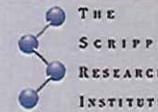
HTS robotics accelerate drug discovery by using automation and sophisticated technologies that test large chemical libraries for potential future therapeutics.





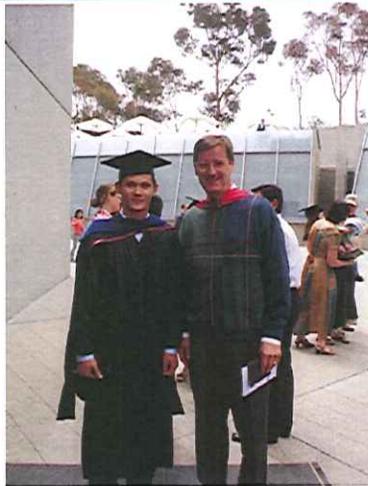
Zeidler Partnership Bohlin Cywinski Jackson
Architects in Joint Venture

FAU Medical School Joint MD/PhD Program With Scripps Accredited Feb 2011 Over 1000 Applicants



SCRIPPS, FLORIDA

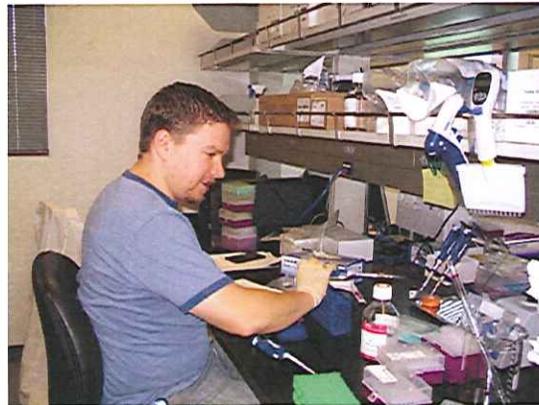
February 12, 2007



Ph.D. Graduate
Program in
Chemistry and
Biology

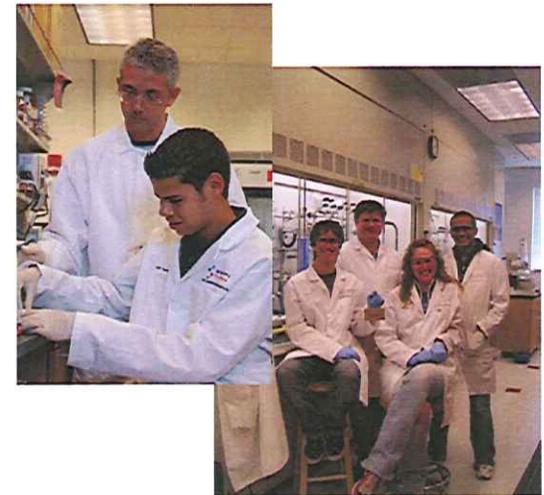
46 GS's, 7 PhD's

EDUCATION



Post Doctoral
Research

140 PD's in FL

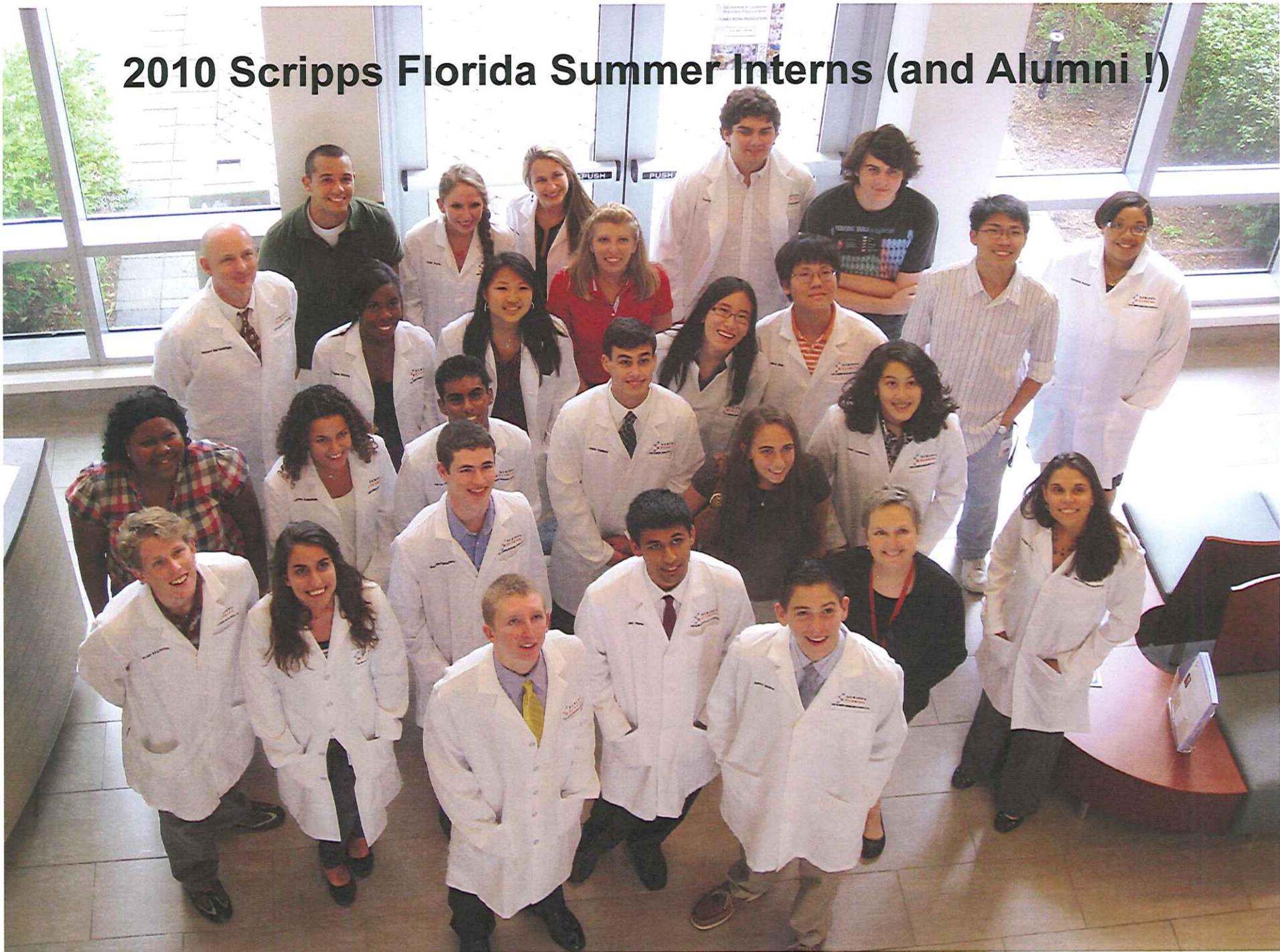


K-12 Education and
Community Outreach

K-12 Education and Community Outreach

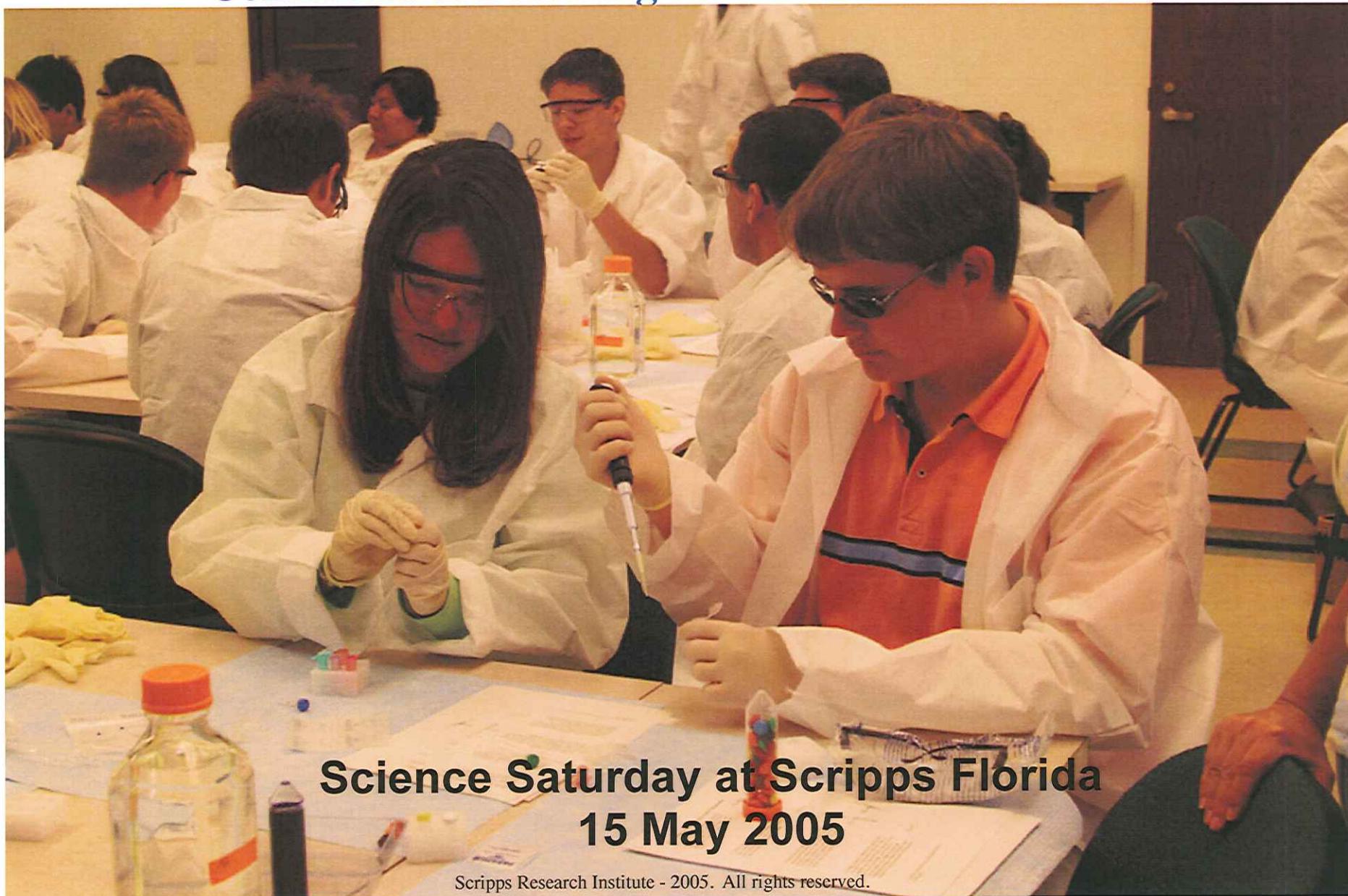
- **Generous Support from William R. Kenan, Jr. Charitable Trust**
- **Scripps Florida Outreach – 2005-10 Highlights**
 - Kenan Summer Research Intern Program - HS Teachers and Students (7 wks)
 - 7 Summer 2005, 10 in 2006, 12 in 2007, 14 in 2008, 17 in 2009, **20 in 2010**
 - Additional Programs for High School Students
 - Science Saturdays - DNA Isolation and “CSI” Crime Solution
 - Scripps Florida Biotechnology Tours & Careers in Biosciences Visits/Videos
 - **Expanding** with New Summer Programs for Teachers
 - Kenan Teacher Scholar Program for MS and HS Teachers, started 2009
 - **Extending** Educational Outreach to Middle School
 - Introduction to Science Lesson
 - Follow-on lessons in Chemistry, Physics, Biology, Math
 - Teaching Partnerships with
 - Max Planck Florida Institute
 - Palm Beach County School District

2010 Scripps Florida Summer Interns (and Alumni !)



Scripps Florida

Committed to Fostering the Advancement of Science



Science Saturday at Scripps Florida
15 May 2005

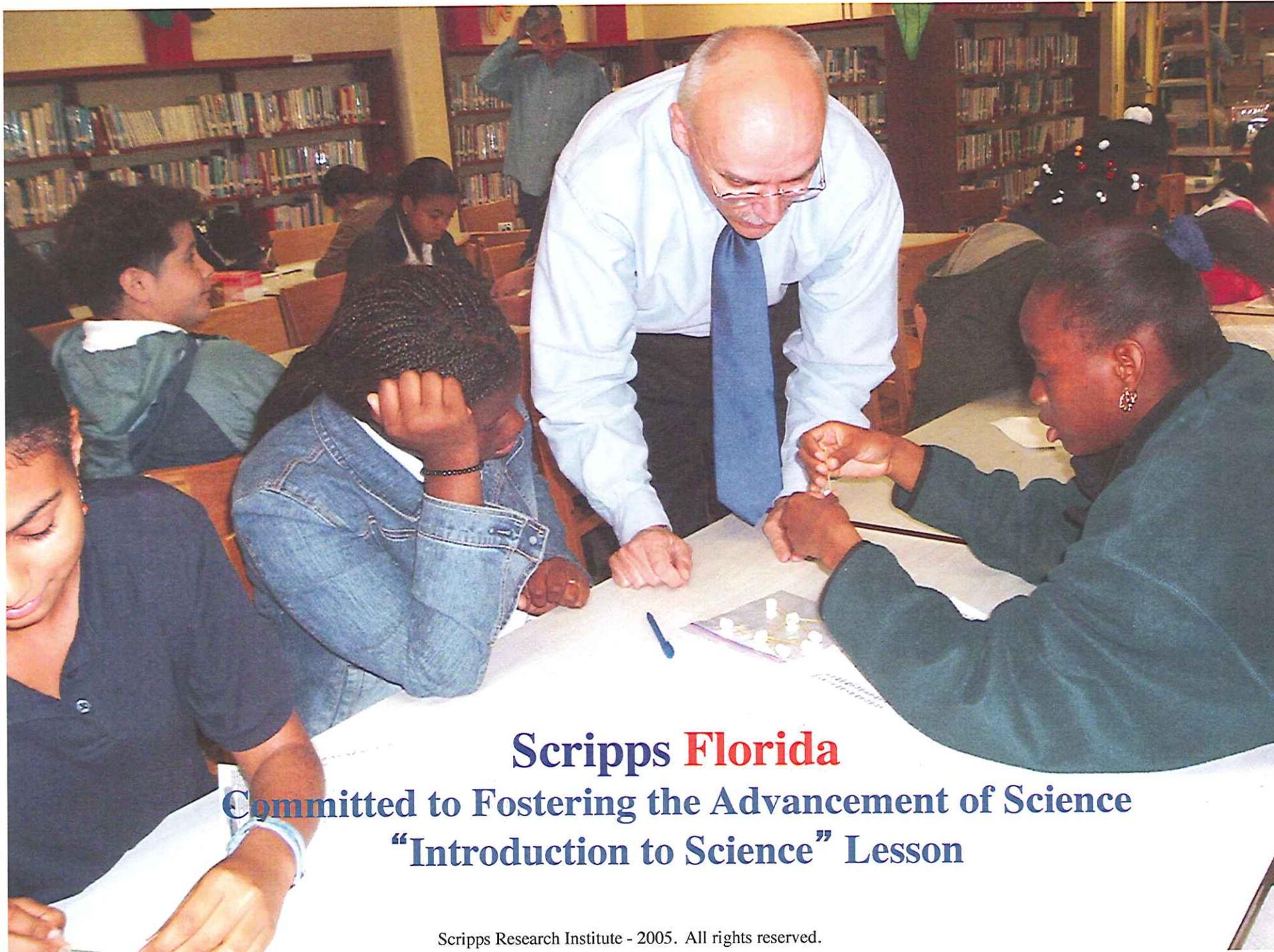
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Scripps Florida

Committed to Fostering the Advancement of Science

**Science Saturday at Scripps Florida
Glades HS**



Scripps Florida

Committed to Fostering the Advancement of Science
“Introduction to Science” Lesson

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Scripps Florida – By The Numbers

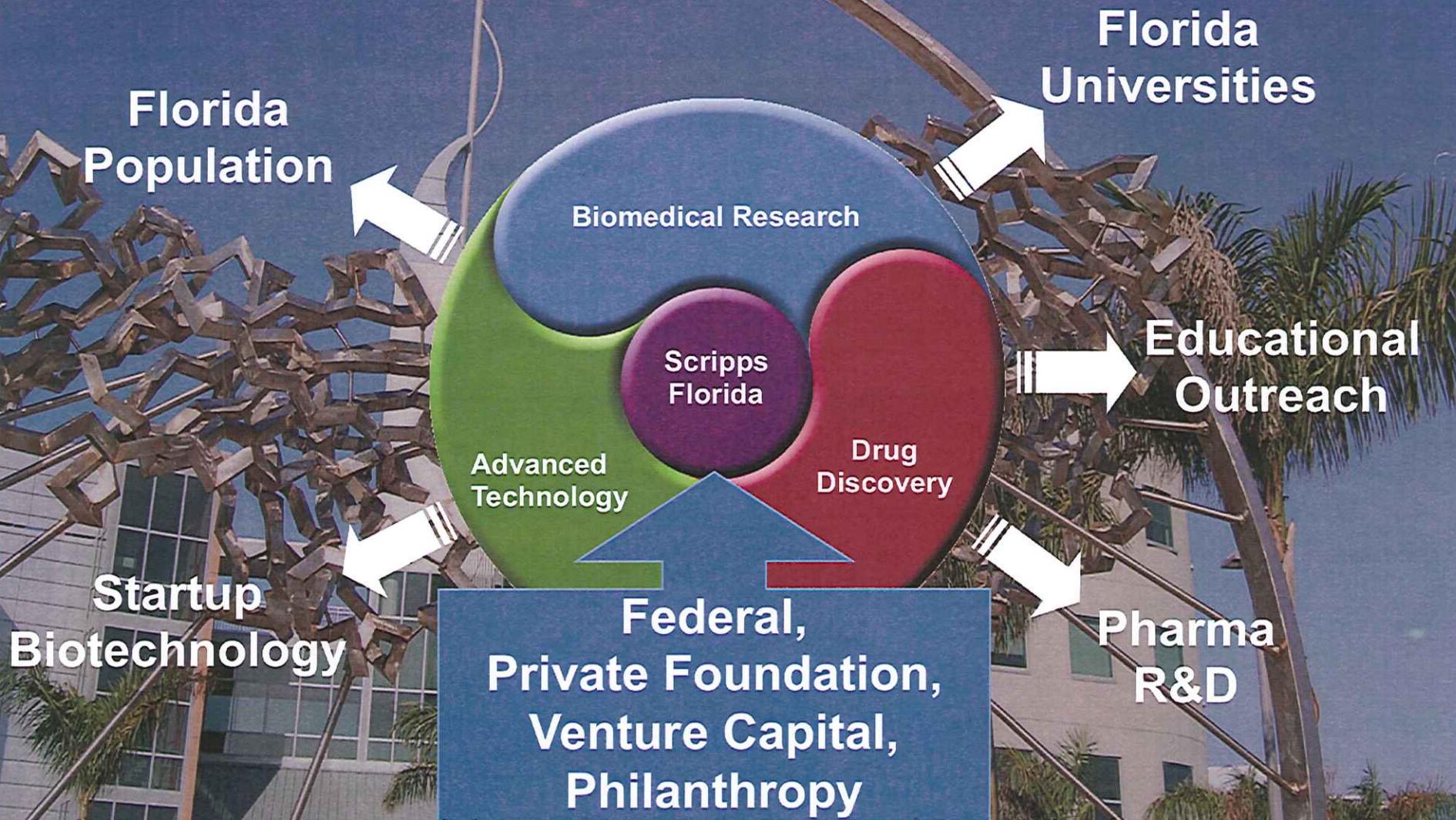
- **Over 400 staff, 40 faculty and directors, and growing!**
Sep 2010 Milestone: 367 Actual: 397
75.1% of non-PhD jobs to FL Residents
- **Total non-State \$ awarded to date: \$199.1 million**
Sep 2010 Annual Milestone: \$3.8 million Actual: \$45.4 million
- **34 verified academic collaborations - every FL research univ. involved**
- **Over 100 patents filed with 47 technology licenses issued**
- **Over 30 therapeutic candidates in product development pipeline**
- **4 start-up companies created, 10 others expanded or relocated to FL**
- **46 graduate students with 7 PhD's awarded**
US News & World Report 2010 Graduate School Rankings
Biology: 7, Biochem: 4, Organic Chem: 3, Chemistry: 7
- **K-12 educational programs brought to over 8000 PB County students with 80+ summer HS student and teacher research internships**

Scripps Florida – Scientific Milestones

- **Named 1 of only 4 NIH National Screening Centers (\$80+ million)**
First w/clinical trial – MS drug that halts disease progression
- **Recipient of first national NIH drug development grant (\$7.6 million)**
Parkinson's drug candidate – entered clinical trials Feb 2011
- **2010 Grant Highlights**
 - \$3.9 million NIH grant to develop new screening technologies
 - \$1.2 million NIH grant for breast cancer and heart disease res.
 - \$2 million NCI grant with Moffitt for immunotherapy
 - \$1.3 million NIH grant for obesity and Type 2 diabetes res.
 - \$2 million BRP grant to develop advanced cancer therapies
 - \$2.3 million NIH grant for new treatment of drug addiction
- **2010 Research Highlights**
 - Novel Hepatitis C inhibitors and memory genes discovered
 - Prions (lifeless proteins) shown to evolve w/o DNA or RNA
 - New compounds for neuro disease that cross blood-brain barrier
 - Brain control mechanism for addiction & obesity discovered

Scripps Florida

A Vision for Scientific and Economic Growth



<http://www.scripps.edu/florida/>
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Scripps Florida Funding Corporation Seventh Annual Report

For the Year Ended September 30, 2010



2010 BOARD OF DIRECTORS

**DAVID J. GURY, CHAIRMAN · DR. PAMELLA DANA, VICE CHAIRMAN
ANNE CHINODA · ANDY CRAWFORD · T. MICHAEL CROOK
C. GERALD GOLDSMITH · EDWARD SABIN · CHRIS SULLIVAN
DR. JOSEPH J. THOMAS · CHRIS HART, IV, EX-OFFICIO
JENNI GARRISON, PROJECT DIRECTOR**

Scripps Florida Funding Corporation
Seventh Annual Report

For Year Ended September 30, 2010

INTRODUCTION

Florida Statute 288.955 (the “Enabling Statute”) created Scripps Florida Funding Corporation (“SFFC”) to facilitate the establishment and operation of a biomedical research institution for the purposes of enhancing education and research and promoting economic development and diversity. In addition, the Enabling Statute charged SFFC with the obligation to assure the compliance by The Scripps Research Institute (“TSRI”) with the Enabling Statute and the agreement between SFFC and TSRI (the “Operating and Funding Agreement”). The Enabling Statute provides that SFFC shall prepare or obtain certain reports, audits, and evaluations of TSRI’s compliance with the performance expectations and disbursement conditions contained in the Enabling Statute. As such, SFFC is submitting this Annual Report to the Governor, the President of the Senate, and the Speaker of the House, as required by the Enabling Statute to be submitted by December 1 of each year. This SFFC Annual Report addresses the activities and outcomes of SFFC and Scripps Florida (“Scripps”) for the fiscal year ended September 30, 2010 (“Fiscal 2010”). The Scripps Florida Annual Report addressed the activities and outcomes of Scripps Florida for the year ended June 30, 2010, and SFFC received the Scripps Florida Annual Report on August 28, 2010. The information in the Scripps Florida Annual Report was informally updated for this SFFC Annual Report.

This SFFC Seventh Annual Report is presented in two parts: first, a summary that highlights the substantial events that have occurred during the year ended September 30, 2010; and second, an itemized report that corresponds with the applicable sections of the Enabling Statute.

About the Scripps Florida Funding Corporation

In November 2003, Governor Bush signed into law an historic piece of legislation that laid the framework for The Scripps Research Institute to expand its world-renowned scientific research and endeavors into Florida. The bill, passed by the Florida Legislature during special session, provided a one-time investment of \$310 million from federal economic stimulus monies to create Scripps Florida and pay certain expenses for the first seven years, specifically salaries and equipment purchases. In June 2006, The Scripps Research Institute revised the Scripps Florida business plan and scheduled disbursements from the State, which expanded their grant funding to ten years, or through 2014.

To oversee the investment and spending of the State's investment in Scripps Florida, the Florida Legislature created the Scripps Florida Funding Corporation, hereto referred to as SFFC, a non-profit entity comprised of a nine-member Board of Directors and one ex-officio member. The role of SFFC was enunciated by Governor Bush:

“My vision for this board is that it manages the financial portion of our partnership, but lets Scripps do what it does best – conduct biomedical research.”

This report serves to report on both the requirements and the aspirations as set forth by the State in the Operating and Funding Agreement with Scripps.

About the Scripps Research Institute

The Scripps Research Institute, headquartered in La Jolla, California, in 15 buildings on 22 acres overlooking the Pacific Ocean, is one of the world's largest independent, non-profit biomedical research organizations. It stands at the forefront of basic biomedical science that seeks to comprehend the most fundamental processes of life. Scripps is internationally recognized for its research into immunology, molecular and cellular biology, chemistry, neurosciences, autoimmune, cardiovascular and infectious diseases, and synthetic vaccine development. Established in its current configuration in 1961, it employs approximately 3,000 scientists, postdoctoral fellows, scientific and other technicians, doctoral degree graduate students and administrative and technical support personnel.

About Scripps Florida

Scripps Florida, in the Town of Jupiter in Palm Beach County, Florida, sits on 100 acres adjoining the Florida Atlantic University campus. Over 370 scientists, technicians, and administrative staff work in the 345,000 square-foot, state-of-the-art biomedical research facility which opened in March 2009. Scripps Florida focuses on basic biomedical science, drug discovery and technology development. In addition to the one-time grant from the State of Florida, Palm Beach County provided an economic package that included funding for land and construction of the current permanent facility and related costs.

Scripps Florida Funding Corporation Board of Directors and Meetings

Of the nine-member Board of Directors, three Directors are appointed by each of the Governor, House Speaker and the Senate President. The terms of the directors initially ranged from one to four years and expire on a staggered schedule.

Mr. David Gury of Boca Raton serves as Chair of the Board of Directors and Dr. Pamela Dana of Destin as Vice-Chair. Both were elected to that capacity in November 2008 and subsequently re-elected. Mr. C. Gerald (Gerry) Goldsmith was appointed to the Board by Senate President Jeff Atwater on November 15, 2009 and Mr. Chris Hart, IV, replaced Dr. Dale Brill in an ex-officio capacity upon his appointment as Interim Director of the Office of Tourism, Trade and Economic Development on January 1, 2010.

Other SFFC Directors who served during the fiscal year include: Mr. F. Andy Crawford, Mr. T. Michael Crook, Mr. Ed Sabin, Mr. Chris Sullivan, Dr. Joseph Thomas, and Ms. Anne Chinoda until her resignation on March 10, 2010.

From October 1, 2009 through September 30, 2010, the SFFC Board of Directors (“BOD”) held four meetings, one of which was in-person. At the November 25, 2009 meeting, the Board reviewed and approved the annual report. On January 27, 2010 the Board approved the 2010 SFFC budget and renewed insurance policies for the Board. The Board of Directors met on March 5, 2010 in-person at Scripps Florida and unanimously approved the grant request for Scripps Florida’s funding for Year 7. On August 3, 2010, the Board of Directors heard reports from the Audit and Investment Committees and approved an amendment to the SBA Trust Agreement.

Scripps Florida Institutional Milestones

Over the past year, Scripps Florida continued to progress as a world-class research institute. The scientists worked to discover new technologies, attract significant amounts of funding from sources other than the State of Florida, including Federal stimulus funds, establish educational programs and collaborate with other scientists both within Florida and around the world. As of September 30, 2010, Scripps Florida employed 377 people and had received over \$188 million in research support from non-state sources. Over 100 patent applications have been filed by Scripps Florida, four spin-out businesses have been established and Scripps Florida technology has been licensed 47 times.

- ❖ In October 2009, **Scripps scientists were awarded a \$3.9 Million “Transformative” Federal grant to develop a new compound screening platform.** A pair of scientists from The Scripps Research Institute, one on each coast, were awarded a five-year \$3.9 million grant from the National Institutes of Health (NIH) to develop a new technology to accelerate the search for new protein ligands – compounds that bind to proteins and alter their function. The grant was awarded as part of the NIH’s new Roadmap Transformative R01 Program, which was launched in 2009 to support exceptionally innovative, high risk, original, and/or unconventional research projects that have the potential to create or overturn fundamental scientific paradigms.
- ❖ The National Institutes of Health has **awarded a three-year grant of more than \$1.2 million to The Scripps Research Institute** to develop a series of high-throughput screening tests that will help speed the discovery of potential small molecule therapies for breast cancer and cardiovascular disease. Patrick Griffin, chair of the Scripps Research Department of Molecular Therapeutics and director of the Translational Research Institute at Scripps Florida, will lead the project as principal investigator. The grant began in January 2010.
- ❖ In February 2010, **Scripps Florida celebrated its one year anniversary of the opening of the permanent research facility.** A public celebration was hosted by The Gardens Mall at Palm Beach Gardens, with a series of special events which culminated in a day of public education and interactive science exhibits on February 6, 2010.
- ❖ Scripps Florida announced a collaboration with Moffitt Cancer Center in March 2010 with a grant award. **Moffitt Cancer Center, in collaboration with researchers at Scripps Florida was awarded a five-year, nearly \$2 million grant from the National Cancer Institute** to design lymph nodes for cancer immunotherapy. A patient diagnosed with cancer has a dysfunctional immune system either because of the tumor or the treatment being used to eradicate the tumor. These designer lymph nodes will help rebuild a patient’s immune system in order to help fight disease. Researchers also hope to increase the potency of vaccines. The Moffitt researchers are partnering with John Cleveland, Ph.D., and Juliana Conkright, Ph.D., at Scripps Florida, who will be using high-throughput screening technologies to rapidly select the candidate genes to use in creating the human lymph nodes.

- ❖ In March 2010, Scripps Florida received **three new grants from the Philadelphia-based Margaret Q. Landenberger Research Foundation**, totaling more than \$400,000. The new funds will support scientific research by Professor Donny Strosberg and Assistant Professor Nagi Ayad, as well as a special conference for non-profit organizations hosted by Scripps Florida.
- ❖ In April 2010, The Scripps Research Institute announced it was **awarded a \$1.3 million grant by the NIH to develop a series of tests at its Florida campus** to help explore the potential of a protein that has emerged as a highly attractive target for the treatment of obesity and Type 2 diabetes. Patricia McDonald, an associate scientific director in the Translational Research Institute at Scripps Florida and an assistant professor in the Department of Molecular Therapeutics, is the principal investigator for the three-year project funded by the NIH's National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK).
- ❖ In May 2010, Scripps Florida announced that it had been **awarded a pair of grants totaling \$6 million by the NIH** to develop new therapeutic approaches to alcohol addiction and Fragile X syndrome, a form of inherited mental retardation that has often been linked to autism. Claes Wahlestedt, M.D., Ph.D., a professor in the Departments of Neuroscience and Molecular Therapeutics at Scripps Florida, is the principal investigator for both projects.

“The majority of the work in our laboratory is about drug discovery,” Wahlestedt said. “So even though we have targeted two completely different disorders, both grants focus on expanding our drug discovery platforms significantly. The NIH has become very attuned to the drug discovery potential of places like Scripps Research. Since the pharmaceutical industry has shown little interest in disorders like alcoholism, even Fragile X syndrome, if we want better drugs to treat these conditions, they will have to come from academic institutes like ours.”

- ❖ Beginning in July 2010, **The Florida Biomedical Research Program awarded \$2 million in biomedical research grants to three scientists from the Florida campus of The Scripps Research Institute**. The multi-year funding will help fuel development of advanced cancer therapies. This year's awards went to Glenn Micalizio, an associate professor in the Scripps Research Department of Chemistry, who will receive \$1,199,600 over five years; Thomas Bannister, assistant professor of medicinal chemistry and associate scientific director of Scripps Florida's Translational Research Institute, who won a grant of \$400,000 over three years; and Douglas Kojetin, an assistant professor in the Molecular Therapeutics Department, who also won \$400,000 over three years.

The highly competitive grants from the Florida Biomedical Research Program support innovative research into the prevention, diagnosis, treatment, and/or cure of cancer and tobacco-related diseases. Funding comes primarily from taxes collected from the sale of tobacco products.

- ❖ Also in July 2010, Scripps announced that a pair of scientists on the Florida campus had been **awarded a \$2.3 million grant by the National Institutes of Health to conduct research relevant to developing new treatments for drug addiction.** Patricia McDonald, an associate scientific director in the Translational Research Institute at Scripps Florida and an assistant professor in the Department of Molecular Therapeutics, and Theodore Kamenecka, an associate scientific director in the Translational Research Institute, are co-principal investigators for the five-year project funded by the NIH's National Institute on Drug Abuse (NIDA).

The research will focus on identifying compounds that affect the Neurotensin receptor (NTSR1), a receptor that appears to play a significant role in drug addiction because of its ability to alter levels of the neurotransmitter dopamine in the brain.

- ❖ Scripps announced several philanthropic successes throughout the year.

The **Richard and Helen DeVos Foundation donated \$100,000** to The Scripps Research Institute that will be used to jump start a new philanthropic drive to **expand the graduate school program at Scripps Florida**, which is part of Scripps Research's Kellogg School of Science and Technology. The new funding initiative offers donors the chance to name a seat in the Rodney B. Fink Education Pavilion on the Jupiter campus and is spearheaded by a committee made up of Scripps Florida Council members and other friends of Scripps Research and chaired by Jane Halbritter, a well-known New York-Florida businesswoman and philanthropist.

Phillip Frost, a Miami physician, businessman, and philanthropist, and his wife, Patricia Frost, gave \$1 million to Scripps Florida. This donation, announced in December 2009, is the second million-dollar gift the Frosts have made to Scripps Florida. The Frosts are long-time supporters of the arts and education.

Elizabeth M. Fago, a successful Palm Beach Gardens business executive and philanthropist, donated \$1 million to Scripps Florida. Announced in December 2009, this was the second million-dollar gift by Fago, one of the earliest and strongest supporters of the Institute. In 2004, she was the first to pledge \$1 million to support Alzheimer's disease research at the institute. In recognition of her generous gifts and her longstanding support, Fago was given the title Scripps Florida Founder, and the library in the new biomedical facility will be named The Elizabeth M. Fago Library.

- ❖ **Scripps Florida's Ph.D. program, part of the Kellogg School of Science and Technology, had seven new graduate students entered the program in fall 2010.** Of the seven students who entered the program, one has an undergraduate degree from the University of Miami and a second has an undergraduate degree from Florida State University. Of the 30 students in the Scripps Florida graduate program as of September 2010, eight have a Florida connection, meaning they earned an undergraduate degree from a Florida college or university or are a native Floridian who earned an undergraduate degree out of state.

- ❖ **In June 2010, Scripps finalized an agreement with Florida Atlantic University (FAU) to establish an innovative MD-Ph.D. program.** It is predicted that the first applications for admission into this program will be accepted upon accreditation of the program, anticipated to occur in February 2011. The first students will take classes in fall 2011. Students will spend their first three years as medical students at FAU, then begin the doctorate program at Scripps in the fourth year of the medical program. During the first three years, medical students will take two to three special topics courses with Scripps Florida faculty members to enable the students to identify research mentors and to make a smooth transition into the Ph.D. program.

Scripps Florida Research Milestones

Scripps Research Scientists Identify Novel Hepatitis C Inhibitors

In December 2009, scientists from Scripps Florida and their colleagues at Boston University announced their discovery of several novel drug-like inhibitors of the hepatitis C virus (HCV). These new inhibitors have the potential to substantially widen the current options to treat HCV infection.

The research, from the laboratory of Professor Donny Strosberg, Ph.D., of Scripps Florida, supported by members of the Scripps Florida Lead Discovery Division directed by Peter Hodder, Ph.D., and colleagues from Boston University, was published in the December 2009 edition of the journal *ASSAY and Drug Development Technologies* and appears in the December 15, 2009 print edition of the journal *Bioorganic & Medicinal Chemistry Letters*.

With more than 130 million people infected worldwide by HCV, new therapeutic strategies are urgently needed for this blood-borne disease, which is the main cause, with hepatitis B, of liver cancer, according to the National Cancer Institute.

Using a new fluorescence-based assay, the scientists were able to identify four small-molecule inhibitors of dimerization of the viral core protein. In this process, which is essential to the survival of the virus, the core protein binds to itself and related proteins to form the viral capsid, the outer lipid-encapsulated protein shell that protects the virus's genetic material like an eggshell protects its yolk sack.

Scientists Show "Lifeless" Prions Capable of Evolutionary Change and Adaptation

Scientists from The Scripps Research Institute have determined for the first time that prions, bits of infectious protein devoid of DNA or RNA that can cause fatal neurodegenerative disease, are capable of Darwinian evolution.

The study from Scripps Florida in Jupiter shows that prions can develop large numbers of mutations at the protein level and, through natural selection, these mutations can eventually bring about such evolutionary adaptations as drug resistance, a phenomenon previously known to occur only in bacteria and viruses. These breakthrough findings also

suggest that the normal prion protein—which occurs naturally in human cells—may prove to be a more effective therapeutic target than its abnormal toxic relation.

The study was published in the December 31, 2009 issue of the journal *Science Express*, an advance, online edition of the prestigious journal *Science*.

LoGrasso Lab Develops the First New Class of Potential Therapies for Neurodegenerative Disease to Pass the Blood-Brain Barrier

In a new study published in the January 7, 2010 print edition of *Journal of Medicinal Chemistry*, LoGrasso, an associate professor and senior director for drug discovery at Scripps Florida, and his team have developed a number of potent and highly selective small molecules that not only pass the blood-brain barrier but are very good at inhibiting a key kinase that plays an essential role in neurodegenerative disorders.

The blood-brain barrier was first noticed by Paul Ehrlich, a 19th century German scientist, who, after injecting dyes into the bloodstream, discovered that they leaked out everywhere except into the brain. He pushed the experiment a bit further, injecting the dye directly into the brain itself. This time, while the brain picked up the dye, nothing else did. Still, it would be well into the 1960s for the existence of the blood-brain barrier to be confirmed.

The blood-brain barrier will, however, let through small soluble molecules, like the kind just produced by Phil LoGrasso and his colleagues in the Translational Research Institute at Scripps Florida, a division of The Scripps Research Institute.

Top Scientists Explore the Origin of Life in Annual Lasker Lecture at Scripps Research Institute Florida Campus

In March 2010, biologist Jack Szostak and chemist Brian Paegel presented at the annual Lasker Foundation Lecture on the Florida campus of the Scripps Research Institute. Recent laboratory experiments which seek to recreate the formation of the first living cells from the basic chemical building blocks of nature are shedding new light on how life may have occurred on earth and on other planets, they said. The presenters offered new insight into answering two fundamental questions: How did living cells first form on earth and could they form the same way on other planets?

The Lasker Lecture is part of a series of forums presented by the Lasker Foundation designed to support and promote a public dialogue over critical issues involving the biological sciences. The lectures were followed by a public discussion moderated by Robert Bazell, chief science and health correspondent of NBC News.

Team Shows Therapy-Induced Inflammatory Response Speeds Up Development of Therapy-Resistant Prostate Cancer

In a study involving an international cast of researchers, including those from the Florida campus of The Scripps Research Institute, a team has solved the mystery of why prostate cancer almost always develops into dangerous hormone-refractory cancer after androgen-deprivation therapy—a standard treatment for advanced prostate cancer. Hormone-refractory prostate cancer is responsible for most deaths from the disease.

The study was published in the March 11, 2010 edition of the journal *Nature*.

The scientists found that the progression of hormone-refractory prostate cancer is associated with an inflammatory response triggered by the death of the hormone-deprived primary cancer, according to Jun-Li Luo, Ph.D., an assistant professor in the Department of Cancer Biology at Scripps Florida who is the co-first author of the study. In addition, other critical elements of this response are tumor-infiltrating B cells, part of the immune system, which help stimulate hormone-independent cancer growth. According to the data collected from animal models, the interruption of this inflammatory response could delay the onset of hormone-refractory prostate cancer by up to three years.

Scientists Uncover Previously Unknown Natural Mechanism that Controls Cocaine Use

Scientists from The Scripps Research Institute have found that a particular type of genetic material plays a key role in determining vulnerability to cocaine addiction and may offer an entirely new direction for the development of anti-addiction therapies. In animal studies, the scientists found that a molecule called microRNA-212 was increased in the brains of test animals that had extended access to cocaine. MicroRNA-212 controlled how much cocaine the animals consumed.

The study was published on July 8, 2010, in an advance, online edition of the prestigious journal *Nature*.

"The key question that the study may answer is why one person is more vulnerable to the effects of cocaine than another," said team leader Paul Kenny, Ph.D., an associate professor in the Department of Molecular Therapeutics at Scripps Florida. "What we found is that a specific microRNA exerts enormous control over the response to the drug. When it is increased in the brain, it protects against addictive behavior, while a reduction raises vulnerability to addictive behaviors. The practical outcome of increased microRNA-212 expression is that it slams the brakes on any desire to take the drug."

Scripps Research Institute and Dana-Farber Scientists Uncover Novel Anti-Diabetes Mechanism

In a joint study, scientists from The Scripps Research Institute and the Dana-Farber Cancer Institute at Harvard University uncovered a novel mechanism that dramatically increases insulin sensitivity and reduces the risk of developing type II diabetes and cardiovascular disease. These findings offer a potent new target in the continuing search for new and improved anti-diabetic treatments. Currently, nearly 24 million children and

adults in the United States have some form of the disease, according to the America Diabetes Association.

The new study, which focuses on controlling a fat-regulating protein known as PPAR γ , was published July 22, 2010, in the journal *Nature*.

"The field has become interested in finding drugs that can promote increased insulin sensitization but not activate the classical fat cell generating pathway of PPAR γ ," said Patrick R. Griffin, Ph.D., chair of the Department of Molecular Therapeutics at Scripps Florida who headed up the Scripps Research part of the study. "We examined the mechanism of action of compounds that bind to PPAR γ that improve insulin sensitivity but have minimal induction of fat. It was clear from the studies that these compounds have a unique but overlapping mechanism with the class of drugs used clinically that target PPAR γ ."

Adipose or fat tissue lies at the center of the metabolic syndrome, a cluster of risk factors that increases the possibility of type II diabetes, as well as stroke, coronary artery disease, even certain cancers. Of those risk factors, excessive body fat is considered the most problematic. PPAR γ can be considered the master gene of fat cell biology because it drives the conversion of cellular precursors into fat cells.

Team Led by Scripps Research Scientist Identifies New Gene for Memory

Scripps Florida announced in September 2010 that a team led by a Scripps Research Institute scientist has for the first time identified a new gene that is required for memory formation in *Drosophila*, the common fruit fly. The gene may have similar functions in humans, shedding light on neurological disorders such as Alzheimer's disease or human learning disabilities. The study was published in the September 9, 2010 edition of the journal *Neuron*.

"This is the first time we have a new memory and learning gene that lies outside what has been considered the most fundamental signaling pathway that underlies learning in the fruit fly," said Ron Davis, chair of Scripps Research Department of Neuroscience who led the study. "Since many of the learning and memory genes originally identified in the fruit fly are clearly involved in human neurological or psychiatric diseases, this discovery may offer significant new insights into multiple neurological disorders. We're definitely in the right ballpark."

Scripps Florida Faculty Milestones

Courtney Miller, Nationally Known Memory Researcher, Appointed to Metabolism and Aging Faculty

In November 2009, Scripps Florida appointed Courtney Miller, Ph.D. as an assistant professor in the Department of Metabolism and Aging and the Department of Neuroscience. Miller is focused on research that seeks to understand the neurobiology of memory disorders, ranging from aberrations closely associated with drug addiction to age-related memory decline, with the goal of developing novel therapeutics. She was a scientific director and instructor in the Department of Neurobiology and McKnight Brain Institute at the University of Alabama before arriving at Scripps Florida.

In addition to her work at Scripps Florida, Miller is a biopharmaceutical consultant, helping companies design studies to test lead compounds in models of memory, addiction, and mental illness. She and her husband, who also joined the Scripps Florida faculty, live in Jupiter.

Scripps Research Names Noted Learning and Memory Scientist to Neuroscience Department

Gavin Rumbaugh, Ph.D. was named as an assistant professor in the Department of Neuroscience at Scripps Florida in February 2010. Rumbaugh, who was an assistant professor at the University of Alabama, Birmingham, is known for his work on the brain mechanisms of information storage, learning, and memory, with a particular emphasis on the plasticity of neural circuits—the ability of neurons to adapt in the face of both developmental and environmental change.

Rumbaugh is the first new faculty member to join the Department of Neuroscience. The department was created less than a year ago with the appointment of Ron Davis as chair. Rumbaugh received a Young Investigator Award in 2009 from National Alliance for Research on Schizophrenia and Depression (NARSAD), the world's leading charity dedicated to mental health research. He is married to Courtney Miller who joined Scripps Florida's faculty in November.

Aging and Nutrition Investigator William Ja Joins Scripps Florida

The Scripps Research Institute has named William Ja, Ph.D., as an assistant professor in the Department of Metabolism and Aging on the institute's Florida campus.

Ja, who was a NIH postdoctoral fellow in biology at the California Institute of Technology in Pasadena before joining Scripps Florida, is focused on researching various longevity-enhancing manipulations and their impact on aging and metabolism in *Drosophila*, the common fruit fly and one of the most widely used laboratory models. Among these manipulations are dietary restriction, and the effects on their hosts of certain types of bacteria that live in the gastrointestinal tract.

Ja, who is 32 and lives in Jupiter, officially joined the Scripps Florida faculty in January 2010.

Noted Biochemist Paul Thompson Joins Department of Chemistry

In May 2010, Paul R. Thompson, Ph.D., joined Scripps Florida as an associate professor in the Department of Chemistry on the Scripps Florida campus. Thompson was previously on faculty at the University of South Carolina.

Thompson's primary area of interest is the phenomenon of gene expression, particularly the study of histones—small, basic proteins that play a vital role in gene regulation. Thompson is noted as a rising star in biochemistry and is known to work through various methodologies—biology, chemistry, pharmacology—to develop the best compounds.

Distinguished University of Michigan Chemist Joins Scripps Florida Faculty

The Scripps Research Institute appointed distinguished chemist Kate Carroll, formerly at the University of Michigan, as associate professor beginning in July 2010.

Carroll's research bridges the fields of chemistry and biology, focusing on what is known as reduction-oxidation reaction or redox – a chemical reaction in the body that results in damage to healthy cells and contributes to diseases ranging from Alzheimer's and heart disease. Much of her work is concentrated on defining the importance of these oxidative changes on major signaling pathways inside the cell, and how that knowledge can be used to identify novel therapeutic targets for the treatment of human disease.

Another aspect of her work is the continued development and improvement of various technologies she has developed, many of which are already in use in labs around the world.

Noted Biochemist Appointed to Scripps Research Faculty

Scripps Florida appointed Katrin Karbstein as an assistant professor in the Department of Cancer Biology. Karbstein was an assistant professor of chemistry and biological chemistry at the University of Michigan before joining the Scripps Florida faculty in July 2010.

Her research uses a number of different approaches – everything from biochemistry to protein engineering – to study ribosome assembly at the molecular level. Ribosomes, large macromolecular machines that are required for cell growth of all organisms, translate RNA into proteins within cells. The ultimate goal of the Karbstein laboratory is to define the mechanisms that direct the assembly of large RNA-protein complexes, with implications not only for the ribosome but also for the signal recognition particle, a protein-RNA complex involved in recognition of proteins as they exit the ribosome.

Scripps Research Appoints Douglas Kojetin to Florida Faculty

The Scripps Research Institute has appointed Douglas J. Kojetin as an assistant professor in the Department of Molecular Therapeutics. Kojetin was a research associate in the laboratory of Thomas Burris, a professor in the Department of Molecular Therapeutics at Scripps Florida, before being named to the faculty in early August 2010.

A major focus of Kojetin's new laboratory will be to understand how the structure and atomic motion (dynamics) of proteins contribute to their biological function. Modulation of a protein's conformation or shape represents a potential avenue for drug discovery. Kojetin will be concentrating on what are known as nuclear receptor transcription factor proteins, important drug discovery targets for a variety of human diseases, including cancer and metabolic conditions such as type II diabetes.

Earlier this year, Kojetin was awarded a \$400,000, three-year grant from the James and Esther King Biomedical Research Program, part of the Florida Biomedical Research Program. The highly competitive grants are for innovative research into the prevention, diagnosis, treatment, and/or cure of cancer and tobacco-related diseases. Funding comes primarily from taxes collected from the sale of tobacco products.

Additional Life Science and Biotechnology Activities

BIO 2010

In May 2010, the Biotechnology Industry Organization (BIO) hosted its international convention in Chicago, Illinois. BIO is the international industry association and its statewide affiliate, BioFlorida, organized a display booth. Scripps Florida again participated in partnership with fifteen Florida-based companies, including economic development organizations, research institutions and universities to further promote the growing life science and biotechnology industry in Florida. This four-day conference was attended by over 15,000 industry leaders from 65 different countries and 49 states.

Innovation Incentive Fund

The research institutes funded by the Innovation Incentive Fund (Max Planck Florida Institute, Burnham Institute for Medical Research, etcetera) continued to progress in establishing Florida campuses. In addition to meeting many of their contract requirements related to jobs and equipment purchases, several institutes celebrated the grand opening or ground breaking of their permanent facilities and significant funding and scientific breakthroughs. The annual report for the Innovation Incentive Fund is due to the Governor's Office on January 5. The Legislature appropriated \$75 million in funding for 2010-2011 to the Innovation Incentive Fund.

In 2010 Session, the Legislature also created a Federal grants matching program and seeded it with \$3 million. The Institute for Commercialization of Public Research will administer the program and allows Phase I and Phase II companies to leverage Federal dollars by leveraging them with State funds.

Max Planck Florida Institute

The Max Planck Florida Institute celebrated several milestones in 2010. In June, the Institute broke ground on its design for a 100,000 square foot biomedical research center scheduled for completion in early 2012 on the Florida Atlantic University campus in Jupiter, adjacent to Scripps Florida. The design and implementation of the construction of the building are complete and the science laboratories and administrative offices are currently housed on FAU's campus. The Institute also announced key science leaders for its four research areas—Dr. Bert Sakmann for Digital Neuroanatomy; Dr. Jason Christie for Synapse Physiology; Dr. Samuel Young, Jr. for Molecular Neurobiology; and Dr. James Schummers for Cortical Circuits.

For detailed information about the contributions of individual organizations to Florida's growing biotechnology cluster for this fiscal year, please review Appendix 2.

Conclusion

Scripps Florida Funding Corporation is pleased to report another successful year of operations for Scripps Florida. Scripps Florida continues to advance its scientific discoveries, secure grants and awards from outside sources, collaborate with Florida universities and colleges, and interact with businesses and the community through its outreach activities.

Scripps Florida Funding Corporation
Seventh Annual Report

Itemized Report for the Year Ended September 30, 2010

INTRODUCTION

Florida Statute 288.955, referred to as the Enabling Statute, sets forth certain information that is required to be included in the SFFC Annual Report. The information that follows has been organized to correspond to the sections of the Enabling Statute that address information to be included in the SFFC Annual Report. As not every section of the Enabling Statute relates to the SFFC Annual Report, only the sections of the Enabling Statute that apply are referenced herein. For convenience, the text of the Enabling Statute that describes the information to be reported in the SFFC Annual Report is set forth next to each Enabling Statute section reference.

Scripps Florida Funding Corporation
Seventh Annual Report

Itemized Report for the Year Ended September 30, 2010

Florida Statute 288.955

Subsection (14) ANNUAL REPORT

By December 1 of each year, the corporation shall prepare a report of the activities and outcomes under this section for the preceding fiscal year. The report, at a minimum, must include:

Subsection (14) (a) A description of the activities of the corporation in managing and enforcing the contract with the grantee.

Scripps Florida Funding Corporation Board of Directors Meetings

Purpose: To oversee the disbursement of the State's funds invested in Scripps Florida, the Florida Legislature created the Scripps Florida Funding Corporation, hereto referred to as SFFC, a non-profit entity governed by a nine-member Board of Directors and one ex-officio member.

Membership: Of the Board of Directors, three members were appointed by each of the Governor, the House Speaker and the Senate President. Former Governor Bush's appointees are: Mr. David Gury, former President and CEO of Nabi Pharmaceuticals, of Boca Raton; Mr. Andy Crawford, retired Chairman and CEO of Advanced Disposal Systems, of Jacksonville; and Dr. Pamella Dana, Senior Strategic Advisor for Institute for Human & Machine Cognition, of Destin. Governor Crist re-appointed Mr. David Gury in March 2008 and Dr. Pamella Dana in February 2009. Former Speaker Byrd's appointees are: Dr. Joseph Thomas, dentist, of Vero Beach; and Mr. Chris Sullivan, Chairman of Outback Steakhouse, Inc. of Tampa. The term of Mr. Chris Sullivan expired on November 17, 2008 and his replacement has not been named; also, the terms of Mr. Andy Crawford and Dr. Joseph Thomas expired in November 2009 and they continue to serve until their replacements are named. Former House Speaker Marco Rubio named Ms. Anne K. Chinoda, former President and CEO of Florida's Blood Centers, of Orlando to the Board of Directors on March 3, 2008. She resigned the position on March 10, 2010 and her seat remains vacant. Former Senate President Ken Pruitt named Mr. T. Michael Crook, a C.P.A. with Proctor, Crook and Crowder, P.A., of Stuart, to the Board on September 5, 2008. Senate President Jeff Atwater named Mr. Ed Sabin, Vice-President Biomet, Inc., of Palm Beach Gardens, to the Board on February 9, 2009 and Mr. Gerry Goldsmith, Chairman of First Bank of the Palm Beaches, of Palm Beach, on November 15, 2009. Dr. Dale Brill, Director of the Governor's Office of Tourism, Trade, and Economic Development ("OTTED"), served as an ex-officio

member until January 1, 2010 when Mr. Chris Hart, IV, assumed his position as the Interim Director of OTTED.

Meetings and activities: From October 1, 2009 through September 30, 2010, the SFFC Board of Directors (“BOD”) held three teleconference meetings and one in-person meeting. At the November 25, 2009 meeting, Chairman Gury introduced the newest director, Mr. Gerry Goldsmith and heard a report from the Audit Committee. The Board reviewed and approved the SFFC Sixth Annual Report, authorizing the transmission of the report to the Governor, Speaker of the House and the President of the Senate on December 1, 2009. At the January 27, 2010 meeting, the Audit Committee reported the SFFC had a clean audit in 2009. The Board reviewed committee assignments, approved the 2010 SFFC operating budget in the amount of \$197,000 and agreed to purchase Directors & Officers and Crime Liability insurance policies for the Board. On March 5, 2010, the BOD held its in-person annual grant request meeting at Scripps Florida in Jupiter. This meeting involved the annual grant request and SFFC Board members were joined by representatives from TSRI – Ms. Donna Weston, Mr. Tom Northrup, Mr. Jared Machado and Ms. Carol Licko - and Scripps Florida – Dr. Harry Orf and Ms. Barbara Noble. The agenda included an update from the Audit Committee, a presentation by Dr. Harry Orf on Scripps Florida’s progress over the year, and the annual grant request. In order to prepare the Board for the annual grant request, SFFC counsel reviewed the six requirements that Scripps had to meet for the grant request. Those requirements are: a completed grant request letter, receipt of TSRI and Scripps Florida annual audited financial statements, the Scripps Florida scientific report, an update to the Scripps Florida annual report, the legal opinion and the satisfaction of disbursement conditions. All items were properly received with a minor exception which was waived and after discussion, the 2010 annual grant request for \$22.3 million was approved unanimously. The Board met again on August 3, 2010 to hear reports from the Investment and Audit Committees and to approve an amendment to the SBA Trust Agreement.

SFFC Committee Meetings

Investment Committee

Purpose: The Investment Committee receives and reviews monthly investment reports from the State Board of Administration (SBA) to ensure that SFFC’s investments are consistent with the objectives established in the Trust Agreement and that the SFFC is able to make the disbursements anticipated in the Operating and Funding Agreement between SFFC and TSRI.

Membership: Dr. Thomas became Chairman of the Investment Committee in November 2008 and was re-elected chair in January 2010. Mr. Ed Sabin remained a member of the Committee through the fiscal year. Mr. Gerry Goldsmith was appointed to the Board in November 2009 and joined the Investment Committee in January 2010. Mr. Rob Smith, Mr. Ben Latham and occasionally Mr. Mike McCauley from the SBA participate in the Committee meetings.

Meetings and activities: During the 2010 fiscal year, the Investment Committee held two meetings at which they reviewed the monthly reports from the SBA and closely monitored the investments of the SFFC. On February 24, 2010, the Investment Committee reviewed the monthly investment reports from the SBA. The Committee also considered restructuring the interest earned on prior investments to match the laddered portfolio and quarterly disbursements to TSRI. At the request of TSRI, the Investment Committee discussed with the SBA a move into Treasury Inflation Protected Securities (TIPS) to ensure the preservation of earnings. It was determined further information would be gathered and the Committee requested a revised portfolio projection from the SBA. The Committee met again on July 20, 2010 to review the monthly SBA statements and further explore laddering the interest to match the maturity dates of the principal payments. The Committee then voted to recommend to the full SFFC Board that the SFFC ladder the interest in TIPS to align all maturity and disbursement dates.

Audit Committee

Purpose: The Audit Committee reviews financial information and monitors the financial condition of TSRI and Scripps Florida. The Audit Committee also engages the SFFC auditor, provides oversight for the annual audit of SFFC and compliance monitoring of TSRI and Scripps Florida with the terms of the Operating and Funding Agreement. The Audit Committee provides direction on the scope of the audit engagements and reviews any finding or recommendations related to the audits. The Audit Committee, in turn, reports its recommendations on the reports to the full Board.

The Scripps Florida Funding Corporation receives and the Audit Committee reviews the following reports:

- TSRI and Scripps Florida unaudited quarterly financial statements
- TSRI and Scripps Florida audited annual financial reports
- TSRI and Scripps Florida annual budgets
- Scripps Florida Annual Report
- Scripps Florida Annual Scientific Report

There are three types of annual audit reports that are received and reviewed by the Audit Committee as follows:

1. Scripps Florida and TSRI provide three annual audit reports to SFFC:
 - a) Audited financial statements of TSRI, including the operations of Scripps Florida.
 - b) Audited financial statements of Scripps Florida as a separate division, including a report on internal control and compliance in accordance with *Government Auditing Standards*.
 - c) A Federal Single Audit of TSRI in accordance with OMB Circular A-133.

The audits are prepared by Deloitte and Touche (“D&T”), the independent auditors for TSRI. SFFC’s independent auditor has been granted access to the D&T workpapers in order to assess the application of generally accepted

accounting principles and the significant assumptions made by TSRI management in the preparation of its financial statements.

2. SFFC receives two annual audit reports completed by an independent auditor contracted by the SFFC:
 - a) Audited financial statements of SFFC, including a report on internal controls and compliance in accordance with *Government Auditing Standards*.
 - b) A Federal Single Audit of SFFC in accordance with OMB Circular A-133.
3. A contractual monitoring and compliance audit of the Operating and Funding Agreement between TSRI and SFFC (“contractual monitoring and compliance audit”) to address the *Monitoring Checklist* (Exhibit A-1 to the Funding and Program Agreement between OTTED and SFFC). The contractual monitoring and compliance audit is completed by an independent auditor contracted by the SFFC who verifies many of the items covered in this Annual Report, including, but not limited to:
 - a) the number of jobs created
 - b) the salaries and their consistency with the approved Business Plan
 - c) designation of a person to assist in collaborative efforts with OTTED and compliance with OTTED’s requests for cooperation
 - d) purchase of equipment consistent with the approved budget
 - e) achievement of collaborative efforts with Florida universities

The independent auditor contracted by the SFFC also prepares the annual not-for-profit organization tax return (Form 990) for SFFC, which is reviewed by the Audit Committee prior to submission to the Internal Revenue Service.

Membership: Mr. Mike Crook has served as Chairman of the Audit Committee since January 2009. Mr. Crawford, a former Committee Chairman, remained on the Committee, as did Dr. Pamella Dana, for the entire fiscal year. Other participants in the Audit Committee meetings include SFFC’s auditor, Mr. Scott Porter from Caler, Donten, Levine, Druker, Porter & Veil, P.A.; Scripps Florida’s outside legal counsel, Ms. Carol Licko; and TSRI’s Chief Financial Officer, Ms. Donna Weston.

Meetings and activities: From October 1, 2009 through September 30, 2010, the Audit Committee held five meetings to review, discuss and approve several financial reports provided by TSRI and the auditing and compliance matters of SFFC. At the October 16, 2009 meeting, the Audit Committee accepted the Scripps Florida 2010 Budget and agreed to engage Caler, Donten, Levine et al to conduct the 2009 SFFC financial audit and the compliance audit of Scripps Florida. The Committee also reviewed the June 30, 2009 unaudited financial statements of TSRI and Scripps Florida. At the January 6, 2010 meeting, Mr. Porter presented the SFFC financial audit to the committee. The audit was clean and Mr. Porter stated the Management Letter had no significant control or compliance matters to address. At the February 19, 2010 meeting, the Committee reviewed a draft of the SFFC tax return and agreed to update the Audit Committee

Charter. The Committee also adopted a task matrix which will be used throughout the year to ensure required committee tasks are completed on a timely basis. On March 4, 2010, the Committee heard a presentation from Ms. Weston on the 2009 TSRI Audit Report, as well as to review the report of the contractual Monitoring and Compliance Audit presented by Mr. Porter. He also presented the 2009 SFFC complete single audit. The committee approved the compliance report and the single audit. On July 19, 2010, the Committee reviewed the TSRI and Scripps Florida unaudited financials for the quarter ended March 31, 2010, and agreed to engage Caler, Donten, Levine for the 2010 SFFC financial and compliance audits.

Reports Committee

Purpose: The predominant purpose of the Reports Committee is to review, edit and approve the Annual Report before it is reviewed and approved by the SFFC Board of Directors.

Membership: Ms. Anne Chinoda, Mr. David Gury, Dr. Brill and his replacement, Mr. Chris Hart, IV, were Committee Members during fiscal year 2010.

Meetings and Activities: The Reports Committee received drafts of the annual report during November 2009. The Committee met on November 23, 2009 to review the content of the annual report before it was submitted to the full Board of Directors.

Subsection (14) (b) An accounting of the amount of funds disbursed during the preceding fiscal year to the grantee.

Disbursement Date	Principal	Interest	TOTAL
December 15, 2009	\$8,169,750	\$ 1,694,979.68	\$ 9,864,729.68
March 15, 2010	\$5,591,250	\$ 1,296,894.66	\$ 6,888,144.66
June 15, 2010	\$5,591,250	\$ 1,296,894.66	\$ 6,888,144.66
September 15, 2010	\$5,591,250	\$ 1,296,894.66	\$ 6,888,144.66
TOTAL	\$24,943,500	\$ 5,585,663.66	\$ 30,529,163.66

This disbursement schedule became effective in November 2006 when the SFFC accepted the revised business plan of Scripps Florida.

Since inception, the total amount of interest which has been disbursed to Scripps Florida is \$ 27,257,950.

Subsection (14) (c) An accounting of the expenditures by the grantee during the fiscal year of funds disbursed under this section.

Report of SFFC Grant Disbursements from October 1, 2009 to September 30, 2010

Category	Amount
Scientific Salaries & Benefits	\$ 6,907,498
Supplies	\$ 2,677,568
Scientific Equipment	\$ 5,748,559
External Affairs & Other Program Support	\$ 1,351,032
Project Commencement, Facilities, Administration and Capital Expenditures	\$ 8,158,237
Total	\$ 24,842,894

This schedule reflects cash expenditures charged to the grant from the State of Florida from October 1, 2009 through September 30, 2010. The expense categories set forth above reflect those used by Scripps to report grant activity to grantors. This schedule excludes: unpaid commitments; unspent grant funds received of approximately \$92 million (including interest income) and expenditures funded by other sources.

Subsection (14)(d) Information on the number and salary level of jobs created by the grantee, including the number and salary level of jobs created for residents of this state.

Report of Scripps Florida Employees Count

Position	Employee Count As of September 30, 2010	Year 7 Target
Faculty	39	≥ 25
Scientific Staff	248	≥ 184
Administration	90	≥ 67
	Current Total 377	Job Creations Target 367

In the above chart, Faculty includes tenure track Professors, Associate Professors and Assistant Professors. Scientific Staff includes non-tenure track scientists (Research Faculty and Staff Scientists), Research Associates/ post-docs, lab technicians, and Scripps paid graduate students. Administration includes all other support personnel.

The job creations target number is to be measured on December 31, 2010, the end of the seventh employee hire year. SFFC may allow a downward deviation of 25% as satisfaction of the job creation deliverable. Scripps Florida management anticipates that the target head count will be met on December 31, 2010.

Scripps Florida hired 119 employees between October 1, 2009 and September 30, 2010. Of those new hires, 43 were Florida residents of which 22 were Palm Beach County residents.

Category (as set forth in Revised Business Plan)	Required Salary Range (using CPI 09.30.10)	Hired in fiscal 2010	Actual Salary in fiscal 2010	Florida Residents	Palm Beach Co. Residents
Professors/ Chairs	\$148,537 - \$355,197	0	N/A	0	0
Associate Professors	\$90,414 - \$190,515	3	\$140,004 - \$160,014	0	0
Assistant Professors	\$77,498 - \$138,850	7	\$102,003 - \$115,003	0	0
Research Faculty	\$77,498 - \$285,234	0	N/A	0	0
Staff Scientists	\$58,123 - \$121,628	2	\$60,008 - \$70,012	0	0
Research Associates	\$36,596 - \$59,199	53	\$37,000 - \$50,003	7	2
Administration*	\$51,988 average	54	\$43,321 average **	36	20
TOTAL		119		43	22

* Administration is a combination of Scientific Support (non-Ph.D.) and Administrative Support positions. The average expected salary for this employee category is given, rather than the range that would result in combining all Administrative position salaries. An expected average salary, rather than a range, is a better representation because the various job classifications and range of salaries are broad.

** This average salary represents the amount for new hires only, not for all Administration employees. When all Administration employees are counted, the average

is approximately \$58,532, which exceeds the required amount. This amount does not include graduate student stipends.

Breakdown of Administration Category	Hired in fiscal 2010	Average Salary
Administrative Support	23	\$ 51,575
Scientific Support	31	\$ 41,517

The required salary range is adjusted annually from that stated in the revised Business Plan based on increases in the CPI for the annual period. The base salary of all persons employed in a particular category falls within the range for that category, as adjusted by the cumulative change to the CPI. The CPI adjustment to salary ranges for 2010 was 2%. Certain employees of Scripps Florida may receive additional compensation for assuming administrative responsibilities beyond their scientific duties. For example, a faculty member who also serves as an Associate Dean of the Graduate School will receive additional compensation for that service. The ranges set forth above do not incorporate such additional compensation.

Subsection (14) (e) Information on the amount and nature of economic activity generated through the activities of the grantee.

See Appendix 1, “The Economic Impact of Scripps Florida on Florida’s Economy,” prepared by The Business Development Board of Palm Beach County in November 2010.

Subsection (14) (f) An assessment of factors affecting the progress toward achieving the projected biotech industry cluster associated with the grantee’s operations, as projected by economists on behalf of the Executive Office of the Governor.

See Appendix 2, “An Assessment of Factors Affecting the Progress Toward Achieving the Projected Biotech Industry Cluster,” prepared through information provided by local economic development organizations, community colleges and BioFlorida.

Subsection (14) (g) A compliance and financial audit of the accounts and records of the corporation at the end of the preceding fiscal year conducted by an independent certified public accountant in accordance with the rules of the Auditor General.

See Appendix 3, The “Audited Financial Statements and Supplementary Financial Information” for SFFC for the year ended September 30, 2010.

Subsection (14) (h) A description of the status of performance expectations under subsection (9) and the disbursement conditions under subsection (10).

Subsection (9) PERFORMANCE EXPECTATIONS

Subsection (9) (a) The number and dollar value of research grants obtained from the Federal Government or sources other than this state.

Between October 1, 2009 and September 30, 2010, forty (40) research funding grants from non-Florida sources were awarded to Scripps Florida scientists. The total amount of these awards is \$35,921,364. To date, Scripps Florida scientists have received about 182 research grants totaling \$188.2 million from non-Florida sources for support of research.

Subsection (9) (b) The percentage of total research dollars received by TSRI from sources other than this state which is used to conduct research activities by the grantee in this state.

For fiscal 2010, the percent of research funding from sources other than SFFC is 54.06% and these amounts were used for this purpose. In 2009, this ratio was 42.96%.

Subsection (9) (c) The number or value of patents obtained by the grantee.

Between October 1, 2009 and September 30, 2010, 23 foreign and domestic patent applications were filed. Since inception, 107 foreign and domestic patent applications have been filed on Scripps Florida technology. No value has been assigned to these patents, as the applications are under review by the U.S. Patent and Trademark Office.

Subsection (9) (d) The number or value of licensing agreements executed by the grantee.

No license agreements were executed between October 1, 2009 and September 30, 2010 with respect to Scripps Florida technologies. To date, Scripps Florida technology has been licensed in forty-seven (47) licenses agreements. No value has been assigned to those licenses and no revenue has been generated from the licenses. Each licensing agreement defines when and how revenues will arrive. Those financial terms are confidential due to the unpredictability of the industry.

Subsection (9) (e) The extent to which research conducted by the grantee results in commercial applications.

Because of the early stage of the technology being developed at Scripps Florida and the time delay attendant to further development, no commercial applications and revenue have emerged to date.

Subsection (9)(f) The number of collaborative agreements reached and maintained with colleges and universities in this state and with research institutions in this state, including agreements that foster participation in research opportunities by public and private colleges and universities and research institutions in

this state with significant minority populations, including historically black colleges and universities.

The Scripps Research Institute developed a Joint Cooperation Agreement (“JCA”) to encourage and support research collaborations with Florida institutions. Provisions are included to make it easier to collaborate on filing patents for jointly developed technologies and to share revenues from commercialized innovations. By executing these agreements in advance, the scientific collaboration process between Florida organizations and Scripps Florida is streamlined as they work together on biomedical research. To date, nine Florida institutions have executed this formal agreement with TSRI: Florida International University, University of Florida, Florida Atlantic University, University of Central Florida, University of Miami, Florida State University, Nova Southeastern University, University of South Florida and Max Planck Florida Institute. Efforts to reach historically black colleges and universities are ongoing. Florida A&M has an active bioresearch program and Dr. Harry Orf has met with pharmacology researchers from the program to discuss potential collaboration.

In fiscal year 2010, there were 35 scientific meetings between Scripps Florida scientists and their colleagues at colleges and universities within the State of Florida. See Appendix 4, “Scripps Florida Outreach Activities” for a detailed listing of these scientific Meetings with Florida Colleges and Universities.

Subsection (9) (g) The number of collaborative partnerships established and maintained with businesses in this state.

During the past year, Scripps Florida has established many partnerships with small businesses throughout the State of Florida. See Appendix 4, “Scripps Florida Outreach Activities” for a detailed listing of business outreach meetings.

Scripps Florida also maintains collaborative relationships with four Florida-based biotechnology companies which license Scripps Florida technology: Envoy Therapeutics, Dyadic International, Inc., cuRNA and Protix. The relationship between Envoy Therapeutics and Scripps Florida was established in July 2010. The existing agreement between Scripps Florida and Dyadic has expired; however, they continue to work in scientific collaboration.

Six Palm Beach County companies have Scripps Florida scientists involved on their scientific advisory boards, thus playing a key role in the company. They are: Dyadic International, Xcovery, cuRNA, Protix, Envoy and OPKO.

Envoy Therapeutics

Envoy Therapeutics is a drug discovery company located in Jupiter. Envoy was founded by scientists from Rockefeller University and investors from 5AM Ventures in Menlo Park, California. Driven in part by the desire to facilitate collaboration with the faculty

of Scripps Florida, Envoy established its laboratories near Scripps Florida in Jupiter. Scripps Florida Professors Patrick Griffin and Philip LoGrasso serve as scientific advisors to Envoy. This interaction has fostered a series of collaborations starting in July 2010, with further expansion in October 2010. These collaborations are focused on identifying new drugs for neurological and psychiatric diseases and employ Scripps Florida's high-throughput screening capabilities to discover compounds that modulate target proteins identified by Envoy.

Envoy Therapeutics' mission is to discover new drugs with superior efficacy and fewer side effects than existing treatments. The company's bacTRAP® technology enables the identification of proteins *in vivo* that are produced by specific cell types without requiring the isolation of those cells. The technology is especially powerful in tissues of the brain, where many hundreds of cell types are intermingled. Because therapeutically modulating the activity of a specific cell type has until now been prevented by the inability to determine which proteins are uniquely expressed by that cell type, Envoy brings a new day in drug discovery.

Envoy has three highly recognized scientific founders, including Nobel Laureate and National Academy of Sciences member Paul Greengard, Ph.D.; Howard Hughes Medical Institute Investigator Nathaniel Heintz, Ph.D; and National Academy of Sciences member, Lasker award winner and Howard Hughes Medical Institute Investigator, Jeffrey Friedman, M.D., Ph.D.. These scientific founders bring great expertise in disciplines vital to Envoy's missions including the biochemical regulation of brain cells and neurotransmitter receptors, the molecular mechanisms involved in obesity, body weight, appetite and fat storage, and the engineering of bacteria artificial chromosomes (BACs) by homologous recombination and transgenic technology.

The company also has a senior management team with extensive experience in the biopharmaceutical industry. CEO Brad Margus, is a seasoned executive with a strong track record in starting and building science based organizations, protecting new discoveries, raising capital, and partnering repeatedly with many of the world's largest pharmaceutical companies. Senior Vice President of Drug Discovery, Stephen Hitchcock, Ph.D., is a leader in medicinal chemistry who previously led drug discovery projects at Eli Lilly and Amgen targeting diseases of the central nervous system.

Dyadic International, Inc.

Founded in 1979, Dyadic utilizes its integrated, proprietary fungal expression technology platform for the discovery, development, manufacturing and commercialization of specialty enzymes and chemicals for the textile, animal feed, energy and paper and pulp industries. Since 2006, the company has engaged with scientists at Scripps Florida in a collaboration involving Dyadic's novel technology platform.

This collaborative effort between scientists at Scripps Florida and Dyadic was established to provide a complete annotation of the genome of Dyadic's proprietary fungal organism, *Chrysosporium lucknowense* ("C1"). The knowledge gained from this effort is expected

to facilitate further development of the C1 Host Technology as a robust platform for the discovery, development and production of various materials for medical and industrial applications. Furthermore, this collaboration promotes the development of a successful biotechnology cluster in South Florida.

Over the past several years, Dyadic has continued to accelerate its activities utilizing its proprietary technology platform. The company reports success in the raising of capital, recruitment of a strengthened management team and progress with respect to licensing of its technology for use in various industries. The fact that Dyadic and scientists at Scripps Florida continue to work together four years after initiation of the relationship is testimony itself to the successful role the collaboration has played in the company's development.

cuRNA

cuRNA is a therapeutics company, located in Jupiter, Florida, that was founded in 2008 by Scripps Florida Professor Claes Wahlestedt and South Florida entrepreneur Joseph Collard as a Scripps Florida spinoff. cuRNA is utilizing novel non-coding RNA technology exclusively licensed from Scripps Florida to develop therapies for many important diseases for which no cure is currently available.

cuRNA has licensed a novel technology from Scripps Florida based on the therapeutic potential of non-coding RNAs that do not produce protein. Dr. Wahlestedt's work at the Scripps Institute has shown that non-coding RNAs play a critical role in the regulation of gene expression. The potential therapeutic applications of these non-coding RNA's may be useful for the treatment of a wide range of diseases including neurologic disease, cancer, cardiovascular disease, diabetes, metabolic diseases and certain rare genetic conditions. The non-coding RNA technology may also be useful as diagnostic markers or tools. Since its inception, cuRNA has been diligently exploring the potential of this novel technology and amassing a significantly expanded intellectual property portfolio.

In addition to the relationship cuRNA has with the Wahlestedt lab at Scripps Florida, cuRNA is currently working with Florida Atlantic University and Palm Beach State College to provide intern training and practical laboratory experience for students.

Protix

In July 2009, Scripps Florida reached a license agreement with Protix. Protix is a start-up company located in Palm Beach County that has platform technology for the identification of amino-acids sites on protein targets. The company is utilizing this technology to identify sites on proteins that play a role in cellular processes, such as mitotic entry, which can be further exploited as targets for therapeutic and diagnostic applications in a broad range of diseases, including cancer and neurodegenerative disorders. The company was founded by Scripps Florida professors Nagi Ayad and Donny Strosberg and is based on an invention made in the laboratory of Professor Ayad at Scripps Florida.

Subsection (9) (h) The total amount of funding received by the grantee from sources other than the State of Florida.

Since inception, Scripps Florida has been awarded approximately \$191 million from non-State funds including Federal agencies such as the NIH, foundations, pharmaceutical companies and other grantors. During fiscal 2010, Scripps Florida received the following grants:

GRANT AWARDS (\$190,877,345 since inception) *	\$ 47,658,365
OTHER REVENUE SOURCES **	\$ 16,450,823
CONTRIBUTIONS AT NET PRESENT VALUE ***	\$ 2,804,048
PALM BEACH COUNTY (\$210,069,431 since inception) ****	\$ 0
TOTAL	\$ 66,913,236

* This amount includes NIH funding of \$35,488,133 for fiscal 2010. Other sources include \$3.9 million from pharmaceutical and/or biotech companies; \$4 million in private donations, including foundations; and \$4 million passed through other organizations in subcontracts.

**** OTHER REVENUE SOURCES:**

Other	\$ 67,500
Pfizer	\$6,758,085
Investment Income on Florida funds	\$9,625,238
Total	\$16,450,823

*** Contributions include gifts not dedicated to a specific type of research; grants typically have a dedicated area of research or are awarded to a specific scientist.

****** COUNTY FUNDS EXPENDED TO DATE BY FISCAL YEAR**

2004	\$ 1,713,494
2005	11,419,527
2006	12,557,455
2007	59,215,156
2008	90,353,050
2009	34,810,750
Total	\$ 210,069,431

Palm Beach County has completed work and payments on the permanent facilities so the total amount of funds expended by the County remains unchanged from prior years.

Subsection (9) (i) The number or value of spin-off businesses created in this state as a result of commercialization of the research of the grantee.

The three Florida companies that spun off from Scripps Florida, and the additional Florida company located in Jupiter to access Scripps Florida, are described above in Subsection (9)(g). No attempt has been made by Scripps to assign a value to these spin offs. They are not public companies, thus it is impossible to determine the value of these spin-offs.

Subsection (9) (j) The number or value of businesses recruited to this state by the grantee.

According to the Bureau of Labor Statistics, there are 192 companies in the state of Florida conducting research and development related to biotechnology, of which 19 are located in Palm Beach County. This is an increase from 11 companies in Palm Beach County reported in 2007. It is impossible to say with any certainty that this explosion of biotech companies is the direct result of Scripps, but the notoriety of Palm Beach County in biotechnology has been achieved only since the expansion of Scripps to the county.

Anecdotally, in the past year, the Business Development Board announced two biotechnology companies which are expanding or relocating to Palm Beach County directly or indirectly because of the Scripps Florida campus. CHS Pharma is moving its headquarters to Palm Beach County to be closer to Florida Atlantic University's Center for Molecular Biology and Biotechnology in Jupiter. CHS Pharma is committed to the research and development of new treatments for a pre-cancerous skin condition called Actinic Keratosis. The company plans to develop a prescription drug treatment for the pre-cancerous skin condition and an over-the-counter preventative lotion. CHS Pharma's technology is the result of research conducted by renowned scientist, Dr. Herbert Weissbach of FAU and has been licensed to the company by FAU. Weissbach, a member of the National Academy of Science, also recently expanded his own laboratory and research to FAU's MacArthur campus in Jupiter, filling out the growing cluster of research and development concentrated on Scripps Florida and the Max Planck Florida Institute.

GLG Pharma, LLC is expanding its research and development company to Palm Beach County because of its need to be closer to the growing biomedical activity in southeast Florida. The company conducts pharmaceutical research and development, analytical chemistry and drug formulation development in an effort to advance the development of new targeted anti-cancer drugs. GLG intends to begin research collaboration with Scripps Florida scientists as soon as possible. GLG will continue its R & D work in Tampa, Florida and will expand operations to Palm Beach County, hiring 4 people in the short-

term at its new location in the Alexandria Innovation Center in Jupiter. The Town of Jupiter is providing a \$250,000 loan guarantee to the company from its Economic Development Fund and the company is also receiving a \$250,000 equity investment from the Paragon Foundation of Palm Beach County. The company has negotiated a preclinical development collaboration valued at approximately \$500,000 with a leading preclinical CRO.

In June 2010, The Max Planck Florida Institute broke ground on its permanent facility, located on six acres at Florida Atlantic University's (FAU) John D. MacArthur Campus in Jupiter, across the street from Scripps Florida. Dr. Peter Gruss, President of Germany's Max Planck Society, presided at the official groundbreaking ceremony for the new 100,000-square-foot biomedical research facility – the first Max Planck Institute in the United States.

As Scripps Florida and Max Planck progress with their expansions to Florida, Palm Beach County continues to be a global destination for companies in the discovery and advancement of drugs and pharmaceuticals, medical devices and equipment, research and development.

Subsection (9)(k) The establishment and implementation of policies to promote supplier diversity using the guidelines developed by the Office of Supplier Diversity under s. 287.09451 and to comply with the ordinances, enacted by the County and which are applicable to this biomedical research institution and campus located in this state.

Scripps Florida has adopted the following Mission and Vision Statements for Supplier Diversity.

Mission: Scripps Florida's Supplier Relations and Diversity Program will integrate small and diverse businesses into the procurement process - creating awareness, ownership, and an understanding of the principals of a competitive supply base. These partnerships will maximize cost savings and efficiencies within Scripps Florida's internal processes and supply chain.

Vision: Scripps Florida recognizes the importance of a diverse supply chain and strives to develop relationships with small and diverse life science and service suppliers who can assist in achieving Scripps Florida's biomedical research goals. Also, Scripps Florida expects its strategic suppliers to establish business opportunities for small and diverse suppliers.

TSRI Procurement and the Supplier Diversity Coordinator at Scripps Florida continue to pursue opportunities to partner with the diverse business community. Scripps Florida maintains a dynamic web-based application for potential vendors and suppliers to register their business to receive announcements for bid opportunities. As in years past, Scripps Florida also participates in local and statewide supplier shows. These shows help Scripps Florida to identify diverse businesses that can provide goods and services to the Institute

at a competitive price. Participation in these shows resulted in partnerships with local companies that provided furniture, pipette calibrations, refrigeration services, temporary staffing, building maintenance services, interior design services, printer supplies, printing services, office supplies, computer supplies, computer peripherals and more.

Subsection (9) (l) The designation by the grantee of a representative to coordinate with the Office of Supplier Diversity.

Mr. Francisco Carpio was named as the Scripps Florida Supplier Diversity Coordinator in March 2009 and he continues to represent Scripps Florida in working with small and minority business enterprises in the State of Florida. Mr. Carpio is actively involved in many state and local supplier diversity outreach programs.

Subsection (9) (m) The establishment and implementation of a program to conduct workforce recruitment activities at public and private colleges and universities and community colleges in this state which request the participation of the grantee.

Ms. Hollie Alkema, Scripps Florida's Human Resource Analyst and Recruiter, and other Scripps personnel participated in 5 Career Fair and Expositions at institutions throughout the State during fiscal 2010. See Appendix 4, "Scripps Florida Outreach Activities" for a detailed listing of the Workforce Recruitment efforts.

Subsection (10) DISBURSEMENT CONDITIONS

Subsection (10)(a) Demonstrate creation of jobs and report on the average salaries paid.

See reply to Subsection (14) (d).

Subsection (10)(b) Beginning 18 months after the grantee's occupancy of its permanent facility, the grantee shall annually obtain \$100,000 of non-state funding for each full-time equivalent tenured-track faculty member employed at the Florida facility.

Scripps Florida occupied its Permanent Facility on March 31, 2009, thus making this condition relevant beginning September 30, 2010. Scripps Florida met and exceeded the required amount well ahead of the specified time. By September 30, 2010, Scripps Florida reported its total awards from non-SFFC sources were approximately \$188 million. There were 39 tenure-track faculty at that same date. Considering the average grant award is between three and four years, the amount of funding per faculty member is about \$1.2 million per year. This greatly exceed the required amount of \$100,000 per tenure-track faculty member per year.

Subsection (10) (c) No later than 3 years after the grantee's occupancy of its permanent facility, the grantee shall apply to the relevant

accrediting agency for accreditation of its Florida graduate program.

Scripps occupied its Permanent Facility on March 31, 2009. Thus, no report is due until the report following March 31, 2012.

Subsection (10) (d) The grantee shall purchase equipment for its Florida facility as scheduled in its contract with the corporation.

Scripps Florida reports that approximately \$ 5,748,559 of equipment – acquired with SFFC grant funds – was purchased between October 1, 2009 and September 30, 2010. Additionally, \$1,612,888 of equipment was purchased with non-SFFC funds for the twelve months ending September 30, 2010. Building improvements funded by the State grant funds totaled \$566,782 from October 1, 2009 through September 30, 2010. The Revised Business Plan requires \$10 million in equipment purchases within 18 months of occupancy of the permanent facility. Scripps occupied the permanent facility on March 31, 2009, so the effective date for the \$10 million required equipment purchase is September 30, 2010. The estimated amount of equipment purchased from March 2009 through September 2010 is \$10.7 million, thereby meeting the required amount. The Revised Business Plan also requires that \$6.158 million in equipment be purchased over the last five years of funding.

Subsection (10)(e) No later than 18 months after occupying its permanent facility, the grantee shall establish a program for qualified graduate students from Florida universities permitting them access to the facility for doctoral, thesis-related research.

Scripps Florida established a Ph. D. program as part of Scripps' Kellogg School of Science and Technology, well ahead of the September 2010 deadline.

There were 24 students enrolled in the graduate program in 2009-10, one of whom completed his Ph. D. thesis and was awarded his doctorate degree in May 2010. There are five students who have now completed Ph. D. degrees at Scripps Florida. In August 2010, seven new graduate students entered the program. Efforts are made to identify and recruit highly qualified students from Florida colleges and universities to join the Scripps Florida graduate program. The Scripps Florida graduate admissions committee reviews all applications submitted by Florida residents, or students from Florida colleges and universities, who submit applications to TRSI's La Jolla campus, but who did not specifically apply to Scripps Florida. Offers have been made to qualified individuals from this pool each of the past four years. As the faculty ranks at Scripps Florida grow over the next several years, additional efforts will be made to recruit highly qualified Florida students to the Scripps Florida doctorate program. Of the seven students entering the program, one has an undergraduate degree from the University of Miami and a second has an undergraduate degree from Florida State University. Of the 30 students in the Scripps Florida graduate program as of September 2010, eight will have a Florida connection, meaning they earned an undergraduate degree from a Florida college or

university or are a native Floridian who earned an undergraduate degree out of state. Thus, the graduate program is off to a successful start, ahead of scheduled in state requirements.

In June 2010, Scripps finalized an agreement with Florida Atlantic University (FAU) to establish an innovative MD-Ph.D. program. It is predicted that the first applications for admission into this program will be accepted upon accreditation of the program, anticipated to occur in February 2011. The first students will take classes in fall 2011. Students will spend their first three years as medical students at FAU, then begin the doctorate program at Scripps in the fourth year of the medical program. During the first three years, the medical students will take two to three special topics courses with Scripps Florida faculty members to enable the students to identify research mentors and to make a smooth transition into the Ph.D. program. After successful completion of the first year at Scripps Florida, the students will then be awarded their M.D. degrees. The Ph.D. component of this degree program will proceed according to the Kellogg School policies and procedures, but provision will be made to avoid duplication of coursework to minimize the time students spend in the Ph.D. program.

The re-accreditation of the Scripps Doctorate program remains on schedule. The Kellogg School of Science in Technology is a bi-coastal Ph.D. program, reflecting the “one institution/ two campus” makeup of TSRI. The re-accreditation process is facilitated by the Western Association of Schools and Colleges accreditation commission and the final components are expected to be complete in fall 2010.

See Appendix 4, “Scripps Florida Outreach Activities” for a detailed listing of Education Outreach.

Subsection (10) (f) No later than 18 months after occupancy of the permanent facility, the grantee shall establish a summer internship for high school students.

Since 2005, seventy high school students, teachers, and university undergraduates have been provided an opportunity to work with world class scientists at Scripps Florida. The program continues to expand each year. Twenty interns were invited to participate in the Scripps Florida 2010 summer program, working in the Departments of Cancer Biology, Infectology, Neuroscience, Metabolism and Aging, Chemistry, Molecular Therapeutics, and the High Throughput Screening laboratories.

In the summer of 2010, thirteen high school juniors and seniors participated in the internship program. The internship exposes students to a variety of contemporary issues in basic biomedical research, providing hands-on laboratory experience, thus motivating and preparing students for continuing education in the sciences. Internships were awarded on a competitive basis to students beginning their junior or senior years in a Palm Beach County high school in the fall of 2010. Interested students must have a minimum grade point average of 3.0 and be at least 16 years of age; the online

application was submitted with letters of recommendation, transcripts, resumes and other ancillary material. Special emphasis was placed on identifying and recruiting students who are underrepresented in the sciences. Students were given a gross compensation of \$8.00 per hour for the six-week summer program. See Appendix 4, “Scripps Florida Outreach Activities” for a detailed listing of High School Student, Teacher and Legacy Interns for summer 2010.

The internship program began in the summer of 2005 with a grant from the William R. Kenan, Jr. Charitable Trust, a North Carolina foundation with a special interest in education. In May 2010, Scripps Florida proudly announced that the Kenan Trust renewed its support for the Education Outreach program by awarding a three year, \$600,000 grant to help Scripps Florida sustain this highly successful program.

Scripps Florida Undergraduate Internships

In addition to high school internships, Scripps Florida provides internship opportunities for a variety of undergraduate students. Those who attend school at nearby colleges and universities, as well as out-of-state schools who are looking for research opportunities over the summer months, have been accepted as interns, depending on space available. Four specific examples are listed below.

Scripps Florida Undergraduate “Legacy” Summer Internship Program

The undergraduate component of the “Kenan Fellow” summer internship program initiated in 2009 was expanded in 2010. Four students participated in 2010, as compared to two students in 2009. The goal of this component is to provide additional research opportunities for those students who participated in the program as high school students, are now attending college, and are majoring in the sciences. The “legacy” program’s research experience is also intended to be an additional resource for the undergraduates as they look toward acceptance in competitive graduate programs. The undergraduates in the 2010 summer intern program participated as high school students in 2006, 2007, and 2008 and worked in the Scripps Florida Departments of Molecular Therapeutics, Metabolism and Aging, Chemistry, and the High Throughput Screening laboratory.

FAU Wilkes Honors College Program In 2005-06 Scripps Florida established an intern program for FAU Honors College students to perform research in the laboratories of Scripps Florida faculty members. The students can receive FAU academic credit or a stipend (if research funds are available from the Scripps Florida faculty member) for research performed during the school term or summer months. During the period of October 1, 2009 – September 30, 2010, fifteen FAU Wilkes Honors College undergraduate students participated in research internships at Scripps Florida. See Appendix 4, “Scripps Florida Outreach Activities” for a detailed listing of Honors College Student Interns for summer 2010.

Palm Beach State College (PBSC) Program PBSC offers two degree programs in biotechnology in response to the community need for research technicians and associates. Students enrolled in the PBSC program can receive academic credit for additional experience in the laboratory. To help students gain this experience, internships have been made available at the Scripps Florida facility as space has been available. Four students from PBSC participated throughout the 2009-10 school year.

Summer Research Opportunities Numerous undergraduate students from Florida colleges and universities, and students from Florida who are attending college out of state, contact Scripps Florida for research opportunities during the summer months and the campus accommodates as many of these students as possible, depending on the availability of laboratory space and research funding on the part of interested faculty. Summer internships for students attending colleges and universities out of State provide opportunities and incentives for students to return to Florida after graduation for employment or graduate opportunities in biomedical research. This year, sixteen undergraduates from across the country spent part of their summer in the Scripps Florida laboratories. Representative universities range from the University of Florida and Nova Southeastern to Columbia and Cornell.

See Appendix 4, “Scripps Florida Outreach Activities” for a detailed listing of Student Researchers for summer 2010.

Subsection (10) (g) No later than 3 years after occupancy of the permanent facility, the grantee shall establish a research program for middle and high school teachers.

Scripps Florida began its teacher intern program in the summer of 2005 through support of the Kenan Trust grant. The research program exposes teachers to current laboratory techniques and procedures, provides information on a variety of contemporary issues in basic biomedical research, creates ties and linkages to working scientists who can assist them in curriculum development and creates opportunities for teachers to share information and knowledge with their peers. As an adjunct to their day-to-day responsibilities, participants are required to attend specially-designed seminars throughout the course of the summer. For the summer 2010 program, the application procedure was similar to the high school summer internship program and teachers were given a gross compensation of \$20.00 per hour for the six-week summer program. To extend information about the summer program to all PBC eligible high school teachers, the Scripps Florida Education Administrator, Ms. Leach-Scampavia, supplied program information flyers to each of the PBC high school principals for display at the schools and gave an information presentation about the summer intern program to a meeting of the high school science supervisors. In addition, working through the PBC school district’s science coordinator, flyers were e-mailed to each of the science teachers in the district.

This year, the Scripps Florida teacher intern program placed three high school science teachers in the Chemistry and Molecular Therapeutic research laboratories. Last year, there was one participant, which prompted Scripps to look for other opportunities to reach classroom teachers. The result was the Secondary School Teacher Institutes, described below.

Scripps Florida Secondary School Teacher Institutes

Scripps Florida is directing greater efforts to address the needs of the classroom science teacher by establishing Teacher Institutes in basic science and laboratory skills. The program offers direct interaction with the bioscience researchers at Scripps Florida and provides greater professional development opportunities for pre-service and in-service middle and high school science teachers in a supportive engaging environment. Institutes are designed around curriculum units that integrate lessons, activities and laboratory-based biological and chemical experiments designed by research scientists at Scripps Florida. Portability of the lessons allows teachers to leverage the institute curriculum to their own classrooms during the course of the school year.

The program provides opportunities for teachers from all of the secondary schools within the Palm Beach County school district to attend the Teacher Institutes. Through its partnership with the school district, Scripps Florida emphasizes teacher recruitment from schools with limited resources in rural and urban Palm Beach County, particularly in areas with large underrepresented and disadvantaged student populations.

Ten secondary science teachers in the Palm Beach County school district continue to be involved in the alignment and presentation of the science skills curriculum. Teachers are paid a stipend of \$20.00 per hour. Content review and 60 hours of professional development credit are provided by the Palm Beach County School District.

Additional Education Outreach Programs at Scripps Florida

In addition to its required student and teacher internships, Scripps Florida provides outreach to Palm Beach County students through its K-12 education programs. The William R. Kenan, Jr Charitable Trust continues to supply funding for these programs which were developed through the efforts of Scripps Florida faculty and staff.

Scripps Florida Science Saturday Program

The hands-on Saturday program for high school classes focuses on providing science education opportunities for Title 1 schools in Palm Beach County. Students participate in a DNA-based lesson and tour the Scripps Florida research laboratories. The program invites 15 to 30 high school sophomores and juniors to learn how to isolate their own DNA and to execute DNA fingerprinting exercises (as performed in forensic and research laboratories).

Through the Science Saturday program in the 2009-10 academic year, Scripps Florida's Education Outreach continued to train and provide a "service learning" experience to college students attending FAU's Honors College in Jupiter, Florida. The participating FAU students are part of the FAU Kenan Scholars Program. Service learning provides opportunities to combine academic classroom curriculum with meaningful service by participating in the Science Saturday program. Trained and supervised by Scripps Florida Education Outreach, the Kenan Scholars helped in the teaching process. Closer in age to high school students, college undergraduates served as role models to the younger students while receiving training in their own efforts of becoming future teachers and scientists. Each Saturday experience was hosted by Scripps Florida scientists and tours of the research laboratories were provided to both visiting high school students and FAU undergraduate scholars.

Scripps Florida Introduction to Science Program

This interactive middle school lesson serves to tie together the basics of Math, Chemistry, Biology, and Physics for a student age group found to be at academic risk in math and science. Using inexpensive, everyday objects, Scripps Florida Education Outreach has leveraged its Introduction to Science program to community education partners creating a significant expansion of the middle school lesson in Palm Beach County.

The Scripps Florida Biotechnology Tour

An up-close view of the biomedical technologies used in the battle against human diseases at Scripps Florida continues to be presented to Science Saturday high school students. The "Biotechnology Tour" provides students an opportunity to see basic biology and chemistry research laboratories. As students move through the laboratories, they gain an understanding of how genomics based research and the processes of organic synthesis lead contemporary efforts in the therapeutic drug discovery process.

The Scripps Florida – Middle School Wow Chemistry

This after-school activity allows middle school classes to visit Scripps Florida for demonstrations in chemistry. Presented by Ph.D. graduate students and post docs, a series of chemistry experiments are demonstrated to the students (i.e. chemical clock reactions, vacuum experiments with eggs, freezing and shattering objects with liquid nitrogen, and exploding hydrogen balloons). Student interaction is encouraged.

The Scripps Florida High School Career Panel

This is an after-school interactive panel with Scripps Florida Ph.D. graduate students and post-doc fellows. Scripps scientists share experiences about their

undergraduate and graduate careers and the type of research they are conducting at Scripps. The intent is to demystify the higher education/science process, encourage relationships, and answer student questions. The panel concludes with a tour of the Scripps Florida research laboratories.

Subsection (10) (h) No later than 18 months after occupancy of the permanent facility, the grantee shall establish a program for adjunct professors.

Many of the current Scripps Florida faculty have received adjunct faculty appointments with the University of Florida, University of Miami and/ or Florida Atlantic University. Such adjunct appointments are intended to provide a mechanism for graduate students enrolled in Florida research universities to collaborate with, to be co-mentored by and to perform research in the laboratories of a Scripps Florida faculty member.

A mechanism has been established for faculty members at Florida institutions who have established collaborative research programs with Scripps Florida faculty to be appointed to an Adjunct Professor position. The process is initiated by a Scripps Florida faculty member who submits a nomination to his/her department chair. If the chair concurs, the chair submits the nomination to the Office of the President for review and approval.

Current Adjunct Faculty include Dr. Chris Liang of Xcovery in West Palm Beach, Florida and Dr. Andrew Hodge of The BioMotion Institute for Mobility and Longevity in West Palm Beach, Florida.

Subsection (10) (i) No later than 6 months after commissioning its high throughput technology, the grantee shall establish a program to allow open access for qualified science projects.

Launched in January 2006, the ‘Access to Technologies’ program continues to invite scientists from Florida universities and other academic research institutions to use state-of-the-art screening technologies at Scripps Florida facilities in Jupiter. A key purpose of Scripps Florida is to interface cutting-edge high throughput technologies with pioneering research programs. To that end, it is imperative that Scripps scientists develop dynamic relationships with Florida institutions to transcend traditional barriers to moving scientific discoveries into the clinic. Florida scientists who may not have these technologies available at their respective institutions are encouraged to participate in the Access to Technologies program. The technologies are primarily for users within the State of Florida; however, Scripps Florida scientists collaborate with researchers at universities and institutes across the country. The ‘cores’, or basic technologies, are available for access for qualifying projects. Two years ago, Scripps had four cores available; in 2010, Scripps Florida added its seventh core platform.

The Macromolecular X-ray Crystallography Facility Established in 2010, this core offers state-of-the-art equipment and resources to scientists by providing crystallographic

analysis of their chosen biological macromolecules. The core facility offers and operates as a full-service core by performing protein crystallization, X-ray diffraction data collection (both in-house and at Argonne National Laboratory) and processing, phasing, crystallographic refinement, model building, and visualization. The structural data obtained by the core will provide scientists with a wealth of information, including but not limited to biological functions, 3D-folding, ligand binding or mutational effect of target macromolecules of their interests.

The Flow Cytometry Core Flow cytometry measures and analyzes the characteristics of single particles, normally cells, as they move in a stream and are passed through a laser. Thousands of cells can be analyzed by a flow cytometer in a single second. Among the measurements derived from flow cytometry are the size, relative fluorescence and complexity of the particle. The Flow Cytometry group uses two state-of-the-art multiple laser cell sorting, purification, and cloning flow systems (the Becton-Dickinson FACSAria and LSRII) to perform analyses on up to fourteen fluorescence parameters as well as light scatter discrimination experiments (cell size, organelle composition and density, doublet discrimination). In addition, a Leica LMD laser dissection microscope is available for the precise and contamination-free isolation of specific areas of tissue (e.g. tumor material) from single cells or cell groups according to morphological criteria.

The Nuclear Magnetic Resonance Core Nuclear magnetic resonance, known as NMR, uses the magnetic properties of certain nuclei to study molecular structure. A wide variety of information can be gathered using NMR including protein and nuclei acid structure and function. At present, Scripps Florida has two nuclear magnetic resonance instruments. The two machines run 24 hours a day, 365 days of the year. By connecting one of these highly sensitive instruments to the internet via a proprietary Scripps Florida server, scientists can access the data produced from their office or the laboratory. NMR spectroscopy, one of the most widely used types of nuclear magnetic resonance, is used to study the physical, chemical and biological properties of matter.

Genomics Core The Scripps Florida Genomics Core was established to enable access by Scripps Florida and external investigators to the latest technologies for gene expression analysis and high-throughput genotyping. These technologies allow for interrogation and subsequent comparison of the role genetics play in disease state at the global level, or at specified locations in the genome. Gene expression analysis provides a profile of active and inactive genes in a given tissue sample or cell type. The technologies used in the Genomics Core allow for a wide range of cost-effective options for discovery on multiple platforms.

Cell Based Screening Core Researchers in the Cell-Based Screening (CBS) Core leverage high-throughput technologies towards a systematic description of the function of genes encoded by the human genome and a more comprehensive understanding of the genetic basis for human disease. The CBS group provides Scripps investigators, as well as select outside collaborators, with access to genome-wide collections of cDNAs and siRNAs that can be used to interrogate cellular models of signal transduction pathways and phenotypes.

The Proteomics Core The Proteomics Core at Scripps Florida conducts research in the field that examines the expression and action of proteins and other gene products. Its faculty and staff focus on such questions as how proteins are modified by cells in certain diseases. In particular, the scientists concentrate on developing and applying the techniques of mass spectrometry for proteomic analysis. There are nine users throughout Florida institutes of the Proteomics Core.

High Throughput Screening Core High Throughput Screening (HTS) is a drug-discovery process widely used in the pharmaceutical industry. It leverages automation to quickly assay the biological or biochemical activity of a large number of drug-like compounds. It is useful for discovering ligands for receptors, enzymes, ion-channels or other pharmacological targets, or pharmacologically profiling a cellular or biochemical pathway of interest. Typically, HTS assays are performed in “automation-friendly” microtiter plates with a 96, 384 or 1536 well format.

Subsection (10) (j) Beginning June 2004, the grantee shall commence collaborative efforts with Florida public and private colleges and universities, and shall continue cooperative collaboration through the term of the agreement.

See the reply to Subsection (9) (f).

Subsection (10) (k) Beginning 18 months after the grantee occupies the permanent facility, the grantee shall establish an annual seminar series featuring a review of the science work done by the grantee and its collaborators at the Florida facility.

Scripps Florida continues to host two seminar series year round and one abbreviated series for the summer interns. Established in 2005, the Scripps Florida Collaborative Seminar Series features prominent Florida-based speakers from the academic, biotechnology or pharmaceutical community. The following year, 2006, Scripps began External Seminars as part of the Institute Series, inviting prominent researchers from national and international institutions. Both seminars serve as a major foundation for creating knowledge and technology-sharing opportunities, team building and collaborations among biomedical researchers at Scripps Florida and other Florida research and academic institutions and companies. The sessions are open to interested professionals within the Scripps Florida and Florida scientific communities.

The weekly summer intern series, an adjunct to summer intern day-to-day responsibilities, features faculty members from Scripps Florida. High school and college undergraduate interns attend specially designed seminars throughout the summer.

See Appendix 4, “Scripps Florida Outreach Activities” for a detailed listing of the Seminar Series.

Subsection (10) (l) Beginning June 2004, the grantee shall commence collaboration efforts with the Office of Tourism, Trade, and Economic Development (OTTED) by complying with reasonable requests for cooperation in economic development efforts in the biomed/biotech industry. No later than July 2004, the grantee shall designate a person who shall be charged with assisting in these collaborative efforts.

Scripps Florida has designated Mr. Douglas Bingham as its designee to assist OTTED regarding collaborative economic development efforts between Scripps and OTTED. Scripps has worked, directly and indirectly, with OTTED to foster biotechnology economic development growth in Florida.

Scripps Florida is responsive to requests from OTTED to participate in or assist with meetings, presentations or other activities involving the Governor's Office. Additionally, Scripps is often proactive in recruitment discussions or otherwise related business to which OTTED is eventually party to.

Business outreach efforts include participation in meetings facilitated by local business and government agencies such as the OTTED, the Palm Beach County Business Development Board, Enterprise Florida, Inc. and the Technology, Entrepreneurship & Capital Committee meetings. Additionally, Dr. Harry Orf is active in the Florida Research Consortium, BioFlorida and the South Florida Science Museum. Similarly, local efforts involve presentations to community groups, various cultural organizations, and specialty groups. Numerous educational programs such as the Summer Research Internship, Science Saturday and Introduction to Science series have been ongoing including presentations to elementary, secondary and high schools; selecting high school students as interns and hands-on workshops. Scientific outreach spans a variety of regional, state and international interactions from conferences, seminars and workshops to peer-to-peer discussions. See Appendix 4, "Scripps Florida Outreach Activities" for a detailed listing of the Business, Science and Community Outreach activities by Scripps Florida.

Appendix 1

Subsection (14) (e)

Information on the amount and nature of economic activity generated through the activities of the grantee.

The Economic Impacts of Scripps Florida on Florida's Economy

October 1, 2009 - September 30, 2010

**Prepared by the
Business Development Board of
Palm Beach County, Inc.
for the
Scripps Florida Funding Corporation**



The Economic Impacts of Scripps Florida on Florida's Economy October 1, 2009 - September 30, 2010

Introduction

This analysis is designed to fulfill the requirements of Subsection 14(e) of the 2010 Scripps Florida Funding Corporation Annual Report to the State of Florida Governor and Legislature.

Purpose: Estimate the economic impacts of the activities of the Scripps Florida facility on the State of Florida during its seventh fiscal year of operation that covers the period October 1, 2009 to September 30, 2010.

The analyses for the first four fiscal years were conducted by Enterprise Florida, Inc. (EFI), while the fifth and sixth fiscal years analyses were conducted by the Business Development Board of Palm Beach County, Inc. (BDB), and this analysis will follow a similar format as that established by EFI to address Subsection 14(e) of the Scripps Florida Funding Corporation's (SFFC) Annual Report to the Florida Governor and Legislature. This analysis was conducted by the staff of the BDB at the request of SFFC. It is based on information and data provided to the BDB from SFFC and uses the IMPLAN economic impact model, as was used in prior analyses by EFI and the BDB. The purpose of this analysis was to estimate the quantifiable economic impacts of Scripps Florida's activities in the State of Florida during its seventh fiscal year in operation, based on the expenditures made by Scripps Florida or its partners, Palm Beach County and Florida Atlantic University.

This analysis makes no attempt to project future economic impacts or benefits on the State of Florida or Palm Beach County, nor does it attempt to estimate or project non-quantifiable benefits or impacts to Florida or Palm Beach County.

As previously stated, this report follows a similar format as the one established by EFI in initial analyses. As such, this report will include sections that provide information on economic impact analysis and the model, IMPLAN, used to estimate impacts, the methodology used to conduct this analysis, results of the IMPLAN model, and a brief description of the impacts that this analysis does not attempt to estimate.

Economic Impact Analysis Using IMPLAN

Economic impact analysis estimates the changes in economic output (gross domestic product), employment, personal income (labor compensation and proprietors' income), property income (rents), and tax revenues that result from changes in demand for products or services in a given study area (referred to as an event). Impacts can be measured for zip codes, counties, states, or the entire country.

Due to the importance of Scripps Florida to the State of Florida, as being a world class research institute that has positioned Florida as an emerging focal point for the life sciences, this analysis will estimate the economic impacts to the entire State of Florida resulting from Scripps Florida operations. However, the majority of the benefits from Scripps Florida are likely concentrated in Palm Beach County and the surrounding region.

The IMPLAN model is a recognized industry leader in the United States and is used by many organizations from federal agencies to private consultants for economic impact analysis.

This analysis uses many of the default settings and features of the standard IMPLAN model. In accordance with the circumstances stipulated by Scripps Florida and in keeping with the format of prior analyses by EFI, this analysis reports the economic impacts of Scripps Florida in two different categories.

First, the IMPLAN model quantifies four categories of impacts: **employment**; **personal income**; **economic output** (gross domestic product); and **tax revenues**. **Employment** refers to the number of full-time jobs created in the study area due to the presence of Scripps Florida. **Personal Income** includes all forms of labor compensation and proprietors' income that are injected into the economy of the study area as a result of Scripps Florida. **Economic Output (Gross Domestic Product)** is the increased amount of total economic output in the study area that results from the change in employment and value added created by the presence of Scripps. Lastly, **tax revenues** refer to the additional fiscal revenues generated by state and local governments (such as sales taxes, property taxes, and other excise taxes and fees) resulting from the increased economic activity due to Scripps.

Second, there are three rounds of effects that are analyzed. Each round is classified as a separate category or effect. The first round produces the **direct effects**, which include the economic impacts to the four categories stated above that result from the facilities-related activities and operations of Scripps Florida itself, such as the number of jobs created by Scripps to work in the new facility or the change in employment by the companies hired by Scripps to provide goods or services. Next come the **indirect effects**, which include interindustry changes in demand resulting from the facilities-related activities and operation of Scripps or the goods and services required by companies hired by Scripps for the facilities or operations. Lastly, the **induced effects** are measured, which are the increases in economic activity stemming from the expenditures by the households of the employees hired by Scripps or the companies used for the facilities-related activities and operations or businesses indirectly influenced by the presence of Scripps.

The presence of direct effects, indirect effects, and induced effects result from what is referred to as the *multiplier effect*. The multiplier effect occurs, because every time a purchase is made in any sector of the economy, additional spending is created through direct, indirect, and induced effects. This happens over and over many times. Essentially, when one person or company spends money, it enables another person or company to spend money and so on, creating a chain of new spending by other people or companies.

Previous analyses estimated a third category that distinguished between the Scripps Florida's Operational Impacts and Facility-Related Impacts. However, this analysis focuses only on the operations, since construction was completed prior to the beginning of the fiscal year under analysis.

Scripps Florida's Operational Impacts. These impacts result from the operations of Scripps Florida during its seventh fiscal year. The operational impacts include Scripps payroll expenditures (for scientists and professional and support staff), expenditures for laboratory equipment, office supplies, information technology, utilities, and various other business services and operational expenses.

Methodology

The results of an economic impact analysis are reliant upon the primary data and assumptions used in the model. In this analysis, the BDB has relied on data provided by the Scripps Florida Funding Corporation. The data provided include all known expenditures by Scripps Florida and its partners (Palm Beach County and Florida Atlantic University) during the fiscal year October 1, 2009 to September 30, 2010.

All expenditures data obtained were input into the IMPLAN model, with the appropriate NAICS-based IMPLAN industry codes for each line item expenditure. The line items were then aggregated based on their features to achieve the quantifiable impacts mentioned in the previous section.

No data on actual job creation by Scripps Florida's activities were provided, and therefore no employment data were input into the IMPLAN model. However, expenditures for salaries and benefits were provided by Scripps, and these were included in the model using the IMPLAN industry code for payroll compensation, which allowed the model to estimate direct employment levels throughout the fiscal year. Therefore the estimated employment impacts generated by IMPLAN should be interpreted as the average annual full-time employment created in the State of Florida in various occupations and companies due to the presence of Scripps Florida, and may in fact not be the actual employment of Scripps Florida or any other entity affected by the presence of Scripps at any time during the fiscal year analyzed.

Since this analysis is focused on the single fiscal year of October 1, 2009 to September 30, 2010, the IMPLAN model does not attempt to differentiate between recurring and one-time impacts. As stated previously, Scripps moved into its permanent facilities during the 2008-2009 fiscal year, so any jobs or other impacts associated with the construction and design of Scripps permanent facility will likely diminish or disappear entirely in future years. Additionally, impacts associated with the operations of the Scripps facility can recur each year. However, this study is only concerned with impacts in fiscal year 2009-10.

This analysis relied upon the default assumptions built into the IMPLAN model. This analysis used the assumptions in the IMPLAN model to determine the amount of expenditures and activity that affected the State of Florida due to the presence of Scripps Florida by estimating the amount of goods and services that are demanded from domestic sources versus sources in other states. The data used for the IMPLAN model's assumptions are derived from US Federal Government databases.

Fiscal impacts were also estimated by the IMPLAN model, which differentiates between federal and state and local tax revenues. This analysis maintains the state and local tax revenue impacts established in the previous analyses by EFI. In previous analyses, EFI assumed that all tax revenues obtained through vehicle licensing fees go to the State of Florida, whereas property taxes are paid to local governments. The sales tax receipts are split between the state and local governments, where the State of Florida receives 92.3 percent of all sales tax revenue and the local governments receive anything above that due to the local option of an additional 0.5 percent above the six percent State of Florida Sales and Use Tax. The IMPLAN model does not differentiate the split in sales tax, so it is possible that the amount of sales tax collected is overstated for the State of Florida and understated for the counties and municipalities.

The primary expenditures data provided by Scripps Florida Funding Corporation (SFFC) for use in the IMPLAN model are provided in the table below.

Scripps Florida - Related Expenditures, SFFC's FY 2009-2010	
Expenditure Line Item	Amount
Operational:	
Scientist Salaries & Benefits	\$6,907,498
Supplies	\$2,677,568
Scientific Equipment	\$5,748,559
External Affairs & Other Program Support	\$1,351,032
Salaries & Benefits (non-scientist)	\$7,694,408
Professional Services	\$849,927
Supplies	\$860,777
Purchased Services	\$3,016,299
Business Meetings	\$276,019
Subscriptions	\$186,419
Other	\$2,050
Allocations from California	\$1,641,474
Facilities (Insurance, Utilities, Maintenance)	\$5,094,611
Other Capital Expenditures	\$846,045
Administrative Expenses Recovered from Third Parties (IDC)	-\$12,309,792
Subtotal Operational	\$24,842,894
Total Scripps-Related Expenditures in FY 2009-2010	\$24,842,894

Source: Scripps Florida Funding Corporation

IMPLAN Model Results

The table below summarizes the results of the IMPLAN economic impact model that was run for Scripps Florida, SFFC's fiscal year 2009-2010. The results that follow illustrate the total economic impacts to the State of Florida due to the presence of Scripps Florida in Palm Beach County, based on the data provided by the SFFC.

The Economic Impacts of Scripps Florida on the State of Florida, SFFC's FY 2009-2010				
Type of Impact	Direct	Indirect	Induced	Total
Employment Impact	69	40	181	290
Operational	69	40	181	290
Personal Income Impact	\$7,936,882	\$2,781,982	\$11,995,116	\$22,713,979
Operational	\$7,936,882	\$2,781,982	\$11,995,116	\$22,713,979
Output (Gross Domestic Product)	\$13,256,032	\$4,899,257	\$21,997,300	\$40,152,589
Operational	\$13,256,032	\$4,899,257	\$21,997,300	\$40,152,589
Tax Revenues	\$821,701	\$169,763	\$1,290,268	\$2,281,732
Operational	\$821,701	\$169,763	\$1,290,268	\$2,281,732
<i>Breakdown of Tax Revenues Between State & Local Gov't</i>				
State of Florida	\$300,737	\$64,313	\$460,050	\$825,100
Local Governments (County & Municipal)	\$520,962	\$105,450	\$830,218	\$1,456,630

Note: The estimated totals may not add up exactly due to rounding off to the nearest whole dollar or employee.

Each of the impact types are summarized below.

Employment Impact. The presence of Scripps Florida assisted in sustaining an estimated 290 jobs statewide. It is important to note that those jobs were not necessarily created during the FY 2009-2010, where some may have carried over from previous fiscal years, while some were also created during the fiscal year of the study. Therefore, it would not be correct to add results from previous fiscal years' analyses to this one. It is also important to note that many of the scientists at Scripps Florida get outside funding for salaries and staff that do not appear in this analysis, therefore there are likely more jobs that are sustained by Scripps Florida than what appear in this analysis.

Direct. This analysis reports the total direct impacts. During the SFFC's Fiscal Year 2009-2010, Scripps Florida had a total direct employment impact of 69 full-time jobs.

Indirect and Induced. An additional 221 jobs were supported throughout Florida as a result of indirect and induced effects from Scripps Florida's operations.

Income Impact. The total personal income impact of Scripps in the SFFC's seventh fiscal year was \$22,713,979.

Direct. The activities of Scripps Florida and the companies it hired for services were directly responsible for contributing to an influx of \$7,936,882 of personal income into Florida's economy.

Indirect and Induced. The multiplier effect led to an additional \$14,777,097 in personal income in the Florida economy.

Output (Gross Domestic Product) Impact. Scripps Florida added \$40,152,589 to Florida's gross domestic product (GDP).

Direct. The operational activities of Scripps Florida directly contributed to adding \$13,256,032 to Florida's GDP.

Indirect and Induced. The multiplier effect led to the addition of \$26,896,557 to Florida's GDP.

Fiscal Impact. The total *estimated* fiscal revenues to State and local governments due to the presence of Scripps Florida in its seventh fiscal year amounted to \$2,281,732.

Direct. The operational activities of Scripps Florida directly contributed to an estimated \$821,701 in tax revenues to state and local governments.

Indirect and Induced. The multiplier effect from the activities of Scripps Florida led to an additional \$1,460,031 in estimated tax revenues for state and local governments.

The approximate breakdown between estimated tax revenues for the State of Florida and the local governments was:

State Taxes. The estimated tax revenues that went to the State of Florida as a result of Scripps Florida were \$825,100.

Local Taxes. The estimated tax revenues that went to the local governments (county and municipal) in Florida as a result of Scripps Florida were \$1,456,632.

Economic Impacts Outside of the Model

This analysis has focused on the economic impacts of Scripps Florida on the economy of the State of Florida during SFFC's seventh fiscal year of activities, October 1, 2009 - September 30, 2010. It is important to note that the IMPLAN model can only estimate the quantifiable economic impacts, such as employment, personal income, output, and tax revenues, to a geographical area based on changes in demand for goods or services caused by an event. Therefore, the model is not capable of measuring the qualitative economic benefits of an event, such as the presence of Scripps Florida, that could positively affect the economy of Florida. While the qualitative benefits are important, they may only become evident after a number of years or may influence quantifiable impacts in future analyses.

Appendix 2

Subsection (14) (f)

An assessment of factors affecting the progress toward achieving the projected biotech industry cluster associated with the grantee's operations, as projected by economists on behalf of the Executive Office of the Governor

This subsection was completed with information provided by:

BioFlorida is Florida's bioscience industry association, operating as a 501(c)(6) not-for-profit organization and representing the biotechnology, pharmaceutical and medical device industries. The association serves to advance innovations in healthcare, agriculture and energy with more than 200 members. Members of the association include research and development companies and institutions, drug delivery and diagnostic companies, clinics and hospitals, academia and service providers such as law firms, economic development organizations and financial corporations. BioFlorida is the state affiliate of the Biotechnology Industry Organization (BIO) and partners with numerous state and international organizations.

Workforce Alliance, Inc. is a nonprofit corporation chartered by the State of Florida. The organization operates a workforce development system in Palm Beach County that is responsive to the needs of both business customers and job seekers. Together with leaders from business, government, education and community agencies, Workforce Alliance links businesses in need of qualified employees with individuals seeking employment opportunities. Workforce Alliance operates three Career Centers (South, Central and West) and two Professional Placement Network locations in Palm Beach County. The organization administers an annual budget of approximately \$20 million.

Institute for Commercialization of Public Research ("Institute") was founded in 2007 as a non-profit organization. The Institute is Florida's One-Stop-Shop for investors and entrepreneurs who seek to identify new opportunities based on technologies developed through publicly-funded research. The Institute facilitates new venture creation through commercially-viable technologies in major industries that are driving the global economy. The Institute also administers the Florida Research Commercialization Matching Grant Program.

Enterprise Florida, Inc. ("EFI") is the public-private partnership responsible for leading Florida's statewide economic development efforts. The organization's mission is to diversify Florida's economy and create better paying jobs for its citizens by supporting, attracting and helping to create businesses in innovative, high-growth industries. EFI focuses on high-value sectors such as: life sciences, information technology, aviation/aerospace, homeland security/defense and financial/ professional services. EFI works with a statewide network of regional and local economic development organizations to continually improve Florida's business climate and ensure its global competitiveness.

The Business Development Board of Palm Beach County, Inc. (“BDB”) is a public-private partnership established in 1982 to be the official economic development organization for Palm Beach County. It is a non-profit organization that is funded in part by the Palm Beach County Board of County Commissioners and in part by private corporate members. BDB is the official partner of Enterprise Florida, Inc. in Palm Beach County.

Palm Beach State College (“PBSC”) is Florida's first public community college. Established in 1933, PBSC has been recognized as a premier two-year institution, lauded for achievement at the local, state and national level. PBSC has over 48,000 students enrolled in over 100 programs of study. Currently, PBSC offers an Associate in Science degree, Associate in Arts degree and a College Credit Certificate in Biotechnology. PBSC has four campuses in Palm Beach County: Belle Glade, Boca Raton, Lake Worth and Palm Beach Gardens.

Town of Jupiter (“TOJ”) is located in northern Palm Beach County and is the home of Scripps Florida’s permanent facility. In 2006, the town established a \$3 million economic development fund in support of an interlocal agreement with Palm Beach County. TOJ also established an advisory board, which provides recommendations regarding the distribution of the funds. The Board oversees funding for the Northern Palm Beaches including Mangonia Park, Riviera Beach, Jupiter, North Palm Beach, Palm Beach Gardens and Lake Park.

Following is a summary of contributions submitted by organizations responsible for developing the biotech cluster in South Florida in 2009-2010.

BioFlorida

525 Okeechobee Blvd, Ste. 1500
West Palm Beach, FL 33401

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www.bioflorida.com

About BioFlorida

BioFlorida is Florida's bioscience industry association, operating as a 501(c)(6) not-for-profit organization and represents the biotechnology, pharmaceutical and medical device industries. The organization was established in 1997 to unite and support a small group of biotechnology entrepreneurs. Today, the organization has grown to represent a broad range of companies and institutions in various sectors of bioscience technology. Membership within the organization includes dozens of partner organizations committed to supporting the industry. BioFlorida's programs and events are designed to bring like minds together. Statewide activities offer a platform for discussion of industry issues, a forum for peer discussions, and networking for enhancement of existing businesses.

As the voice of Florida's bioscience industry, BioFlorida represents more than 200 member companies and research organizations in the biotechnology, pharmaceutical and medical device fields. Members include biomedical R&D companies, medical device manufacturing, clinics and hospitals, academia, government and non-profit organizations, and industry services/products. In 2010, the BioFlorida Institute was established to provide support for K-12 science education, workforce development programs, professional training, and industry and research information.

Supporting the Industry

As the catalyst for growth -- and the central resource for the Florida bioscience industry -- BioFlorida provides its members with access to the resources needed to succeed in the state, a strong marketing presence and a voice for issues related to the bioscience industry. The association's initiatives serve to support and/or improve:

- Research and Commercialization
- Access to Capital
- Infrastructure (Real Estate, Facilities Permitting, Environmental Concerns)
- Education and Workforce Development
- Access to Industry Products & Services
- Public Policy

Accomplishments/ Milestones

BioFlorida upholds Florida's vibrant bioscience community by providing advocacy, business development and networking forums. The association's six regional chapters spanning the state are led by chairs serving in eight cities. BioFlorida's policy efforts are well established in Tallahassee and DC with a comprehensive set of legislative priorities, a well-attended BioFlorida Day held in the state capital, district tours for policymakers and fly-ins for advocacy at the federal level. Continued support from the State Legislature is led by the Biotechnology Caucus co-chaired in 2010 by Senator Thad Altman and Representative Bill Galvano. Numerous BioFlorida legislative priorities passed in 2010 to assist the growing bioscience industry including a small business matching grants program, funding for the Innovation Incentive Fund and funding for biomedical research grants. At the federal level, BioFlorida supported the

Qualified Therapeutic Discovery Project, which awarded more than \$26M in grants to 77 Florida-based bioscience companies.

BioFlorida hosted the Florida Pavilion at the BIO International Convention held May 3-6 in Chicago. More than 15 Florida-based companies and organizations were represented in the Florida Pavilion and the conference boasted more than 15,000 attendees from 65 countries and 49 states.

And in October 2010, BioFlorida had its Annual Conference in Ft. Lauderdale with over 450 individuals in attendance. BioFlorida's regional chapters hold quarterly networking events with scientific presentations showcasing Florida research and developments. These events facilitate business and financial partnering opportunities, research collaborations and industry advancements.

BioFlorida Institute for Science Education & Workforce Development

In early 2010, BioFlorida's Board of Directors approved the formation of the BioFlorida Institute as a 501(c)(3) foundation to build on the state's existing infrastructure and services to the bioscience industry. The launch of the Institute will connect Florida's life science assets through a shared resource center. This center will offer science workshops in conjunction with local school districts, continuing education programs, teacher and student internships, CEO roundtables, an industry library and resource center, and business planning workshops.

The Institute steering committee, led by Dr. Harry Orf from Scripps Florida, is finalizing the initial paperwork and putting programs and directors in place. Funding for the Institute will come from state and federal grants, corporate and private philanthropy, national, state and community foundations, and BioFlorida individual/company donations.

With the establishment of the Institute, Florida's life science cluster will continue to flourish. The BioFlorida Institute will leverage the current investment of the life sciences industry and its available expertise. Ultimately, the result of a successful education foundation will be the creation of a unified, cohesive environment that can sustain Florida's investments in the life science industry.

Workforce Alliance, Inc.

326 Fern Street, Suite 301
West Palm Beach, FL 33401

(561) 340-1061
www.pbcalliance.com

During the period October 1, 2009 to September 30, 2010, Workforce Alliance continued its work engaging and promoting the life sciences industry in Palm Beach County and the greater Southeast Florida region. We accomplished this by targeting the industry as part of our mission to drive economic growth.

Work we have accomplished to this end:

1. Provided customized training grants for life science companies such as Sancilio & Company, Cytonics, Anspach Effort and Biotest.
2. Served on the Conference Planning Committee for BioFlorida's Annual Conference held in Ft. Lauderdale, FL.
3. Worked with Scripps Florida to coordinate two pre-conference sessions – one for post-docs & Ph.D. students and a second for employers - at the 2010 BioFlorida Conference.
4. Work with Scripps Florida and local life science companies to post job openings.
5. Established a repository of personality, skill and trait assessments to assist life science and other employers with candidate screenings.
6. Recruit and match executive, mid- and entry level talent for open positions at life science companies.
7. Served on the FAU's Advisory Council for the Master's in Business Biotechnology Degree, a terminal degree being planned for those majoring in the biological sciences who prefer to pursue the business side of the life sciences.
8. Served as member of the Banner Center for Biotechnology's Advisory Council until the Center's contract expiration on June 30th, 2010. The Banner Center was an initiative of the Agency for Workforce Innovation and was located at the University of Florida in Gainesville, FL.
9. Serve as member of the BioFlorida Southeast Chapter Leadership Team. This team plans events to unite and promote the life sciences industry in Palm Beach County and Southeast Florida from the Treasure Coast to Miami-Dade County.

Florida Institute for the Commercialization of Public Research

3701 FAU Blvd. Suite 210
Boca Raton, FL 33431

(561) 368-8889
www.florida-institute.com

Institute Background and Programs

The Institute was formed during the 2007 legislative session to create new companies and high-skill, high-wage jobs based on publicly-funded research throughout the State of Florida. The Institute supports universities and research institutes as drivers of economic growth by leveraging \$1.8B research investment (2009) for maximum impact – new companies and jobs created in Florida’s targeted industries.

- The Institute has a strong technical capacity and activities well underway and producing results.
 - Efficient process in place that identifies promising technologies and matches them with experienced management.
 - 18-member Investor Advisory Board screens Institute projects to determine commercial viability and qualification for acceptance into Institute programs.
- Extensive connectivity to the state’s public universities, private research institutions, state economic development leadership and entrepreneur networks.
- Designated by the Florida Legislature in 2010 to administer \$3 million *Commercialization Matching Grant Program* which matches Federal SBIR and STTR awards with State funding. The Institute began collecting applications in summer 2010 and the program launched officially in fall 2010. One-time awards of up to \$50,000 for Phase I and up to \$250,000 for Phase II grants are awarded for qualifying applicants who have previously received Federal SBIR or STTR Phase I or Phase II grant awards. Grants for Phase I applicants must have been awarded on or after January 1, 2010. Grants for Phase II applicants must have been awarded on or after January 1, 2009, and all applicants must have an active grant project underway.

The Matching Grant Program is designed to be a catalyst for small or start-up companies that can take advantage of federal and state grant funding in order to accelerate their growth and market penetration by helping to overcome the funding gap faced by many small companies. The grant, established by Florida’s Office of Tourism, Trade and Economic Development (OTTED) and Enterprise Florida, is administered by the Florida Institute for the Commercialization of Public Research.

- Selected by Enterprise Florida, Inc. (EFI) in 2010 as the primary organization to screen potentially qualified companies for EFI’s \$1M Seed Funding Program. Program launched August 2010.

- Complements existing programs that focus on early research & development activities or later-stage company growth (SURCAG, Bankhead-Coley & King, Economic Gardening, etc.).

Outcomes

- Increased number of high-wage, high-skill jobs – 5,700 direct jobs; 19,950 indirect jobs; \$36M in tax revenue
- Increased external capital flowing into Florida
- Increased investment in Florida-based companies (Florida currently attracts less than 5% overall VC investment)
- Attraction and retention of top business talent and companies

Representative Projects

- Technologies are paired with management and capital throughout the state, resulting in connectivity between Gainesville, Orlando, Tampa, Tallahassee, Jacksonville, Jupiter, Boca Raton, and Miami.
- Nanophotonica – technology developed at University of Florida paired with a CEO in Orlando. Company has raised in excess of \$300,000 in public and private funds.
- GLG Pharma – technology developed at H. Lee Moffitt Cancer Center & Research Institute paired with CEO in Jacksonville. Company has raised in excess of \$1.5M in public and private funds – research activities re-located to Town of Jupiter.
- Powers Device Technologies – technology developed at Florida State University paired with a CEO in Jacksonville. Company has raised in excess of \$300,000.
- Over 2 dozen active projects underway, connecting technologies, entrepreneurs and funding sources across the state.

Business Development Board of Palm Beach County

310 Evernia Street

West Palm Beach, FL 33401

561-835-1008

www.bdb.org

During 2009-2010 the Business Development Board (BDB) maintained strong links to the life science industry, ensuring that issues that arose that would adversely affect Palm Beach County's attractiveness were addressed. The BDB's Life Science Strategic Steering Group (LSSSG) met several times throughout the year to monitor the development of the industry, to begin to articulate a value proposition for Palm Beach County's cluster of companies and to learn about new funding sources that became available throughout the year. BDB made companies throughout the region aware of an initiative under the health reform that passed Congress that awarded companies R&D tax credits or grants for innovative programs that could contribute to the curing of cancer, or the lowering of the price of pharmaceuticals.

BDB staff attended BIO 2010 in Chicago, IL in collaboration with BioFlorida, Enterprise Florida and area companies. Meetings were held with companies from many different countries and regions of the US to discuss the possibility of relocation or expansion into Palm Beach County.

The trend of this trade show/convention has been toward more economic development officials being represented on the floor of the convention as opposed to scientists and corporate leaders and thus, the BDB is looking for more effective ways of reaching its target audience for 2011 and beyond.

BDB staff took part in the planning of BioFlorida's annual conference to take place in Fort Lauderdale in October 2010.

The Business Development Board's continuous efforts in making Palm Beach County an attractive place for life science companies to relocate to and expand in paid off in 2010. The BDB worked with six companies established their corporate offices in Palm Beach County in the life science space:

Institute for Healthy Living, Life Science & Research	Jupiter	220 jobs
ChemPep	Wellington	5 jobs
Woodfield Distribution	Boca Raton	39 jobs
CHS Pharma	Jupiter	25 jobs
GLG Pharma	Jupiter	4 jobs
SurgiTrace	Boca Raton	39 jobs

Throughout Palm Beach County the county and municipal governments have maintained their interest in developing a sustainable life science cluster and the BDB has engaged with many partners to ensure that infrastructure is developed to create an attractive environment for entrepreneurs to establish their life science (and other) companies while creating high paying jobs and creating new inventions to better the human condition. In particular, BDB staff continued to support the staff of the Town of Jupiter in its efforts to nurture the life sciences around Scripps Florida and Max Planck. The Town established a \$3 million fund in 2006 and has loaned money to companies in the industry after an application process and review by an

Advisory Board. BDB has worked with staff to analyze applications and provide economic impact analyses of the plans.

Palm Beach Community College

Eissey Location
3160 PGA Boulevard
Palm Beach Gardens, FL 33410

www.pbcc.edu
Dr. Libby Handel, Biotech Program Director
(561) 207-5059

Biotechnology Program

Palm Beach State College (PBSC) presently offers an Associate in Science degree, Associate in Arts degree and a College Credit Certificate in Biotechnology. The Biotechnology Program is embarking on its fifth year with over 118 biotechnology majors. The program continues to work closely with industry and institutional partners to deliver an innovative work-force specific curriculum. The faculty is comprised of experienced scientists involved in academic research or local bioscience companies. Several Scripps Florida scientists serve as Adjunct Professors in the Biotechnology Program and provide valuable input regarding curriculum development. PBSC continues its paid internship program where students complete a research project in a research or industrial laboratory. The program currently offers over thirty different internship opportunities for its graduates and has successfully placed graduates in full-time employment.

Workforce Training and Education: Employ Florida Banner Center for Life Sciences

With funding from Workforce Florida, Inc., Palm Beach State College (PBSC) has been chosen to establish the Employ Florida Banner Center for Life Sciences. Banner Centers are part of Workforce Florida's strategic plan to modernize its workforce to meet current and future needs of the state. As a Banner Center for Life Sciences, PBSC will develop state-of-the-art, industry-driven curriculum products and services to be deployed statewide in various training and education centers. Modules will be developed with the guidance of representatives from life science industry sectors to support the pipeline of workers needed for current and future employment demands. The overall objective is to create a workforce that is strategically educated to become leaders in a 21st century global economy. The Banner Center for Life Sciences will function as a resource for all educational institutions, economic development organizations, and Regional Workforce Boards in the state, and will provide leadership in the ongoing process of developing products and services to enable Florida's workforce increased competitiveness in the identified Life Sciences industry.

Math and Science Summer Institute

PBSC has expanded its Math and Science Summer Institute (MSI) for high-achieving high school students. The Biotechnology Track integrates honors-level Biotechnology and Biostatistics and infuses real-world applications and hands-on laboratory experience. Notable MSI activities include guest lectures, tours of Scripps Florida research laboratories, career panel discussions, and participation in the Astronaut Training Experience at NASA's Kennedy Space Center. The Math and Science Summer Institute was awarded the 2010 Florida Best Practices Award by the Florida State College System.

Economic Development

PBSC's Biotechnology Program is embarking on its second economic development project with the Town of Jupiter. PBSC acquired funding from the Town of Jupiter Economic Development Fund to create a technology incubator at PBSC's Palm Beach Gardens campus. Under this pilot program, the College provides laboratory space and equipment for scientists to perform proof-of-concept experiments and conduct business start-up activities. PBSC hosted its first tenant, ACAM Laboratories, a microbiology food testing service provider in 2009 and is presently negotiating its second contract with a local biotechnology company.

Town of Jupiter Economic Development Fund

In 2006, the Town of Jupiter established a \$3 million economic development fund in support of an interlocal agreement with Palm Beach County. The fund's purpose is to support economic development and growth that generates jobs for north county residents. Following the establishment of the fund, Jupiter's Town Council also established an advisory board, which provides recommendations regarding the distribution of the funds. The Board oversees funding for the Northern Palm Beaches (Mangonia Park, Riviera Beach, Jupiter, North Palm Beach, Palm Beach Gardens, Lake Park).

The eight member Board meets monthly to review applications and monitor progress on companies which were supported by the fund. To date, the fund has loaned \$2,107,500 to nine companies. Three additional loans are pending. Thirteen companies were reviewed by the Board and were rejected or are on hold.

Appendix 3

Subsection (14) (e)

A compliance and financial audit of the accounts and records of the corporation at the end of the preceding fiscal year conducted by an independent certified public accountant in accordance with rules of the Auditor General.

**Audited Financial Statements
and Supplementary Information**

Scripps Florida Funding Corporation

**A Component Unit of the
State of Florida**

September 30, 2010

SCRIPPS FLORIDA FUNDING CORPORATION –
A COMPONENT UNIT OF THE STATE OF FLORIDA

AUDITED FINANCIAL STATEMENTS
AND SUPPLEMENTARY INFORMATION

SEPTEMBER 30, 2010

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Independent Auditor's Report

To the Board of Directors
Scripps Florida Funding Corporation
West Palm Beach, Florida

We have audited the accompanying financial statements of the governmental activities and major fund of Scripps Florida Funding Corporation, a component unit of the State of Florida, as of and for the year ended September 30, 2010, which collectively comprise the basic financial statements of Scripps Florida Funding Corporation as listed in the table of contents. These financial statements are the responsibility of the management of Scripps Florida Funding Corporation. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with U.S. generally accepted auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control over financial reporting of Scripps Florida Funding Corporation. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and major fund of Scripps Florida Funding Corporation as of September 30, 2010, and the respective changes in financial position for the year then ended in conformity with U.S. generally accepted accounting principles.

In accordance with *Government Auditing Standards*, we have also issued our report dated November 22, 2010 on our consideration of the internal control over financial reporting of Scripps Florida Funding Corporation and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

U.S. generally accepted accounting principles require that the *management's discussion and analysis* on pages 3 through 7 and the budgetary comparison information on pages 16 and 17 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with U.S. generally accepted auditing standards, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

*Caler, Dauter, Levine,
Porter & Veil, P.A.*

November 22, 2010

Management's Discussion and Analysis

Acting in our capacity as the management of Scripps Florida Funding Corporation ("SFFC"), we offer readers of SFFC's financial statements this narrative overview and analysis of the financial activities of SFFC as of and for the year ended September 30, 2010. SFFC is governed by a nine member Board of Directors, three of whom are appointed by the Governor of the State of Florida, three of whom are appointed by the President of the Senate of the State of Florida, and three of whom are appointed by the Speaker of the House of Representatives of the State of Florida. For financial reporting purposes, management determined that SFFC should be reported as a governmental organization and a component unit of the State of Florida based on the appointment of the Board of Directors by officials of State government.

Governmental Accounting Standards Board Statement No. 34, *Basic Financial Statements-and Management's Discussion and Analysis-for State and Local Governments* requires the presentation of certain comparative information for the current and prior year in the Management Discussion and Analysis.

Financial Highlights

- The assets of SFFC exceeded its liabilities at September 30, 2010 by \$68,039,221 (*net assets*).
- SFFC's total assets were \$73,633,308 at September 30, 2010. Net assets of \$68,000,002 are attributable to the unexpended portion of a federal grant of \$310 million and investment earnings thereon and are restricted for future grants to The Scripps Research Institute for development of a biomedical research center in Palm Beach County, Florida.
- As of September 30, 2010, the General Fund of SFFC reported ending fund balance of \$68,039,221. Of this total amount, \$68,000,002 is committed to funding The Scripps Research Institute project (*reserved fund balance*), \$13,199 is reserved for prepaid items and \$26,020 is designated for spending in the subsequent year's budget (*designated fund balance*).

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to SFFC's basic financial statements. The basic financial statements of SFFC include three components: (1) government-wide financial statements, (2) fund financial statements, and (3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements. The *government-wide financial statements* are designed to provide readers with a broad overview of SFFC's finances, in a manner similar to a private-sector business.

The *statement of net assets* presents information on all of SFFC's assets and liabilities, with the difference between the two reported as *net assets*. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of SFFC is improving or deteriorating.

The *statement of activities* presents information showing how SFFC's net assets changed during the most recent fiscal year. All changes in net asset are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flow*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

The government-wide financial statements present functions of SFFC that are principally supported by federal funds passed through from the State of Florida to finance SFFC's mission of promoting, developing and advancing the economic welfare of Florida through the establishment and operation of a

biomedical research institution and campus by The Scripps Research Institute (*governmental activities*). The governmental activities of SFFC include all General Fund functions.

SFFC has no business-type activities that are intended to recover all or a significant portion of their costs through user fees and charges.

The government-wide financial statements can be found on pages 8 and 9 of this report.

Fund financial statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. SFFC, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. SFFC utilizes only one fund, the *General Fund*, which is classified as a *governmental* fund and accounts for all financial resources of SFFC.

Governmental funds. Governmental funds are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, the governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of SFFC's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balance provide a reconciliation to facilitate this comparison between the *governmental fund* and *governmental activities*.

SFFC adopts an annual appropriated budget for its General Fund. A budgetary comparison schedule has been provided on page 16 for the General Fund to demonstrate compliance with this budget.

The basic governmental fund financial statements can be found on pages 8 and 9 of this report. Explanations of the reconciling items between the governmental fund and the governmental activities can be found in Note D on page 15.

Notes to the financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 10-15 of this report.

Other information. In addition to the basic financial statements and accompanying notes, this report also presents certain *required supplementary information* concerning SFFC's budget to actual results for the General Fund for the current year. Required supplementary information can be found on pages 16-17 of this report.

Government-wide Financial Analysis

As noted earlier, net assets may serve over time as a useful indicator of a government's financial position. In the case of SFFC, assets exceeded liabilities by \$68,039,221 at September 30, 2010.

By far, the largest portion of SFFC's total assets (99.6 percent) are restricted assets held by the State Board of Administration on behalf of SFFC for future disbursements to The Scripps Research Institute for the development of a biomedical research institution and campus in Palm Beach County, Florida.

Net Assets

	2010	2009
Assets		
Cash and other current assets	\$ 263,140	\$ 223,001
Investments and other restricted assets	73,370,168	102,353,741
Total assets	\$ 73,633,308	\$ 102,576,742
Liabilities		
Current liabilities	\$ 1,631	\$ 917
Liabilities payable from restricted assets	5,592,456	8,171,160
Total liabilities	\$ 5,594,087	\$ 8,172,077
Net assets		
Restricted	\$ 68,000,002	\$ 94,377,954
Unrestricted	39,219	26,711
Total net assets	\$ 68,039,221	\$ 94,404,665

The decrease in restricted investments is a result of payments to The Scripps Research Institute in 2010.

The largest portion of SFFC's net assets (*restricted* net assets) represents resources that are subject to external restrictions on how they may be used. These restrictions require the funds to be used for the development of a biomedical research institution and campus by The Scripps Research Institute.

SFFC's unrestricted net assets of \$39,219 relate to the unspent portion of funds appropriated by the Florida Legislature for the administrative expenses of SFFC. At the end of the current fiscal year, SFFC reported positive balances in both categories of net assets.

Governmental activities. Governmental activities decreased SFFC's net assets by \$26,365,444 in 2010 and by \$34,205,588 in 2009. Key elements of this change are as follows.

Changes in Net Assets

	2010	2009
Revenues		
Investment income	\$ 1,746,001	\$ 5,675,826
Securities lending income	0	125,335
Contributed services	17,500	17,500
Total revenues	1,763,501	5,818,661
Expenses		
General government	\$ 178,281	\$ 190,789
Economic development grant to The Scripps Research Institute	27,950,664	39,739,500
Total expenses	28,128,945	40,024,249
Change in net assets	(26,365,444)	(34,205,588)
Net assets - beginning of year	94,404,665	128,610,253
Net assets - end of year	\$ 68,039,221	\$ 94,404,665

Investment income includes the earnings from the investment of the federal grant in U.S. Government securities, a money market mutual fund and securities lending income through the State Board of Administration (the "SBA"). During 2009 the SFFC Board of Directors requested that the SBA terminate the securities lending program for its investment portfolio. The securities lending program was terminated and the collateral pool securities were liquidated in February 2009. SFFC incurred a loss of approximately \$105,000 on the disposition of the collateral securities, which was included in investment income for 2009.

For the most part, general government expenses were primarily professional fees associated with the grant monitoring responsibilities of SFFC and administrative expenses, such as rent. The economic development expense includes the grant funding SFFC provided to The Scripps Research Institute in connection with the development of the biomedical research institution and campus in Palm Beach County, Florida.

Due to delays in finalizing a site for The Scripps Research Institute's permanent facilities in Palm Beach County, SFFC and The Scripps Research Institute agreed to amend the Operating and Funding Agreement in 2007 to modify the future annual amounts of the grant payments and extend the time period for disbursement of the grant funds from a term ending December 31, 2010 to a term ending December 31, 2013. The total disbursements to The Scripps Research Institute over the term of the Operating and Funding Agreement did not change.

Financial Analysis of the Government's Funds

As noted earlier, SFFC uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the *governmental funds* is to provide information on near-term inflows, outflows and balances of *spendable* resources. Such information is useful in assessing SFFC's financing requirements. In particular, *unreserved fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year. As noted previously, SFFC has only one governmental fund, the General Fund.

As of the end of the current period, SFFC's governmental fund reported ending fund balance of \$68,039,221. Substantially all of the ending fund balance (\$68,013,201) constitutes *reserved fund balance*, which is not available for new spending because it has already been committed to pay for development of the biomedical research institution and campus in Palm Beach County, Florida, and for prepaid items. The remainder of fund balance (\$26,020) is *unreserved* to indicate that it is available for spending at the discretion of SFFC, although all of the unreserved fund balance is designated for 2010-2011 budgeted expenditures.

Key factors to consider in analyzing the fund balance for the General Fund are as follows:

- The restricted investments with the SBA and the investment earnings thereon are required to be disbursed to The Scripps Research Institute through December 31, 2013.
- In future years, SFFC is limited to expenditures of \$200,000 annually for administrative expenses. All other funds are committed to The Scripps Research Institute project, including any unexpended portion of the annual administrative budget allocation of \$200,000.

General Fund Budgetary Highlights

There were no differences between the original budget and the final amended budget for the year ended September 30, 2010.

During the year, revenue met budgetary estimates. Expenditures were less than budgetary estimates by approximately \$36,000, which was attributable primarily to lower professional fees incurred for the grant monitoring activities of SFFC.

Capital Asset and Debt Administration

Capital assets. SFFC has not purchased any capital assets, but is renting equipment for the SFFC office.

Long-term debt. SFFC is not permitted to incur long-term debt.

Economic Factors and Next Year's Budget

SFFC has a stable financial position and economic outlook, as indicated by:

- The investments with the State Board of Administration earned approximately \$1.7 million for 2010, including net realized and unrealized gains of approximately \$1.6 million and investment expenses of approximately \$18,000 on SBA accounts. At September 30, 2010 investments consist of a money market mutual fund and U.S. Government securities with fixed maturities corresponding with the annual payments to The Scripps Research Institute. SFFC anticipates holding the securities to maturity which will avoid realization of any market losses.
- Administrative expenditures are limited to \$200,000 annually in future years.

These factors were considered in preparing SFFC's budget for the 2010-2011 fiscal year.

Requests for Information

This financial report is designed to provide a general overview of SFFC's finances for all those with an interest in the organization's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Scripps Project Director at 505 South Flagler Drive, Suite 1003, West Palm Beach, Florida, 33401.

SCRIPPS FLORIDA FUNDING CORPORATION

GOVERNMENTAL FUND BALANCE SHEET/STATEMENT OF NET ASSETS

September 30, 2010

	Governmental Fund <u>General Fund</u>	Adjustments (Note D)	Statement of Net Assets <u>Governmental Activities</u>
ASSETS			
Cash	\$ 249,941	\$	\$ 249,941
Restricted assets			
Cash equivalents	782,392		782,392
Investments	72,587,559		72,587,559
Accrued investment income	217		217
Prepaid items	<u>13,199</u>		<u>13,199</u>
TOTAL ASSETS	<u>\$ 73,633,308</u>	0	73,633,308
LIABILITIES			
Accounts payable	\$ 1,631		1,631
Liabilities payable from restricted assets			
Accrued investment expenses	1,206		1,206
Economic development grant	<u>5,591,250</u>		<u>5,591,250</u>
TOTAL LIABILITIES	<u>5,594,087</u>	<u>0</u>	<u>5,594,087</u>
FUND BALANCE/NET ASSETS			
Fund balance			
Reserved for Scripps project	68,000,002	(68,000,002)	0
Reserved for prepaid items	13,199	(13,199)	0
Unreserved			
Designated for subsequent years' expenditures	<u>26,020</u>	<u>(26,020)</u>	<u>0</u>
TOTAL FUND BALANCE	<u>68,039,221</u>	(68,039,221)	0
TOTAL LIABILITIES AND FUND BALANCE	<u>\$ 73,633,308</u>		
Net assets			
Restricted		68,000,002	68,000,002
Unrestricted		<u>39,219</u>	<u>39,219</u>
TOTAL NET ASSETS		<u>\$ 0</u>	<u>\$ 68,039,221</u>

See notes to financial statements.

SCRIPPS FLORIDA FUNDING CORPORATION

STATEMENT OF GOVERNMENTAL FUND REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE/STATEMENT OF ACTIVITIES

Year Ended September 30, 2010

	Governmental Fund <u>General Fund</u>	Adjustments (Note D)	Statement of Activities <u>Governmental Activities</u>
Revenues			
Investment income	\$ 1,746,001	\$	\$ 1,746,001
Contributions	17,500		17,500
	<u>1,763,501</u>	<u>0</u>	<u>1,763,501</u>
Expenditures/Expenses			
Current			
General government	178,281		178,281
Economic development grant	27,950,664		27,950,664
	<u>28,128,945</u>	<u>0</u>	<u>28,128,945</u>
Revenues over (under) expenditures/ Change in net assets	(26,365,444)	0	(26,365,444)
Fund balance/Net assets at October 1, 2009	<u>94,404,665</u>		<u>94,404,665</u>
Fund balance/Net assets at September 30, 2010	<u>\$ 68,039,221</u>	<u>\$ 0</u>	<u>\$ 68,039,221</u>

See notes to financial statements.

SCRIPPS FLORIDA FUNDING CORPORATION

NOTES TO FINANCIAL STATEMENTS

September 30, 2010

NOTE A - SIGNIFICANT ACCOUNTING POLICIES

Scripps Florida Funding Corporation ("SFFC") is a Florida not-for-profit public benefit corporation created by Florida Statutes, Section 288.955 and was incorporated on December 8, 2003 for the purpose of enhancing education and research and promoting, developing and advancing the business prosperity and economic welfare of the State of Florida and its residents by facilitating and overseeing the establishment and operation of a state-of-the-art biomedical research institution and campus in the State by The Scripps Research Institute ("TSRI"). SFFC is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code.

SFFC is governed by a nine member Board of Directors, three of whom are appointed by the Governor of the State of Florida, three of whom are appointed by the President of the Senate of the State of Florida, and three of whom are appointed by the Speaker of the House of Representatives of the State of Florida.

Financial Reporting Entity: For financial reporting purposes, management determined that SFFC should be reported as a governmental organization and a component unit of the State of Florida based on the appointment of the Board of Directors by officials of State government. In considering potential component units to include in the SFFC financial reporting entity, management applied the criteria set forth in U.S. generally accepted accounting principles (GAAP). As defined by GAAP, the financial reporting entity consists of (a) the primary government, (b) organizations for which the primary government is financially accountable, and (c) other organizations for which the primary government is not accountable, but for which the nature and significance of their relationship with the primary government are such that exclusion would cause the financial reporting entity's financial statements to be misleading or incomplete. Component units are legally separate organizations for which the elected officials of the primary government are financially accountable. In addition, component units can be other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the financial reporting entity's financial statements to be misleading or incomplete. Based upon the application of these criteria, SFFC found that there were no entities to consider as potential component units.

Government-wide/Governmental Fund Financial Statements: SFFC is a special-purpose government engaged in one primary governmental activity, to facilitate and oversee the establishment and operation of a state-of-the-art biomedical research institution and campus in the State by The Scripps Research Institute. SFFC accounts for all financial resources in one fund, the General Fund, which includes all *governmental activities* of SFFC, which are supported primarily by an annual appropriation established by the State of Florida. Accordingly, the Government-wide and Governmental Fund financial statements of SFFC are combined using a columnar format that reconciles individual line items of General Fund financial data to Government-wide data in separate columns on the face of the financial statements. The Governmental Fund financial statements include a Balance Sheet and a Statement of Revenues, Expenditures and Changes in Fund Balance for the General Fund. The Government-wide financial statements consist of the Statement of Net Assets and the Statement of Activities. Note D explains the reconciling items presented in the adjustments column of the combined Government-wide and Governmental Fund financial statements.

Measurement Focus and Basis of Accounting: Financial reporting is based upon all pronouncements of the Governmental Accounting Standards Board (GASB), as well as the pronouncements of the Financial Accounting Standards Board (FASB) and its predecessors, including FASB Statements and Interpretations, APB Opinions, and Accounting Research Bulletins that do not conflict with or contradict GASB pronouncements.

SCRIPPS FLORIDA FUNDING CORPORATION

NOTES TO FINANCIAL STATEMENTS

September 30, 2010

NOTE A - SIGNIFICANT ACCOUNTING POLICIES (Continued)

The government-wide financial statements are reported using the *economic resources measurement* focus and the *accrual basis of accounting*. Revenue is recognized when earned and expenses are recognized when incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenues as soon as all eligibility requirements imposed by the provider have been met. SFFC does not allocate indirect expenses.

Governmental fund financial statements are reported using the *current financial resources measurement* focus and the *modified accrual basis of accounting*. Under the modified accrual basis of accounting, revenues are recognized in the period in which they become both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities of the current period. SFFC considers revenues to be available if collected within 90 days of the end of the current fiscal year. Expenditures are generally recognized in the accounting period in which the fund liability is incurred. Investment earnings are considered susceptible to accrual and have been recognized as revenue in the current fiscal year. All other revenue items are considered to be measurable and available only when received in cash by SFFC.

Cash and Cash Equivalents: Cash consists of amounts on deposit in a non-interest bearing checking account with a financial institution. Cash equivalents include amounts held in an institutional money market mutual fund through the State Board of Administration of the State of Florida (the "SBA").

Investments: Investments consist of deposits in an investment pool administered by the SBA pursuant to a trust agreement entered into January 30, 2004. All SFFC funds legally restricted to the TSRI project are required to be deposited in the SBA investment pool. Investments are presented in the financial statements at fair value as determined by the SBA.

Prepaid Items: Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items.

Net Assets/Fund Balance: The government-wide financial statements utilize a net asset presentation. Net assets are categorized as follows:

Restricted - This component of net assets consists of constraints placed on the use of net assets by external restrictions imposed by vendors, contributors, or laws or regulations of other governments or constraints imposed by law, constitutional provisions or enabling legislation. Restricted resources are used first to fund expenses incurred for restricted purposes.

Unrestricted - This component of net assets consists of net assets that do not meet the definition of *Invested in Capital Assets, Net of Related Debt* or *Restricted*.

The governmental fund financial statements utilize a fund balance presentation. Fund balance is categorized as follows:

Fund balance reserves indicate the portion of fund balance that is not available for subsequent expenditure, other than for the specific purpose for which the reserve was established.

Fund balance designations indicate management's intended future use of available resources.

SCRIPPS FLORIDA FUNDING CORPORATION

NOTES TO FINANCIAL STATEMENTS

September 30, 2010

NOTE A - SIGNIFICANT ACCOUNTING POLICIES (Continued)

Economic Development Grant: SFFC entered into an Operating and Funding Agreement (the "Agreement") with TSRI dated January 30, 2004. Pursuant to the terms of the Agreement, SFFC will provide an economic development grant to TSRI in the amount of \$310 million plus the net investment income thereon and less the annual administrative appropriation to SFFC. Subject to compliance by TSRI with the terms of the Agreement and annual approval of a grant request by SFFC, the economic development grant is payable to TSRI in quarterly installments on March 15th, June 15th, September 15th and December 15th of each year, unless there is a material default of the Agreement by TSRI. At September 30, 2010, TSRI was in compliance with the Agreement and the payment due on December 15, 2010 is accrued in the accompanying financial statements.

In-Kind Contributions: SFFC records in-kind contributions for contributed professional services. Contributed professional services are recognized if the services received (a) create or enhance long-lived assets or (b) require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donation. The project director for SFFC was an employee of the State of Florida, Office of Tourism, Trade and Economic Development, which contributed to SFFC the portion of the professional time of the project director related to administering the operations of SFFC. For 2010, these in-kind professional services were valued at \$17,500 and recorded in the accompanying financial statements as contributions and offset by a like amount included in general government expenditures/expenses.

Property Taxes: SFFC receives no property taxes.

Risk Management: SFFC is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. SFFC purchases commercial insurance for the risks of losses to which it is exposed. Policy limits and deductibles are reviewed annually by management and established at amounts to provide reasonable protection from significant financial loss. Settlements have not exceeded insurance coverage since inception.

Recent Accounting Pronouncement: The GASB has issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which establishes accounting and financial reporting requirements for all governmental funds and establishes criteria for classifying fund balances. The requirements of this statement will be effective for SFFC for the fiscal year ending September 30, 2011. Management has not completed its analysis of the effects of this statement, if any, on the financial statements of SFFC.

Estimates: Management uses estimates and assumptions in preparing financial statements in accordance with U.S. generally accepted accounting principles. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenditures. Actual results could vary from the estimates that were used.

NOTE B - CASH, CASH EQUIVALENTS, AND INVESTMENTS

Cash: At September 30, 2010, SFFC had deposits with financial institutions with a carrying value and bank balance of approximately \$250,000. The deposits with financial institutions were entirely covered by federal depository insurance and a collateral pool pledged to the State Treasurer of Florida by financial institutions that comply with the requirements of Florida Statutes and have been designated as a qualified public depository by the State Treasurer. Qualified public depositories are required to pledge collateral to the State

SCRIPPS FLORIDA FUNDING CORPORATION

NOTES TO FINANCIAL STATEMENTS

September 30, 2010

NOTE B - CASH, CASH EQUIVALENTS, AND INVESTMENTS (Continued)

Treasurer with a fair value equal to a percentage of the average daily balance of all government deposits in excess of any federal deposit insurance. In the event of a default by a qualified public depository, the amount of public funds would be covered by the proceeds of federal deposit insurance, pledged collateral of the public depository in default and, if necessary, a pro rata assessment to the other qualified public depositories in the collateral pool. Accordingly, all deposits with financial institutions are considered fully insured or collateralized in accordance with the provisions of GASB Statement No. 3.

Cash Equivalents: Cash equivalents include investments in the Dreyfus Government Cash Management money market mutual fund, an institutional money market fund held in the SBA investment pool for SFFC. All cash equivalents are legally restricted to the TSRI project.

Investments: Pursuant to a trust agreement with the SBA entered into on January 30, 2004, SFFC is required to invest all funds legally restricted to the TSRI project in an investment pool administered by the SBA. The objective of the SBA investment pool is to provide liquidity to fund the anticipated disbursements for the TSRI project through 2013. All investment policies are established by the SBA, except for those specifically set forth in the trust agreement. The trust agreement requires investments to be made in marketable securities rated investment grade (BBB for Standard and Poor's or Baa for Moody's Investor Services) by at least one Nationally Recognized Statistical Rating Organization (NRSRO), or if not rated, deemed by the SBA to be the equivalent of investment grade. Short-term investments must be rated in the highest two categories by at least one NRSRO. All investments are required to mature within six months of the anticipated date of disbursement to TSRI. During the year ended September 30, 2010 the SBA investment pool for SFFC included U.S. Government Treasury inflation protected securities (TIPS), U.S. Treasury interest only and principal only strip securities, and the Dreyfus Government Cash Management money market mutual fund.

Interest Rate Risk: Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. Investments of the SBA pool are structured to mature within six months of the scheduled SFFC annual grant disbursement dates. The weighted average maturity of the Dreyfus Government Cash Management money market mutual fund (Dreyfus) is limited to ninety days pursuant to the requirements of Rule 2a7 of the Investment Company Act of 1940, as amended. The weighted average maturity of Dreyfus was approximately 50 days at September 30, 2010. For purposes of calculating a weighted average maturity, the maturity date is assumed to be the next interest rate reset date rather than the stated maturity date. The table below summarizes the scheduled maturities of investment securities at September 30, 2010.

	Fair Value	Scheduled Maturities	
		Less Than One Year	One to Five Years
U.S. Government Securities (cost \$71,085,397)			
Treasury interest only strips	\$ 45,120,274	\$ 9,591,072	\$ 35,529,202
Treasury principal only strips	<u>27,467,285</u>	<u>27,467,285</u>	<u>0</u>
	<u>\$ 72,587,559</u>	<u>\$ 37,058,357</u>	<u>\$ 35,529,202</u>

SCRIPPS FLORIDA FUNDING CORPORATION

NOTES TO FINANCIAL STATEMENTS

September 30, 2010

NOTE B - CASH, CASH EQUIVALENTS, AND INVESTMENTS (Continued)

Credit Risk: Credit risk is the risk that an issuer will not fulfill its obligations. All investments must be rated investment grade by at least one Nationally Recognized Statistical Rating Organization (NRSRO), or if not rated, deemed by the SBA to be the equivalent of investment grade. An investment grade rating is at least BBB for Standard and Poor's (S&P) or Baa for Moody's Investor Services (Moody's). At September 30, 2010 the credit quality ratings by S&P and Moody's for the Dreyfus Government Cash Management money market mutual fund were AAAM and Aaa, respectively.

Concentration of Credit Risk: Concentration of credit risk is defined as the risk of loss attributed to the magnitude of an investment in a single issuer. For investments other than the Dreyfus Government Cash Management money market mutual fund, there is no specific policy for concentration of credit risk. The Dreyfus Government Cash Management money market mutual fund is structured to comply with the requirements of Rule 2a7 of the Investment Company Act of 1940, as amended, and for 75% of the total assets, securities of a single issuer are limited to no more than 5% and voting securities of a single issuer are limited to no more than 10% of the amortized cost of the portfolio (excluding securities of the U.S. Government, its agencies and instrumentalities).

Custodial Credit Risk: Custodial credit risk is defined as the risk that the investment pool may not recover the securities held by another party in the event of a financial failure. The SBA investment pool does not have a formal policy for custodial credit risk. The assets in the SFFC investment pool were classified by the SBA pursuant to the custodial credit risk categories of GASB Statement No. 3 to give an indication of the level of custodial credit risk for the SFFC investment pool at September 30, 2010. Category 1 includes investments that are insured or registered or for which the securities are held by the SBA or its agent in the SBA's name for the SFFC account. At September 30, 2010, the U. S. Government securities are classified as *Category 1*. The Dreyfus Government Cash Management money market mutual fund is a commingled pool of investments that cannot be classified.

Foreign Currency Risk: Foreign currency risk is the risk that changes in exchange rates will adversely affect the fair value of an investment. There was no exposure to foreign currency risk at September 30, 2010.

Administrative Expense: The SBA receives an administrative investment fee in the amount of two basis points annualized, calculated and charged monthly based on the end-of-month fair value of the investments, with an annual minimum fee of \$2,500. The SBA administrative fee expense for the year ended September 30, 2010 was approximately \$18,000 and is netted with investment income received from the SBA.

NOTE C - COMMITMENTS AND CONTINGENCY

Contract Commitment: Pursuant to the terms of the Operating and Funding Agreement, SFFC will provide an economic development grant to TSRI of \$310 million plus the investment income thereon and less an annual allocation to SFFC for administrative expenses of \$200,000 for each contract year. The grant funds are to be used by TSRI to establish and operate a state-of-the-art biomedical research institution and campus in Florida. Subject to a material default by TSRI under the agreement, SFFC will disburse the grant funds to TSRI in quarterly installments over the term of the Agreement. During 2007 SFFC and TSRI agreed to amend the Agreement to modify the future annual amounts of the grant payments and extend the time period for disbursement of the grant funds from a term ending December 31, 2010 to a term ending December 31, 2013.

SCRIPPS FLORIDA FUNDING CORPORATION

NOTES TO FINANCIAL STATEMENTS

September 30, 2010

NOTE C - COMMITMENTS AND CONTINGENCY (Continued)

The future anticipated annual disbursements under the revised Agreement, exclusive of investment earnings on invested funds, are as follows:

<u>Year Ending September 30,</u>	<u>Amount</u>
2011	\$ 30,180,750
2012	19,271,000
2013	7,441,500
2014	<u>1,250,000</u>
Total	<u>\$ 58,143,250</u>

Lease Commitment: SFFC leases office space under an operating lease expiring January 31, 2011. Annual rent increases are based on changes in the consumer price index. Rent expense under this lease was \$13,262 for the year ended September 30, 2010. The minimum future lease payments at September 30, 2010 were \$4,470 due in the fiscal year ending September 30, 2011.

Grants: Amounts received or receivable from grantor agencies are subject to audit and adjustment by those agencies. Any disallowed claims, including amounts already received, might constitute a liability of SFFC for the return of those funds.

NOTE D - EXPLANATION OF DIFFERENCES BETWEEN GOVERNMENTAL FUND AND GOVERNMENT-WIDE FINANCIAL STATEMENT AMOUNTS

The only difference between the Governmental Fund financial statements and the Government-wide financial statements is the reclassification of the *Fund Balance* reported for SFFC's General Fund into the *Net Assets* categories reported for Governmental Activities in the Statement of Net Assets. There were no differences between the Governmental Fund Statement of Revenues, Expenditures and Changes in Fund Balance and the Statement of Activities.

REQUIRED SUPPLEMENTARY INFORMATION

SCRIPPS FLORIDA FUNDING CORPORATION

BUDGETARY COMPARISON SCHEDULE -
GENERAL FUND - NON-GAAP BUDGETARY BASIS

Year Ended September 30, 2010

	Budgeted Amounts		Actual Amounts	Variance with Final Budget Positive (Negative)
	Original	Final		
Revenues				
Investment income allocation for administrative expenses	\$ 200,000	\$ 200,000	\$ 200,000	\$ 0
TOTAL REVENUES	200,000	200,000	200,000	0
General Government				
Insurance	38,923	38,923	39,108	(185)
Licenses and fees	100	100	0	100
Meeting expenses	600	600	160	440
Office supplies	2,200	2,200	2,004	196
Postage	400	400	365	35
Professional fees				
Legal	45,000	45,000	22,054	22,946
Accounting and auditing	67,100	67,100	73,460	(6,360)
Bookkeeping	840	840	960	(120)
Consulting	15,000	15,000	2,387	12,613
Research	2,400	2,400	0	2,400
Public meeting notices	1,000	1,000	672	328
Rent	13,415	13,415	13,262	153
Seminars	800	800	20	780
Telephone	3,000	3,000	2,823	177
Travel				
Board members	2,000	2,000	1,275	725
Staff	4,000	4,000	2,231	1,769
TOTAL EXPENDITURES	196,778	196,778	160,781	35,997
REVENUES OVER EXPENDITURES - BUDGETARY BASIS	\$ 3,222	\$ 3,222	\$ 39,219	\$ 35,997

SCRIPPS FLORIDA FUNDING CORPORATION

NOTES TO BUDGETARY COMPARISON SCHEDULE

September 30, 2010

NOTE A - BUDGETARY ACCOUNTING

An appropriated budget is legally required and has been legally adopted for the General Fund on the same modified-accrual basis used to reflect actual revenues and expenditures, except that for budgetary purposes, investment income from the SBA, excluding the annual administrative allocation, and in-kind, contributed professional services are not budgeted in revenues and SBA investment expenses, in-kind, contributed professional services and economic development grant are not budgeted in expenditures. The Board of Directors must approve all changes or amendments to the budgeted expenditures of Scripps Florida Funding Corporation (SFFC). Total expenditures may not legally exceed total budgeted appropriations at the fund level. During 2010 SFFC made no supplemental appropriations.

The General Fund budget amounts presented in the accompanying budgetary comparison schedule reflect the original budget and the amended budget based on legally authorized revisions to the original budget during the year. Appropriations lapse at fiscal year end.

NOTE B - BUDGET TO ACTUAL COMPARISONS

U.S. generally accepted accounting principles (GAAP) require that the General Fund budgetary comparison schedule be prepared under the basis of accounting used in preparing the budget. As a result, General Fund revenues and expenditures reported in the budgetary comparison schedule differ from the revenues and expenditures reported on the GAAP basis. The difference can be reconciled as follows:

	<u>Revenues</u>	<u>Expenditures</u>
Budgetary basis	\$ 200,000	\$ 160,781
GAAP basis adjustments:		
SBA investment income	1,546,001	0
Economic development grant	0	27,950,664
In-kind contribution of professional services	<u>17,500</u>	<u>17,500</u>
GAAP Basis	<u>\$ 1,763,501</u>	<u>\$ 28,128,945</u>

Expenditures for general government purposes are legally limited by Florida Statutes to \$300,000 for the first contract year of operations, ending on December 15, 2004 and \$200,000 for each contract year thereafter. For purposes of this limitation, the budgetary basis expenditures for general government purposes of \$160,781 through September 30, 2010 were within the \$200,000 limitation for the contract period ending December 15, 2010. The limitation of \$200,000 for the contract period ended December 15, 2009 was also met.

COMPLIANCE REPORT AND
MANAGEMENT LETTER



CALER, DONTEN, LEVINE,
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MEMBERS
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Independent Auditor's Report on Internal Control Over Financial Reporting
and on Compliance and Other Matters Based on an Audit of Financial
Statements Performed in Accordance With *Government Auditing Standards*

To the Board of Directors
Scripps Florida Funding Corporation
West Palm Beach, Florida

We have audited the financial statements of the governmental activities and major fund of Scripps Florida Funding Corporation, a component unit of the State of Florida, as of and for the year ended September 30, 2010, which collectively comprise the basic financial statements of Scripps Florida Funding Corporation and have issued our report thereon dated November 22, 2010. We conducted our audit in accordance with U.S. generally accepted auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the internal control over financial reporting of Scripps Florida Funding Corporation as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of internal control over financial reporting of Scripps Florida Funding Corporation. Accordingly, we do not express an opinion on the effectiveness of the internal control over financial reporting of Scripps Florida Funding Corporation.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the financial statements of Scripps Florida Funding Corporation are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and

material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the Board of Directors, Audit Committee and management of Scripps Florida Funding Corporation, and the State of Florida Office of the Auditor General and is not intended to be and should not be used by anyone other than these specified parties.

*Caler, Dauter, Levine,
Porter & Veil, P.A.*

November 22, 2010



CALER, DONTEN, LEVINE,
PORTER & VEIL, P.A.

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Management Letter

To the Board of Directors
Scripps Florida Funding Corporation
West Palm Beach, Florida

We have audited the financial statements of Scripps Florida Funding Corporation, a component unit of the State of Florida, as of September 30, 2010 and for the year then ended, and have issued our report thereon dated November 22, 2010.

We conducted our audit in accordance with U.S. generally accepted auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. We have issued our Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*. Disclosures in that report, which is dated November 22, 2010, should be considered in conjunction with this management letter.

Additionally, our audit was conducted in accordance with Chapter 10.700, Rules of the Auditor General, which governs the conduct of certain nonprofit organizations audits performed in the State of Florida and requires disclosure in the management letter of violations of provisions of contracts or grant agreements, or abuse, that have an effect on the financial statements that is less than material but more than inconsequential. In addition, for matters that have an inconsequential effect on the financial statements, considering both quantitative and qualitative factors, the following may be reported based on professional judgment: (1) violations of provisions of contracts or grant agreements, fraud, illegal acts, or abuse, and (2) control deficiencies that are not significant deficiencies. In connection with our audit, we noted no matters that are required to be disclosed. There were no prior year comments.

Pursuant to Chapter 119, Florida Statutes, this management letter is a public record and its distribution is not limited. U.S. generally accepted auditing standards require us to indicate that this letter is intended solely for the information and use of the Board of Directors, Audit Committee and management of Scripps Florida Funding Corporation, and the Florida Auditor General, and is not intended to be and should not be used by anyone other than these specified parties.

*Caler, Donten, Levine,
Porter & Veil, P.A.*

November 22, 2010

Appendix 4

Detailed Listing of Scripps Florida Outreach Activities

- 1. Scientific Collaborations with Florida colleges, universities and other research institutes**
- 2. High School Students, Teachers and Legacy Interns for Summer 2010**
- 3. Undergraduate Student Researchers and Interns**
- 4. Education Outreach**
- 5. Community Outreach**
- 6. Science Meetings with Florida colleges and universities**
- 7. Workforce Recruitment Activities**
- 8. Seminar Series**
- 9. Business Outreach**
- 10. Science Outreach**

1. Scientific Collaborations with Florida colleges, universities and other research institutions

Scripps Florida Collaborator	Institutional Collaborator(s)	Institution	Description of Collaboration
Timothy Tellinghuisen	Hengli Tang	FSU	Hepatitis C Virus replication in Cyclophilin
Timothy Tellinghuisen	Eugene Schiff	U Miami School of Medicine	HCV induced hepatocellular carcinoma
Pat Griffin	Stephan Schurer	U Miami	1) Modeling of ligand binding to orphan nuclear receptors 2) Modeling partial agonist binding to PPAR gamma
Pat Griffin Scott Busby	David Silverman	UF	HD-exchange to study protein dynamics
Jennifer Busby	Cynthia Battie	UF	Identification of bacteria based upon isolation of membrane proteins
Jennifer Busby	Keith Webster	U Miami	Identification of phosphorylation sites on Insulin Receptor, specifically pY
Jennifer Busby	Irina Agoulnik	FIU	Phosphorylation site mapping
Jennifer Busby	Lewis Hanna	Cytonics Corporation, Jupiter, FL	Sequence characterization of bovine aggrecan
Jennifer Busby	Ralf Landgraf	Univ of Miami	Phosphorylation site mapping
Jennifer Busby	Ray Johnson	Cytonics Corp.	Identification of protein isoforms
Jennifer Busby	Jang-Yen (John) Wu	FAU	GAD65 phosphomapping
Jennifer Busby	Alessia Fornoni	U Miami	
Jennifer Busby	Max Caputi	FAU	RNA binding proteins
Jennifer Busby	Peter Sayeski	UF	Characterization of unknown post-translational modifications on Jak2
Jennifer Busby	Prentiu Radulovic	FAU	Differential analysis of brain/liver
Jennifer Busby	Marc Giulianotti	Torrey Pines Institute for Molecular Studies	Characterization of synthetic, cyclic peptides
Claes Wahlestedt	Steven Younkin	Mayo Clinic, Jacksonville, FL	Beta-amyloid mechanisms.
Claes Wahlestedt	George Inana	U Miami	Genetics/genomics
Claes Wahlestedt	Dennis Steindler	U Florida	Cell Biology
Peter Hodder	Elliott Richelson	Mayo Clinic, Jacksonville FL	High Throughput Screening
Peter Hodder	Daiqing Liao	UF	Development of P53 dependent histone modifications assay
Peter Hodder	Herb Weissbach	FAU	1) Developing assays for methionine sulfoxide reductase inhibitors 2) High throughput assay for MrsA
Peter Hodder	Antonis Zervos	UCF	High Throughput Screening
Peter Hodder	Gregg Fields	TPIMS	High Throughput Screening

Peter Hodder	James Potter	U Miami	High Throughput Screening Advisory committee for brain tumor research and institutional collaborations on brain tumor research in the state of Florida
John Cleveland	Dennis Steindler	UF	
John Cleveland	James Mule	H. Lee Moffitt Cancer Center & Research Inst.	Designing Lymph Nodes for Cancer Immunotherapy
Paul Kenny	Barbara Krantz	Hanley Center	Human studies on addiction
Paul Kenny	Karen Dodge	Hanley Center	Human studies on addiction
Michael Conkright	A. Massimo Caputi	FAU	Post-translational gene regulation.
Michael Conkright	B. Glen Barber	U Miami Sylvester Cancer Center	Identification of molecules involved in innate immunity
William Roush	Gregg Fields	TPIMS	Design and synthesis of inhibitors of metalloproteinases (MMP's)
William Roush	Arthur Edison	U Florida	Structure determination, synthesis, and biological evaluation of natural products from insects
William Roush	Stephan Schurer	U Miami	Modeling of ligand binding to orphan nuclear receptors and modeling inhibitors targeting kinases involved in regulation of cell cycle

2. High School Students, Teachers and Legacy Interns for Summer 2010

Name	Ethnicity	School	Student
Sergine Brutus	African American	Palm Beach Gardens High	Senior
Lauren Casaus	Hispanic	The Benjamin School	Senior
John Cassel	Caucasian	Wellington High	Senior
Tucker Elliott	Caucasian	Suncoast High	Senior
Aaron HARRIPERSAD	African American	Suncoast High	Junior
Stephanie Heung	Asian	Atlantic High	Senior
Alec McBee	Caucasian	Jupiter High	Senior
Justin Molina	Hispanic	The Kings Academy	Senior
Max Morgenstern	Caucasian	Spanish River High	Senior
Jay Patel	East Indian	West Boca Raton High	Senior
Emily Pawa	Pacific Islander	Santaluces High	Junior
Aline Yonezawa	Asian	Florida Atlantic Univ High	Senior
Valeda Yong	Asian	Spanish River High	Junior
Arielle Abovich	Caucasian	Univ. Pennsylvania	Undergraduate
Dhruv Bellapu	East Indian	University of Florida	Undergraduate
Vuong Dang	Asian	Swarthmore	Undergraduate
Albert Fernandez	Hispanic	Princeton Univ.	Undergraduate
William Bartenslager	Caucasian	Palm Beach Central High	Biology Teacher
Kristin Perez	Hispanic	Dreyfoos High School for the Arts	Biology Teacher
Xaviera Pernel	African American	Atlantic High	Chemistry Teacher

3. Undergraduate Student Researchers and Interns

First Name	Last Name	Start Date	Term Date	Scripps Fla P.I.	School
Melissa	Bacchus	5/17/10		Dr. Don Phinney	FAU Honors College
Sophia	Banton	6/16/10		Dr. Donny Strosberg	FAU Honors College
Alexa	Billow	2/3/10		Dr. Courtney Miller	FAU Honors College
Eric	Bishop	2/1/10		Dr. Peter Hodder	FAU Honors College
Nibal	Eid	5/10/10		Dr. Don Phinney	FAU Honors College
Nicholas	Esker	10/21/09	5/10/10	Dr. Roy Periana	FAU Honors College
Ian	Gerstel	1/20/10		Dr. Ron Davis	FAU Honors College
Olsi	Gjyshi	9/4/09		Dr. Kendall Nettles	FAU Honors College
Manesh	Gopaldas	8/24/09	4/30/10	Dr. Howard Petrie	FAU Honors College
Dana	Kuruvilla	9/8/09		Dr. Pat Griffin	FAU Honors College
Alejandro	Landa	5/19/10		Dr. Roy Smith	FAU Honors College
Nisha	Nagarsheth	6/14/10		Dr. Susana Valente	FAU Honors College
John	Odom	12/18/09		Dr. Courtney Miller	FAU Honors College
Michael	Webster-Gardiner	5/20/10		Dr. Roy Periana	FAU Honors College
Benjamin	Saef	5/26/10		Dr. Howard Petrie	FAU Honors College
Laura	Baker	1/5/10	4/30/10	Dr. Jun-li Luo	PBSC
Jonathan	Bourque	7/27/09	1/6/10	Dr. Peter Hodder	PBSC
Graell	Pujantell	1/25/10	4/28/10	Dr. Jun-li Luo	PBSC
Michael	Stefano	9/21/09	2/19/10	Dr. Howard Petrie	PBSC
Browdy	Hayley	6/1/10		Dr. Glenn Micalizio	Brandeis
Cohen	Madeline	6/1/10		Dr. Courtney Miller	Columbia
Dunham	Geoffrey	6/1/10		Dr. Tom Kodadek	Yale
Gavin	Caitlin	5/10/10		Dr. Courtney Miller	Nova Southeastern
Griffin	Casey	5/24/10		Dr. Scott Busby	NYU
Heiman	Joshua	6/30/10		Dr. Howard Petrie	U Michigan
Kelly	Kimberly	6/28/10		Dr. Michael Conkright	Keiser U
Kempe	Kirby	5/24/10		Dr. Ron Davis	Rice
Lovell	Kimberly	9/21/09		Dr. Laura Bohn	U Kansas
Orrolenghi	Joseph	5/19/10		Dr. Laura Bohn	Harvard
Peterson	Julie	6/21/10		Dr. Tom Kodadek	UCF
Policastro	Daniel	5/10/10		Dr. Jennifer Busby	UF
Pritz	Jonathan	5/24/10		Dr. Kendall Nettles	UF
Spunberg	Daniel	6/1/10		Dr. Claes Wahlestedt	Columbia
Tranquil	Elizabeth	5/18/10		Dr. Gavin Rumbaugh	Carnegie Mellon
Wagner	Gabriella	6/1/09	8/14/09	Dr. Chs. Weissmann	Cornell

4. EDUCATION OUTREACH

<u>DATE</u>	<u>PARTICIPANTS</u>	<u>PURPOSE</u>
3-Oct-09	Becky Mercer, Tim Spicer, Louis Scampavia, Brian Paegel, Jeremy Pyle	Teacher Institute
10-Oct-09	Louis Scampavia, Jeremy Pyle, Deborah Leach-Scampavia	Science Saturday
29-Oct-09	Tim Spicer	St. Mark's Science Fair
3-Nov-09	Jennifer Busby	Ideal Sch. Science Fair
5-Nov-09	Christine Crumbley, John Whitaker, Steven Bishoff, Deborah Leach-Scampavia	Kings Academy-Career Panel
12-Nov-09	Harry Orf, Deborah Leach-Scampavia	FL State Board of Ed, Council of 100, and Governor Crist
13-Nov-09	Harry Orf	Ideal Sch Science Fair
24-Nov-09	Deborah Leach-Scampavia	FAU-Kenan Scholars
3-Dec-09	Harry Orf, Deborah Leach-Scampavia	The Benjamin School
17-Dec-09	Harry Orf	Education Commission
11-Jan-10	Deborah Leach-Scampavia	PB Co. Sch. Dist.
12-Jan-10	Harry Orf	So FL Sci Museum
14-Jan-10	Harry Orf	FL Council of 100 Education Conf.
22-Jan-10	Tim Spicer	Marsh Pt. Elementary
6-Feb-10	Scripps-wide	Community Science Education Day -Gardens Mall
8-Feb-10	Harry Orf	Education Commission
11-Feb-10	Tim Spicer	St. Mark's Career Fair
12-Feb-10	Pierre Baillergeon, Deborah Leach-Scampavia	Suncoast High School
23-Feb-10	Deb Leach Scampavia, Harry Orf, Jeremy Pyle, Peter Hodder	Wm. R. Kenan, Jr. Charitable Trust
22-Mar-10	Paul Johnson, Briana Weiser, John Whitaker, Christine Crumbley, Deborah Leach-Scampavia	PB Gardens HS-Career Panel
27-Mar-10	Deborah Leach-Scampavia, Brian Paegel, Jeremy Pyle, Tim Spicer	Teacher Institute
13-Apr-10	Deborah Leach-Scampavia, Louis Scampavia, Jeremy Pyle	Teacher Institute
15-Apr-10	Tim Spicer	Timber Trace Elementary
15-Apr-10	Harry Orf	Education Commission
19-Apr-10	Harry Orf	STEM Florida
28-Apr-10	Becky Mercer, Michael Tarcelli	Virtual Career Fair-FL State Dept of Education
29-Apr-10	Barbara Noble, Deborah Leach-Scampavia	BDB Education
4-May-10	Briana Weiser, Christine Nguyen, Christine Crumbley, Alex Brasher, Deb Leach-Scampavia	Career Panel-Seminole Ridge HS
12-May-10	Harry Orf	Taurus Org/Jupiter HS
21-May-10	Tim Spicer	Marsh Pt. Elementary
25-May-10	Harry Orf	Freedom Shores Science Awards
27-May-10	Ann Griffith, Deb Leach-Scampavia	Montessori-fun science
10-Jun-10 to 30-Jun-10	Deb Leach-Scampavia, Louis Scampavia, Peter Hodder, Patricia McDonald, Laura Bohn, Donald Phinney, Thomas Kodadek, Donny Strosberg, Susana Valente, Jun-Li Luo, Ronald Davis, Courtney Miller, William Ja, Roy Smith, Bruce Pascal, Kendall Nettles, Jennifer Busby,	Summer Intern Mentor Program

	Brian Paegel, Pat Griffin	
15-Jun-10	Brian Paegel	HS Intern Seminar
15-Jun-10	Tom Bannister	PB Sch Dist Science Text Book Review
16-Jun-10	Deborah Leach-Scampavia	PB Sch Dist Science Text Book Review
22-Jun-10	Tim Tellinghuisen	HS Intern Seminar
29-Jun-10	Peter Hodder	HS Intern Seminar
30-Jun-10	Harry Orf	6 Pillar Caucus
1-July-10	Deb Leach-Scampavia, Louis	Summer Intern Mentor Program
	to	
23-Jul-10	Scampavia, Peter Hodder, Patricia McDonald, Donny Strosberg, Roy Smith, Bruce Pascal, Kendall Nettles, Jennifer Busby, Brian Paegel, Pat Griffin, Claes Wahlstedt, Laura Bohn, Donald Phinney, Thomas Kodadek, Susana Valente, Jun- Li-Luo, Ronald Davis, Courtney Miller, William Ja, Jeremy Pyle	
6-Jul-10	Jennifer Busby	HS Intern Seminar
8-Jul-10	Deb Leach-Scampavia	PBSC Career Panel
12-Jul-10	Tom Bannister, Deb Leach-Scampavia	PBCo. School District Science Textbook Review
13-Jul-10	Kendall Nettles	HS Intern Seminar
20-Jul-10	Paul Kenny	HS Intern Seminar
21-Jul-10	Harry Orf, Deb Leach-Scampavia	PBSC Summer Youth College
23-Jul-10	Scripps Florida campus	Keenan Fellows Presentations
23-Jul-10	Harry Orf, Deb Leach-Scampavia	PBSC Summer Youth College
25-Jul-10	Harry Orf, Deb Leach-Scampavia, Jeremy Pyle	STEM Conference, Orlando
1-Aug-10	Susana Valente	Palm Beach Atlantic University
13-Aug-10	Deb Leach-Scampavia, Jeremy Pyle	PBCo. School District Symposium
19-Aug-10	Harry Orf	Education Commission Mtg.
1-Sep-10	Harry Orf	Univ of Florida NSF Science Master's Program
2-Sep-10	Brian Paegel	Furman University (Spartanburg, SC)

5. COMMUNITY OUTREACH

<u>DATE</u>	<u>PARTICIPANTS</u>	<u>PURPOSE</u>
1-Oct-09	Harry Orf	PB Co Medical Society
1-Oct-09	Deborah Leach-Scampavia, Harry Orf	American Cancer Society
1-Oct-09	Paul Kenny	Hanley Center
6-Oct-09	Roy Smith	Life Science on Aging
12-Oct-09	Alex Bruner	Women's Club of River Bridge
14-Oct-09	Scripps-wide	Blood Mobile
16-Oct-09	Harry Orf, Deborah Leach-Scampavia	Urban League
21-Oct-09	Harry Orf	Rotary Club Boca Raton
30-Oct-09	Harry Orf, Deborah Leach-Scampavia	Northern PB Co Chambers of Commerce
31-Oct-09	Deborah Leach-Scampavia	Girl Scouts
3-Nov-09	Harry Orf	Lake Park Baptist Church
4-Nov-09	Alex Bruner	Women's League-Temple Emanu-El
17-Nov-09	Harry Orf	PB Sail and Power Squadron
17-Nov-09	Ron Davis, Alfonso Martin-Pena, Ayako Tonoki- Yamaguchi, Charlie Gilman, Germain Busto, Isaac Cervantes-Sandoval, Jacob Berry,	Alzheimer's Assn, Epilepsy Foundation, Mental Health Assn

	Seth Tomchik, Sonal Harbaran, Trina Miles, Ben Starling	
18-Nov-09	Harry Orf	Abacoa Property Owners Assn
18-Nov-09	Bill Roush	Frontlines of Hope
18-Nov-09	Harry Orf	So FL Science Museum
19-Nov-09	Harry Orf, Andrew Butler	Harvard, MIT, U Penn, Yale Alumni Assn.
20-Nov-09	Ron Davis, Alfonso Martin-Pena, Ayako Tonoki- Yamaguchi, Charlie Gilman, Germain Busto, Isaac Cervantes-Sandoval, Jacob Berry, Seth Tomchik, Sonal Harbaran, Trina Miles, Ben Starling	Area Agency on Aging, Autism Soc.
23-Nov-09	Deborah Leach-Scampavia	BDB – Senator Lemieux
30-Nov-09	Harry Orf	Veterans Group
2-Dec-09	Alec Bruner	Brandeis Study Group
6-Dec-09	John Cleveland, Barbara Noble	Israel Cancer Assn.
7-Dec-09	Alex Bruner, Roy Smith	“A Breakfast Club” , Boca Raton
8-Dec-09	W. Mark Crowell	Frontlines of Hope
9-Dec-09	Ron Davis, Alfonso Martin-Pena, Ayako Tonoki- Yamaguchi, Charlie Gilman, Germain Busto, Isaac Cervantes-Sandoval, Jacob Berry, Seth Tomchik, Sonal Harbaran, Trina Miles	Palm Beach County Ambassadors
14-Dec-09	John Cleveland, Howard Petrie, Kendall Nettles, Barbara Noble, Deborah Leach-Scampavia, Peter Chase, Lina DeLuca, Louis Scampavia	Frenchman’s Creek “Women for Cancer Research”
15-Dec-09	Harry Orf	WPB Rotary Club
16-Dec-09	Alex Bruner	Bellagio, Lake Worth
1-Jan-10	Roy Smith	SVP – talk on aging
14-Jan-10	Donny Strosberg	Art for Children
6-Jan-10	Harry Orf, Barbara Noble, Deborah Leach- Scampavia	PB Commission Legislative Delegation Group of 100, Leadership Business Council
10-Jan-10	Ron Davis	PB Co Roundtable
12-Jan-10	Alex Bruner	Aberdeen Group
13-Jan-10	Lisa Huertas	Brandeis Women’s Study Group
14-Jan-10	Laura Bohn, Alex Bruner	Asset Advisory Services
15-Jan-10	Roy Smith	Hadassah Women’s Group
15-Jan-10	Harry Orf	PB Co/Treasure Coast Leadership
19-Jan-10	Barbara Noble	Frenchman’s Creek “Women for Cancer Research”
19-Jan-10	Harry Orf	PB Business Group
19-Jan-10	Deborah Leach-Scampavia	Israeli Cancer Alliance tour
20-Jan-10	John Cleveland, Donny Strosberg, Michael Conkright, Kendall Nettles, Jun-Li Luo Donny Strosberg	Israeli Cancer Alliance
21-Jan-10	Claes Wahlestedt	Frontlines of Hope
22-Jan-10	Alex Bruner	Mirabella Group
25-Jan-10	Deborah Leach-Scampavia	PBCC Lifelong Learning
26-Jan-10	Paul Kenny	FAU Lifelong Learning
2-Feb-10	Deborah Leach-Scampavia	BDB Tour
2-Feb-10	Harry Orf	So. PB Co
3-Feb-10	Harry Orf	So. PB Co Vision
4-Feb-10	Gerald Joyce, Harry Orf, Barbara Noble	Garden’s Mall Celebrates Science
9-Feb-10	John Cleveland, Alex Bruner	World President’s Organization

17-Feb-10	Alex Bruner	Aberdeen County Club Group
22-Feb-10	Laura Bohn	Morse Life Jewish Ret. Cntr.
24-Feb-10	Peter Hodder	NYU Polytechnic Alum.
24-Feb-10	Kendall Nettles	Frontlines of Hope
26-Feb-10	Ron Davis	Hospice by the Sea
28-Feb-10	Ron Davis, Alfonso Martin-Pena, Ayako Tonoki-Yamaguchi, Charlie Gilman, Germain Busto, Isaac Cervantes-Sandoval, Jacob Berry, Seth Tomchik, Sonal Harbaran, Trina Miles	PB Chapter AKIM
9-Mar-10	Donny Strosberg, Tom Kodadek, Will Melton	Landenberger Research Foundation
10-Mar-10	Briana Weiser, Barbara Noble	Juno Beach-Ballen Isles-Mirasol
11-Mar-10	Claes Wahlestedt	Alzheimer's Disease Community Lecture
16-Mar-10	Brian Paegel, Harry Orf, Gerald Joyce	Lasker Foundation Lecture
17-Mar-10	Ron Davis	Christ Fellowship Church speaker series
20-Mar-10	Kendall Nettles, Barbara Noble, Harry Orf	Ingall's Foundation
22-Mar-10	Roy Smith, Andrew Butler, Courtney Miller, Andrew Hodge	Frontlines of Hope
23-Mar-10	Roy Smith, Ron Davis, Charles Weissmann, Harry Orf	Palm Health Partners
25-Mar-10	Ron Davis, Ben Starling	PB Co Realtors Assn
25-Mar-10	Peter Hodder	FMSA Advisory Council
26-Mar-10	Alex Bruner	Community Virtual Exploration of Scripps
27-Mar-10	Peter Hodder	Brain Cancer Walk
14-Apr-10	Ron Davis, Alfonso Martin-Pena, Ayako Tonoki-Yamaguchi, Charlie Gilman, Germain Busto, Isaac Cervantes-Sandoval, Jacob Berry, Seth Tomchik, Sonal Harbaran, Trina Miles	Executive Women of the Palm Beaches
14-Apr-10	Harry Orf	Mexico FAM Tour
15-Apr-10	Harry Orf, Jennifer Busby	PB Co Youth Leadership
17-Apr-10	Nagi Ayad, Alex Bruner	Leukemia and Lymphoma Society
18-Apr-10	Roy Smith	Bellagio Adult Comm.
19-Apr-10	Harry Orf	Jupiter/Tequesta Rotary Club
20-Apr-10	Harry Orf	The Waterfront Community
21-Apr-10	Barbara Noble, Harry Orf, Deborah Leach-Scampavia, Jennifer Busby	Loblolly Community
27-Apr-10	Andrew Butler	Sailfish Club
27-Apr-10	Alex Bruner	Aberdeen Golf Club
29-Apr-10	Shuji Kishi	Florida Oceanographic Coastal Sci. Center
30-Apr-10	Ben Starling	Community Exploration of Scripps
6-May-10	Harry Orf	Village Baptist Church
7-May-10	John Cleveland	"ThinkPinkKids" for Cancer Research
7-May-10	Harry Orf	PGA Corridor Members
12-May-10	Jennifer Busby, Deb Leach-Scampavia	Leadership PB Co
20-May-10	Harry Orf	PB Co/Treasure Coast Leadership
24-May-10	Ron Davis, Ben Starling	Jonathan's Landing County Club
25-May-10	Ron Davis, Alfonso Martin-Pena, Ayako Tonoki-Yamaguchi, Charlie Gilman, Germain Busto, Isaac Cervantes-Sandoval, Jacob Berry, Seth Tomchik, Sonal Harbaran, Trina Miles	Admiral's Cove
26-May-10	Kendall Nettles, Ben Starling	Boca Radiology Group
26-May-10	Alex Bruner	Community Virtual Exploration of Scripps
27-May-10	Ron Davis, Alfonso Martin-Pena, Ayako Tonoki-	Harbor Ridge County Club

	Yamaguchi, Charlie Gilman, Germain Busto, Isaac Cervantes-Sandoval, Jacob Berry, Seth Tomchik, Sonal Harbaran, Trina Miles, Ben Starling	
2-Jun-10	Ron Davis, Alfonso Martin-Pena, Ayako Tonoki-Yamaguchi, Charlie Gilman, Germain Busto, Isaac Cervantes-Sandoval, Jacob Berry, Seth Tomchik, Sonal Harbaran, Trina Miles, Ben Starling	Jonathan's Landing Community Tour
3-Jun-10	Tom Kodadek	Alzheimer's Education Conference
8-Jun-10	Deborah Leach-Scampavia, Harry Orf, Jeremy Pyle	Quantum Foundation
9-Jun-10	Harry Orf	PB Co Leadership
21-Jun-10	Ron Davis	Friends of Neuroscience
25-Jun-10	Will Melton	Community Virtual Exploration of Scripps
14-Jul-10	Scripps Fla campus	Blood Drive
21-Jul-10	Ron Davis	Friends of Neuroscience Philanthropy
10-Aug-10	Courtney Miller	St. Mary's Hospital
16-Sep-10	Will Melton, Alex Bruner, Lisa Huertas	Literacy Coalition
24-Sep-10	Lisa Huertas	Scripps Florida Virtual Tour

6. Science Meetings at Florida Colleges and Universities

<u>DATE</u>	<u>PARTICIPANTS</u>	<u>SCHOOL/ INSTITUTION</u>
15-Oct-09	Bill Roush	UCF-seminar
16-Oct-09	Bill Roush	USF-Plenary lecture-Drug Design
16-Oct-09	Laura Bohn	Palm Beach Atlantic Univ-School of Pharmacy
20-Oct-09	Deborah Leach-Scampavia	FAU Boca
22-Oct-09	Peter Hodder	UCF
27-Oct-09	Ron Davis	FAU Boca-Neuroscience seminar
13-Nov-09	Bill Roush	Rollins College, Tampa
5-Dec-09	Paul Kenny	ACNP Conf..
9-Dec-09	Peter Hodder	H. Lee Moffitt Cancer Cntr.
8-Jan-10	Adrian Saldanha, Peter Hodder	Mayo Clinic, Jacksonville FL
12-Jan-10	Peter Hodder	Univ of Miami
25-Jan-10	Peter Hodder	FAU Boca
26-Jan-10	Peter Hodder	Univ of Fla
1-Feb-10	Pat Griffin	U Miami
5-Feb-10	William Ja	Max Planck FL Inst
12-Feb-10	Tom Kodadek, Paul Kenny, Patricia	Burnham Institute-FL
18-Feb-10	McDonald Susana Valente	FAU Boca-Human cellular factors that restrict HIV-1 activity
21-Feb-10	John Cleveland, Kendall Nettles, Joanne Doherty, Frank Dorsey, Meredith	Miami Winter Symposium
9-Mar-10	Steeves, Jerome Nwachukwu Bill Roush	UF-Plenary lecture-Florida Heterocyclic & Synth. Conference
16-Mar-10		Lasker/Nobel Science Lecture at Scripps
16-Mar-10	Brian Paegel, Harry Orf, Gerald Joyce	FAU Boca-Protein-protein interactions in HCV
24-Mar-10	Donny Strosberg	FAU Boca-Dept Bio. Sci.

25-Mar-10	Shuji Kishi	UF-plenary lecture
15-Apr-10	Bill Roush	TMPS
17-Apr-10	Peter Hodder	Univ of Miami-Flies on the Beach mtg.
	Ron Davis, Seth Tomchik, Germain Busto, Sonal Harbaran, Ayako Tonoki-	
19-Apr-10	Yamaguchi, Alfonso Martin-Pena, William	FAU
18-May-10	Ja	Max Planck FL Institute
21-May-10	Peter Hodder	FAU-Herb Weissbach
3-Jun-10	William Ja	SBIR workshop, Miami
22-Jun-10	Roy Smith	USDA-ARS US Horticultural Soc, FL
16-Aug-10	Patricia McDonald	Florida Atlantic University
20-Aug-10	Peter Hodder	Bill & Melinda Gates Foundation—Orlando, FL
15-Sep-10	Roy Smith	University of South Florida, Tampa
22-Sep-10	Susana Valenta, Donny Strosberg	American Federation for Aging Research
28-Sep-10	Glenn Micalizio	FAU/ Max Planck Florida Symposium—Boca Raton, FL
	Roy Smith, Harry Orf	
	Ron Davis, Seth Tomchik, Ayako Tonoki-	
	Yamguchi, Cori MacMullen, Tugba	
	Guyen-Ozkan, Gavin Rumbaugh, Cristin	
	Gavin, Emin Ozkan, Massimiliano Aceti,	
	Cris Creson, James Chelliah, Camilo	
	Rojas	

7. Workforce Recruitment Activities

Event	Location/ Institution	Date	Lead/Rep
Career Fair	Suncoast High School, Rivera Beach FL	1/8/10	Hollie Alkema
Career Fair	FAMU	1/27/10	Hollie Alkema
Expo	FGLSAMP	2/25/10	Hollie Alkema
Dare to Prepare-Jobs Conference	FAU	5/10/10	Hollie Alkema
FL Statewide Job Fair	Orlando	5/13/10	Hollie Alkema

8. Seminar Series—external seminars

November 13, 2009	Speaker: Regina Carelli, Ph.D. Professor and Director of Behavioral Neuroscience Program Department of Psychology, UNC-CH Lecture – “Dynamics of Brain Reward Processing during Behavior”
November 20, 2009	Speaker: Jeff Benovic, Ph.D. Professor and Chair Department of Biochemistry and Molecular Biology Thomas Jefferson University Lecture – “Regulation of G protein-coupled receptor signaling and trafficking”
December 4, 2009	Speaker: Bruce Maryanoff, Ph.D. Distinguished Research Fellow and a Team Leader

	Johnson & Johnson Pharmaceutical Research & Development Lecture – “An Odyssey in Drug Discovery through Serine-Protease Space”
January 8, 2010	Speaker: William Bishai, Ph.D. Co-Director of the Johns Hopkins Center for Tuberculosis Research Lecture – “TB: Host-exploitation by an unwelcome houseguest”
January 15, 2010	Speaker: Michael Rosbash, Ph.D. Professor of Biology Investigator, Howard Hughes Medical Institute Molecular Genetics of RNA Processing and Behavior Ph.D., Massachusetts Institute of Technology Lecture – “Circadian Rhythms and Sleep in Flies: Molecules, Neurons and Circuitry”
January 22, 2010	Speaker: Klaus Rajewsky, Ph.D. Division of Pathology, Department of Medicine Harvard Medical School Lecture – “How the B cell antigen receptor controls B cell maintenance and mitogenic response”
January 29, 2010	Speaker: Myriam Gorospe, Ph.D. Senior Investigator, RNA Regulation Section Laboratory of Cellular and Molecular Biology National Institute on Aging National Institutes of Health Biomedical Research Center Lecture – “HuR: post-transcriptional paths to malignancy”
February 16, 2010	Speaker: Donald Hunt, Ph.D. University Professor of Chemistry and Pathology Lecture – “ETD for the Identification of Protein Post-Translational Modifications.”
February 19, 2010	Speaker: William Jacobs, Ph.D. Investigator and Professor Howard Hughes Medical Institute Albert Einstein College of Medicine Price Translational Research Center Lecture – “A Sweet New Way to Kill <i>Mycobacterium tuberculosis</i> ”
February 26, 2010	Speaker: Alex Rich, Ph.D. Investigator and Professor Howard Hughes Medical Institute Albert Einstein College of Medicine Price Translational Research Center Lecture – “Proteins that bind to Z-DNA and their role in Immunity & Infection”
March 5, 2010	Speaker: Tom Maniatis, Ph.D. Jeremy R. Knowles Professor of Molecular and Cellular Biology Harvard University Lecture – “Using Pluripotent Stem Cells to Study ALS Disease Mechanisms”
March 12, 2010	Speaker: Mary Jeanne Kreek, Ph.D. Senior Attending Physician Patrick E. and Beatrice M. Haggerty Professor Laboratory of Biology of Addictive Diseases

	Rockefeller University Lecture –“Opioids, SNPs, and Stress Responsivity: Implications for Heroin, Cocaine, and Alcohol Addictions”
March 19, 2010	Speaker: Eric Ravussin, Ph.D. Clinical Nutrition Research Unit, Director Pennington Biomedical Research Center Louisiana State University Lecture –“Caloric Restriction in Humans: From Physiology to Molecular Mechanisms”
March 26, 2010	John Collinge, M.D., FRCP, FRS Head of the Department of Neurodegenerative Disease Director of the MRC Prion Unit Institute of Neurology, University College London Lecture – “Kuru, prions and evolution: from the South Fore to South Florida”
April 9, 2010	Speaker: Iannis Aifantis, Ph.D. Associate Professor Howard Hughes Medical Institute Department of Pathology, NYU School of Medicine Lecture –“Oncogenic and tumor suppressor properties of the Notch signaling pathway”
April 14, 2010	Speaker: Kim D. Janda, Ph.D. Professor, Departments of Chemistry & Immunology The Scripps Research Institute Lecture - “Antibiotics and the Perfect Storm; New Approaches for Survival”
April 16, 2010	Speaker: Richard Axel, M.D. University Professor/Investigator Howard Hughes Medical Institute, Columbia University Lecture -“Internal Representations of the Olfactory World”
May 14, 2010	Speaker: Richard Flavell, Ph.D. Department of Immunobiology Howard Hughes Medical Institute Yale University School of Medicine Lecture -“The inflammasome in infection, inflammation and cancer”
May 28, 2010	Speaker: Michael Glickman, Ph.D. Associate Member - Memorial Sloan-Kettering Cancer Center Dept of Medicine/Immunology Program Lecture -“Molecular Insights into <i>Mycobacterium tuberculosis</i> pathogenesis”

Summer Intern Seminars

June 15, 2010	Brian Paegel, Ph.D. Assistant Professor, Department of Chemistry TSRI-Scripps Florida Lecture - “Oceans & Archipelagos: Landscapes for Extracellular Darwinian Evolution”
June 22, 2010	Timothy Tellinghuisen, Ph.D.

	Assistant Professor, Department of Infectology TSRI-Scripps Florida Lecture - "A Brief Introduction to Hepatitis C Infection"
June 29, 2010	Peter Hodder, Ph.D. Scientific Director, Sr. Director, Lead Identification Translational Research Institute, TSRI-Scripps Florida Lecture - "Introduction to High Throughput Screening"

9. Business Outreach

<u>Date</u>	<u>Speaker/Lead Rep</u>	<u>Organization</u>
1-Oct-09	Harry Orf	PB Co Medical Society
13-Oct-09	Harry Orf	FL Chamber/FL Research Consortium
16-Oct-09	Harry Orf	BioFlorida Board Meeting
20-Oct-09	Bill Roush	Pfizer
21-Oct-09	Harry Orf	Economic Council of Martin Co.
30-Oct-09	Harry Orf	No. PB Chamber of Commerce
1-Nov-09	Roy Smith	Jackson Labs
4-Nov-09	Peter Hodder, Harry Orf	BioFlorida Conference
6-Nov-09	Harry Orf	BioFlorida Board Meeting
11-Nov-09	Harry Orf, Peter Hodder	BioFlorida Exec. Committee
16-Nov-09	Peter Hodder	Gabriel Bioconsulting LLC
23-Nov-09	Roy Smith	Hankamer Foundation
13-Nov-09	Harry Orf	FL Research Consortium Exec Meeting
17-Nov-09	Harry Orf	BioFlorida Exec. Committee Meeting
2-Dec-09	Barbara Noble	Florida's Future-Biotech Vision, Miami Chamber Comm
4-Dec-09	Roy Periana	BioFuels Conference, Miami
9-Dec-09	Harry Orf	BioFlorida Exec. Committee Meeting
15-Dec-09	Will Melton, Barbara Noble, Ben Starling	Forum Club
17-Dec-09	Barbara Noble	Women In Power
8-Jan-10	Harry Orf	FL Research Consortium Exec. Meeting
8-Jan-10	Roy Periana	Center for Catalytic Hydrocarbon Fictionalization Meeting
8-Jan-10	Barbara Noble, Will Melton, Ben Starling	Forum Club
11-Jan-10	Donny Strosberg	JP Morgan Healthcare Conf.
13-Jan-10	Barbara Noble	West Palm Beach-State of the City
13-Jan-10	Roy Periana	Chevron

14-Jan-20	Peter Hodder, Tim Spicer, Sanjay Saldanha, Dmitriy Minod, Franck Madoux, Anna Knapinska, Melissa Crisp, Claude-Henry Volmar, Virneliz Fernandez-Vega	Promega
22-Jan-10	Harry Orf	FL Research Coast Region
26-Jan-10	Harry Orf	PB Co BDB
27-Jan-10	Harry Orf	FL Research Consortium Exec – Meeting with Enterprise FL Forum Club
28-Jan-10	Ben Starling, Barbara Noble, Will Melton	
1-Feb-10	Roy Periana	Saudi Basic Industries Corp.
2-Feb-10	Harry Orf	BDB/Global Emerging Technology
5-Feb-10	Harry Orf	FL Research Consortium Exec Meeting
11-Feb-10	Roy Smith	Bankers Club, Miami
16-Feb-10	Barbara Noble	BDB
23-Feb-10	Ron Davis	BDB
25-Feb-10	Peter Hodder	Lycera
5-Mar-10	Harry Orf	FL Research Consortium Exec. Meeting
10-Mar-10	Roy Smith	MERCK
17-Mar-10	Gavin Rumbaugh	BioFlorida
17-Mar-10	Harry Orf	FL State Board of Governors
10-Mar-10	Courtney Miller	BioFlorida
12-Mar-10	Peter Hodder	Envoy Therapeutics
16-Mar-10	Peter Hodder	Bristol-Myers Squibb
19-Mar-10	Alex Bruner, Barbara Noble, Will Melton, Ben Starling	Forum Club
19-Mar-10	Harry Orf	BioFlorida Exec. Committee
19-Mar-10	Harry Orf	Ingalls Foundation
22-Mar-10	Peter Hodder	BASF
31-Mar-10	Harry Orf	BioFlorida Board Meeting
2-Apr-10	Harry Orf	FL Research Consortium Exec Meeting
7-Apr-10	Harry Orf	FL State Board of Governors
9-Apr-10	Harry Orf	FL Research Consortium Exec. Meeting
12-Apr-10	Lisa Huertas, Alex Bruner, Ben Starling	Forum Club
14-Apr-10	Roy Smith	Pfizer
14-Apr-10	Ron Davis	Exec. Women of the Palm Beaches
6-May-10	John Cleveland	Agios
7-May-10	Harry Orf	FL Research Consortium Exec. Meeting
14-May-10	Will Melton, Ben Starling, Barbara Noble	Forum Club
17-May-10	Harry Orf	FL Economic Development Council

20-May-10	Harry Orf	FL Research Consortium
23-May-10	Jennifer Busby	Advion
27-May-10	Harry Orf	Israeli Consulate of Miami
4-Jun-10	Harry Orf	FL Research Consortium Exec. Meeting
8-Jun-10	Roy Periana	FPL
14-Jun-10	Roy Periana	Chevron
22-Jun-10	Peter Hodder	GNF
25-Jun-10	Peter Hodder	Constellation Pharmaceuticals
09-Jul-10	Harry Orf	Florida Research Consortium
15-Jul-10	Harry Orf	Fla Chamber 6 Pillars Caucus
28-Jul-10	Harry Orf	No. Palm Beach Chamber
03-Aug-10	Barbara Noble	Bank Atlantic
10-Aug-10	Harry Orf	BioFlorida Board of Directors
20-Aug-10	Harry Orf	Fla Chamber 6 Pillars Caucus
26-Aug-10	Harry Orf	Florida Research Consortium
01-Sep-10	Roy Smith	Palm Health Partners
03-Sep-10	Harry Orf	Florida Research Consortium
07-Sep-10	Harry Orf	Bavarian Trade Minister
09-Sep-10	Roy Smith, Andrew Butler, Courtney Miller	Max Planck
14-Sep-10	Roy Smith, Courtney Miller	Max Planck
15-Sep-10	Harry Orf	BioFlorida Exec Committee
16-Sep-10	Roy Smith, Courtney Miller	Max Planck
16-Sep-10	Barbara Sufilas Noble, Harry Orf, Susan Rode, Deborah Leach Scampavia	South Florida Business Journal
17-Sep-10	Barbara Noble	Women Professionals
20-Sep-10	Roy Smith, Courtney Miller	Max Planck
22-Sep-10	Harry Orf	BioFlorida Education & Workforce Committee
23-Sep-10	Roy Smith, Courtney Miller	Max Planck

10. Science Outreach

<u>Date</u>	<u>Speaker/Lead Rep</u>	<u>Organization</u>
2-Oct-09	Bill Roush	UC San Francisco
2-Oct-09	John Cleveland	NCRI Cancer Conf., UK
15-Oct-09	Paul Kenny	Soc. for Neuroscience, Chicago
24-Oct-09	Andrew Butler	Obesity Society Meeting
26-Oct-09	Pat Griffin, Patricia McDonald	Duke Univ.
7-Oct-09	Roy Smith	AFAR-Biochem & Mol. Bio.
12-Oct-09	Laura Bohn	MNPS, DC
15-Oct-09	Tom Kodadek	PPG Meeting TX
16-Oct-09	Courtney Miller	Natl. Inst. on Drug Abuse IL
17-Oct-09	Seth Tomchik, Gavin Rumbaugh	Society for Neuroscience,

22-Oct-09	Laura Bohn	Chicago IL
27-Oct-09	Bill Roush	U Penn
		Pfizer San Diego-research seminar
28-Oct-09	Roy Periana	Dalian Institute of Chemical Physics, Dalian China
30-Oct-09	Peter Hodder	NY Medical College
2-Nov-09	Tom Kodadek	Cleveland Clinic OH
2-Nov-09	Don Phinney	NYSTEM, DC
4-Nov-09	Paul Kenny	WPCG
9-Nov-09	Ron Davis	U Tokyo/Inst Molecular & Cellular Bioscience
9-Nov-09	Pat Griffin	U Penn
9-Nov-09	Tom Kodadek	Biochemistry Sem., Indiana U
11-Nov-09	Adrian Saldanha, Shaun Brothers, Tim Spicer, Peter Chase, Claes Wahlestedt, Peter Hodder	Disc. on Target, Boston
12-Nov-09	Paul Kenny	U Penn
13-Nov-09	Don Phinney	MSC Conf.. TX
17-Nov-09	Roy Periana	Advanced Energy Conference, Hauppauge NY
17-Nov-09	Peter Hodder	FRSTMH Queensland Inst. of Med. Res., Australia
18-Nov-09	Roy Smith	Intl. Conf. On Ghrelin- Tokyo
18-Nov-09	John Cleveland	Penn State
18-Nov-09	Don Phinney	3 rd Congress Non-Hematopoietic Stem Cell, Germany
19-Nov-09	Andrew Butler	Yale/UPenn/Harvard/MIT-DC
20-Nov-09	Bill Roush	City of Hope
20-Nov-09	John Cleveland	Lymphoma Conf., Germany
1-Dec-09	Melissa Crisp, Peter Hodder	Atlanta
3-Dec-09	Paul Kenny	Ohio State U
4-Dec-09	Gavin Rumbaugh	Dept. of Cell & Molecular Biol., Tulane Univ, LA
7-Dec-09	Peter Hodder	FHCRC
16-Dec-09	Roy Smith	Baylor College TX
22-Dec-09	Peter Hodder	Cornell
Jan-10	Courtney Miller	Neurobiology of Learning & Memory-UT
1-Jan-10	Donny Strosberg	Israel Cancer Assn. Symposium
7-Jan-10	Gavin Rumbaugh	Neurobiology of Memory and Learning Conf.-Park City Utah
11-Jan-10	Stephan Schuerer	Center for Drug Res. and Dev., San Francisco
15-Jan-10	Andrew Butler	Obesity Society Annual Pgm.
18-Jan-10	Roy Smith	Vanderbilt Science Chancellors
18-Jan-10	Paul Kenny	NIDA

21-Jan-10	Pat Griffin	UBC
25-Jan-10	Roy Periana	SABIC, Texas
3-Feb-10	Laura Bohn	MNPS, DC
9-Feb-10	Peter Hodder	NIH
10-Feb-10	Courtney Miller	UNC
10-Feb-10	Peter Hodder	UMD NJ
11-Feb-10	Paul Kenny	U Mass
17-Feb-10	Don Phinney	NYSTEM, VA
22-Feb-10	Paul Kenny	SRNT, MD
24-Feb-10	John Cleveland	Arizona Cancer Cntr.
27-Feb-10	Jennifer Busby	PITTCON
2-Mar-10	Roy Smith	Duke Univ.
3-Mar-10	Peter Hodder	Univ. WA Sch of Med
4-Mar-10	Paul Kenny	NIDA review
9-Mar-10	William Ja	LSU
11-Mar-10	Peter Hodder	NIH/IMST Wash. DC
12-Mar-10	John Cleveland, Frank Dorsey, Meredith Steeves	Keystone Symp., Canada
18-Mar-10	Andrew Butler	LSU
18-Mar-10	Peter Hodder	Albert Einstein College of Medicine
19-Mar-10	Don Phinney	STEPS2 Conf., TX
20-Mar-10	John Cleveland	Ingalls Prostate Seminar
21-Mar-10	Douglas Kojetin	Symposia on Mol and Cell Biology, CO
26-Mar-10	Roy Smith	Intl. Congress of Endocrinology Tokyo
29-Mar-10	Laura Bohn	NIH, DC
1-Apr-10	Bill Roush	U Arizona-res. seminar
7-Apr-10	Ron Davis, Ayako Tonki- Yamaguchi, Germain Busto, Isaac Cervantes-Sandoval	Genetics Soc. of Amer-DC
7-Apr-10	Patricia McDonald	Symposia on Mol. and Cell Biology, CO
7-Apr-10	Roy Smith	Breckenridge CO
8-Apr-10	William Ja	4th Intl Symp. Non-surgical Anim. Contraceptive Methods - TX
10-Apr-10	Courtney Miller	NIA Exper. Aging Research UT
11-Apr-10	Gavin Rumbaugh	Keystone Symposia Molecular and Cellular Biol, UT
12-Apr-10	Bill Roush	NY Academy of Sci.-Plenary lecture
14-Apr-10	Roy Smith	Amer. Fed. on Aging Res.
17-Apr-10	Melissa Crisp, Peter Hodder, A. Knapinska, F. Madoux, P. Chase, C. Eberhart, T. Spicer, B. Mercer, C-H. Volmar, A. Saldanha	SBS Conf. AZ
19-Apr-10	Gavin Rumbaugh	Neuroscience Institute IRCCS, Rome

21-Apr-10	Peter Hodder	U. Wash
24-Apr-10	Laura Bohn	EB 2010, CA
26-Apr-10	Paul Kenny	U Penn
27-Apr-10	Roy Periana	U Delaware, Newark DE
28-Apr-10	Donny Strosberg	CHI:HCV Drug Discovery, San Diego CA
28-Apr-10	Roy Smith	Baylor College TX
29-Apr-10	Susana Valente	2010 Centennial Retrovirus Meeting, Inst Mol Genetics Prague
3-May-10	Tom Kodadek	Rhett Syndrome Rsh. NY
4-May-10	William Ja	Division of Aging Biol, MD
5-May-10	Harry Orf	Bio International Conference
13-May-10	Andrew Butler	Univ. Utah Sch Med
17-May-10	Laura Bohn	NIH SUAA, MD
20-May-10	Tom Kodadek	NAGMS council meet-MD
22-May-10	Jennifer Busby	ASMS
22-May-10	Andrew Butler	SRBR
22-May-10	Tom Kodadek	Texas A&M
26-May-10	Shuji Kishi	Longevity Consortium Symp. DC
26-May-10	Roy Periana	UVA, Charlottesville
1-Jun-10	Roy Periana	Annapolis, MD
2-Jun-10	John Cleveland	Moffitt Cancer Center
5-Jun-10	Roy Periana	BES CCHF (DOE) Baltimore MD
6-Jun-10	William Ja	Glenn Foundation CA
9-Jun-10	Laura Bohn	MNPS, IL
10-Jun-10	Franck Madoux	Endocrine Society, DC
10-Jun-10	Ron Davis	McKnight Neuroscience Conf Aspen CO
10-Jun-10	Roy Smith	CMAD San Francisco
13-Jun-10	Roy Periana	USC-Caltech, Los Angeles CA
18-Jun-10	Paul Kenny	CPDD Arizona
19-Jun-10	Roy Smith, Andrew Butler	Endocrine Society Annual Meet
27-Jun-10	Ron Davis	Neurogenetics and Neurogeonomics-1st World Congress, Singapore
01-Jul-10	Brian Paegel	NIST, Gaithersburg, MD
01-Jul-10	Laura Bohn	International Narcotics Research Conference, Philip Jauzac Memorial Symposium Speaker.
03-Jul-10	C. Wahlestedt	Collaboration with Researchers at Univ. of Lund, Sweden
08-Jul-10	Andrew Butler	Melanocortin Conference, Utrechts, The Netherlands

13-Jul-10	Andrew Butler	Society of Suggestive Ingestive Behavior in Pittsburgh, PA
21-Jul-10	Z. Zeier	Fragile X Conference, Detroit, MI
10-Aug-10	Ron Davis	Ellison Biology of Aging Colloquium - Woods Hole, Mass
13-Aug-10	Courtney Miller	Amerian Psychological Association Meeting, San Diego, CA
23-Aug-10	C. Wahlestedt	Carnegie Centenary Professorship Award, Carnegie Trust for the Universities of Scotland, Edinburgh, UK
26-Aug-10	Andrew Butler	Pennington Biomedical Research Center
01-Sep-10	Glenn Micalizio	Emory University, Atlanta, GA
01-Sep-10	Laura Bohn	Neurobiology Seminar Series, University of Alabama, 12th Annual Learning and Memory Meeting, Magdeburg, Germany
04-Sep-10	Ron Davis	Baylor College of Medicine, Houston, TX
10-Sep-10	Roy Smith	QBI Brain Plasticity Meeting, Queensland, Australia
14-Sep-10	Ron Davis	Meeting at Pennington Biomedical Research Center, Baton Rouge, LA
27-Sep-10	Andrew Butler	NIH: The Integrative Physiology of Obesity and Diabetes (IPOD), San Diego, CA
30-Sep-10	Andrew Butler	

JOBS FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

AGENCY FOR WORKFORCE INNOVATION

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism,
Trade and Economic
Development

Public-Private
Partners - EFl, Space,
Visit FL, BBIB, FL
Sports Foundation, FI
Institute for the
Commercialization of
Public Research

Executive Direction
and Support
Services

Land Administration
(Transfer to DEP)

Community Planning

Emergency
Management
(Transfer to EOG)

Housing and
Community
Development

Building Code
Compliance and
Hazard Mitigation
(Transfer to DBPR)

Florida Housing
Finance Corporation

Executive Direction
and Support Services

Agency Support
Services

Workforce Services -
Program Support

Workforce Florida,
Inc.

Unemployment
Compensation

Unemployment
Appeals Commission

Early Learning
(School Readiness &
VPK)
(Transfer to DOE)

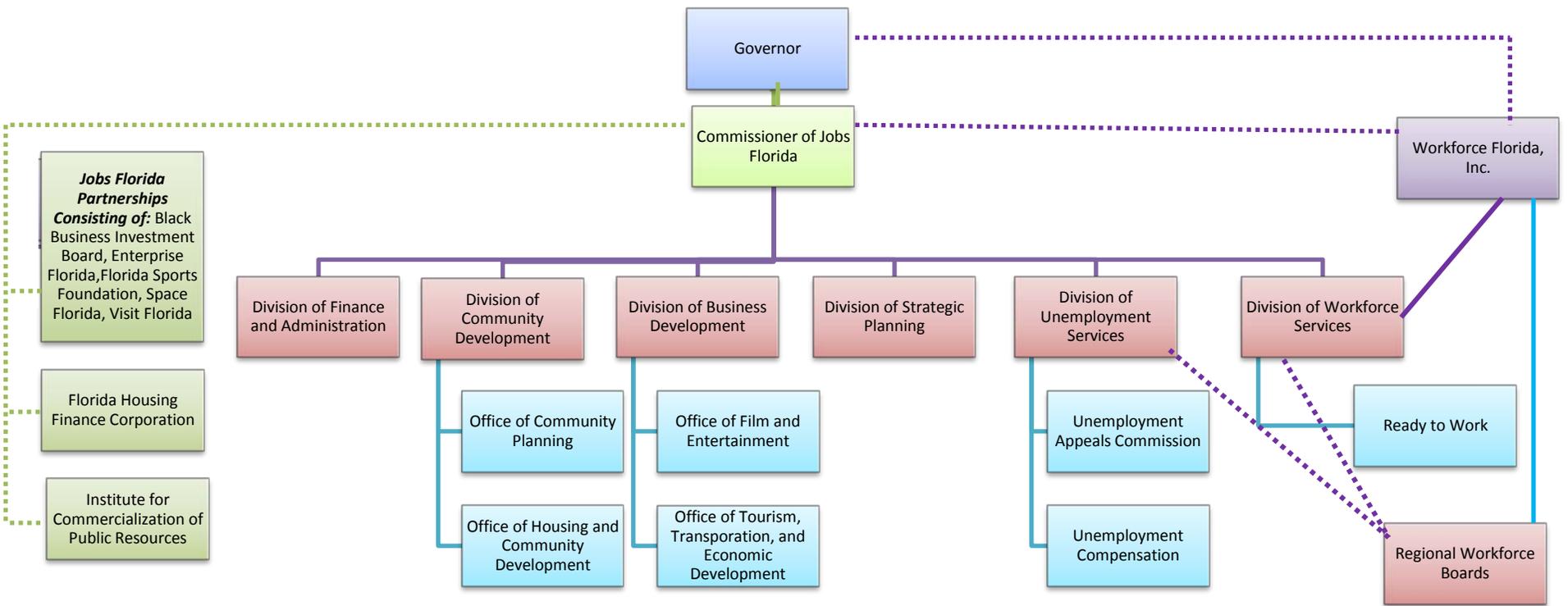
OTHER AGENCIES

DOE - Workforce
Programs

NEW AGENCY - Consolidate & possibly restructure existing functions

Transfer to other agencies

Eliminate



Draft of bill creating “Jobs Florida” and making conforming changes

SECTION BY SECTION ANALYSIS

An act relating to governmental reorganization

TRANSFERS

- Section 1: Transfers from the Agency for Workforce Innovation: the Office of Early Learning Services to the Department of Education; the Offices of Unemployment Compensation and Workforce Services to Jobs Florida; and trust funds as appropriate. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
- Section 2: Transfers from the Department of Community Affairs: the Florida Housing Finance Corporation, the Division of Housing and Community Development, and the Division of Community Planning to Jobs Florida; the Division of Emergency Management to the Executive Office of the Governor and renaming it as the “Office of Emergency Management”; the Florida Building Commission to the Department of Business and Professional Regulation; the responsibilities under the Florida Communities Trust and the responsibilities under the Stan Mayfield Working Waterfronts program to the Department of Environmental Protection; the responsibilities under the special district information program to the Department of Financial Services; and trust funds as appropriate. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
- Section 3: Transfers functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to Jobs Florida, and trust funds as appropriate. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
- Section 4: Authorizes the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act.
- Section 5: Directs to the Division of Statutory Revision to prepare conforming legislation.

STATUTORY AMENDMENTS & CREATIONS

- Section 6: Creates s. 14.2016, F.S., which establishes the Office of Emergency Management within the Executive Office of the Governor.
- Section 7: Amends s. 20.15, F.S., which establishes the Division of Early Learning within the Department of Education and provides for the division to administer the school readiness system and the Voluntary Prekindergarten Education Program.

- Section 8: Creates s. 20.60, F.S., which establishes Jobs Florida as a new department of state government. This section provides for the commissioner of Jobs Florida to be appointed by the Governor and confirmed by the Senate; establishes divisions of Jobs Florida and specifies their responsibilities; specifies the responsibilities of the Commissioner of Jobs Florida; limits the amount of the commissioner's public remuneration; authorizes the commissioner to receive privately funded performance bonuses from certain entities; and specifies powers and responsibilities of the Chief Inspector General in the Executive Office of the Governor with respect to Jobs Florida.
- Section 9: Requires the commissioner of Jobs Florida to submit a report to the Legislature relating to the effectiveness of the state's public-private partnerships and recommend any changes to improve the effectiveness of the public-private partnerships or any other state effort to promote economic development.
- Section 10: Updates an obsolete reference in s. 112.044, F.S., to the former Department of Labor and Employment Security.
- Sections 11-14: Amend ss. 163.3164, 163.3177, 163.3180, and 163.3184, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.
- Section 15: Amends s. 163.3191, F.S. related to the evaluation and appraisal report (EAR) process:
- Creates an exemption from the EAR process for local governments that have not experienced significant growth;
 - Makes the issues in the EAR process optional for the local government to include;
 - Does not require local governments to adopt the EAR reports and Jobs Florida does not review them, they are simply supporting data for any EAR amendments;
 - Jobs Florida no longer has to report on the EAR process.
- Section 16: Amends s. 163.3245, F.S., to remove the pilot program status of the optional sector planning process:
- Authorizes a local government or more than one local government to adopt a sector plan for long-term conservation and development, without advance approval by Jobs Florida. Removes the limit on the number of such plans.
 - Increases the minimum acreage requirement from 5,000 to 15,000.
 - Elaborates on the planning standards for a long-term master plan for the entire planning area. Requires the master plan to have a planning period longer than the maximum 20-year period used today in most comprehensive plans.
 - Retains the current Jobs Florida plan amendment review process for master plans.
 - Retains the general 1,000-acre threshold for a detailed specific area plan ("DSAP") for development to implement a portion of the master plan, but

provides the DSAP shall be adopted by local development order, not plan amendment.

- Requires that a DSAP must be consistent with the long-term master plan but eliminates the requirement for it to have “a full range of land uses.”
- Grants Jobs Florida new powers to seek judicial review of a DSAP which is not consistent with the adopted long-term master plan.
- Elaborates on the planning standards for the DSAP and allows it to have a planning period longer than the maximum 20-year period used in most plans.
- Provides that the master plan and the DSAP do not have to show “need”.
- Requires Jobs Florida to consult with DEP, FWCC and water management districts concerning the design of conservation areas.
- Requires an MPO to make its transportation plans consistent with an adopted master plan, to the maximum extent feasible.
- Requires a water management district to incorporate a master plan’s water resources and water supply projects into its regional water supply plan.
- Adds to an adopted DSAP the down-zoning protection required by law for DRIs.
- Authorizes a local government and developer to enter into a development agreement for lands with a master plan or DSAP, under certain conditions.
- Allows previously adopted large-area plans which meet the planning requirements of section 163.3245 to be governed by the revised statute.
- Protects the right to continue agricultural or silvicultural uses, and to establish new such uses, in areas governed by a master plan or DSAP.

Section 17: Amends s. 163.3246, F.S., to conform to changes made by the act.

Section 18: Amends 163.32465, F.S., to expand the alternative state review pilot program to the entire state. The program decreases the amount of time it takes to review comprehensive plan amendments by limiting state review in the process.

Section 19: Creates s. 288.048, F.S., to transfer the incumbent worker training program, currently administered by Workforce Florida, Inc., within Jobs Florida. The bill provides for the administration of the program by Jobs Florida in conjunction with Workforce Florida, Inc.

Section 20: Amends s. 288.061, F.S., to modify the review and approval process for applications by businesses seeking state economic incentives. Specifically:

- The Jobs Florida commissioner will coordinate with EFI at the beginning of the process the review of each application.
- The application review is broadened from simply determining whether the application is complete to an evaluation of what types of state and local permits might be required and whether the permits can be waived, and what type and amount of state incentives might be available for the applicant.
- With the Jobs Florida commissioner involved at the very beginning of the application review process, the current 34-day schedule from EFI review to

commissioner's approval is collapsed to 24 days. The proposed schedule would be:

- Within 10 business days after receiving the application, the commissioner and EFI will inform the business applicant that the application is complete, as well as a discussion of the permitting issues, types of incentive available and amount of incentives available.
- Within 14 business days after the initial review and communication with the applicant, the Jobs Florida commissioner will issue a letter either approving or denying the applicant.
- The commissioner may enter into one agreement or final order with an applicant for all of the incentives offered.
- The release of incentive funds still is guided by the statutory requirements for each incentive program.

Section 21: Makes a number of changes to s. 288.095, F.S., including:

- Replaces references to the Office of Tourism, Trade, and Economic Development with Jobs Florida.
- Transforms the Economic Development Trust Fund into an “incentives pot,” by moving in the appropriations for quick response training, incumbent worker training, the “road fund,” the quick action closing fund, brownfield redevelopment bonus refunds, high-impact sector performance grants, and the Innovation Incentive grants, to join the current qualified target industry business and the qualified defense contractor and spaceflight business refund programs.
- Removes a listing of what the annual incentives report required of Enterprise Florida, Inc., should include.

Sections 22-23: Amend ss. 380.06, and 380.115, F.S., to conform to changes made by the act.

Section 24: Amends s. 409.942, F.S., to conform to changes made by the act, including requiring the Department of Education to establish an electronic transfer benefit program for the use and management of child care.

Section 25: Amends s. 411.0102, F.S., to conform to changes made by the act, and includes a provision of s. 19, ch. 2010-210, L.O.F., requiring each early learning coalition board to develop a plan for the use of child care purchasing pool funds.

Section 26: Amends s. 1002.73, F.S., to incorporate the operational and administrative responsibilities of the Agency for Workforce Innovation for the Voluntary Prekindergarten Program. This also includes requiring the Department of Education to adopt procedures for the distribution of funds to early learning coalitions.

Sections 27-45: Amend ss. 443.211, 433.221, 445.002, 445.003, 445.004, 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048,

445.049, 445.051, 445.056, 446.41, 446.50, 446.52, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.

Sections 46-47: Amend ss. 448.109 448.110, F.S., to conform to provisions made by the act, including designating the Department of Revenue as the “state Agency for Workforce Innovation” to implement s. 24, Art. X of the State Constitution for purposes of calculating the minimum wage.

Sections 48, 51, 53-56, 60, 61, 70:
Amend ss. 450.161, 464.203, 469.002, 469.003, 489.1455, 489.5335, 553.62, 597.006, 944.012, F.S., to update obsolete references to the former Department of Labor and Employment Security.

Sections 49, 50, 52, 57-59, 61-69, 71-96:
Amend ss. 450.191, 450.31, 468.529, 526.143, 526.144, 551.104, 597.006, 624.5105, 627.0628, 768.13, 943.03, 943.03101, 943.0311, 943.0312, 943.0313, 944.708, 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285, 1003.493, 1008.39, 1008.41, 1011.76, 1012.2251, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.

Section 96: In order to conform to changes made by the bill, this section authorizes the Auditor General to conduct audits to verify that distributions used for a facility for a sports franchise are used in accordance with the law (s. 288.1162, F.S. 2010).

Section 97: In order to conform to changes made by the bill, this section authorizes the Department of Revenue to conduct audits to verify that distributions for the Professional Golf Hall of Fame are used in accordance with the law (s. 288.1168, F.S. 2010).

Sections 102, 103, 157, 159, 162, 170, 171, 172, 177, 178, 199, 206, 259, 261, 262, 275, 290, 291, 298, 299:

Amend ss. 45.031, 69.041, 252.85, 252.87, 252.937, 287.09431, 287.09451, 287.0947, 288.021, 288.035, 288.1169, 288.1229, 331.369, 377.711, 377.712, 409.2576, 414.24, 414.40, 440.385, and 440.49, , F.S., to update obsolete references to the former Department of Labor and Employment Security or the former Department of Commerce.

Sections 98-101, 103-169, 173-258, 260, 263- 274, 276, 277- 289, 292-297, 300-326:
Amend ss. 14.20195, 15.182, 16.615, 39.001, 69.041, 112.3135, 119.071, 120.80, 125.0104, 125.01045, 159.803, 159.8081, 159.8083, 163.03, 163.3178, 163.360, 166.0446, 175.021, 186.505, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5586, 216.136, 216.292, 216.231, 218.64, 220.03, 220.183, 220.191, 222.15, 250.06, 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36, 252.365, 252.37,

252.371, 252.373, 252.38, 252.385, 252.40, 252.41, 252.42, 252.43, 252.44, 252.46, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.099, 259.035, 260.0142, 282.34, 282.709, 288.012, 288.017, 288.018, 288.019, 28.021, 288.035, 288.047, 288.0656, 288.063, 288.065, 288.0655, 288.06561, 288.0657, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1081, 288.1082, 288.1083, 288.1088, 288.1089, 288.1095, 288.11621, 288.1169, 288.1171, 288.122, 288.1223, 288.1224, 288.1226, 288.1227, 288.1229, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.386, 288.7011, 288.705, 288.706, 288.707, 288.7091, 288.7094, 288.7102, 288.714, 288.816, 288.809, 288.826, 288.9015, 288.90151, 288.905, 288.9415, 288.95155, 288.955, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 311.09, 311.11, 311.115, 311.115, 311.22, 331.3051, 339.135, 380.285, 381.0086, 381.7354, 383.14, 402.281, 402.45, 402.56, 403.7032, 709.017, 409.1451, 380.06, 380.115, 409.944, 409.946, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0102, 411.0103, 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.295, 414.411, 429.907, 440.12, 440.15, 440.381, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181, and 443.191, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.

In addition to conforming to changes made by the act, the following section specifically:

Section 195: Amends s. 288.1088, F.S. to:

- Specifies “joint review” of quick action closing fund applications by the Jobs Florida commissioner and Enterprise Florida, Inc.
- Reduces from 22 days to 7 days the time-frame when the Jobs Florida commissioner will recommend to the Governor a business project for quick action closing funding.

Section 198: Amends s. 288.11621, F.S. to update provisions relating to development of a one-time Spring Training strategic plan, to require an update every 5 years, beginning in 2015. Also, clarifies that the updated plan should explore “alternatives” for financing spring training facilities.

Section 277: Amends s. 409.946, F.S., to:

- Reduces the Inner City Review Panel from 7 to 6 members. This is recommended for 2 reasons:
 - There is no need for OTTED to appoint the board and serve on it;
 - DCA is removed from the board; and
 - Taking OTTED’s place is a “local economic development agency.”

- Replaces references to the Office of Tourism, Trade, and Economic Development with “Jobs Florida.”
- Replaces references to the OTTED director with the Jobs Florida “commissioner.”
- Deletes reference to DCA.

Section 327-329: Amend ss. 161.54, 163.3221, and 380.031, F.S., to conform to changes made by the act – changes references to the Department of Community Affairs as the “state land planning agency” to Jobs Florida.

STATUTORY TRANSFERS

Section 330: Transfers, renumbers, and amends s. 20.505, F.S., as 20.605, F.S., to conform to changes made by the act.

Section 331: Transfers, renumbers, and amends s. 1004.99, F.S., as 445.06, F.S., to transfer administration of the Florida Ready to Work Certification Program to Jobs Florida.

STATUTORY REPEALS

Section 332: Repeals . 14.2015, F.S., which relates to the creation of the Office of Tourism, Trade, and Economic Development.

Section 333: Repeals s. 20.18, F.S., which relates to the creation of the Department of Community Affairs.

Section 334: Repeals s. 20.50, F.S., which relates to the creation of the Agency for Workforce Innovation.

Section 335: Repeals obsolete ss. 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, F.S., which relates to the abatement of asbestos in state buildings.

Section 336: Repeals obsolete s. 287.115, F.S., which relates to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed.

Section 337: Repeals obsolete s. 288.038, F.S., which relates to agreements appointing county tax collectors as an agent of the Department of Labor and Employment Security for licenses and other similar registrations

Section 338: Repeals s. 288.1162, F.S., which relates to the certification of a facility for a new or professional sports franchise.

Section 339: Repeals s. 288.1168, F.S., which relates to the certification of the professional golf hall of fame facility.

Section 340: Repeals s. 288.9618, F.S., which relates to an economic development program for microenterprises.

Section 341: Repeals s. 288.982, F.S., which relates to a public records exemption for certain records relating to the United States Department of Defense Base Realignment and Closure 2005 process.

Section 342: Repeals s. 288.99, F.S., which relates to the Certified Capital Company Act.

Section 343: Repeals s. 411.0105, F.S., which designates the Agency for Workforce Innovation as the lead agency to administer specified federal laws related to early learning and school readiness.

Section 344: Repeals obsolete s. 446.60, F.S., which relates to assistance for displaced local exchange telecommunications company workers.

Section 345: Repeals s. 1002.75, F.S., which relates to responsibilities of the Agency for Workforce Innovation in the Voluntary Prekindergarten Program.

EFFECTIVE DATE

Section 346: Provides an effective date of July 1, 2011.

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1 A bill to be entitled
2 An act relating to governmental reorganization;
3 transferring the functions and trust funds of the
4 Agency for Workforce Innovation to other agencies;
5 transferring the Office of Early Learning Services to
6 the Department of Education; transferring the Office
7 of Unemployment Compensation to Jobs Florida;
8 transferring the Office of Workforce Services to Jobs
9 Florida; transferring the functions and trust funds of
10 the Department of Community Affairs to other agencies;
11 transferring the Florida Housing Finance Corporation
12 to Jobs Florida; transferring the Division of Housing
13 and Community Development to Jobs Florida;
14 transferring the Division of Community Planning to
15 Jobs Florida; transferring the Division of Emergency
16 Management to the Executive Office of the Governor and
17 renaming it as the "Office of Emergency Management";
18 transferring the Florida Building Commission to the
19 Department of Business and Professional Regulation;
20 transferring the responsibilities under the Florida
21 Communities Trust to the Department of Environmental
22 Protection; transferring the responsibilities under
23 the Stan Mayfield Working Waterfronts program to the
24 Department of Environmental Protection; transferring
25 the responsibilities under the special district
26 information program to the Department of Financial
27 Services; transferring functions and trust funds of
28 the Office of Tourism, Trade, and Economic Development
29 in the Executive Office of the Governor to Jobs

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30 Florida; authorizing the Governor to transfer funds
31 and positions between agencies upon approval from the
32 Legislative Budget Commission to implement the act;
33 providing a directive to the Division of Statutory
34 Revision to prepare conforming legislation; creating
35 s. 14.2016, F.S.; establishing the Office of Emergency
36 Management within the Executive Office of the
37 Governor; providing for the director of the office to
38 serve at the pleasure of the Governor; amending s.
39 20.15, F.S.; establishing the Division of Early
40 Learning within the Department of Education; providing
41 for the division to administer the school readiness
42 system and the Voluntary Prekindergarten Education
43 Program; providing for the division to be headed by
44 the Deputy Director for Early Learning; amending s.
45 20.60, F.S.; creating Jobs Florida as a new department
46 of state government; providing for the commissioner of
47 Jobs Florida to be appointed by the Governor and
48 confirmed by the Senate; establishing divisions of
49 Jobs Florida and specifying their responsibilities;
50 providing for Jobs Florida to serve as the designated
51 agency for the purposes of federal workforce
52 development grants; authorizing Jobs Florida to
53 contract for training for employees of administrative
54 entities and case managers of contracted providers;
55 specifying that the Unemployment Appeals Commission is
56 not subject to control, supervision, or direction from
57 Jobs Florida; specifying the responsibilities of the
58 Commissioner of Jobs Florida; limiting the amount of

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59 the commissioner's public remuneration; authorizing
60 the commissioner to receive privately funded
61 performance bonuses from certain entities; specifying
62 powers and responsibilities of the Chief Inspector
63 General in the Executive Office of the Governor with
64 respect to Jobs Florida; providing for Jobs Florida to
65 have an official seal; providing for Jobs Florida to
66 administer the role of state government with respect
67 to laws relating to housing; authorizing Jobs Florida
68 to adopt rules; requiring the commissioner of Jobs
69 Florida to submit a report to the Legislature relating
70 to the effectiveness of the state's public-private
71 partnerships; amending s. 112.044, F.S., requiring an
72 employer, employment agency, and labor organization to
73 post notices required by the United States Department
74 of Labor and the United States Equal Employment
75 Opportunity Commission; amending s. 163.3164, F.S.;
76 redefining the term "optional sector plans" as "sector
77 plans"; amending ss. 163.3177, and 163.3180, F.S.;
78 deleting the word "optional" from the phrase "optional
79 sector plans" to conform to changes made by the act;
80 amending s. 163.3184, F.S.; creating exceptions to
81 requirements for comprehensive plan amendments to be
82 reviewed by the state land planning agency; requiring
83 the state land planning agency to submit a copy of a
84 comprehensive plan or plan amendment that relates to
85 or includes a public schools facilities element to the
86 Department of Education; amending s. 163.3191, F.S.;
87 creating exceptions to requirements for a local

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88 government to prepare an evaluation and appraisal
89 report to assess progress in implementing the local
90 government's comprehensive plan; deleting requirements
91 for a local government to include in an evaluation and
92 appraisal report certain statements to update a
93 comprehensive plan; deleting a requirement for a local
94 government to provide a proposed evaluation and
95 appraisal report to certain entities and interested
96 citizens; deleting provisions relating to a
97 requirement for a local government to adopt an
98 evaluation and appraisal report; providing for the
99 report to be submitted as data and analysis in support
100 of amendments based on evaluation and appraisal
101 report; deleting provisions relating to the delegation
102 of the review of evaluation and appraisal reports;
103 authorizing the state land planning agency to
104 establish a phased schedule for adoption of amendments
105 based on an evaluation and appraisal report; deleting
106 a requirement for the state land planning agency to
107 review the evaluation and appraisal report process and
108 submit a report to the Governor and the Legislature
109 regarding its findings; amending s. 163.3245, F.S.;
110 renaming optional sector plans as sector plans;
111 increasing the minimum size of geographic areas that
112 qualify for the use of sector plans; revising
113 terminology relating to such plans; deleting obsolete
114 provisions; renaming long-term conceptual buildout
115 overlays as long-term master plans; revising the
116 content required to be included in long-term master

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117 plans and detailed specified area plans; requiring
118 identification of water development projects and
119 transportation facilities to serve future development
120 needs; exempting certain developments from the
121 requirement to develop a detailed specific area plan;
122 providing that detailed specific area plans shall be
123 adopted by local development orders; requiring that
124 detailed specific area plans include a buildout date
125 and precluding certain changes in the development
126 until after that date; authorizing certain development
127 agreements between the developer and the local
128 government; providing for continuation of certain
129 existing land uses; amending s. 163.3246, F.S.;
130 deleting the word "optional" from the phrase "optional
131 sector plans" to conform to changes made by the act;
132 amending s. 163.32465, F.S.; making the alternative
133 state review of comprehensive plan amendments
134 applicable statewide; creating s. 288.048, F.S.;
135 creating the incumbent worker training program within
136 Jobs Florida; providing for the program to provide
137 preapproved, direct, training-related costs; providing
138 for the administration of the program by Jobs Florida
139 in conjunction with Workforce Florida, Inc.; amending
140 s. 288.061, F.S.; providing for Jobs Florida to review
141 applications for state economic development
142 incentives; authorizing the commissioner of Jobs
143 Florida to enter into an agreement with an applicant
144 relating to all incentives offered by the state;
145 amending s. 288.095, F.S.; providing for the Economic

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146 Development Incentives account to be used for certain
147 economic development incentives programs; providing
148 for Jobs Florida to approve applications for
149 certification or requests for participation in certain
150 economic development programs; amending s. 380.06,
151 F.S.; revising an exemption for certain developments
152 from requirements relating to developments of regional
153 impact; amending s. 380.115, F.S.; deleting the word
154 "optional" from the phrase "optional sector plans" to
155 conform to changes made by the act; amending s.
156 409.942, F.S.; requiring the Department of Education
157 to establish an electronic transfer benefit program
158 for the use and management of child care; amending s.
159 411.0102, F.S.; requiring each early learning
160 coalition board to develop a plan for the use of child
161 care purchasing pool funds; amending s. 1002.73, F.S.;
162 requiring the Department of Education to administer
163 the operational requirements of the Voluntary
164 Prekindergarten Education Program; requiring the
165 Department of Education to adopt procedures governing
166 the administration of the Voluntary Prekindergarten
167 Education Program by the early learning coalitions and
168 school districts; requiring the Department of
169 Education to adopt procedures for the distribution of
170 funds to early learning coalitions; authorizing the
171 auditor general to conduct audits to verify that
172 distributions used for a facility for a new or
173 retained sports franchise are used in accordance with
174 the law; authorizing the Department of Revenue to

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175 conduct audits to verify that distributions for the
176 Professional Golf Hall of Fame are used in accordance
177 with the law; amending ss. 14.20195, 15.182, 16.615,
178 39.001, 45.031 69.041, 112.3135, 119.071, 120.80,
179 125.0104, 125.01045, 159.803, 159.8081, 159.8083,
180 163.03, 163.3178, 163.360, 166.0446, 175.021, 186.505,
181 212.08,212.096, 212.097, 212.098, 212.20, 213.053,
182 215.5586, 216.136, 216.292, 216.231, 218.64, 220.03,
183 220.183, 220.191, 222.15, 250.06, 252.32, 252.34,
184 252.35, 252.355, 252.3568, 252.36, 252.365, 252.37,
185 252.371, 252.373, 252.38, 252.385, 252.40, 252.41,
186 252.42, 252.43, 252.44, 252.46, 252.55, 252.60,
187 252.61, 252.82, 252.83, 252.85, 252.86, 252.87,
188 252.88, 252.936, 252.937, 252.943, 252.946, 255.099,
189 259.035, 260.0142, 282.34, 282.709, 287.09431,
190 287.09451, 287.0947, 288.012, 288.017, 288.018,
191 288.019, 288.021, 288.035, 288.047, 288.0656, 288.063,
192 288.065, 288.0655 288.0656, 288.06561, 288.0657,
193 288.0659, 288.075, 288.1045, 288.106, 288.107,
194 288.108, 288.1081, 288.1082, 288.1083, 288.1088,
195 288.1089, 288.1095, 288.11621, 288.1169, 288.1171,
196 288.122, 288.1223, 288.1224, 288.1226, 288.1227,
197 288.1229, 288.124, 288.1251, 288.1252, 288.1253,
198 288.1254, 288.386, 288.7011, 288.705, 288.706,
199 288.707, 288.7091, 288.7094, 288.7102, 288.714,
200 288.816, 288.809, 288.826, 288.9015, 288.90151,
201 288.905, 288.9415, 288.95155, 288.955, 288.9625,
202 288.975, 288.980, 288.984, 288.9913, 288.9914,
203 288.9916, 288.9917, 288.9918, 299.9919, 288.9920,

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204 288.9921, 290.004, 290.0055, 290.0056, 290.0065,
205 290.0066, 290.00710, 290.0072, 290.00725, 290.0073,
206 290.0074, 290.0077, 290.014, 311.09, 311.11, 311.115,
207 311.22, 331.3051, 331.369, 339.135, 377.711, 377.712,
208 380.285, 381.0086, 381.7354, 383.14, 402.281, 402.45,
209 402.56, 403.7032, 409.017, 409.1451, 409.2576,
210 409.944, 409.946, 411.01, 411.0101, 411.01013,
211 411.01014, 411.01015, 411.0103, 411.0104, 411.0106,
212 411.011, 411.226, 411.227, 414.24, 414.40, 414.295,
213 414.411, 429.907, 440.12, 440.15, 440.381, 440.385,
214 440.49, 443.012, 443.036, 443.041, 443.051, 443.071,
215 443.091, 443.101, 443.111, 443.1113, 443.1115,
216 443.1116, 443.1215, 443.1216, 443.1217, 443.131,
217 443.1312, 443.1313, 443.1315, 443.1316, 443.1317,
218 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181,
219 443.191, 443.211, 443.221, 445.002, 445.003, 445.004,
220 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038,
221 445.045, 445.048, 445.049, 445.051, 445.056, 446.41,
222 446.50, 446.52, 448.109, 448.110, 450.161, 450.191,
223 450.31, 464.203, 468.529, 469.002, 469.003, 489.1455,
224 489.5335, 526.143, 526.144, 551.104, 553.62, 597.006,
225 624.5105, 627.0628, 768.13, 943.03, 943.03101,
226 943.0311, 943.0312, 943.0313, 944.012, 944.708,
227 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55,
228 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72,
229 1002.77, 1002.79, 1003.491, 1003.492, 1003.493,
230 1003.575, 1003.4285, 1003.493, 1008.39, 1008.41,
231 1011.76, and 1012.2251, F.S.; conforming provisions to
232 changes made by the act; conforming cross-references;

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233 deleting obsolete provisions; transferring,
234 renumbering, and amending ss. 20.505 and 1004.99,
235 F.S.; conforming provisions to changes made by the
236 act; repealing s. 14.2015, F.S., which relates to the
237 creation of the Office of Tourism, Trade, and Economic
238 Development; repealing s. 20.18, F.S., which relates
239 to the creation of the Department of Community
240 Affairs; repealing s. 20.50, F.S., which relates to
241 the creation of the Agency for Workforce Innovation;
242 repealing ss. 255.551, 255.552, 255.553, 255.5535,
243 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559,
244 255.56, 255.561, 255.562, and 255.563, F.S., which
245 relates to the abatement of asbestos in state
246 buildings; repealing s. 287.115, F.S., which relates
247 to a requirement for the Chief Financial Officer to
248 submit a report on contractual service contracts
249 disallowed; repealing s. 288.038, F.S., which relates
250 to agreements appointing county tax collectors as an
251 agent of the Department of Labor and Employment
252 Security for licenses and other similar registrations;
253 repealing s. 288.1162, F.S., which relates to the
254 certification of a facility for a new or professional
255 sports franchise; repealing s. 288.1168, F.S., which
256 relates to the certification of the professional golf
257 hall of fame facility; repealing s. 288.9618, F.S.,
258 which relates to an economic development program for
259 microenterprises; repealing s. 288.982, F.S., which
260 relates to a public records exemption for certain
261 records relating to the United States Department of

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262 Defense Base Realignment and Closure 2005 process;
263 repealing s. 288.99, F.S., which relates to the
264 Certified Capital Company Act; repealing s. 411.0105,
265 F.S., which designates the Agency for Workforce
266 Innovation as the lead agency to administer specified
267 federal laws; repealing s. 446.60, F.S., which relates
268 to assistance for displaced local exchange
269 telecommunications company workers; repealing s.
270 1002.75, F.S., which relates to responsibilities of
271 the Agency for Workforce Innovation; providing an
272 effective date.

273

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

275

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

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

285 (a) The Office of Early Learning Services is transferred to
286 the Department of Education.

287 (b) The Office of Unemployment Compensation is transferred
288 to Jobs Florida.

289 (c) The Office of Workforce Services is transferred to Jobs
290 Florida.

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- 291 (2) The following trust funds are transferred:
292 (a) From the Agency for Workforce Innovation to the
293 Department of Education, the Child Care and Development Block
294 Grant Trust Fund.
295 (b) From the Agency for Workforce Innovation to Jobs
296 Florida:
297 1. The Administrative Trust Fund.
298 2. The Employment Security Administration Trust Fund.
299 3. The Special Employment Security Administration Trust
300 Fund.
301 4. The Unemployment Compensation Benefit Trust Fund.
302 5. The Unemployment Compensation Clearing Trust Fund.
303 6. The Revolving Trust Fund.
304 7. The Welfare Transition Trust Fund.
305 8. The Displaced Homemaker Trust Fund.
306 (3) Any binding contract or interagency agreement existing
307 on or before July 1, 2011, between the Agency for Workforce
308 Innovation, or an entity or agent of the agency, and any other
309 agency, entity, or person shall continue as a binding contract
310 or agreement for the remainder of the term of such contract or
311 agreement with the successor department, agency, or entity
312 responsible for the program, activity, or functions relative to
313 the contract or agreement.

314 Section 2. Type two transfers from the Department of
315 Community Affairs.-

- 316 (1) All powers, duties, functions, records, offices,
317 personnel, property, pending issues, and existing contracts,
318 administrative authority, administrative rules, and unexpended
319 balances of appropriations, allocations, and other funds

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320 relating to the following programs in the Department of
321 Community Affairs are transferred by a type two transfer, as
322 defined in s. 20.06(2), Florida Statutes, as follows:

323 (a) The Florida Housing Finance Corporation is transferred
324 to Jobs Florida.

325 (b) The Division of Housing and Community Development is
326 transferred to Jobs Florida.

327 (c) The Division of Community Planning is transferred to
328 Jobs Florida.

329 (d) The Division of Emergency Management is transferred to
330 the Executive Office of the Governor, and is renamed the Office
331 of Emergency Management.

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

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

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

340 (h) The responsibilities of the Special District
341 Information Program under chapter 189, Florida Statutes, are
342 transferred to the Department of Financial Services.

343 (2) The following trust funds are transferred:

344 (a) From the Department of Community Affairs to Jobs
345 Florida:

346 1. The Administrative Trust Fund.

347 2. The State Housing Trust Fund.

348 3. The Community Services Block Grant Trust Fund.

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- 349 4. The Local Government Housing Trust Fund.
- 350 5. The Florida Small Cities Community Development Block
351 Grant Trust Fund.
- 352 6. The Federal Grants Trust Fund.
- 353 7. The Grants and Donations Trust Fund.
- 354 8. The Energy Consumption Trust Fund.
- 355 9. The Low-Income Home Energy Assistance Trust Fund.
- 356 (b) From the Department of Community Affairs to the
357 Executive Office of the Governor:
- 358 1. The Emergency Management Preparedness and Assistance
359 Trust Fund.
- 360 2. The Federal Emergency Management Programs Support Trust
361 Fund.
- 362 3. The U.S. Contributions Trust Fund.
- 363 (c) From the Department of Community Affairs to the
364 Department of Business and Professional Regulation, the
365 Operating Trust Fund of the Florida Building Commission.
- 366 (d) From the Department of Community Affairs to the
367 Department of Environmental Protection:
- 368 1. The Florida Forever Program Trust Fund.
- 369 2. The Florida Communities Trust Fund.
- 370 (3) Any binding contract or interagency agreement existing
371 on or before July 1, 2011, between the Department of Community
372 Affairs or Division of Emergency Management, or an entity or
373 agent of the department or division, and any other agency,
374 entity, or person shall continue as a binding contract or
375 agreement for the remainder of the term of such contract or
376 agreement with the successor department, agency, or entity
377 responsible for the program, activity, or functions relative to

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378 the contract or agreement.

379 Section 3. Type two transfers from Executive Office of the
380 Governor.-

381 (1) All powers, duties, functions, records, offices,
382 personnel, property, pending issues, and existing contracts,
383 administrative authority, administrative rules, and unexpended
384 balances of appropriations, allocations, and other funds
385 relating to the Office of Tourism, Trade and Economic
386 Development in the Executive Office of the Governor are
387 transferred by a type two transfer, as defined in s. 20.06(2),
388 Florida Statutes, to Jobs Florida.

389 (2) The following trust funds are transferred from the
390 Executive Office of the Governor to Jobs Florida:

- 391 1. The Grants and Donations Trust Fund.
392 2. The Economic Development Trust Fund.
393 3. The Economic Development Transportation Trust Fund.
394 4. The Tourism Promotional Trust Fund.
395 5. The Professional Sports Development Trust Fund.
396 6. The Florida International Trade and Promotion Trust
397 Fund.

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

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407 Section 4. Notwithstanding ss. 216.292 and 216.351, Florida
408 Statutes, upon approval by the Legislative Budget Commission,
409 the Executive Office of the Governor may transfer funds and
410 positions between agencies to implement this act.

411 Section 5. The Legislature recognizes that there is a need
412 to conform the Florida Statutes to the policy decisions
413 reflected in this act and that there is a need to resolve
414 apparent conflicts between any other legislation that has been
415 or may be enacted during the 2011 Regular Session of the
416 Legislature and the transfer of duties made by this act.
417 Therefore, in the interim between this act becoming law and the
418 2012 Regular Session of the Legislature or an earlier special
419 session addressing this issue, the Division of Statutory
420 Revision shall prepare draft legislation to conform the Florida
421 Statutes and any legislation enacted during 2011 to the
422 provisions of this act.

423 Section 6. Section 14.2016, Florida Statutes, is created to
424 read:

425 14.2016 Office of Emergency Management.—The Office of
426 Emergency Management is established within the Executive Office
427 of the Governor. The office shall be a separate budget entity,
428 as provided in the General Appropriations Act. The office shall
429 be responsible for all professional, technical, and
430 administrative support functions necessary to carry out its
431 responsibilities under part I of chapter 252. The director of
432 the office shall be appointed by and serve at the pleasure of
433 the Governor, and shall be the head of the office for all
434 purposes. Under the direction of the Governor, the office shall
435 administer programs to apply rapidly all available aid to

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436 communities stricken by an emergency as defined in s. 252.34
437 and, for this purpose, shall provide liaison with federal
438 agencies and other public and private agencies.

439 Section 7. Section 6. Paragraph (h) is added to subsection
440 (3) and subsection (9) is added to section 20.15, Florida
441 Statutes, to read:

442 20.15 Department of Education.—There is created a
443 Department of Education.

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

446 (h) The Division of Early Learning, which shall administer
447 the school readiness system in accordance with s. 411.01 and the
448 operational requirements of the Voluntary Prekindergarten
449 Education Program in accordance with part V of chapter 1002. The
450 Division shall be directed by the Deputy Director for Early
451 Learning, who shall be appointed by and serve at the pleasure of
452 the commissioner.

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

458 Section 8. Section 20.60, Florida Statutes, is created to
459 read:

460 20.60 Jobs Florida; creation; powers and duties.—

461 (1) There is created a department that, notwithstanding the
462 provisions of s. 20.04(1), shall be called Jobs Florida.

463 (2) The head of Jobs Florida is the commissioner of Jobs
464 Florida, who shall be appointed by the Governor, subject to

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465 confirmation by the Senate. The commissioner shall serve at the
466 pleasure of and report to the Governor.

467 (3) The following divisions of Jobs Florida are
468 established:

469 (a) The Division of Business Development.

470 (b) The Division of Strategic Planning.

471 (c) The Division of Community Development.

472 (d) The Division of Unemployment Services.

473 (e) The Division of Workforce Services.

474 (f) The Division of Finance and Administration.

475 (4) The purpose of Jobs Florida is to assist the Governor
476 in working with the Legislature, state agencies, business
477 leaders, and economic development professionals to formulate and
478 implement coherent and consistent policies and strategies
479 designed to promote economic opportunities for all Floridians.
480 To accomplish such purposes, Jobs Florida shall:

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

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

490 (c) Ensure that, to the maximum extent possible, there is a
491 link between the economic development and workforce development
492 goals and strategies of the state.

493 (d) Manage the activities of public-private partnerships

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494 and state agencies in order to avoid duplication and promote
495 coordinated and consistent implementation of programs in areas
496 including, but not limited to, tourism; international trade and
497 investment; business recruitment, creation, retention, and
498 expansion; minority and small business development; rural
499 community development; commercialization of products, services,
500 or ideas developed in public universities or other public
501 institutions; and the development and promotion of professional
502 and amateur sporting events.

503 (5) The divisions within Jobs Florida have specific
504 responsibilities to achieve the duties, responsibilities, and
505 goals of Jobs Florida. Specifically:

506 (a) The Division of Business Development shall:

507 1. Administer the tax refund and tax credit programs
508 created in law, including, but limited to, the Quick Response
509 Training and Incumbent Worker Training incentives, the Quick
510 Action Closing Fund incentive, the Qualified Target Industry Tax
511 Refund incentive, the High-Impact Industry Grant incentive, the
512 Qualified Defense Contractor and Spaceflight Business tax refund
513 incentive, the Innovation Incentive Program, the Economic
514 Development Transportation Fund, the Capital Investment Tax
515 Credit incentive, the Community Contribution Tax Credit
516 incentive, and the Local Government Distressed Area Matching
517 Grant program;

518 2. Administer the Rural Community Development Revolving
519 Loan Fund, the Rural Infrastructure Fund, the Rural Economic
520 Development Strategy Grants, and other incentive or business
521 development programs targeting rural Florida;

522 3. Administer the military grant and related programs under

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523 part XI of chapter 288;

524 4. Administer grants and programs related to minority
525 business and small business, under part IV of chapter 288; and

526 5. Assist Enterprise Florida, Inc., Space Florida, and the
527 Florida Commission on Tourism, in preparing an annual report to
528 the Legislature on the state of the business climate in Florida
529 and on the state of economic development in Florida which
530 includes the identification of problems and the recommendation
531 of solutions. This report shall be submitted to the President of
532 the Senate, the Speaker of the House of Representatives, the
533 Senate Minority Leader, and the House Minority Leader by January
534 1 of each year, and shall be in addition to the Governor's
535 message to the Legislature required by the State Constitution
536 and any other economic reports required by law, including the
537 annual incentives report prepared by Enterprise Florida, Inc.

538
539 Notwithstanding any other provision of law, Jobs Florida may
540 expend interest earned from the investment of program funds
541 deposited in the Grants and Donations Trust Fund to contract for
542 the administration of those programs, or portions of the
543 programs, enumerated in this paragraph or assigned to Jobs
544 Florida by law, by the appropriations process, or by the
545 Governor. Such expenditures shall be subject to review under
546 chapter 216.

547 (b) The Division of Community Development shall administer:

548 1. The Community Services Block Grant Program;

549 2. The Community Block Grant Program in chapter 290;

550 3. The Low-Income Energy Assistance Program in chapter 409;

551 4. The Weatherization Assistance Program in chapter 409;

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552 and

553 5. The Neighborhood Stabilization Program;

554 6. The local comprehensive planning process and the
555 development of regional impact process; and

556 7. Any other related programs.

557 (c) The Division of Strategic Planning shall administer the
558 following activities:

559 1. Statewide strategic planning, with the assistance of the
560 governing boards of Enterprise Florida, Inc., Space Florida,
561 Visit Florida, Workforce Florida, Inc., and the Florida
562 Entertainment Advisory Council; and

563 2. Developing measurement protocols for the state incentive
564 programs and for the contracted entities which will be used to
565 determine their performance and competitive value to the state.

566 Performance measures, benchmarks, and sanctions must be
567 developed in consultation with the legislative appropriations
568 committees and the appropriate substantive committees, and are
569 subject to the review and approval process provided in s.

570 216.177. The approved performance measures, standards, and
571 sanctions shall be included and made a part of the strategic
572 plan for contracts entered into for delivery of programs
573 authorized by this section.

574 (d) The Division of Workforce Services shall:

575 1. Prepare and submit as a separate budget entity a unified
576 budget request for workforce in accordance with chapter 216 for,
577 and in conjunction with, Workforce Florida, Inc., and its board.

578 2. Jobs Florida shall ensure that the state appropriately
579 administers federal and state workforce funding by administering
580 plans and policies of Workforce Florida, Inc., under contract

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581 with Workforce Florida, Inc. The operating budget and midyear
582 amendments thereto must be part of such contract.

583 a. All program and fiscal instructions to regional
584 workforce boards shall emanate from Jobs Florida pursuant to
585 plans and policies of Workforce Florida, Inc. Workforce Florida,
586 Inc., shall be responsible for all policy directions to the
587 regional workforce boards.

588 b. Unless otherwise provided by agreement with Workforce
589 Florida, Inc., administrative and personnel policies of Jobs
590 Florida shall apply.

591 3. Jobs Florida is the administrative agency designated for
592 receipt of federal workforce development grants and other
593 federal funds. Jobs Florida shall administer the duties and
594 responsibilities assigned by the Governor under each federal
595 grant assigned to Jobs Florida. Jobs Florida shall expend each
596 revenue source as provided by federal and state law and as
597 provided in plans developed by and agreements with Workforce
598 Florida, Inc. Jobs Florida may serve as the contract
599 administrator for contracts entered into by Workforce Florida,
600 Inc., pursuant to s. 445.004(5), as directed by Workforce
601 Florida, Inc.

602 (e) The Division of Unemployment Services shall implement
603 the state's unemployment compensation program. Jobs Florida
604 shall ensure that the state appropriately administers the
605 unemployment compensation program pursuant to state and federal
606 law.

607 (6) Jobs Florida shall serve as the designated agency for
608 purposes of each federal workforce development grant assigned to
609 it for administration. Jobs Florida shall carry out the duties

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610 assigned to it by the Governor, under the terms and conditions
611 of each grant. Jobs Florida shall have the level of authority
612 and autonomy necessary to be the designated recipient of each
613 federal grant assigned to it, and shall disburse such grants
614 pursuant to the plans and policies of Workforce Florida, Inc.
615 The commissioner may, upon delegation from the Governor and
616 pursuant to agreement with Workforce Florida, Inc., sign
617 contracts, grants, and other instruments as necessary to execute
618 functions assigned to Jobs Florida. Notwithstanding other
619 provision of law, Jobs Florida shall administer other programs
620 funded by federal or state appropriations, as determined by the
621 Legislature in the General Appropriations Act or by law.

622 (7) Jobs Florida may provide or contract for training for
623 employees of administrative entities and case managers of any
624 contracted providers to ensure they have the necessary
625 competencies and skills to provide adequate administrative
626 oversight and delivery of the full array of client services.

627 (8) The Unemployment Appeals Commission, authorized by s.
628 443.012, is not subject to control, supervision, or direction by
629 Jobs Florida in the performance of its powers and duties but
630 shall receive any and all support and assistance from Jobs
631 Florida that is required for the performance of its duties.

632 (9)(a) The commissioner of Jobs Florida shall:

633 1. Manage all activities and responsibilities of the
634 department.

635 2. Serve as the Governor's chief negotiator for business
636 recruitment and business expansion.

637 3. Serve as the manager for the state with respect to
638 contracts with Enterprise Florida, Inc., the Florida Commission

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639 on Tourism, Space Florida, the Institute for the
640 Commercialization of Public Research, and all applicable direct-
641 support organizations. To accomplish the provisions of this
642 section and applicable provisions of chapter 288, and
643 notwithstanding the provisions of part I of chapter 287, the
644 commissioner shall enter into specific contracts with Enterprise
645 Florida, Inc., the Florida Commission on Tourism, Space Florida,
646 the Institute for the Commercialization of Public Research, and
647 other appropriate direct-support organizations. Such contracts
648 may be for multiyear terms and shall include specific
649 performance measures for each year.

650 4. Serve as the state protocol officer. In consultation
651 with the Governor and other governmental officials, the
652 commissioner shall develop, maintain, publish, and distribute
653 the state protocol manual.

654 (b)1. Notwithstanding any other law, resolution, or rule to
655 the contrary, the commissioner may not receive more in public
656 remuneration annually than \$130,000, pursuant to the General
657 Appropriations Act, and for the purposes of the Florida
658 Retirement System, only the commissioner's public remuneration
659 may be considered.

660 2. Notwithstanding s. 112.313(7), the commissioner also may
661 receive privately-funded performance bonuses from Enterprise
662 Florida, Inc., VISIT Florida, The Florida Sports Foundation, and
663 Space Florida.

664 (10) The Chief Inspector General in the Executive Office of
665 the Governor:

666 (a) Shall advise public-private partnerships in their
667 development, utilization, and improvement of internal control

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668 measures necessary to ensure fiscal accountability.

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

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

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

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

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

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

687 (11) Jobs Florida shall have an official seal by which its
688 records, orders, and proceedings are authenticated. The seal
689 shall be judicially noticed.

690 (12) Jobs Florida shall administer the role of state
691 government under part I of chapter 421, relating to public
692 housing, chapter 422, relating to housing cooperation law, and
693 chapter 423, tax exemption of housing authorities. Jobs Florida
694 is the agency of state government responsible for the state's
695 role in housing and urban development.

696 (13) Jobs Florida may adopt rules to administer the

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697 provisions of law conferring duties upon it.

698 Section 9. By January 1, 2012, the commissioner of Jobs
699 Florida shall submit to the President of the Senate and the
700 Speaker of the House of Representatives an assessment of the
701 effectiveness of the state's public-private partnerships related
702 to economic development, to include Enterprise Florida, Inc.,
703 the Florida Commission on Tourism, the Florida Sports
704 Foundation, Space Florida, and the Institute for the
705 Commercialization of Public Research. The Commissioner shall
706 also submit any recommendations to improve the effectiveness of
707 these public-private partnerships, or any other measures to
708 improve the effectiveness of state efforts to promote economic
709 development in this state.

710 Section 10. Paragraph (d) of subsection (2) and subsection
711 (5) of section 112.044, Florida Statutes, are amended to read:

712 112.044 Public employers, employment agencies, labor
713 organizations; discrimination based on age prohibited;
714 exceptions; remedy.—

715 (2) DEFINITIONS.—For the purpose of this act:

716 ~~(d) "Department" means the Department of Labor and~~
717 ~~Employment Security.~~

718 (5) NOTICE TO BE POSTED.—Each employer, employment agency,
719 and labor organization shall post and keep posted in conspicuous
720 places upon its premises notices ~~a notice to be prepared or~~
721 ~~approved by the department setting forth such information as~~
722 required by the United States Department of Labor and the United
723 States Equal Employment Opportunity Commission ~~department deems~~
724 ~~appropriate to effectuate the purposes of this act.~~

725 Section 11. Subsections (20) and (31) of section 163.3164,

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726 Florida Statutes, is amended to read:

727 163.3164 Local Government Comprehensive Planning and Land
728 Development Regulation Act; definitions.—As used in this act:

729 (20) "State land planning agency" means Jobs Florida ~~the~~
730 ~~Department of Community Affairs.~~

731 (31) "~~Optional~~ Sector plan" means the ~~an optional~~ process
732 authorized by s. 163.3245 in which one or more local governments
733 engage in long-term planning for a large area and by agreement
734 ~~with the state land planning agency are allowed to address~~
735 regional development of regional impact issues through adoption
736 of detailed specific area plans within the planning area within
737 ~~certain designated geographic areas identified in the local~~
738 ~~comprehensive plan~~ as a means of fostering innovative planning
739 and development strategies in s. 163.3177(11)(a) and (b),
740 furthering the purposes of this part and part I of chapter 380,
741 reducing overlapping data and analysis requirements, protecting
742 regionally significant resources and facilities, and addressing
743 extrajurisdictional impacts. The term includes an optional
744 sector plan that was adopted pursuant to the Optional Sector
745 Plan program.

746 Section 12. Paragraph (d) of subsection (15) of section
747 163.3177, Florida Statutes, is amended to read:

748 163.3177 Required and optional elements of comprehensive
749 plan; studies and surveys.—

750 (15)

751 (d) This subsection does not apply to a ~~an optional~~ sector
752 plan adopted pursuant to s. 163.3245, a rural land stewardship
753 area designated pursuant to subsection (11), or any
754 comprehensive plan amendment that includes an inland port

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755 terminal or affiliated port development.

756 Section 13. Paragraph (a) of subsection (12) of section
757 163.3180, Florida Statutes, is amended to read:

758 163.3180 Concurrency.—

759 (12)(a) A development of regional impact may satisfy the
760 transportation concurrency requirements of the local
761 comprehensive plan, the local government's concurrency
762 management system, and s. 380.06 by payment of a proportionate-
763 share contribution for local and regionally significant traffic
764 impacts, if:

765 1. The development of regional impact which, based on its
766 location or mix of land uses, is designed to encourage
767 pedestrian or other nonautomotive modes of transportation;

768 2. The proportionate-share contribution for local and
769 regionally significant traffic impacts is sufficient to pay for
770 one or more required mobility improvements that will benefit a
771 regionally significant transportation facility;

772 3. The owner and developer of the development of regional
773 impact pays or assures payment of the proportionate-share
774 contribution; and

775 4. If the regionally significant transportation facility to
776 be constructed or improved is under the maintenance authority of
777 a governmental entity, as defined by s. 334.03(12), other than
778 the local government with jurisdiction over the development of
779 regional impact, the developer is required to enter into a
780 binding and legally enforceable commitment to transfer funds to
781 the governmental entity having maintenance authority or to
782 otherwise assure construction or improvement of the facility.

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784 The proportionate-share contribution may be applied to any
785 transportation facility to satisfy the provisions of this
786 subsection and the local comprehensive plan, but, for the
787 purposes of this subsection, the amount of the proportionate-
788 share contribution shall be calculated based upon the cumulative
789 number of trips from the proposed development expected to reach
790 roadways during the peak hour from the complete buildout of a
791 stage or phase being approved, divided by the change in the peak
792 hour maximum service volume of roadways resulting from
793 construction of an improvement necessary to maintain the adopted
794 level of service, multiplied by the construction cost, at the
795 time of developer payment, of the improvement necessary to
796 maintain the adopted level of service. For purposes of this
797 subsection, "construction cost" includes all associated costs of
798 the improvement. Proportionate-share mitigation shall be limited
799 to ensure that a development of regional impact meeting the
800 requirements of this subsection mitigates its impact on the
801 transportation system but is not responsible for the additional
802 cost of reducing or eliminating backlogs. This subsection also
803 applies to Florida Quality Developments pursuant to s. 380.061
804 and to detailed specific area plans implementing ~~optional~~ sector
805 plans pursuant to s. 163.3245.

806 Section 14. Subsections (2) and (4) of section 163.3184,
807 Florida Statutes, are amended to read:

808 163.3184 Process for adoption of comprehensive plan or plan
809 amendment.—

810 (2) COORDINATION.—Each comprehensive plan or plan amendment
811 proposed to be adopted pursuant to this part, except amendments
812 adopted pursuant to ss. 163.32465 or 163.3187(1)(c) and (3),

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813 shall be transmitted, adopted, and reviewed in the manner
814 prescribed in this section. The state land planning agency shall
815 have responsibility for plan review, coordination, and the
816 preparation and transmission of comments, pursuant to this
817 section, to the local governing body responsible for the
818 comprehensive plan. The state land planning agency shall
819 maintain a single file concerning any proposed or adopted plan
820 amendment submitted by a local government for any review under
821 this section. Copies of all correspondence, papers, notes,
822 memoranda, and other documents received or generated by the
823 state land planning agency must be placed in the appropriate
824 file. Paper copies of all electronic mail correspondence must be
825 placed in the file. The file and its contents must be available
826 for public inspection and copying as provided in chapter 119.

827 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies
828 specified in paragraph (3)(a) shall provide comments to the
829 state land planning agency within 30 days after receipt by the
830 state land planning agency of the complete proposed plan
831 amendment. If the plan or plan amendment includes or relates to
832 the public school facilities element pursuant to s.
833 163.3177(12), the state land planning agency shall submit a copy
834 to the Department of Education ~~Office of Educational Facilities~~
835 ~~of the Commissioner of Education~~ for review and comment. The
836 appropriate regional planning council shall also provide its
837 written comments to the state land planning agency within 30
838 days after receipt by the state land planning agency of the
839 complete proposed plan amendment and shall specify any
840 objections, recommendations for modifications, and comments of
841 any other regional agencies to which the regional planning

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842 council may have referred the proposed plan amendment. Written
843 comments submitted by the public within 30 days after notice of
844 transmittal by the local government of the proposed plan
845 amendment will be considered as if submitted by governmental
846 agencies. All written agency and public comments must be made
847 part of the file maintained under subsection (2).

848 (11) ADMINISTRATION COMMISSION.—

849 (c) The sanctions provided by paragraphs (a) and (b) do
850 ~~shall~~ not apply to a local government regarding any plan
851 amendment, except for plan amendments that amend plans that have
852 not been finally determined to be in compliance with this part,
853 and except as provided in s. 163.3189(2) or s. 163.3191(9) ~~s.~~
854 ~~163.3191(11)~~.

855 Section 15. Section 163.3191, Florida Statutes, is amended
856 to read:

857 163.3191 Evaluation and appraisal of comprehensive plan.—

858 (1) The planning program shall be a continuous and ongoing
859 process. Each local government shall prepare ~~adopt~~ an evaluation
860 and appraisal report once every 7 years assessing the progress
861 in implementing the local government's comprehensive plan—
862 unless:

863 (a) The local government has issued development orders for
864 residential units composing less than 10 percent of the local
865 government's residential development capacity at the time it
866 last submitted amendments based on the evaluation and appraisal
867 report pursuant to subsection (8); and

868 (b) The local government has not adopted amendments to its
869 comprehensive plan which increase the local government's
870 residential development capacity by 10 percent or more since it

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871 last submitted amendments based on the evaluation and appraisal
872 report pursuant to subsection (8); and

873 (c) Based upon resident population estimates supplied by
874 the University of Florida, Bureau of Economic and Business
875 Research, or the Executive Office of Governor, the local
876 government demonstrates that its population has not increased by
877 more than 10 percent since it last submitted amendments based on
878 the evaluation and appraisal report pursuant to subsection (8).

879 ~~Furthermore,~~

880 (2) It is the intent of this section that:

881 (a) Adopted comprehensive plans be reviewed through such
882 evaluation process to respond to changes in state, regional, and
883 local policies on planning and growth management and changing
884 conditions and trends, to ensure effective intergovernmental
885 coordination, and to identify major issues regarding the
886 community's achievement of its goals.

887 (b) After completion of the initial evaluation and
888 appraisal report and any supporting plan amendments, each
889 subsequent evaluation and appraisal report must evaluate the
890 comprehensive plan in effect at the time of the initiation of
891 the evaluation and appraisal report process.

892 (c) Local governments identify the major issues, if
893 applicable, with input from state agencies, regional agencies,
894 adjacent local governments, and the public in the evaluation and
895 appraisal report process. It is also the intent of this section
896 to establish minimum requirements for information to ensure
897 predictability, certainty, and integrity in the growth
898 management process. The report is intended to serve as a summary
899 audit of the actions that a local government has undertaken and

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900 identify changes that it may need to make. The report should be
901 based on the local government's analysis of major issues to
902 further the community's goals consistent with statewide minimum
903 standards. The report is not intended to require a comprehensive
904 rewrite of the elements within the local plan, unless a local
905 government chooses to do so.

906 (3)~~(2)~~ The report shall present an evaluation and
907 assessment of the comprehensive plan and the local government is
908 encouraged to include ~~shall contain~~ appropriate statements to
909 update the comprehensive plan, including, but not limited to,
910 words, maps, illustrations, or other media, related to:

911 (a) Population growth and changes in land area, including
912 annexation, since the adoption of the original plan or the most
913 recent update amendments.

914 (b) The extent of vacant and developable land.

915 (c) The financial feasibility of implementing the
916 comprehensive plan and of providing needed infrastructure to
917 achieve and maintain adopted level-of-service standards and
918 sustain concurrency management systems through the capital
919 improvements element, as well as the ability to address
920 infrastructure backlogs and meet the demands of growth on public
921 services and facilities.

922 (d) The location of existing development in relation to the
923 location of development as anticipated in the original plan, or
924 in the plan as amended by the most recent evaluation and
925 appraisal report update amendments, such as within areas
926 designated for urban growth.

927 (e) An identification of the major issues for the
928 jurisdiction and, where pertinent, the potential social,

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929 economic, and environmental impacts.

930 (f) Relevant changes to the state comprehensive plan, the
931 requirements of this part, the minimum criteria contained in
932 chapter 9J-5, Florida Administrative Code, and the appropriate
933 strategic regional policy plan since the adoption of the
934 original plan or the most recent evaluation and appraisal report
935 update amendments.

936 (g) An assessment of whether the plan objectives within
937 each element, as they relate to major issues, have been
938 achieved. The report shall include, as appropriate, an
939 identification as to whether unforeseen or unanticipated changes
940 in circumstances have resulted in problems or opportunities with
941 respect to major issues identified in each element and the
942 social, economic, and environmental impacts of the issue.

943 (h) A brief assessment of successes and shortcomings
944 related to each element of the plan.

945 (i) The identification of any actions or corrective
946 measures, including whether plan amendments are anticipated to
947 address the major issues identified and analyzed in the report.
948 Such identification shall include, as appropriate, new
949 population projections, new revised planning timeframes, a
950 revised future conditions map or map series, an updated capital
951 improvements element, and any new and revised goals, objectives,
952 and policies for major issues identified within each element.
953 This paragraph shall not require the submittal of the plan
954 amendments with the evaluation and appraisal report.

955 (j) A summary of the public participation program and
956 activities undertaken by the local government in preparing the
957 report.

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958 (k) The coordination of the comprehensive plan with
959 existing public schools and those identified in the applicable
960 educational facilities plan adopted pursuant to s. 1013.35. The
961 assessment shall address, where relevant, the success or failure
962 of the coordination of the future land use map and associated
963 planned residential development with public schools and their
964 capacities, as well as the joint decisionmaking processes
965 engaged in by the local government and the school board in
966 regard to establishing appropriate population projections and
967 the planning and siting of public school facilities. For those
968 counties or municipalities that do not have a public schools
969 interlocal agreement or public school facilities element, the
970 assessment shall determine whether the local government
971 continues to meet the criteria of s. 163.3177(12). If the county
972 or municipality determines that it no longer meets the criteria,
973 it must adopt appropriate school concurrency goals, objectives,
974 and policies in its plan amendments pursuant to the requirements
975 of the public school facilities element, and enter into the
976 existing interlocal agreement required by ss. 163.3177(6)(h)2.
977 and 163.31777 in order to fully participate in the school
978 concurrency system.

979 (1) The extent to which the local government has been
980 successful in identifying alternative water supply projects and
981 traditional water supply projects, including conservation and
982 reuse, necessary to meet the water needs identified in s.
983 373.709(2)(a) within the local government's jurisdiction. The
984 report must evaluate the degree to which the local government
985 has implemented the work plan for building public, private, and
986 regional water supply facilities, including development of

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987 alternative water supplies, identified in the element as
988 necessary to serve existing and new development.

989 (m) If any of the jurisdiction of the local government is
990 located within the coastal high-hazard area, an evaluation of
991 whether any past reduction in land use density impairs the
992 property rights of current residents when redevelopment occurs,
993 including, but not limited to, redevelopment following a natural
994 disaster. The property rights of current residents shall be
995 balanced with public safety considerations. The local government
996 must identify strategies to address redevelopment feasibility
997 and the property rights of affected residents. These strategies
998 may include the authorization of redevelopment up to the actual
999 built density in existence on the property prior to the natural
1000 disaster or redevelopment.

1001 (n) An assessment of whether the criteria adopted pursuant
1002 to s. 163.3177(6)(a) were successful in achieving compatibility
1003 with military installations.

1004 (o) The extent to which a concurrency exception area
1005 designated pursuant to s. 163.3180(5), a concurrency management
1006 area designated pursuant to s. 163.3180(7), or a multimodal
1007 transportation district designated pursuant to s. 163.3180(15)
1008 has achieved the purpose for which it was created and otherwise
1009 complies with the provisions of s. 163.3180.

1010 (p) An assessment of the extent to which changes are needed
1011 to develop a common methodology for measuring impacts on
1012 transportation facilities for the purpose of implementing its
1013 concurrency management system in coordination with the
1014 municipalities and counties, as appropriate pursuant to s.
1015 163.3180(10).

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1016 (4)~~(3)~~ Voluntary scoping meetings may be conducted by each
 1017 local government or several local governments within the same
 1018 county that agree to meet together. Joint meetings among all
 1019 local governments in a county are encouraged. ~~All scoping~~
 1020 ~~meetings shall be completed at least 1 year prior to the~~
 1021 ~~established adoption date of the report.~~ The purpose of the
 1022 meetings shall be to distribute data and resources available to
 1023 assist in the preparation of the report, to provide input on
 1024 major issues in each community that should be addressed in the
 1025 report, and to advise on the extent of the effort for the
 1026 components of subsection (3)~~(2)~~. If scoping meetings are held,
 1027 the local government is encouraged to ~~shall~~ invite each state
 1028 and regional reviewing agency, as well as adjacent and other
 1029 affected local governments. A preliminary list of new data and
 1030 major issues that have emerged since the adoption of the
 1031 original plan, or the most recent evaluation and appraisal
 1032 report-based update amendments, should be developed by state and
 1033 regional entities and involved local governments for
 1034 distribution at the scoping meeting. For purposes of this
 1035 subsection, a "scoping meeting" is a meeting conducted to
 1036 determine the scope of review of the evaluation and appraisal
 1037 report by parties to which the report relates.

1038 (5)~~(4)~~ The local planning agency shall prepare the
 1039 evaluation and appraisal report ~~and shall make recommendations~~
 1040 ~~to the governing body regarding adoption of the proposed report.~~
 1041 The local planning agency shall prepare the report in conformity
 1042 with its public participation procedures adopted as required by
 1043 s. 163.3181. To further public participation in the evaluation
 1044 and appraisal process ~~During the preparation of the proposed~~

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1045 ~~report and prior to making any recommendation to the governing~~
1046 ~~body,~~ the local planning agency shall hold at least one public
1047 hearing, with public notice, on the proposed report. At a
1048 minimum, the format and content of the proposed report shall
1049 include a table of contents; numbered pages; element headings;
1050 section headings within elements; a list of included tables,
1051 maps, and figures; a title and sources for all included tables;
1052 a preparation date; and the name of the preparer. Where
1053 applicable, maps shall include major natural and artificial
1054 geographic features; city, county, and state lines; and a legend
1055 indicating a north arrow, map scale, and the date.

1056 ~~(5) Ninety days prior to the scheduled adoption date, the~~
1057 ~~local government may provide a proposed evaluation and appraisal~~
1058 ~~report to the state land planning agency and distribute copies~~
1059 ~~to state and regional commenting agencies as prescribed by rule,~~
1060 ~~adjacent jurisdictions, and interested citizens for review. All~~
1061 ~~review comments, including comments by the state land planning~~
1062 ~~agency, shall be transmitted to the local government and state~~
1063 ~~land planning agency within 30 days after receipt of the~~
1064 ~~proposed report.~~

1065 ~~(6) The governing body, after considering the review~~
1066 ~~comments and recommended changes, if any, shall adopt the~~
1067 ~~evaluation and appraisal report by resolution or ordinance at a~~
1068 ~~public hearing with public notice. The governing body shall~~
1069 ~~adopt the report in conformity with its public participation~~
1070 ~~procedures adopted as required by s. 163.3181. The local~~
1071 ~~government shall submit to the state land planning agency three~~
1072 ~~copies of the report, a transmittal letter indicating the dates~~
1073 ~~of public hearings, and a copy of the adoption resolution or~~

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1074 ~~ordinance. The local government shall provide a copy of the~~
 1075 ~~report to the reviewing agencies which provided comments for the~~
 1076 ~~proposed report, or to all the reviewing agencies if a proposed~~
 1077 ~~report was not provided pursuant to subsection (5), including~~
 1078 ~~the adjacent local governments. Within 60 days after receipt,~~
 1079 ~~the state land planning agency shall review the adopted report~~
 1080 ~~and make a preliminary sufficiency determination that shall be~~
 1081 ~~forwarded by the agency to the local government for its~~
 1082 ~~consideration. The state land planning agency shall issue a~~
 1083 ~~final sufficiency determination within 90 days after receipt of~~
 1084 ~~the adopted evaluation and appraisal report.~~

1085 ~~(6)~~(7) The intent of the evaluation and appraisal process
 1086 is the preparation of a plan update that clearly and concisely
 1087 achieves the purpose of this section. The evaluation and
 1088 appraisal report shall be submitted as data and analysis in
 1089 support of the evaluation and appraisal report based amendments.
 1090 ~~Toward this end, the sufficiency review of the state land~~
 1091 ~~planning agency shall concentrate on whether the evaluation and~~
 1092 ~~appraisal report sufficiently fulfills the components of~~
 1093 ~~subsection (2). If the state land planning agency determines~~
 1094 ~~that the report is insufficient, the governing body shall adopt~~
 1095 ~~a revision of the report and submit the revised report for~~
 1096 ~~review pursuant to subsection (6).~~

1097 ~~(8)~~ The state land planning agency may delegate the review
 1098 of evaluation and appraisal reports, including all state land
 1099 planning agency duties under subsections ~~(4)~~ ~~(7)~~, to the
 1100 appropriate regional planning council. When the review has been
 1101 delegated to a regional planning council, any local government
 1102 in the region may elect to have its report reviewed by the

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1103 ~~regional planning council rather than the state land planning~~
1104 ~~agency. The state land planning agency shall by agreement~~
1105 ~~provide for uniform and adequate review of reports and shall~~
1106 ~~retain oversight for any delegation of review to a regional~~
1107 ~~planning council.~~

1108 ~~(7)(9)~~ The state land planning agency may establish a
1109 phased schedule for adoption of evaluation and appraisal report
1110 based amendments ~~reports~~. The schedule shall provide each local
1111 government at least 7 years from plan adoption or last
1112 established adoption date for evaluation and appraisal report
1113 based amendments ~~a report~~ and shall allot approximately one-
1114 seventh of the reports to any 1 year. In order to allow the
1115 municipalities to use data and analyses gathered by the
1116 counties, the state land planning agency shall schedule
1117 municipal evaluation and appraisal report based amendment ~~report~~
1118 adoption dates between 1 year and 18 months later than the
1119 evaluation and appraisal report based amendment ~~report~~ adoption
1120 date for the county in which those municipalities are located. A
1121 ~~local government may adopt its report no earlier than 90 days~~
1122 ~~prior to the established adoption date. Small municipalities~~
1123 ~~which were scheduled by chapter 9J-33, Florida Administrative~~
1124 ~~Code, to adopt their evaluation and appraisal report after~~
1125 ~~February 2, 1999, shall be rescheduled to adopt their report~~
1126 ~~together with the other municipalities in their county as~~
1127 ~~provided in this subsection.~~

1128 ~~(8)(10)~~ The governing body shall amend its comprehensive
1129 plan based on the recommendations in the report and shall update
1130 the comprehensive plan based on the components of subsection
1131 ~~(3)(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187,

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1132 and 163.3189. Amendments to update a comprehensive plan based on
1133 the evaluation and appraisal report shall be adopted during a
1134 single amendment cycle within the time period established by the
1135 state land planning agency's schedule authorized in subsection
1136 (7) 18 months after the report is determined to be sufficient by
1137 the state land planning agency, except the state land planning
1138 agency may grant an extension for adoption of a portion of such
1139 amendments. The state land planning agency may grant a 6-month
1140 extension for the adoption of such amendments if the request is
1141 justified by good and sufficient cause as determined by the
1142 agency. An additional extension may also be granted if the
1143 request will result in greater coordination between
1144 transportation and land use, for the purposes of improving
1145 Florida's transportation system, as determined by the agency in
1146 coordination with the Metropolitan Planning Organization
1147 program. Except for local governments exempted from preparing
1148 evaluation and appraisal reports pursuant to subsection (1),
1149 beginning July 1, 2006, failure to timely adopt and transmit
1150 update amendments to the comprehensive plan based on the
1151 evaluation and appraisal report shall result in a local
1152 government being prohibited from adopting amendments to the
1153 comprehensive plan until the evaluation and appraisal report
1154 update amendments have been adopted and transmitted to the state
1155 land planning agency. The prohibition on plan amendments shall
1156 commence when the update amendments to the comprehensive plan
1157 are past due. The comprehensive plan as amended shall be in
1158 compliance as defined in s. 163.3184(1)(b). Within 6 months
1159 after the effective date of the update amendments to the
1160 comprehensive plan, the local government shall provide to the

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1161 state land planning agency and to all agencies designated by
1162 rule a complete copy of the updated comprehensive plan.

1163 (9)~~(11)~~ The Administration Commission may impose the
1164 sanctions provided by s. 163.3184(11) against any local
1165 government that fails to ~~adopt and submit a report, or that~~
1166 ~~fails to~~ implement its report through timely and sufficient
1167 amendments to its local plan, except for reasons of excusable
1168 delay or valid planning reasons agreed to by the state land
1169 planning agency or found present by the Administration
1170 Commission. Sanctions for untimely or insufficient plan
1171 amendments shall be prospective only and shall begin after a
1172 final order has been issued by the Administration Commission and
1173 a reasonable period of time has been allowed for the local
1174 government to comply with an adverse determination by the
1175 Administration Commission through adoption of plan amendments
1176 that are in compliance. The state land planning agency may
1177 initiate, and an affected person may intervene in, such a
1178 proceeding by filing a petition with the Division of
1179 Administrative Hearings, which shall appoint an administrative
1180 law judge and conduct a hearing pursuant to ss. 120.569 and
1181 120.57(1) and shall submit a recommended order to the
1182 Administration Commission. The affected local government shall
1183 be a party to any such proceeding. The commission may implement
1184 this subsection by rule.

1185 (10)~~(12)~~ The state land planning agency may ~~shall~~ not adopt
1186 rules to implement this section, other than procedural rules.

1187 ~~(13) The state land planning agency shall regularly review~~
1188 ~~the evaluation and appraisal report process and submit a report~~
1189 ~~to the Governor, the Administration Commission, the Speaker of~~

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1190 ~~the House of Representatives, the President of the Senate, and~~
1191 ~~the respective community affairs committees of the Senate and~~
1192 ~~the House of Representatives. The first report shall be~~
1193 ~~submitted by December 31, 2004, and subsequent reports shall be~~
1194 ~~submitted every 5 years thereafter. At least 9 months before the~~
1195 ~~due date of each report, the Secretary of Community Affairs~~
1196 ~~shall appoint a technical committee of at least 15 members to~~
1197 ~~assist in the preparation of the report. The membership of the~~
1198 ~~technical committee shall consist of representatives of local~~
1199 ~~governments, regional planning councils, the private sector, and~~
1200 ~~environmental organizations. The report shall assess the~~
1201 ~~effectiveness of the evaluation and appraisal report process.~~

1202 (11)~~(14)~~ The requirement of subsection (8)~~(10)~~ prohibiting
1203 a local government from adopting amendments to the local
1204 comprehensive plan until the evaluation and appraisal report
1205 update amendments have been adopted and transmitted to the state
1206 land planning agency does not apply to a plan amendment proposed
1207 for adoption by the appropriate local government as defined in
1208 s. 163.3178(2)(k) in order to integrate a port comprehensive
1209 master plan with the coastal management element of the local
1210 comprehensive plan as required by s. 163.3178(2)(k) if the port
1211 comprehensive master plan or the proposed plan amendment does
1212 not cause or contribute to the failure of the local government
1213 to comply with the requirements of the this section ~~evaluation~~
1214 ~~and appraisal report.~~

1215 Section 16. Section 163.3245, Florida Statutes, is amended
1216 to read:

1217 163.3245 ~~Optional~~ Sector plans.—

1218 (1) In recognition of the benefits of ~~conceptual~~ long-range

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1219 ~~planning for the buildout of an area, and detailed planning for~~
1220 ~~specific areas, as a demonstration project, the requirements of~~
1221 ~~s. 380.06 may be addressed as identified by this section for up~~
1222 ~~to five~~ local governments or combinations of local governments
1223 ~~may which~~ adopt into their ~~the~~ comprehensive plans ~~a plan an~~
1224 ~~optional~~ sector plan in accordance with this section. This
1225 section is intended to promote and encourage long-term planning
1226 for conservation, development, and agriculture on a landscape
1227 scale; to further the intent of s. 163.3177(11), which supports
1228 innovative and flexible planning and development strategies, and
1229 the purposes of this part, and part I of chapter 380, to
1230 facilitate protection of regionally significant water courses
1231 and wildlife corridors; and to avoid duplication of effort in
1232 terms of the level of data and analysis required for a
1233 development of regional impact, while ensuring the adequate
1234 mitigation of impacts to applicable regional resources and
1235 facilities, including those within the jurisdiction of other
1236 local governments, as would otherwise be provided. ~~Optional~~
1237 Sector plans are intended for substantial geographic areas that
1238 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
1239 local governmental jurisdictions and are to emphasize urban form
1240 and protection of regionally significant resources and public
1241 facilities. ~~The state land planning agency may approve optional~~
1242 ~~sector plans of less than 5,000 acres based on local~~
1243 ~~circumstances if it is determined that the plan would further~~
1244 ~~the purposes of this part and part I of chapter 380. Preparation~~
1245 ~~of an optional sector plan is authorized by agreement between~~
1246 ~~the state land planning agency and the applicable local~~
1247 ~~governments under s. 163.3171(4). An optional sector plan may be~~

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1248 ~~adopted through one or more comprehensive plan amendments under~~
1249 ~~s. 163.3184. However, an optional~~ A sector plan may not be
1250 ~~adopted~~ authorized in an area of critical state concern.

1251 (2) Upon the request of a local government having
1252 jurisdiction, ~~The state land planning agency may enter into an~~
1253 ~~agreement to authorize preparation of an optional sector plan~~
1254 ~~upon the request of one or more local governments based on~~
1255 ~~consideration of problems and opportunities presented by~~
1256 ~~existing development trends; the effectiveness of current~~
1257 ~~comprehensive plan provisions; the potential to further the~~
1258 ~~state comprehensive plan, applicable strategic regional policy~~
1259 ~~plans, this part, and part I of chapter 380; and those factors~~
1260 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
1261 planning council shall conduct a scoping meeting with affected
1262 local governments and those agencies identified in s.
1263 163.3184(4) before preparation of the sector plan ~~execution of~~
1264 ~~the agreement authorized by this section.~~ The purpose of this
1265 meeting is to assist the state land planning agency and the
1266 local government in the identification of the relevant planning
1267 issues to be addressed and the data and resources available to
1268 assist in the preparation of the sector plan. If a scoping
1269 meeting is conducted, ~~subsequent plan amendments.~~ the regional
1270 planning council shall make written recommendations to the state
1271 land planning agency and affected local governments, on the
1272 issues requested by the local government. The scoping meeting
1273 shall be noticed and open to the public. If the entire planning
1274 area proposed for the sector plan is within the jurisdiction of
1275 two or more local governments, some or all of them may enter
1276 into a joint planning agreement pursuant to s. 163.3171 with

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1277 respect to including whether a sustainable sector plan would be
1278 ~~appropriate. The agreement must define the geographic area to be~~
1279 ~~subject to the sector plan, the planning issues that will be~~
1280 ~~emphasized, procedures ~~requirements~~ for intergovernmental~~
1281 ~~coordination to address extrajurisdictional impacts, supporting~~
1282 ~~application materials including data and analysis, and~~
1283 ~~procedures for public participation, or other issues. An~~
1284 ~~agreement may address previously adopted sector plans that are~~
1285 ~~consistent with the standards in this section. Before executing~~
1286 ~~an agreement under this subsection, the local government shall~~
1287 ~~hold a duly noticed public workshop to review and explain to the~~
1288 ~~public the optional sector planning process and the terms and~~
1289 ~~conditions of the proposed agreement. The local government shall~~
1290 ~~hold a duly noticed public hearing to execute the agreement. All~~
1291 ~~meetings between the department and the local government must be~~
1292 ~~open to the public.~~

1293 (3) ~~Optional~~ Sector planning encompasses two levels:
1294 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
1295 master plan for the entire planning area as part of the
1296 comprehensive plan; and adoption by local development order of
1297 two or more buildout overlay to the comprehensive plan, having
1298 ~~no immediate effect on the issuance of development orders or the~~
1299 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
1300 ~~detailed specific area plans that implement the conceptual long-~~
1301 ~~term master plan ~~buildout overlay and authorize issuance of~~~~
1302 ~~development orders, and within which s. 380.06 is waived. Until~~
1303 ~~such time as a detailed specific area plan is adopted, the~~
1304 ~~underlying future land use designations apply.~~

1305 (a) In addition to the other requirements of this chapter,

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1306 a long-term master plan pursuant to this section ~~conceptual~~
1307 ~~long-term buildout overlay~~ must include maps, illustrations, and
1308 text supported by data and analysis to address the following:

1309 1. A ~~long range conceptual~~ framework map that:

1310 a. At a minimum, generally depicts ~~identifies anticipated~~
1311 areas of urban, agricultural, rural, and conservation land use;
1312 and

1313 b. Identifies allowed uses in various parts of the planning
1314 area, specifies maximum and minimum densities and intensities of
1315 use, and provides the conceptual framework for the development
1316 pattern in developed areas with graphic illustrations based on a
1317 hierarchy of places and functional place-making components.

1318 2. A general identification of the water supplies needed
1319 and available sources of water, including water resource
1320 development and water supply development projects, and water
1321 conservation measures needed to meet the projected demand of the
1322 future land uses in the long-term master plan.

1323 3. A general identification of the transportation
1324 facilities to serve the future land uses in the long-term master
1325 plan, including guidelines to be used to establish each modal
1326 component intended to optimize mobility.

1327 4.2. A general identification of other regionally
1328 significant public facilities ~~consistent with chapter 9J-2,~~
1329 ~~Florida Administrative Code, irrespective of local governmental~~
1330 ~~jurisdiction necessary to support buildout of the anticipated~~
1331 future land uses, which may include central utilities provided
1332 on-site within the planning area, and policies setting forth the
1333 procedures to be used to mitigate the impacts of future land
1334 uses on public facilities.

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1335 ~~5.3-~~ A general identification of regionally significant
1336 natural resources within the planning area and policies setting
1337 forth the procedures for protection or conservation of specific
1338 resources consistent with the overall conservation and
1339 development strategy for the planning area consistent with
1340 chapter 9J-2, Florida Administrative Code.

1341 ~~6.4-~~ General principles and guidelines addressing that
1342 address the urban form and the interrelationships of anticipated
1343 future land uses, the protection and, as appropriate,
1344 restoration and management of lands identified for permanent
1345 preservation, and a discussion, at the applicant's option, of
1346 the extent, if any, to which the plan will address restoring key
1347 ecosystems, achieving a more clean, healthy environment,
1348 limiting urban sprawl, providing a range of housing types,
1349 protecting wildlife and natural areas, advancing the efficient
1350 use of land and other resources, and creating quality
1351 communities of a design that promotes travel by multiple
1352 transportation modes, and enhancing the prospects for the
1353 creation of jobs.

1354 ~~7.5-~~ Identification of general procedures and policies to
1355 facilitate ensure intergovernmental coordination to address
1356 extrajurisdictional impacts from the future land uses long-range
1357 conceptual framework map.

1358
1359 A long-term master plan adopted pursuant to this section must be
1360 based upon a planning period longer than the generally
1361 applicable planning period of the local comprehensive plan, must
1362 specify the projected population within the planning area during
1363 the chosen planning period, and may include a phasing or staging

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1364 schedule that allocates a portion of the local government's
1365 future growth to the planning area through the planning period.
1366 A long-term master plan adopted pursuant to this section is not
1367 required to demonstrate need based upon projected population
1368 growth or on any other basis.

1369 (b) In addition to the other requirements of this chapter,
1370 ~~including those in paragraph (a),~~ the detailed specific area
1371 plans shall be consistent with the long-term master plan and
1372 must include conditions and commitments that provide for:

1373 1. Development or conservation of an area of adequate size
1374 ~~to accommodate a level of development which achieves a~~
1375 ~~functional relationship between a full range of land uses within~~
1376 ~~the area and to encompass~~ at least 1,000 acres consistent with
1377 the long-term master plan. The local government state land
1378 ~~planning agency~~ may approve detailed specific area plans of less
1379 than 1,000 acres based on local circumstances if it is
1380 determined that the detailed specific area plan furthers the
1381 purposes of this part and part I of chapter 380.

1382 2. Detailed identification and analysis of the maximum and
1383 minimum densities and intensities of use, and the distribution,
1384 extent, and location of future land uses.

1385 3. Detailed identification of water resource development
1386 and water supply development projects and related
1387 infrastructure, and water conservation measures to address water
1388 needs of development in the detailed specific area plan.

1389 4. Detailed identification of the transportation facilities
1390 to serve the future land uses in the detailed specific area
1391 plan.

1392 5. Detailed identification of other regionally significant

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1393 public facilities, including public facilities outside the
1394 jurisdiction of the host local government, ~~anticipated~~ impacts
1395 of future land uses on those facilities, and required
1396 improvements consistent with the long-term master plan ~~chapter~~
1397 ~~9J-2, Florida Administrative Code.~~

1398 6.4. ~~Public facilities necessary to serve development in~~
1399 ~~the detailed specific area plan for the short term,~~ including
1400 developer contributions in a ~~financially feasible~~ 5-year capital
1401 improvement schedule of the affected local government.

1402 7.5. ~~Detailed analysis and identification of specific~~
1403 ~~measures to assure the protection or conservation of lands~~
1404 ~~identified in the long-term master plan to be permanently~~
1405 ~~preserved and, as appropriate, restored or managed, of~~
1406 ~~regionally significant natural resources and other important~~
1407 ~~resources both within and outside the host jurisdiction,~~
1408 ~~including those regionally significant resources identified in~~
1409 ~~chapter 9J-2, Florida Administrative Code.~~

1410 8.6. ~~Detailed principles and guidelines addressing that~~
1411 ~~address the urban form and the interrelationships of anticipated~~
1412 ~~future land uses; and a discussion, at the applicant's option,~~
1413 ~~of the extent, if any, to which the plan will address restoring~~
1414 ~~key ecosystems, achieving a more clean, healthy environment;~~
1415 ~~limiting urban sprawl;~~ providing a range of housing types;
1416 protecting wildlife and natural areas; ~~advancing the efficient~~
1417 ~~use of land and other resources;~~ and creating quality
1418 communities of a design that promotes travel by multiple
1419 transportation modes; and enhancing the prospects for the
1420 creation of jobs.

1421 9.7. Identification of specific procedures to facilitate

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1422 ~~ensure~~ intergovernmental coordination to address
1423 extrajurisdictional impacts from ~~of~~ the detailed specific area
1424 plan.

1425
1426 A detailed specific area plan adopted by local development order
1427 pursuant to this section may be based upon a planning period
1428 longer than the generally applicable planning period of the
1429 local comprehensive plan and must specify the projected
1430 population within the specific planning area during the chosen
1431 planning period. A detailed specific area plan adopted pursuant
1432 to this section is not required to demonstrate need based upon
1433 projected population growth or on any other basis.

1434 (c) In its review of a long-term master plan, the state
1435 land planning agency shall consult with the Department of
1436 Agriculture and Consumer Services, the Department of
1437 Environmental Protection, the Florida Fish and Wildlife
1438 Conservation Commission, and the applicable water management
1439 district regarding the design of areas for protection and
1440 conservation of regionally significant natural resources and for
1441 the protection and, as appropriate, restoration and management
1442 of lands identified for permanent preservation.

1443 (d) The state land planning agency may initiate a civil
1444 action pursuant to s. 163.3215 with respect to a detailed
1445 specific area plan that is not consistent with a long-term
1446 master plan adopted pursuant to this section. For purposes of
1447 such a proceeding, the state land planning agency shall be
1448 deemed an aggrieved and adversely affected party. Regardless of
1449 whether the local government has adopted an ordinance that
1450 establishes a local process which meets the requirements of s.

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1451 163.3215(4), judicial review of a detailed specific area plan
1452 initiated by the state land planning agency shall be de novo
1453 pursuant to s. 163.3215(3) and not by petition for writ of
1454 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
1455 adversely affected party is subject to s. 163.3215 in all
1456 respects when initiating a consistency challenge to a detailed
1457 specific area plan.

1458 (e) This subsection does ~~may~~ not be construed to prevent
1459 preparation and approval of the ~~optional~~ sector plan and
1460 detailed specific area plan concurrently or in the same
1461 submission.

1462 (4) Upon the long-term master plan becoming legally
1463 effective:

1464 (a) Any long-range transportation plan developed by a
1465 metropolitan planning organization pursuant to s. 339.175(7)
1466 shall be consistent, to the maximum extent feasible, with the
1467 long-term master plan, including but not limited to the
1468 projected population, the approved uses and densities and
1469 intensities of use and their distribution within the planning
1470 area; and the transportation facilities identified in adopted
1471 plans pursuant to subparagraphs (3)(a)3. And (3)(b)4.

1472 (b) The water needs, sources and water resource development
1473 and water supply development projects identified in adopted
1474 plans pursuant to sub-subparagraphs (3)(a)2. and (3)(b)3. shall
1475 be incorporated into the applicable district and regional water
1476 supply plans adopted in accordance with ss. 373.036 and 373.709.
1477 Accordingly, and notwithstanding the permit durations stated in
1478 s. 373.236, an applicant may request and the applicable district
1479 may issue consumptive use permits for durations commensurate

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1480 with the long-term master plan. The permitting criteria in s.
1481 373.223 shall be applied based upon the projected population,
1482 the approved densities and intensities of use and their
1483 distribution in the long-term master plan. ~~The host local~~
1484 government shall submit a monitoring report to the state land
1485 planning agency and applicable regional planning council on an
1486 annual basis after adoption of a detailed specific area plan.
1487 The annual monitoring report must provide summarized information
1488 on development orders issued, development that has occurred,
1489 public facility improvements made, and public facility
1490 improvements anticipated over the upcoming 5 years.

1491 (5) When a ~~plan amendment adopting~~ a detailed specific area
1492 plan has become effective for a portion of the planning area
1493 governed by a long-term master plan adopted pursuant to this
1494 section under ss. 163.3184 and 163.3189(2), the provisions of s.
1495 380.06 do not apply to development within the geographic area of
1496 the detailed specific area plan. However, any development-of-
1497 regional-impact development order that is vested from the
1498 detailed specific area plan may be enforced pursuant to ~~under~~ s.
1499 380.11.

1500 (a) The local government adopting the detailed specific
1501 area plan is primarily responsible for monitoring and enforcing
1502 the detailed specific area plan. Local governments shall not
1503 issue any permits or approvals or provide any extensions of
1504 services to development which ~~that~~ are not consistent with the
1505 detailed ~~sector~~ area plan.

1506 (b) If the state land planning agency has reason to believe
1507 that a violation of any detailed specific area plan, ~~or of any~~
1508 ~~agreement entered into under this section,~~ has occurred or is

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1509 about to occur, it may institute an administrative or judicial
1510 proceeding to prevent, abate, or control the conditions or
1511 activity creating the violation, using the procedures in s.
1512 380.11.

1513 (c) In instituting an administrative or judicial proceeding
1514 involving a ~~an optional~~ sector plan or detailed specific area
1515 plan, including a proceeding pursuant to paragraph (b), the
1516 complaining party shall comply with the requirements of s.
1517 163.3215(4), (5), (6), and (7), except as provided in paragraph
1518 (3)(d).

1519 (d) The detailed specific area plan must establish a
1520 buildout date until which the approved development is not
1521 subject to downzoning, unit density reduction, or intensity
1522 reduction, unless the local government can demonstrate that
1523 implementation of the plan is not continuing in good faith based
1524 on standards established by plan policy, or that substantial
1525 changes in the conditions underlying the approval of the
1526 detailed specific area plan have occurred, or that the detailed
1527 specific area plan was based on substantially inaccurate
1528 information provided by the applicant, or that the change is
1529 clearly established to be essential to the public health,
1530 safety, or welfare.

1531 (6) Concurrent with or subsequent to review and adoption of
1532 a long-term master plan pursuant to subsection (3)(a), an
1533 applicant may apply for master development approval pursuant to
1534 s. 380.06(21) for the entire planning area in order to establish
1535 a buildout date until which the approved uses and densities and
1536 intensities of use of the master plan are not subject to
1537 downzoning, unit density reduction, or intensity reduction,

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1538 unless the local government can demonstrate that implementation
1539 of the master plan is not continuing in good faith based on
1540 standards established by plan policy, or that substantial
1541 changes in the conditions underlying the approval of the master
1542 plan have occurred, or that the master plan was based on
1543 substantially inaccurate information provided by the applicant,
1544 or that change is clearly established to be essential to the
1545 public health, safety, or welfare. Review of the application for
1546 master development approval shall be at a level of detail
1547 appropriate for the long-term and conceptual nature of the long-
1548 term master plan and, to the maximum extent possible, shall only
1549 consider information provided in the application for a long-term
1550 master plan. Notwithstanding any provision of s. 380.06 to the
1551 contrary, an increment of development in such an approved master
1552 development plan shall be approved by a detailed specific area
1553 plan pursuant to subsection (3)(b) and is exempt from review
1554 pursuant to s 380.06. ~~Beginning December 1, 1999, and each year~~
1555 ~~thereafter, the department shall provide a status report to the~~
1556 ~~Legislative Committee on Intergovernmental Relations regarding~~
1557 ~~each optional sector plan authorized under this section.~~

1558 (7) A developer within an area subject to a long-term
1559 master plan that meets the requirements of paragraph (3)(a) and
1560 subsection (6) or a detailed specific area plan that meets the
1561 requirements of paragraph (3)(b) may enter into a development
1562 agreement with a local government pursuant to ss. 163.3220-
1563 163.3243. The duration of such a development agreement may be
1564 through the planning period of the long-term master plan or the
1565 detailed specific area plan, as the case may be, notwithstanding
1566 the limit on the duration of a development agreement pursuant to

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1567 s. 163.3229.

1568 (8) Any owner of property within the planning area of a
1569 proposed long-term master plan may withdraw his consent to the
1570 master plan at any time prior to local government adoption, and
1571 the local government shall exclude such parcels from the adopted
1572 master plan. Thereafter, the long-term master plan, any detailed
1573 specific area plan, and the exemption from development-of-
1574 regional-impact review under this section do not apply to the
1575 subject parcels. After adoption of a long-term master plan, an
1576 owner may withdraw his or her property from the master plan only
1577 with the approval of the local government by plan amendment.

1578 (9) The adoption of a long-term master plan or a detailed
1579 specific area plan pursuant to this section shall not limit the
1580 right to continue existing agricultural or silvicultural uses or
1581 other natural resource-based operations or to establish similar
1582 new uses that are consistent with the plans approved pursuant to
1583 this section.

1584 (10) Notwithstanding any provision to the contrary of s.
1585 380.06; chapter 163, part II; or any planning agreement or plan
1586 policy, a landowner or developer who has received approval of a
1587 master development of regional impact development order pursuant
1588 to s. 380.06(21) may apply to implement this order by filing one
1589 or more applications to approve a detailed specific area plan
1590 pursuant to paragraph (3)(b).

1591 (11) Notwithstanding the provisions of this section, a
1592 detailed specific area plan to implement a conceptual long-term
1593 buildout overlay, adopted by a local government and found in
1594 compliance before July 1, 2011, shall be governed by the
1595 provisions of this section.

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1596 (12) This section may not be construed to abrogate the
1597 rights of any person under this chapter.

1598 Section 17. Subsection (9) of section 163.3246, Florida
1599 Statutes, is amended to read:

1600 163.3246 Local government comprehensive planning
1601 certification program.—

1602 (9)(a) Upon certification all comprehensive plan amendments
1603 associated with the area certified must be adopted and reviewed
1604 in the manner described in ss. 163.3184(1), (2), (7), (14),
1605 (15), and (16) and 163.3187, such that state and regional agency
1606 review is eliminated. The department may not issue any
1607 objections, recommendations, and comments report on proposed
1608 plan amendments or a notice of intent on adopted plan
1609 amendments; however, affected persons, as defined by s.
1610 163.3184(1)(a), may file a petition for administrative review
1611 pursuant to the requirements of s. 163.3187(3)(a) to challenge
1612 the compliance of an adopted plan amendment.

1613 (b) Plan amendments that change the boundaries of the
1614 certification area; propose a rural land stewardship area
1615 pursuant to s. 163.3177(11)(d); propose a ~~an optional~~ sector
1616 plan pursuant to s. 163.3245; propose a school facilities
1617 element; update a comprehensive plan based on an evaluation and
1618 appraisal report; impact lands outside the certification
1619 boundary; implement new statutory requirements that mandate
1620 ~~require~~ specific comprehensive plan amendments; or increase
1621 hurricane evacuation times or the need for shelter capacity on
1622 lands within the coastal high-hazard area shall be reviewed
1623 pursuant to ss. 163.3184 and 163.3187.

1624 Section 18. Section 163.32465, Florida Statutes, is amended

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1625 to read:

1626 163.32465 State review of local comprehensive plans ~~in~~
1627 ~~urban areas.~~

1628 (1) LEGISLATIVE FINDINGS.—

1629 (a) The Legislature finds that local governments in this
1630 state have a wide diversity of resources, conditions, abilities,
1631 and needs. The Legislature also finds that comprehensive
1632 planning has been implemented throughout the state and that it
1633 is appropriate for local governments to have the primary role in
1634 planning for their growth. ~~the needs and resources of urban~~
1635 ~~areas are different from those of rural areas and that different~~
1636 ~~planning and growth management approaches, strategies, and~~
1637 ~~techniques are required in urban areas. The state role in~~
1638 ~~overseeing growth management should reflect this diversity and~~
1639 ~~should vary based on local government conditions, capabilities,~~
1640 ~~needs, and extent of development.~~ Thus, the Legislature
1641 recognizes and finds that reduced state oversight of local
1642 comprehensive planning is justified for ~~some local governments~~
1643 ~~in urban areas.~~

1644 (b) The Legislature finds and declares that this state's
1645 local governments ~~urban areas~~ require a reduced level of state
1646 oversight because of their high degree of urbanization and the
1647 ~~planning capabilities and resources of many of their local~~
1648 ~~governments. An alternative state review process that is~~
1649 ~~adequate to protect issues of regional or statewide importance~~
1650 ~~should be created for appropriate local governments in these~~
1651 ~~areas. Further, the Legislature finds that development,~~
1652 ~~including urban infill and redevelopment, should be encouraged~~
1653 ~~in these urban areas. The Legislature finds that an alternative~~

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1654 Accordingly, the process provided by this section for amending
1655 local comprehensive plans is ~~in these areas should be~~
1656 established with the ~~an~~ objective of streamlining the process
1657 and recognizing local responsibility and accountability.

1658 ~~(c) The Legislature finds a pilot program will be~~
1659 ~~beneficial in evaluating an alternative, expedited plan~~
1660 ~~amendment adoption and review process. Pilot local governments~~
1661 ~~shall represent highly developed counties and the municipalities~~
1662 ~~within these counties and highly populated municipalities.~~

1663 (2) APPLICABILITY ALTERNATIVE STATE REVIEW PROCESS PILOT
1664 PROGRAM. ~~Pinellas and Broward Counties, and the municipalities~~
1665 ~~within these counties, and Jacksonville, Miami, Tampa, and~~
1666 ~~Hialeah shall follow an alternative state review process~~
1667 ~~provided in this section. The process for amending a~~
1668 ~~comprehensive plan described in this section is applicable~~
1669 ~~statewide. Municipalities within the pilot counties may elect,~~
1670 ~~by super majority vote of the governing body, not to participate~~
1671 ~~in the pilot program. In addition to the pilot program~~
1672 ~~jurisdictions, any local government may use the alternative~~
1673 ~~state review process to designate an urban service area as~~
1674 ~~defined in s. 163.3164(29) in its comprehensive plan.~~

1675 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
1676 UNDER THE PILOT PROGRAM.—

1677 (a) Plan amendments adopted by the local governments pilot
1678 program jurisdictions shall follow the alternate, are subject to
1679 the expedited process in subsections (4) and (5), except as set
1680 forth in paragraphs (b)-(e) of this subsection.

1681 (b) Amendments that qualify as small-scale development
1682 amendments may continue to be adopted ~~by the pilot program~~

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1683 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).

1684 (c) Plan amendments that propose a rural land stewardship
1685 area pursuant to s. 163.3177(11)(d); propose an optional sector
1686 plan; update a comprehensive plan based on an evaluation and
1687 appraisal report; implement new statutory requirements; or new
1688 plans for newly incorporated municipalities are subject to state
1689 review as set forth in s. 163.3184.

1690 (d) Local governments are ~~Pilot program jurisdictions shall~~
1691 ~~be~~ subject to the frequency and timing requirements for plan
1692 amendments set forth in ss. 163.3187 and 163.3191, except where
1693 otherwise stated in this section.

1694 (e) The mediation and expedited hearing provisions in s.
1695 163.3189(3) apply to all plan amendments adopted pursuant to
1696 this section ~~by the pilot program jurisdictions~~.

1697 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~
1698 ~~PILOT PROGRAM.~~—

1699 (a) The local government shall hold its first public
1700 hearing on a comprehensive plan amendment on a weekday at least
1701 7 days after the day the first advertisement is published
1702 pursuant to the requirements of chapter 125 or chapter 166. Upon
1703 an affirmative vote of not less than a majority of the members
1704 of the governing body present at the hearing, the local
1705 government shall immediately transmit the amendment or
1706 amendments and appropriate supporting data and analyses to the
1707 state land planning agency; the appropriate regional planning
1708 council and water management district; the Department of
1709 Environmental Protection; the Department of State; the
1710 Department of Transportation; in the case of municipal plans, to
1711 the appropriate county; the Fish and Wildlife Conservation

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1712 Commission; the Department of Agriculture and Consumer Services;
1713 and in the case of amendments that include or impact the public
1714 school facilities element, the Office of Educational Facilities
1715 of the Commissioner of Education. The local governing body shall
1716 also transmit a copy of the amendments and supporting data and
1717 analyses to any other local government or governmental agency
1718 that has filed a written request with the governing body.

1719 (b) The agencies and local governments specified in
1720 paragraph (a) may provide comments regarding the amendment or
1721 amendments to the local government. The regional planning
1722 council review and comment shall be limited to effects on
1723 regional resources or facilities identified in the strategic
1724 regional policy plan and extrajurisdictional impacts that would
1725 be inconsistent with the comprehensive plan of the affected
1726 local government. A regional planning council shall not review
1727 and comment on a proposed comprehensive plan amendment prepared
1728 by such council unless the plan amendment has been changed by
1729 the local government subsequent to the preparation of the plan
1730 amendment by the regional planning council. County comments on
1731 municipal comprehensive plan amendments shall be primarily in
1732 the context of the relationship and effect of the proposed plan
1733 amendments on the county plan. Municipal comments on county plan
1734 amendments shall be primarily in the context of the relationship
1735 and effect of the amendments on the municipal plan. State agency
1736 comments may include technical guidance on issues of agency
1737 jurisdiction as it relates to the requirements of this part.
1738 Such comments shall clearly identify issues that, if not
1739 resolved, may result in an agency challenge to the plan
1740 amendment. ~~For the purposes of this pilot program,~~ Agencies are

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1741 encouraged to focus potential challenges on issues of regional
1742 or statewide importance. Agencies and local governments must
1743 transmit their comments to the affected local government such
1744 that they are received by the local government not later than
1745 thirty days from the date on which the agency or government
1746 received the amendment or amendments.

1747 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~
1748 ~~AREAS.~~—

1749 (a) The local government shall hold its second public
1750 hearing, which shall be a hearing on whether to adopt one or
1751 more comprehensive plan amendments, on a weekday at least 5 days
1752 after the day the second advertisement is published pursuant to
1753 the requirements of chapter 125 or chapter 166. Adoption of
1754 comprehensive plan amendments must be by ordinance and requires
1755 an affirmative vote of a majority of the members of the
1756 governing body present at the second hearing.

1757 (b) All comprehensive plan amendments adopted by the
1758 governing body along with the supporting data and analysis shall
1759 be transmitted within 10 days of the second public hearing to
1760 the state land planning agency and any other agency or local
1761 government that provided timely comments under paragraph (4)(b).

1762 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
1763 ~~PROGRAM.~~—

1764 (a) Any "affected person" as defined in s. 163.3184(1)(a)
1765 may file a petition with the Division of Administrative Hearings
1766 pursuant to ss. 120.569 and 120.57, with a copy served on the
1767 affected local government, to request a formal hearing to
1768 challenge whether the amendments are "in compliance" as defined
1769 in s. 163.3184(1)(b). This petition must be filed with the

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1770 Division within 30 days after the local government adopts the
1771 amendment. The state land planning agency may intervene in a
1772 proceeding instituted by an affected person.

1773 (b) The state land planning agency may file a petition with
1774 the Division of Administrative Hearings pursuant to ss. 120.569
1775 and 120.57, with a copy served on the affected local government,
1776 to request a formal hearing. This petition must be filed with
1777 the Division within 30 days after the state land planning agency
1778 notifies the local government that the plan amendment package is
1779 complete. For purposes of this section, an adopted amendment
1780 package shall be deemed complete if it contains a full, executed
1781 copy of the adoption ordinance or ordinances; in the case of a
1782 text amendment, a full copy of the amended language in
1783 legislative format with new words inserted in the text
1784 underlined, and words to be deleted lined through with hyphens;
1785 in the case of a future land use map amendment, a copy of the
1786 future land use map clearly depicting the parcel, its existing
1787 future land use designation, and its adopted designation; and a
1788 copy of any data and analyses the local government deems
1789 appropriate. The state land planning agency shall notify the
1790 local government of any deficiencies within 5 working days of
1791 receipt of an amendment package.

1792 (c) The state land planning agency's challenge shall be
1793 limited to those issues raised in the comments provided by the
1794 reviewing agencies pursuant to paragraph (4)(b). The state land
1795 planning agency may challenge a plan amendment that has
1796 substantially changed from the version on which the agencies
1797 provided comments. ~~For the purposes of this pilot program,~~ The
1798 Legislature strongly encourages the state land planning agency

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1799 to focus any challenge on issues of regional or statewide
1800 importance.

1801 (d) An administrative law judge shall hold a hearing in the
1802 affected local jurisdiction. The local government's
1803 determination that the amendment is "in compliance" is presumed
1804 to be correct and shall be sustained unless it is shown by a
1805 preponderance of the evidence that the amendment is not "in
1806 compliance."

1807 (e) If the administrative law judge recommends that the
1808 amendment be found not in compliance, the judge shall submit the
1809 recommended order to the Administration Commission for final
1810 agency action. The Administration Commission shall enter a final
1811 order within 45 days after its receipt of the recommended order.

1812 (f) If the administrative law judge recommends that the
1813 amendment be found in compliance, the judge shall submit the
1814 recommended order to the state land planning agency.

1815 1. If the state land planning agency determines that the
1816 plan amendment should be found not in compliance, the agency
1817 shall refer, within 30 days of receipt of the recommended order,
1818 the recommended order and its determination to the
1819 Administration Commission for final agency action. If the
1820 commission determines that the amendment is not in compliance,
1821 it may sanction the local government as set forth in s.
1822 163.3184(11).

1823 2. If the state land planning agency determines that the
1824 plan amendment should be found in compliance, the agency shall
1825 enter its final order not later than 30 days from receipt of the
1826 recommended order.

1827 (g) An amendment adopted under the expedited provisions of

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1828 this section shall not become effective until 31 days after
1829 adoption. If timely challenged, an amendment shall not become
1830 effective until the state land planning agency or the
1831 Administration Commission enters a final order determining the
1832 adopted amendment to be in compliance.

1833 (h) Parties to a proceeding under this section may enter
1834 into compliance agreements using the process in s. 163.3184(16).
1835 Any remedial amendment adopted pursuant to a settlement
1836 agreement shall be provided to the agencies and governments
1837 listed in paragraph (4)(a).

1838 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~
1839 ~~GOVERNMENTS. Local governments and specific areas that have been~~
1840 ~~designated for alternate review process pursuant to ss. 163.3246~~
1841 ~~and 163.3184(17) and (18) are not subject to this section.~~

1842 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM. Agencies shall~~
1843 ~~not promulgate rules to implement this pilot program.~~

1844 ~~(9) REPORT. The Office of Program Policy Analysis and~~
1845 ~~Government Accountability shall submit to the Governor, the~~
1846 ~~President of the Senate, and the Speaker of the House of~~
1847 ~~Representatives by December 1, 2008, a report and~~
1848 ~~recommendations for implementing a statewide program that~~
1849 ~~addresses the legislative findings in subsection (1) in areas~~
1850 ~~that meet urban criteria. The Office of Program Policy Analysis~~
1851 ~~and Government Accountability in consultation with the state~~
1852 ~~land planning agency shall develop the report and~~
1853 ~~recommendations with input from other state and regional~~
1854 ~~agencies, local governments, and interest groups. Additionally,~~
1855 ~~the office shall review local and state actions and~~
1856 ~~correspondence relating to the pilot program to identify issues~~

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1857 ~~of process and substance in recommending changes to the pilot~~
1858 ~~program. At a minimum, the report and recommendations shall~~
1859 ~~include the following:~~

1860 ~~(a) Identification of local governments beyond those~~
1861 ~~participating in the pilot program that should be subject to the~~
1862 ~~alternative expedited state review process. The report may~~
1863 ~~recommend that pilot program local governments may no longer be~~
1864 ~~appropriate for such alternative review process.~~

1865 ~~(b) Changes to the alternative expedited state review~~
1866 ~~process for local comprehensive plan amendments identified in~~
1867 ~~the pilot program.~~

1868 ~~(c) Criteria for determining issues of regional or~~
1869 ~~statewide importance that are to be protected in the alternative~~
1870 ~~state review process.~~

1871 ~~(d) In preparing the report and recommendations, the Office~~
1872 ~~of Program Policy Analysis and Government Accountability shall~~
1873 ~~consult with the state land planning agency, the Department of~~
1874 ~~Transportation, the Department of Environmental Protection, and~~
1875 ~~the regional planning agencies in identifying highly developed~~
1876 ~~local governments to participate in the alternative expedited~~
1877 ~~state review process. The Office of Program Policy Analysis and~~
1878 ~~Governmental Accountability shall also solicit citizen input in~~
1879 ~~the potentially affected areas and consult with the affected~~
1880 ~~local governments and stakeholder groups.~~

1881 Section 19. Section 288.048, Florida Statutes, is created
1882 to read:

1883 288.048 Incumbent worker training for economic
1884 development.—

1885 (1) The Incumbent Worker Training Program is created within

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1886 Jobs Florida for the purpose of providing grant funding for
1887 continuing education and training of incumbent employees at
1888 existing Florida businesses. The program will provide
1889 reimbursement grants to businesses that pay for preapproved,
1890 direct, training-related costs.

1891 (2) The Incumbent Worker Training Program is administered
1892 by Jobs Florida in conjunction with Workforce Florida, Inc. Jobs
1893 Florida, at its discretion, may contract with a private business
1894 organization to serve as the grant administrator.

1895 (3) To be eligible for the program's grant funding, a
1896 business must have been in operation in this state for at least
1897 1 year before applying for grant funding; have at least one
1898 full-time employee; demonstrate financial viability; and be
1899 current on all state tax obligations. Priority for funding shall
1900 be given to businesses having 25 or fewer employees, businesses
1901 in rural areas, businesses in distressed inner-city areas,
1902 businesses in a qualified targeted industry, businesses whose
1903 grant proposals represent a significant upgrade in employee
1904 skills, or businesses whose grant proposals represent a
1905 significant layoff avoidance strategy.

1906 (4) All costs reimbursed by the program must be preapproved
1907 by Jobs Florida or the grant administrator. The program will not
1908 reimburse businesses for trainee wages, the purchase of capital
1909 equipment, or the purchase of any item or service that may be
1910 used outside the training project. A business approved for a
1911 grant may be reimbursed for preapproved, direct, training-
1912 related costs including tuition, fees, books and training
1913 materials, and overhead or indirect costs not to exceed 5
1914 percent of the grant amount.

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1915 (5) A business that is selected to receive grant funding
1916 must provide a matching contribution to the training project,
1917 including, but not limited to, wages paid to trainees or the
1918 purchase of capital equipment used in the training project; must
1919 sign an agreement with Jobs Florida or the grant administrator
1920 to complete the training project as proposed in the application;
1921 must keep accurate records of the project's implementation
1922 process; and must submit monthly or quarterly reimbursement
1923 requests with required documentation.

1924 (6) All Incumbent Worker Training Program grant projects
1925 shall be performance-based with specific measurable performance
1926 outcomes, including completion of the training project and job
1927 retention. Jobs Florida or the grant administrator shall
1928 withhold the final payment to the grantee until a final grant
1929 report is submitted and all performance criteria specified in
1930 the grant contract have been achieved.

1931 (7) Jobs Florida may establish guidelines, in conjunction
1932 with Workforce Florida, Inc., necessary to implement the
1933 Incumbent Worker Training Program.

1934 (8) No more than 10 percent of the Incumbent Worker
1935 Training Program's total appropriation may be used for overhead
1936 or indirect purposes. Federal funds available for the program
1937 are limited as set forth in s. 443.003(3).

1938 Section 20. Section 288.061, Florida Statutes, is amended
1939 to read:

1940 288.061 Economic development incentive application
1941 process.—

1942 (1) Within 10 business days after receiving a submitted
1943 economic development incentive application, the commissioner of

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1944 Jobs Florida and designated staff of Enterprise Florida, Inc.,
1945 shall review the application and inform the applicant business
1946 whether or not its application is complete, whether and what
1947 type of state and local permits may be necessary for the
1948 applicant's project, whether it is possible to waive such
1949 permits, and what state incentives and amounts of such
1950 incentives may be available to the applicant. ~~Within 10 business~~
1951 ~~days after the application is deemed complete, Enterprise~~
1952 ~~Florida, Inc., shall evaluate the application and recommend~~
1953 ~~approval or disapproval of the application to the director of~~
1954 ~~the Office of Tourism, Trade, and Economic Development. In~~
1955 ~~recommending an applicant business for approval, Enterprise~~
1956 ~~Florida, Inc., shall include in its evaluation a recommended~~
1957 ~~grant award amount and a review of the applicant's ability to~~
1958 ~~meet specific program criteria.~~

1959 (2) Within 14 business ~~10 calendar~~ days after the initial
1960 review and communication with the applicant, the commissioner
1961 shall ~~the Office of Tourism, Trade, and Economic Development~~
1962 ~~receives the evaluation and recommendation from Enterprise~~
1963 ~~Florida, Inc., the Office shall notify Enterprise Florida, Inc.,~~
1964 ~~whether or not the application is reviewable. Within 22 calendar~~
1965 ~~days after the Office receives the recommendation from~~
1966 ~~Enterprise Florida, Inc., the director of the Office shall~~
1967 ~~review the application and issue a letter of certification to~~
1968 ~~the applicant that approves or disapproves an applicant business~~
1969 ~~and includes a justification of that decision, unless the~~
1970 ~~business requests an extension of that time.~~

1971 (a) The commissioner's final order or agreement with the
1972 applicant shall specify the total amount of the award, the

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1973 performance conditions that must be met to obtain the award, and
1974 the schedule for payment. The commissioner may enter into one
1975 agreement or issue one final order covering all of the state
1976 incentives that are being provided to the applicant.

1977 (b) The release of funds for the incentive or incentives
1978 awarded to the applicant depends upon the statutory requirements
1979 of the particular incentive program.

1980 Section 21. Section 288.095, Florida Statutes, is amended
1981 to read:

1982 288.095 Economic Development Trust Fund; incentives
1983 account; uses.—

1984 (1) The Economic Development Trust Fund is created within
1985 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
1986 ~~Development~~. Moneys deposited into the fund must be used only to
1987 support the authorized activities and operations of Jobs Florida
1988 ~~the Office~~.

1989 (2) There is created, within the Economic Development Trust
1990 Fund, the Economic Development Incentives Account. The Economic
1991 Development Incentives Account consists of moneys appropriated
1992 to the account for purposes of the economic development tax
1993 incentives programs authorized under ss. 288.047, 288.048,
1994 288.063, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1995 288.1089, ss. 288.1045 and 288.106, and local financial support
1996 provided under ss. 288.1045 and 288.106. Moneys in the Economic
1997 Development Incentives Account shall be subject to the
1998 provisions of s. 216.301(1)(a).

1999 (3)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
2000 ~~Economic Development~~ may approve applications for certification
2001 or requests for participation pursuant to ss. 288.047, 288.048,

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2002 288.063, 288.1045(3), 288.016, 288.107, 288.108, 288.1088, and
2003 288.1089 ~~ss. 288.1045(3) and 288.106~~. However, the total state
2004 share of incentive program tax refund payments scheduled in all
2005 active certifications or approved requests for ~~fiscal year 2001-~~
2006 ~~2002~~ may not exceed \$30 million. The total for each subsequent
2007 fiscal year may not exceed \$35 million. Federal funds set aside
2008 for the incumbent worker training program under s. 288.048 may
2009 not be used for any other purpose.

2010 (b) The total amount of tax refund or other program claims
2011 approved for payment by Jobs Florida ~~the Office of Tourism,~~
2012 ~~Trade, and Economic Development~~ based on actual project
2013 performance may not exceed the amount appropriated to the
2014 Economic Development Incentives Account for such purposes for
2015 the fiscal year. Claims for tax refunds or other payments under
2016 ss. 288.047, 288.048, 288.063, 288.1045, 288.106, 288.107,
2017 288.108, 288.1088, and 288.1089, ~~ss. 288.1045 and 288.106~~ shall
2018 be paid in the order the claims are approved by Jobs Florida ~~the~~
2019 ~~Office of Tourism, Trade, and Economic Development~~. In the event
2020 the Legislature does not appropriate an amount sufficient to
2021 satisfy the tax refunds or other payments under ss. 288.047,
2022 288.048, 288.063, 288.1045, 288.106, 288.107, 288.108, 288.1088,
2023 and 288.1089, ~~ss. 288.1045 and 288.106~~ in a fiscal year, Jobs
2024 Florida ~~the Office of Tourism, Trade, and Economic Development~~
2025 shall pay the tax refunds or other payments from the
2026 appropriation for the following fiscal year. By March 1 of each
2027 year, Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2028 ~~Development~~ shall notify the legislative appropriations
2029 committees of the Senate and House of Representatives of any
2030 anticipated shortfall in the amount of funds needed to satisfy

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2031 claims for tax refunds from the appropriation for the current
2032 fiscal year.

2033 (c) By December 31 of each year, Jobs Florida ~~Enterprise~~
2034 ~~Florida, Inc.~~, shall submit a complete and detailed annual
2035 report to the Governor, the President of the Senate, and the
2036 Speaker of the House of Representatives on the state's economic
2037 development incentive programs, ~~and the director of the Office~~
2038 ~~of Tourism, Trade, and Economic Development of all applications~~
2039 ~~received, recommendations made to the Office of Tourism, Trade,~~
2040 ~~and Economic Development, final decisions issued, tax refund~~
2041 ~~agreements executed, and tax refunds paid or other payments made~~
2042 ~~under all programs funded out of the Economic Development~~
2043 ~~Incentives Account, including analyses of benefits and costs,~~
2044 ~~types of projects supported, and employment and investment~~
2045 ~~created. Enterprise Florida, Inc., shall also include a separate~~
2046 ~~analysis of the impact of such tax refunds on state enterprise~~
2047 ~~zones designated pursuant to s. 290.0065, rural communities,~~
2048 ~~brownfield areas, and distressed urban communities. The report~~
2049 ~~must also discuss the efforts made by the Office of Tourism,~~
2050 ~~Trade, and Economic Development to amend tax refund agreements~~
2051 ~~to require tax refund claims to be submitted by January 31 for~~
2052 ~~the net new full time equivalent jobs in this state as of~~
2053 ~~December 31 of the preceding calendar year. The report must also~~
2054 ~~list the name and tax refund amount for each business that has~~
2055 ~~received a tax refund under s. 288.1045 or s. 288.106 during the~~
2056 ~~preceding fiscal year. The Office of Tourism, Trade, and~~
2057 ~~Economic Development shall assist Enterprise Florida, Inc., in~~
2058 ~~the collection of data related to business performance and~~
2059 ~~incentive payments.~~

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2060 (d) Moneys in the Economic Development Incentives Account
2061 may be used only to pay tax refunds and make other payments
2062 authorized for the incentive programs identified in paragraph
2063 (a) under s. 288.1045, s. 288.106, or s. 288.107.

2064 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
2065 ~~Development~~ may adopt rules necessary to carry out the
2066 provisions of this subsection, including rules providing for the
2067 use of moneys in the Economic Development Incentives Account and
2068 for the administration of the Economic Development Incentives
2069 Account.

2070 Section 22. Paragraph (s) of subsection (24) of section
2071 380.06, Florida Statutes, is amended to read:

2072 380.06 Developments of regional impact.—

2073 (24) STATUTORY EXEMPTIONS.—

2074 (s) Any development in a detailed specific area plan which
2075 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
2076 ~~the comprehensive plan~~ is exempt from this section.

2077
2078 If a use is exempt from review as a development of regional
2079 impact under paragraphs (a)-(s), but will be part of a larger
2080 project that is subject to review as a development of regional
2081 impact, the impact of the exempt use must be included in the
2082 review of the larger project, unless such exempt use involves a
2083 development of regional impact that includes a landowner,
2084 tenant, or user that has entered into a funding agreement with
2085 the Office of Tourism, Trade, and Economic Development under the
2086 Innovation Incentive Program and the agreement contemplates a
2087 state award of at least \$50 million.

2088 Section 23. Subsection (3) of section 380.115, Florida

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2089 Statutes, is amended to read:

2090 380.115 Vested rights and duties; effect of size reduction,
2091 changes in guidelines and standards.—

2092 (3) A landowner that has filed an application for a
2093 development-of-regional-impact review prior to the adoption of a
2094 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
2095 have the application reviewed pursuant to s. 380.06,
2096 comprehensive plan provisions in force prior to adoption of the
2097 sector plan, and any requested comprehensive plan amendments
2098 that accompany the application.

2099 Section 24. Subsection (4) of section 409.942, Florida
2100 Statutes, is amended, and subsection (5) is added to that
2101 section, to read:

2102 409.942 Electronic benefit transfer program.—

2103 (4) Workforce Florida, Inc., through Jobs Florida ~~the~~
2104 ~~Agency for Workforce Innovation~~, shall establish an electronic
2105 benefit transfer program for the use and management of
2106 education, training, ~~child care~~, transportation, and other
2107 program benefits under its direction. The workforce electronic
2108 benefit transfer program shall fulfill all federal and state
2109 requirements for Individual Training Accounts, Retention
2110 Incentive Training Accounts, Individual Development Accounts,
2111 and Individual Services Accounts. The workforce electronic
2112 benefit transfer program shall be designed to enable an
2113 individual who receives an electronic benefit transfer card
2114 under subsection (1) to use that card for purposes of benefits
2115 provided under the workforce development system as well. The
2116 Department of Children and Family Services shall assist
2117 Workforce Florida, Inc., in developing an electronic benefit

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2118 transfer program for the workforce development system that is
2119 fully compatible with the department's electronic benefit
2120 transfer program. Jobs Florida ~~The agency~~ shall reimburse the
2121 department for all costs incurred in providing such assistance
2122 and shall pay all costs for the development of the workforce
2123 electronic benefit transfer program.

2124 (5) The Department of Education shall establish an
2125 electronic benefit transfer program for the use and management
2126 of child care. The child care electronic benefit transfer
2127 program shall fulfill all federal and state requirements. The
2128 child care electronic benefit transfer program shall be designed
2129 to enable an individual who receives an electronic benefit
2130 transfer card under subsection (1) to use that card for purposes
2131 of benefits provided under the child care development system as
2132 well. The Department of Children and Family Services shall
2133 assist the Department of Education in developing an electronic
2134 benefit transfer program for the child care development system
2135 that is fully compatible with the department's electronic
2136 benefit transfer program. Jobs Florida shall reimburse the
2137 department for all costs incurred in providing such assistance
2138 and shall pay all costs for the development of the child care
2139 electronic benefit transfer program.

2140 Section 25. Section 411.0102, Florida Statutes, is amended
2141 to read:

2142 411.0102 Child Care Executive Partnership Act; findings and
2143 intent; grant; limitation; rules.—

2144 (1) This section may be cited as the "Child Care Executive
2145 Partnership Act."

2146 (2)(a) The Legislature finds that when private employers

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2147 provide onsite child care or provide other child care benefits,
2148 they benefit by improved recruitment and higher retention rates
2149 for employees, lower absenteeism, and improved employee morale.
2150 The Legislature also finds that there are many ways in which
2151 private employers can provide child care assistance to
2152 employees: information and referral, vouchers, employer
2153 contribution to child care programs, and onsite care. Private
2154 employers can offer child care as part of a menu of employee
2155 benefits. The Legislature recognizes that flexible compensation
2156 programs providing a child care option are beneficial to the
2157 private employer through increased productivity, to the private
2158 employee in knowing that his or her children are being cared for
2159 in a safe and nurturing environment, and to the state in more
2160 dollars being available for purchasing power and investment.

2161 (b) It is the intent of the Legislature to promote
2162 public/private partnerships to ensure that the children of the
2163 state be provided safe and enriching child care at any time, but
2164 especially while parents work to remain self-sufficient. It is
2165 the intent of the Legislature that private employers be
2166 encouraged to participate in the future of this state by
2167 providing employee child care benefits. Further, it is the
2168 intent of the Legislature to encourage private employers to
2169 explore innovative ways to assist employees to obtain quality
2170 child care.

2171 (c) The Legislature further recognizes that many parents
2172 need assistance in paying the full costs of quality child care.
2173 The public and private sectors, by working in partnership, can
2174 promote and improve access to quality child care and early
2175 education for children of working families who need it.

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2176 Therefore, a more formal mechanism is necessary to stimulate the
2177 establishment of public-private partnerships. It is the intent
2178 of the Legislature to expand the availability of scholarship
2179 options for working families by providing incentives for
2180 employers to contribute to meeting the needs of their employees'
2181 families through matching public dollars available for child
2182 care.

2183 (3) There is created a body politic and corporate known as
2184 the Child Care Executive Partnership which shall establish and
2185 govern the Child Care Executive Partnership Program. The purpose
2186 of the Child Care Executive Partnership Program is to utilize
2187 state and federal funds as incentives for matching local funds
2188 derived from local governments, employers, charitable
2189 foundations, and other sources so that Florida communities may
2190 create local flexible partnerships with employers. The Child
2191 Care Executive Partnership Program funds shall be used at the
2192 discretion of local communities to meet the needs of working
2193 parents. A child care purchasing pool shall be developed with
2194 the state, federal, and local funds to provide subsidies to low-
2195 income working parents whose family income does not exceed the
2196 allowable income for any federally subsidized child care program
2197 with a dollar-for-dollar match from employers, local government,
2198 and other matching contributions. The funds used from the child
2199 care purchasing pool must be used to supplement or extend the
2200 use of existing public or private funds.

2201 (4) The Child Care Executive Partnership, staffed by the
2202 Department of Education ~~Agency for Workforce Innovation~~, shall
2203 consist of a representative of the Executive Office of the
2204 Governor, a representative of Jobs Florida, and nine members of

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2205 the corporate or child care community, appointed by the
2206 Governor.

2207 (a) Members shall serve for a period of 4 years, except
2208 that the representative of the Executive Office of the Governor
2209 shall serve at the pleasure of the Governor, and the
2210 representative of Jobs Florida shall serve at the pleasure of
2211 the commissioner of Jobs Florida.

2212 (b) The Child Care Executive Partnership shall be chaired
2213 by a member chosen by a majority vote and shall meet at least
2214 quarterly and at other times upon the call of the chair. The
2215 Child Care Executive Partnership may use any method of
2216 telecommunications to conduct meetings, including establishing a
2217 quorum through telecommunications, only if the public is given
2218 proper notice of a telecommunications meeting and reasonable
2219 access to observe and, when appropriate, participate.

2220 (c) Members shall serve without compensation, but may be
2221 reimbursed for per diem and travel expenses in accordance with
2222 s. 112.061.

2223 (d) The Child Care Executive Partnership shall have all the
2224 powers and authority, not explicitly prohibited by statute,
2225 necessary to carry out and effectuate the purposes of this
2226 section, as well as the functions, duties, and responsibilities
2227 of the partnership, including, but not limited to, the
2228 following:

- 2229 1. Assisting in the formulation and coordination of the
2230 state's child care policy.
- 2231 2. Adopting an official seal.
- 2232 3. Soliciting, accepting, receiving, investing, and
2233 expending funds from public or private sources.

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2234 4. Contracting with public or private entities as
2235 necessary.

2236 5. Approving an annual budget.

2237 6. Carrying forward any unexpended state appropriations
2238 into succeeding fiscal years.

2239 7. Providing a report to the Governor, the Speaker of the
2240 House of Representatives, and the President of the Senate, on or
2241 before December 1 of each year.

2242 (5)(a) The Legislature shall annually determine the amount
2243 of state or federal low-income child care moneys which shall be
2244 used to create Child Care Executive Partnership Program child
2245 care purchasing pools in counties chosen by the Child Care
2246 Executive Partnership, provided that at least two of the
2247 counties have populations of no more than 300,000. The
2248 Legislature shall annually review the effectiveness of the child
2249 care purchasing pool program and reevaluate the percentage of
2250 additional state or federal funds, if any, that can be used for
2251 the program's expansion.

2252 (b) To ensure a seamless service delivery and ease of
2253 access for families, an early learning coalition or the
2254 Department of Education ~~Agency for Workforce Innovation~~ shall
2255 administer the child care purchasing pool funds.

2256 (c) The Department of Education ~~Agency for Workforce~~
2257 ~~Innovation~~, in conjunction with the Child Care Executive
2258 Partnership, shall develop procedures for disbursement of funds
2259 through the child care purchasing pools. In order to be
2260 considered for funding, an early learning coalition or the
2261 Department of Education ~~Agency for Workforce Innovation~~ must
2262 commit to:

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2263 1. Matching the state purchasing pool funds on a dollar-
2264 for-dollar basis; and

2265 2. Expending only those public funds which are matched by
2266 employers, local government, and other matching contributors who
2267 contribute to the purchasing pool. Parents shall also pay a fee,
2268 which may not be less than the amount identified in the early
2269 learning coalition's school readiness program sliding fee scale.

2270 (d) Each early learning coalition shall establish a
2271 community child care task force for each child care purchasing
2272 pool. The task force must be composed of employers, parents,
2273 private child care providers, and one representative from the
2274 local children's services council, if one exists in the area of
2275 the purchasing pool. The early learning coalition is expected to
2276 recruit the task force members from existing child care
2277 councils, commissions, or task forces already operating in the
2278 area of a purchasing pool. A majority of the task force shall
2279 consist of employers.

2280 (e) Each early learning coalition board shall develop a
2281 plan for the use of child care purchasing pool funds. The plan
2282 must show how many children will be served by the purchasing
2283 pool, how many will be new to receiving child care services, and
2284 how the early learning coalition intends to attract new
2285 employers and their employees to the program.

2286 (6) The Department of Education ~~Agency for Workforce~~
2287 ~~Innovation~~ shall adopt any rules necessary for the
2288 implementation and administration of this section.

2289 Section 26. Section 1002.73, Florida Statutes, is amended
2290 to read:

2291 1002.73 Department of Education; powers and duties;

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2292 accountability requirements; operational requirements.-

2293 (1) The department shall administer the accountability
2294 requirements and operational requirements of the Voluntary
2295 Prekindergarten Education Program at the state level.

2296 (2) The department shall adopt procedures for its:

2297 (a) Approval of prekindergarten director credentials under
2298 ss. 1002.55 and 1002.57.

2299 (b) Approval of emergent literacy training courses under
2300 ss. 1002.55 and 1002.59.

2301 (c) Administration of the statewide kindergarten screening
2302 and calculation of kindergarten readiness rates under s.
2303 1002.69.

2304 (d) Approval of specialized instructional services
2305 providers under s. 1002.66.

2306 (e) Granting of a private prekindergarten provider's or
2307 public school's request for a good cause exemption under s.
2308 1002.69(7).

2309 (3) The department shall adopt procedures governing the
2310 administration of the Voluntary Prekindergarten Education
2311 Program by the early learning coalitions and school districts
2312 for:

2313 (a) Enrolling children in and determining the eligibility
2314 of children for the Voluntary Prekindergarten Education Program
2315 under s. 1002.53.

2316 (b) Providing parents with profiles of private
2317 prekindergarten providers and public schools under s. 1002.53.

2318 (c) Registering private prekindergarten providers and
2319 public schools to deliver the program under ss. 1002.55,
2320 1002.61, and 1002.63.

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2321 (d) Determining the eligibility of private prekindergarten
2322 providers to deliver the program under ss. 1002.55 and 1002.61.

2323 (e) Verifying the compliance of private prekindergarten
2324 providers and public schools and removing providers or schools
2325 from eligibility to deliver the program due to noncompliance or
2326 misconduct as provided in s. 1002.67.

2327 (f) Paying private prekindergarten providers and public
2328 schools under s. 1002.71.

2329 (g) Documenting and certifying student enrollment and
2330 student attendance under s. 1002.71.

2331 (h) Reconciling advance payments in accordance with the
2332 uniform attendance policy under s. 1002.71.

2333 (i) Reenrolling students dismissed by a private
2334 prekindergarten provider or public school for noncompliance with
2335 the provider's or school district's attendance policy under s.
2336 1002.71.

2337 (4) The department shall adopt procedures governing the
2338 administration of the Voluntary Prekindergarten Education
2339 Program by the early learning coalitions and school districts
2340 for:

2341 (a) Approving improvement plans of private prekindergarten
2342 providers and public schools under s. 1002.67.

2343 (b) Placing private prekindergarten providers and public
2344 schools on probation and requiring corrective actions under s.
2345 1002.67.

2346 (c) Removing a private prekindergarten provider or public
2347 school from eligibility to deliver the program due to the
2348 provider's or school's remaining on probation beyond the time
2349 permitted under s. 1002.67.

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2350 (d) Enrolling children in and determining the eligibility
2351 of children for the Voluntary Prekindergarten Education Program
2352 under s. 1002.66.

2353 (e) Paying specialized instructional services providers
2354 under s. 1002.66.

2355 (5) The department shall also adopt procedures for the
2356 distribution of funds to early learning coalitions under s.
2357 1002.71.

2358 (6)~~(3)~~ Except as provided by law, the department may not
2359 impose requirements on a private prekindergarten provider or
2360 public school that does not deliver the Voluntary
2361 Prekindergarten Education Program or receive state funds under
2362 this part.

2363 Section 27. Section 443.211, Florida Statutes, is amended
2364 to read:

2365 443.211 Employment Security Administration Trust Fund;
2366 appropriation; reimbursement.—

2367 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
2368 created in the State Treasury the "Employment Security
2369 Administration Trust Fund." All moneys deposited into this fund
2370 remain continuously available to Jobs Florida ~~the Agency for~~
2371 ~~Workforce Innovation~~ for expenditure in accordance with this
2372 chapter and do not revert at any time and may not be transferred
2373 to any other fund. All moneys in this fund which are received
2374 from the Federal Government or any federal agency or which are
2375 appropriated by this state under ss. 443.171 and 443.181, except
2376 money received under s. 443.191(5)(c), must be expended solely
2377 for the purposes and in the amounts found necessary by the
2378 authorized cooperating federal agencies for the proper and

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2379 efficient administration of this chapter. The fund consists of:
2380 all moneys appropriated by this state; all moneys received from
2381 the United States or any federal agency; all moneys received
2382 from any other source for the administration of this chapter;
2383 any funds collected for enhanced, specialized, or value-added
2384 labor market information services; any moneys received from any
2385 agency of the United States or any other state as compensation
2386 for services or facilities supplied to that agency; any amounts
2387 received from any surety bond or insurance policy or from other
2388 sources for losses sustained by the Employment Security
2389 Administration Trust Fund or by reason of damage to equipment or
2390 supplies purchased from moneys in the fund; and any proceeds
2391 from the sale or disposition of such equipment or supplies. All
2392 money requisitioned and deposited in this fund under s.
2393 443.191(5)(c) remains part of the Unemployment Compensation
2394 Trust Fund and must be used only in accordance with s.
2395 443.191(5). All moneys in this fund must be deposited,
2396 administered, and disbursed in the same manner and under the
2397 same conditions and requirements as provided by law for other
2398 trust funds in the State Treasury. These moneys must be secured
2399 by the depositary in which they are held to the same extent and
2400 in the same manner as required by the general depositary law of
2401 the state, and collateral pledged must be maintained in a
2402 separate custody account. All payments from the Employment
2403 Security Administration Trust Fund must be approved by Jobs
2404 Florida ~~the Agency for Workforce Innovation~~ or by an authorized
2405 agent and must be made by the Chief Financial Officer. Any
2406 balances in this fund do not revert at any time and must remain
2407 continuously available to Jobs Florida ~~the Agency for Workforce~~

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2408 ~~Innovation~~ for expenditure consistent with this chapter.
2409 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
2410 There is created in the State Treasury the "Special Employment
2411 Security Administration Trust Fund," into which shall be
2412 deposited or transferred all interest on contributions and
2413 reimbursements, penalties, and fines or fees collected under
2414 this chapter. Interest on contributions and reimbursements,
2415 penalties, and fines or fees deposited during any calendar
2416 quarter in the clearing account in the Unemployment Compensation
2417 Trust Fund shall, as soon as practicable after the close of that
2418 calendar quarter and upon certification of Jobs Florida ~~the~~
2419 ~~Agency for Workforce Innovation~~, be transferred to the Special
2420 Employment Security Administration Trust Fund. The amount
2421 certified by Jobs Florida ~~the Agency for Workforce Innovation~~ as
2422 required under this chapter to pay refunds of interest on
2423 contributions and reimbursements, penalties, and fines or fees
2424 collected and erroneously deposited into the clearing account in
2425 the Unemployment Compensation Trust Fund shall, however, be
2426 withheld from this transfer. The interest and penalties
2427 certified for transfer are deemed as being erroneously deposited
2428 in the clearing account, and their transfer to the Special
2429 Employment Security Administration Trust Fund is deemed to be a
2430 refund of the erroneous deposits. All moneys in this fund shall
2431 be deposited, administered, and disbursed in the same manner and
2432 under the same requirements as provided by law for other trust
2433 funds in the State Treasury. These moneys may not be expended or
2434 be available for expenditure in any manner that would permit
2435 their substitution for, or permit a corresponding reduction in,
2436 federal funds that would, in the absence of these moneys, be

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2437 available to finance expenditures for the administration of this
 2438 chapter. This section does not prevent these moneys from being
 2439 used as a revolving fund to cover lawful expenditures for which
 2440 federal funds are requested but not yet received, subject to the
 2441 charging of the expenditures against the funds when received.
 2442 The moneys in this fund, with the approval of the Executive
 2443 Office of the Governor, shall be used by Jobs Florida ~~the Agency~~
 2444 ~~for Workforce Innovation~~ for paying administrative costs that
 2445 are not chargeable against funds obtained from federal sources.
 2446 All moneys in the Special Employment Security Administration
 2447 Trust Fund shall be continuously available to Jobs Florida ~~the~~
 2448 ~~Agency for Workforce Innovation~~ for expenditure in accordance
 2449 with this chapter and do not revert at any time. All payments
 2450 from the Special Employment Security Administration Trust Fund
 2451 must be approved by Jobs Florida ~~the Agency for Workforce~~
 2452 ~~Innovation~~ or by an authorized agent and shall be made by the
 2453 Chief Financial Officer. The moneys in this fund are available
 2454 to replace, as contemplated by subsection (3), expenditures from
 2455 the Employment Security Administration Trust Fund which the
 2456 United States Secretary of Labor, or other authorized federal
 2457 agency or authority, finds are lost or improperly expended
 2458 because of any action or contingency. The Chief Financial
 2459 Officer is liable on her or his official bond for the faithful
 2460 performance of her or his duties in connection with the Special
 2461 Employment Security Administration Trust Fund.

2462 (3) REIMBURSEMENT OF FUND.—If any moneys received from the
 2463 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
 2464 any unencumbered balances in the Employment Security
 2465 Administration Trust Fund, any moneys granted to this state

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2466 under the Wagner-Peyser Act, or any moneys made available by
2467 this state or its political subdivisions and matched by the
2468 moneys granted to this state under the Wagner-Peyser Act, are
2469 after reasonable notice and opportunity for hearing, found by
2470 the United States Secretary of Labor, because of any action or
2471 contingency, to be lost or expended for purposes other than, or
2472 in amounts in excess of, those allowed by the United States
2473 Secretary of Labor for the administration of this chapter, these
2474 moneys shall be replaced by moneys appropriated for that purpose
2475 from the General Revenue Fund to the Employment Security
2476 Administration Trust Fund for expenditure as provided in
2477 subsection (1). Upon receipt of notice of such a finding by the
2478 United States Secretary of Labor, Jobs Florida ~~the Agency for~~
2479 ~~Workforce Innovation~~ shall promptly report the amount required
2480 for replacement to the Governor. The Governor shall, at the
2481 earliest opportunity, submit to the Legislature a request for
2482 the appropriation of the replacement funds.

2483 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
2484 duties under s. 443.181, Jobs Florida ~~the Agency for Workforce~~
2485 ~~Innovation~~ is responsible for the deposit, requisition,
2486 expenditure, approval of payment, reimbursement, and reporting
2487 in regard to the trust funds established by this section.

2488 Section 28. Section 443.221, Florida Statutes, is amended
2489 to read:

2490 443.221 Reciprocal arrangements.—

2491 (1)(a) Jobs Florida ~~The Agency for Workforce Innovation~~ or
2492 its tax collection service provider may enter into reciprocal
2493 arrangements with other states or with the Federal Government,
2494 or both, for considering services performed by an individual for

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2495 a single employing unit for which services are performed by the
2496 individual in more than one state as services performed entirely
2497 within any one of the states:

2498 1. In which any part of the individual's service is
2499 performed;

2500 2. In which the individual has her or his residence; or

2501 3. In which the employing unit maintains a place of
2502 business.

2503 (b) For services to be considered as performed within a
2504 state under a reciprocal agreement, the employing unit must have
2505 an election in effect for those services, which is approved by
2506 the agency charged with the administration of such state's
2507 unemployment compensation law, under which all the services
2508 performed by the individual for the employing unit are deemed to
2509 be performed entirely within that state.

2510 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
2511 participate in any arrangements for the payment of compensation
2512 on the basis of combining an individual's wages and employment
2513 covered under this chapter with her or his wages and employment
2514 covered under the unemployment compensation laws of other
2515 states, which are approved by the United States Secretary of
2516 Labor, in consultation with the state unemployment compensation
2517 agencies, as reasonably calculated to assure the prompt and full
2518 payment of compensation in those situations and which include
2519 provisions for:

2520 1. Applying the base period of a single state law to a
2521 claim involving the combining of an individual's wages and
2522 employment covered under two or more state unemployment
2523 compensation laws; and

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2524 2. Avoiding the duplicate use of wages and employment
2525 because of the combination.

2526 (d) Contributions or reimbursements due under this chapter
2527 with respect to wages for insured work are, for the purposes of
2528 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
2529 to the fund as of the date payment was made as contributions or
2530 reimbursements therefor under another state or federal
2531 unemployment compensation law, but an arrangement may not be
2532 entered into unless it contains provisions for reimbursement to
2533 the fund of the contributions or reimbursements and the actual
2534 earnings thereon as Jobs Florida ~~the Agency for Workforce~~
2535 ~~Innovation~~ or its tax collection service provider finds are fair
2536 and reasonable as to all affected interests.

2537 (2) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
2538 tax collection service provider may make to other state or
2539 federal agencies and receive from these other state or federal
2540 agencies reimbursements from or to the fund, in accordance with
2541 arrangements entered into under subsection (1).

2542 (3) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
2543 tax collection service provider may enter into reciprocal
2544 arrangements with other states or the Federal Government, or
2545 both, for exchanging services, determining and enforcing payment
2546 obligations, and making available facilities and information.
2547 Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax
2548 collection service provider may conduct investigations, secure
2549 and transmit information, make available services and
2550 facilities, and exercise other powers provided under this
2551 chapter to facilitate the administration of any unemployment
2552 compensation or public employment service law and, in a similar

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2553 manner, accept and use information, services, and facilities
2554 made available to this state by the agency charged with the
2555 administration of any other unemployment compensation or public
2556 employment service law.

2557 (4) To the extent permissible under federal law, Jobs
2558 Florida ~~the Agency for Workforce Innovation~~ may enter into or
2559 cooperate in arrangements whereby facilities and services
2560 provided under this chapter and facilities and services provided
2561 under the unemployment compensation law of any foreign
2562 government may be used for the taking of claims and the payment
2563 of benefits under the employment security law of the state or
2564 under a similar law of that government.

2565 Section 29. Section 445.002, Florida Statutes, is amended
2566 to read:

2567 445.002 Definitions.—As used in this chapter, the term:

2568 ~~(1) "Agency" means the Agency for Workforce Innovation.~~

2569 (1)~~(2)~~ "Services and one-time payments" or "services," when
2570 used in reference to individuals who are not receiving temporary
2571 cash assistance, means nonrecurrent, short-term benefits
2572 designed to deal with a specific crisis situation or episode of
2573 need and other services; work subsidies; supportive services
2574 such as child care and transportation; services such as
2575 counseling, case management, peer support, and child care
2576 information and referral; transitional services, job retention,
2577 job advancement, and other employment-related services;
2578 nonmedical treatment for substance abuse or mental health
2579 problems; teen pregnancy prevention; two-parent family support,
2580 including noncustodial parent employment; court-ordered
2581 supervised visitation, and responsible fatherhood services; and

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2582 any other services that are reasonably calculated to further the
2583 purposes of the welfare transition program. Such terms do not
2584 include assistance as defined in federal regulations at 45
2585 C.F.R. s. 260.31(a).

2586 (2)~~(3)~~ "Welfare transition services" means those workforce
2587 services provided to current or former recipients of temporary
2588 cash assistance under chapter 414.

2589 Section 30. Subsection (3) of section 445.003, Florida
2590 Statutes, is amended to read:

2591 445.003 Implementation of the federal Workforce Investment
2592 Act of 1998.—

2593 (3) FUNDING.—

2594 445.003 *Implementation of the federal Workforce Investment*
2595 *Act of 1998.—*

2596 (a) Title I, Workforce Investment Act of 1998 funds;
2597 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
2598 based on the 5-year plan of Workforce Florida, Inc. The plan
2599 shall outline and direct the method used to administer and
2600 coordinate various funds and programs that are operated by
2601 various agencies. The following provisions shall also apply to
2602 these funds:

2603 1. At least 50 percent of the Title I funds for Adults and
2604 Dislocated Workers that are passed through to regional workforce
2605 boards shall be allocated to Individual Training Accounts unless
2606 a regional workforce board obtains a waiver from Workforce
2607 Florida, Inc. Tuition and fees qualify as an Individual Training
2608 Account expenditure, as do other programs developed by regional
2609 workforce boards in compliance with policies of Workforce
2610 Florida, Inc.

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2611 2. Fifteen percent of Title I funding shall be retained at
2612 the state level and shall be dedicated to state administration
2613 and used to design, develop, induce, and fund innovative
2614 Individual Training Account pilots, demonstrations, and
2615 programs. Of such funds retained at the state level, \$2 million
2616 shall be reserved for the Incumbent Worker Training Program,
2617 created under s. 288.048 ~~subparagraph 3~~. Eligible state
2618 administration costs include the costs of: funding for the board
2619 and staff of Workforce Florida, Inc.; operating fiscal,
2620 compliance, and management accountability systems through
2621 Workforce Florida, Inc.; conducting evaluation and research on
2622 workforce development activities; and providing technical and
2623 capacity building assistance to regions at the direction of
2624 Workforce Florida, Inc. Notwithstanding s. 445.004, such
2625 administrative costs shall not exceed 25 percent of these funds.
2626 An amount not to exceed 75 percent of these funds shall be
2627 allocated to Individual Training Accounts and other workforce
2628 development strategies for other training designed and tailored
2629 by Workforce Florida, Inc., including, but not limited to,
2630 programs for incumbent workers, displaced homemakers,
2631 nontraditional employment, and enterprise zones. Workforce
2632 Florida, Inc., shall design, adopt, and fund Individual Training
2633 Accounts for distressed urban and rural communities.

2634 ~~3. The Incumbent Worker Training Program is created for the~~
2635 ~~purpose of providing grant funding for continuing education and~~
2636 ~~training of incumbent employees at existing Florida businesses.~~
2637 ~~The program will provide reimbursement grants to businesses that~~
2638 ~~pay for preapproved, direct, training related costs.~~

2639 ~~a. The Incumbent Worker Training Program will be~~

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2640 ~~administered by Workforce Florida, Inc. Workforce Florida, Inc.,~~
2641 ~~at its discretion, may contract with a private business~~
2642 ~~organization to serve as grant administrator.~~

2643 ~~b. To be eligible for the program's grant funding, a~~
2644 ~~business must have been in operation in Florida for a minimum of~~
2645 ~~1 year prior to the application for grant funding; have at least~~
2646 ~~one full time employee; demonstrate financial viability; and be~~
2647 ~~current on all state tax obligations. Priority for funding shall~~
2648 ~~be given to businesses with 25 employees or fewer, businesses in~~
2649 ~~rural areas, businesses in distressed inner city areas,~~
2650 ~~businesses in a qualified targeted industry, businesses whose~~
2651 ~~grant proposals represent a significant upgrade in employee~~
2652 ~~skills, or businesses whose grant proposals represent a~~
2653 ~~significant layoff avoidance strategy.~~

2654 ~~e. All costs reimbursed by the program must be preapproved~~
2655 ~~by Workforce Florida, Inc., or the grant administrator. The~~
2656 ~~program will not reimburse businesses for trainee wages, the~~
2657 ~~purchase of capital equipment, or the purchase of any item or~~
2658 ~~service that may possibly be used outside the training project.~~
2659 ~~A business approved for a grant may be reimbursed for~~
2660 ~~preapproved, direct, training related costs including tuition;~~
2661 ~~fees; books and training materials; and overhead or indirect~~
2662 ~~costs not to exceed 5 percent of the grant amount.~~

2663 ~~d. A business that is selected to receive grant funding~~
2664 ~~must provide a matching contribution to the training project,~~
2665 ~~including, but not limited to, wages paid to trainees or the~~
2666 ~~purchase of capital equipment used in the training project; must~~
2667 ~~sign an agreement with Workforce Florida, Inc., or the grant~~
2668 ~~administrator to complete the training project as proposed in~~

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2669 ~~the application; must keep accurate records of the project's~~
2670 ~~implementation process; and must submit monthly or quarterly~~
2671 ~~reimbursement requests with required documentation.~~

2672 ~~e. All Incumbent Worker Training Program grant projects~~
2673 ~~shall be performance based with specific measurable performance~~
2674 ~~outcomes, including completion of the training project and job~~
2675 ~~retention. Workforce Florida, Inc., or the grant administrator~~
2676 ~~shall withhold the final payment to the grantee until a final~~
2677 ~~grant report is submitted and all performance criteria specified~~
2678 ~~in the grant contract have been achieved.~~

2679 ~~f. Workforce Florida, Inc., may establish guidelines~~
2680 ~~necessary to implement the Incumbent Worker Training Program.~~

2681 ~~g. No more than 10 percent of the Incumbent Worker Training~~
2682 ~~Program's total appropriation may be used for overhead or~~
2683 ~~indirect purposes.~~

2684 3.4. At least 50 percent of Rapid Response funding shall be
2685 dedicated to Intensive Services Accounts and Individual Training
2686 Accounts for dislocated workers and incumbent workers who are at
2687 risk of dislocation. Workforce Florida, Inc., shall also
2688 maintain an Emergency Preparedness Fund from Rapid Response
2689 funds which will immediately issue Intensive Service Accounts
2690 and Individual Training Accounts as well as other federally
2691 authorized assistance to eligible victims of natural or other
2692 disasters. At the direction of the Governor, for events that
2693 qualify under federal law, these Rapid Response funds shall be
2694 released to regional workforce boards for immediate use. Funding
2695 shall also be dedicated to maintain a unit at the state level to
2696 respond to Rapid Response emergencies around the state, to work
2697 with state emergency management officials, and to work with

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2698 regional workforce boards. All Rapid Response funds must be
2699 expended based on a plan developed by Workforce Florida, Inc.,
2700 and approved by the Governor.

2701 (b) The administrative entity for Title I, Workforce
2702 Investment Act of 1998 funds, and Rapid Response activities,
2703 shall be Jobs Florida ~~the Agency for Workforce Innovation~~, which
2704 shall provide direction to regional workforce boards regarding
2705 Title I programs and Rapid Response activities pursuant to the
2706 direction of Workforce Florida, Inc.

2707 Section 31. Subsection (1), paragraph (a) of subsection
2708 (3), and paragraphs (b), (c), (d), (e), and (g) of subsection
2709 (5) of section 445.004, Florida Statutes, are amended to read:

2710 445.004 Workforce Florida, Inc.; creation; purpose;
2711 membership; duties and powers.—

2712 (1) There is created a not-for-profit corporation, to be
2713 known as "Workforce Florida, Inc.," which shall be registered,
2714 incorporated, organized, and operated in compliance with chapter
2715 617, and which shall not be a unit or entity of state government
2716 and shall be exempt from chapters 120 and 287. Workforce
2717 Florida, Inc., shall apply the procurement and expenditure
2718 procedures required by federal law for the expenditure of
2719 federal funds. Workforce Florida, Inc., shall be
2720 administratively housed within Jobs Florida ~~the Agency for~~
2721 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall
2722 not be subject to control, supervision, or direction by Jobs
2723 Florida ~~the Agency for Workforce Innovation~~ in any manner. The
2724 Legislature determines, however, that public policy dictates
2725 that Workforce Florida, Inc., operate in the most open and
2726 accessible manner consistent with its public purpose. To this

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2727 end, the Legislature specifically declares that Workforce
2728 Florida, Inc., its board, councils, and any advisory committees
2729 or similar groups created by Workforce Florida, Inc., are
2730 subject to the provisions of chapter 119 relating to public
2731 records, and those provisions of chapter 286 relating to public
2732 meetings.

2733 (3)(a) Workforce Florida, Inc., shall be governed by a
2734 board of directors, the number of directors to be determined by
2735 the Governor, whose membership and appointment must be
2736 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
2737 contain one member representing the licensed nonpublic
2738 postsecondary educational institutions authorized as individual
2739 training account providers, one member from the staffing service
2740 industry, at least one member who is a current or former
2741 recipient of welfare transition services as defined in s.
2742 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s.
2743 445.009(1), and five representatives of organized labor who
2744 shall be appointed by the Governor. Members described in Pub. L.
2745 No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting
2746 members. The importance of minority, gender, and geographic
2747 representation shall be considered when making appointments to
2748 the board.

2749 (5) Workforce Florida, Inc., shall have all the powers and
2750 authority, not explicitly prohibited by statute, necessary or
2751 convenient to carry out and effectuate the purposes as
2752 determined by statute, Pub. L. No. 105-220, and the Governor, as
2753 well as its functions, duties, and responsibilities, including,
2754 but not limited to, the following:

2755 (b) Providing oversight and policy direction to ensure that

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2756 the following programs are administered by Jobs Florida ~~the~~
2757 ~~Agency for Workforce Innovation~~ in compliance with approved
2758 plans and under contract with Workforce Florida, Inc.:

2759 1. Programs authorized under Title I of the Workforce
2760 Investment Act of 1998, Pub. L. No. 105-220, with the exception
2761 of programs funded directly by the United States Department of
2762 Labor under Title I, s. 167.

2763 2. Programs authorized under the Wagner-Peyser Act of 1933,
2764 as amended, 29 U.S.C. ss. 49 et seq.

2765 3. Activities authorized under Title II of the Trade Act of
2766 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
2767 Adjustment Assistance Program.

2768 4. Activities authorized under 38 U.S.C., chapter 41,
2769 including job counseling, training, and placement for veterans.

2770 5. Employment and training activities carried out under
2771 funds awarded to this state by the United States Department of
2772 Housing and Urban Development.

2773 6. Welfare transition services funded by the Temporary
2774 Assistance for Needy Families Program, created under the
2775 Personal Responsibility and Work Opportunity Reconciliation Act
2776 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
2777 of the Social Security Act, as amended.

2778 7. Displaced homemaker programs, provided under s. 446.50.

2779 8. The Florida Bonding Program, provided under Pub. L. No.
2780 97-300, s. 164(a)(1).

2781 9. The Food Assistance Employment and Training Program,
2782 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
2783 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
2784 and the Hunger Prevention Act, Pub. L. No. 100-435.

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2785 10. The Quick-Response Training Program, provided under ss.
2786 288.046-288.047. Matching funds and in-kind contributions that
2787 are provided by clients of the Quick-Response Training Program
2788 shall count toward the requirements of s. 288.90151(5)(d),
2789 pertaining to the return on investment from activities of
2790 Enterprise Florida, Inc.

2791 11. The Work Opportunity Tax Credit, provided under the Tax
2792 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and
2793 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

2794 12. Offender placement services, provided under ss.
2795 944.707-944.708.

2796 (c) Jobs Florida ~~the agency~~ may adopt rules necessary to
2797 administer the provisions of this chapter which relate to
2798 implementing and administering the programs listed in paragraph
2799 (b) as well as rules related to eligible training providers and
2800 auditing and monitoring subrecipients of the workforce system
2801 grant funds.

2802 (d) Contracting with public and private entities as
2803 necessary to further the directives of this section. All
2804 contracts executed by Workforce Florida, Inc., must include
2805 specific performance expectations and deliverables. All
2806 Workforce Florida, Inc., contracts, including those solicited,
2807 managed, or paid by Jobs Florida ~~the Agency for Workforce~~
2808 ~~Innovation~~ pursuant to s. 20.60(5)(d) ~~20.50(2)~~ are exempt from
2809 s. 112.061, but shall be governed by subsection (1).

2810 (e) Notifying the Governor, the President of the Senate,
2811 and the Speaker of the House of Representatives of noncompliance
2812 by Jobs Florida ~~the Agency for Workforce Innovation~~ or other
2813 agencies or obstruction of the board's efforts by such agencies.

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2814 Upon such notification, the Executive Office of the Governor
2815 shall assist agencies to bring them into compliance with board
2816 objectives.

2817 (g) Establish a dispute resolution process for all
2818 memoranda of understanding or other contracts or agreements
2819 entered into between Jobs Florida ~~the agency~~ and regional
2820 workforce boards.

2821 Section 32. Subsection (1) of section 445.007, Florida
2822 Statutes, is amended to read:

2823 445.007 Regional workforce boards.—

2824 (1) One regional workforce board shall be appointed in each
2825 designated service delivery area and shall serve as the local
2826 workforce investment board pursuant to Pub. L. No. 105-220. The
2827 membership of the board shall be consistent with Pub. L. No.
2828 105-220, Title I, s. 117(b), and contain one representative from
2829 a nonpublic postsecondary educational institution that is an
2830 authorized individual training account provider within the
2831 region and confers certificates and diplomas, one representative
2832 from a nonpublic postsecondary educational institution that is
2833 an authorized individual training account provider within the
2834 region and confers degrees, and three representatives of
2835 organized labor. The board shall include one nonvoting
2836 representative from a military installation if a military
2837 installation is located within the region and the appropriate
2838 military command or organization authorizes such representation.
2839 It is the intent of the Legislature that membership of a
2840 regional workforce board include persons who are current or
2841 former recipients of welfare transition assistance as defined in
2842 s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in

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2843 s. 445.009(1) or that such persons be included as ex officio
2844 members of the board or of committees organized by the board.
2845 The importance of minority and gender representation shall be
2846 considered when making appointments to the board. The board, its
2847 committees, subcommittees, and subdivisions, and other units of
2848 the workforce system, including units that may consist in whole
2849 or in part of local governmental units, may use any method of
2850 telecommunications to conduct meetings, including establishing a
2851 quorum through telecommunications, provided that the public is
2852 given proper notice of the telecommunications meeting and
2853 reasonable access to observe and, when appropriate, participate.
2854 Regional workforce boards are subject to chapters 119 and 286
2855 and s. 24, Art. I of the State Constitution. If the regional
2856 workforce board enters into a contract with an organization or
2857 individual represented on the board of directors, the contract
2858 must be approved by a two-thirds vote of the entire board, and
2859 the board member who could benefit financially from the
2860 transaction must abstain from voting on the contract. A board
2861 member must disclose any such conflict in a manner that is
2862 consistent with the procedures outlined in s. 112.3143.

2863 Section 33. Subsections (3) and (9) of section 445.009,
2864 Florida Statutes, are amended to read:

2865 445.009 One-stop delivery system.—

2866 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
2867 shall enter into a memorandum of understanding with Jobs Florida
2868 ~~the Agency for Workforce Innovation~~ for the delivery of
2869 employment services authorized by the federal Wagner-Peyser Act.
2870 This memorandum of understanding must be performance based.

2871 (a) Unless otherwise required by federal law, at least 90

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2872 percent of the Wagner-Peyser funding must go into direct
2873 customer service costs.

2874 (b) Employment services must be provided through the one-
2875 stop delivery system, under the guidance of one-stop delivery
2876 system operators. One-stop delivery system operators shall have
2877 overall authority for directing the staff of the workforce
2878 system. Personnel matters shall remain under the ultimate
2879 authority of Jobs Florida ~~the Agency for Workforce Innovation~~.
2880 However, the one-stop delivery system operator shall submit to
2881 Jobs Florida ~~the agency~~ information concerning the job
2882 performance of ~~agency~~ employees of Jobs Florida who deliver
2883 employment services. Jobs Florida ~~The agency~~ shall consider any
2884 such information submitted by the one-stop delivery system
2885 operator in conducting performance appraisals of the employees.

2886 (c) Jobs Florida ~~The agency~~ shall retain fiscal
2887 responsibility and accountability for the administration of
2888 funds allocated to the state under the Wagner-Peyser Act. An
2889 ~~agency~~ employee of Jobs Florida who is providing services
2890 authorized under the Wagner-Peyser Act shall be paid using
2891 Wagner-Peyser Act funds.

2892 (9)(a) Workforce Florida, Inc., working with Jobs Florida
2893 ~~the Agency for Workforce Innovation~~, shall coordinate among the
2894 agencies a plan for a One-Stop Electronic Network made up of
2895 one-stop delivery system centers and other partner agencies that
2896 are operated by authorized public or private for-profit or not-
2897 for-profit agents. The plan shall identify resources within
2898 existing revenues to establish and support this electronic
2899 network for service delivery that includes Government Services
2900 Direct. If necessary, the plan shall identify additional funding

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2901 needed to achieve the provisions of this subsection.

2902 (b) The network shall assure that a uniform method is used
2903 to determine eligibility for and management of services provided
2904 by agencies that conduct workforce development activities. The
2905 Department of Management Services shall develop strategies to
2906 allow access to the databases and information management systems
2907 of the following systems in order to link information in those
2908 databases with the one-stop delivery system:

2909 1. The Unemployment Compensation Program under chapter 443
2910 ~~of the Agency for Workforce Innovation.~~

2911 2. The public employment service described in s. 443.181.

2912 3. The FLORIDA System and the components related to
2913 temporary cash assistance, food assistance, and Medicaid
2914 eligibility.

2915 4. The Student Financial Assistance System of the
2916 Department of Education.

2917 5. Enrollment in the public postsecondary education system.

2918 6. Other information systems determined appropriate by
2919 Workforce Florida, Inc.

2920 Section 34. Subsection (5) of section 445.016, Florida
2921 Statutes, is amended to read:

2922 445.016 Untried Worker Placement and Employment Incentive
2923 Act.—

2924 (5) Incentives must be paid according to the incentive
2925 schedule developed by Workforce Florida, Inc., Jobs Florida ~~the~~
2926 ~~Agency for Workforce Development~~, and the Department of Children
2927 and Family Services which costs the state less per placement
2928 than the state's 12-month expenditure on a welfare recipient.

2929 Section 35. Subsection (1) of section 445.024, Florida

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2930 Statutes, is amended to read:

2931 445.024 Work requirements.—

2932 (1) WORK ACTIVITIES.—Jobs Florida ~~The Agency for Workforce~~
2933 ~~Innovation~~ may develop activities under each of the following
2934 categories of work activities. The following categories of work
2935 activities, based on federal law and regulations, may be used
2936 individually or in combination to satisfy the work requirements
2937 for a participant in the temporary cash assistance program:

2938 (a) Unsubsidized employment.

2939 (b) Subsidized private sector employment.

2940 (c) Subsidized public sector employment.

2941 (d) On-the-job training.

2942 (e) Community service programs.

2943 (f) Work experience.

2944 (g) Job search and job readiness assistance.

2945 (h) Vocational educational training.

2946 (i) Job skills training directly related to employment.

2947 (j) Education directly related to employment.

2948 (k) Satisfactory attendance at a secondary school or in a
2949 course of study leading to a graduate equivalency diploma.

2950 (l) Providing child care services.

2951 Section 36. Subsection (1) of section 445.0325, Florida
2952 Statutes, is amended to read:

2953 445.0325 Welfare Transition Trust Fund.—

2954 (1) The Welfare Transition Trust Fund is created in the
2955 State Treasury, to be administered by Jobs Florida ~~the Agency~~
2956 ~~for Workforce Innovation~~. Funds shall be credited to the trust
2957 fund to be used for the purposes of the welfare transition
2958 program set forth in ss. 445.017-445.032.

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2959 Section 37. Section 445.038, Florida Statutes, is amended
2960 to read:

2961 445.038 Digital media; job training.—Workforce Florida,
2962 Inc., through Jobs Florida ~~the Agency for Workforce Innovation~~,
2963 may use funds dedicated for Incumbent Worker Training for the
2964 digital media industry. Training may be provided by public or
2965 private training providers for broadband digital media jobs
2966 listed on the targeted occupations list developed by the
2967 Workforce Estimating Conference or Workforce Florida, Inc.
2968 Programs that operate outside the normal semester time periods
2969 and coordinate the use of industry and public resources should
2970 be given priority status for funding.

2971 Section 38. Subsection (2), paragraph (b) of subsection
2972 (4), and subsection (6) of section 445.045, Florida Statutes,
2973 are amended to read:

2974 445.045 Development of an Internet-based system for
2975 information technology industry promotion and workforce
2976 recruitment.—

2977 (2) Workforce Florida, Inc., shall coordinate with the
2978 Agency for Enterprise Information Technology and Jobs Florida
2979 ~~the Agency for Workforce Innovation~~ to ensure links, where
2980 feasible and appropriate, to existing job information websites
2981 maintained by the state and state agencies and to ensure that
2982 information technology positions offered by the state and state
2983 agencies are posted on the information technology website.

2984 (4)

2985 (b) Workforce Florida, Inc., may enter into an agreement
2986 with the Agency for Enterprise Information Technology, Jobs
2987 Florida ~~the Agency for Workforce Innovation~~, or any other public

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2988 agency with the requisite information technology expertise for
2989 the provision of design, operating, or other technological
2990 services necessary to develop and maintain the website.

2991 (6) In fulfilling its responsibilities under this section,
2992 Workforce Florida, Inc., may enlist the assistance of and act
2993 through Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs
2994 Florida ~~The agency~~ is authorized and directed to provide the
2995 services that Workforce Florida, Inc., and Jobs Florida ~~the~~
2996 ~~agency~~ consider necessary to implement this section.

2997 Section 39. Subsection (1), paragraph (b) of subsection
2998 (4), and subsection (5) of section 445.048, Florida Statutes,
2999 are amended to read:

3000 445.048 Passport to Economic Progress program.—

3001 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,
3002 Workforce Florida, Inc., in conjunction with the Department of
3003 Children and Family Services and Jobs Florida ~~the Agency for~~
3004 ~~Workforce Innovation~~, shall implement a Passport to Economic
3005 Progress program consistent with the provisions of this section.
3006 Workforce Florida, Inc., may designate regional workforce boards
3007 to participate in the program. Expenses for the program may come
3008 from appropriated revenues or from funds otherwise available to
3009 a regional workforce board which may be legally used for such
3010 purposes. Workforce Florida, Inc., must consult with the
3011 applicable regional workforce boards and the applicable local
3012 offices of the Department of Children and Family Services which
3013 serve the program areas and must encourage community input into
3014 the implementation process.

3015 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

3016 (b) Workforce Florida, Inc., in cooperation with the

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3017 Department of Children and Family Services and Jobs Florida ~~the~~
3018 ~~Agency for Workforce Innovation~~, shall offer performance-based
3019 incentive bonuses as a component of the Passport to Economic
3020 Progress program. The bonuses do not represent a program
3021 entitlement and shall be contingent on achieving specific
3022 benchmarks prescribed in the self-sufficiency plan. If the funds
3023 appropriated for this purpose are insufficient to provide this
3024 financial incentive, the board of directors of Workforce
3025 Florida, Inc., may reduce or suspend the bonuses in order not to
3026 exceed the appropriation or may direct the regional boards to
3027 use resources otherwise given to the regional workforce to pay
3028 such bonuses if such payments comply with applicable state and
3029 federal laws.

3030 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
3031 Inc., in conjunction with the Department of Children and Family
3032 Services, Jobs Florida ~~the Agency for Workforce Innovation~~, and
3033 the regional workforce boards, shall conduct a comprehensive
3034 evaluation of the effectiveness of the program operated under
3035 this section. Evaluations and recommendations for the program
3036 shall be submitted by Workforce Florida, Inc., as part of its
3037 annual report to the Legislature.

3038 Section 40. Subsection (2) of section 445.49, Florida
3039 Statutes, is amended to read:

3040 445.049 Digital Divide Council.—

3041 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is
3042 created in the Department of Education. The council shall
3043 consist of:

3044 (a) A representative from the information technology
3045 industry in this state appointed by the Governor.

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3046 (b) The commissioner of Jobs Florida, or his or her
3047 designee ~~The director of the Office of Tourism, Trade, and~~
3048 ~~Economic Development in the Executive Office of the Governor.~~

3049 (c) The president of Workforce Florida, Inc.

3050 ~~(d) The director of the Agency for Workforce Innovation.~~

3051 (d)~~(e)~~ The chair of itflorida.com, Inc.

3052 (e)~~(f)~~ The Commissioner of Education.

3053 (f)~~(g)~~ A representative of the information technology
3054 industry in this state appointed by the Speaker of the House of
3055 Representatives.

3056 (g)~~(h)~~ A representative of the information technology
3057 industry in this state appointed by the President of the Senate.

3058 (h)~~(i)~~ Two members of the House of Representatives, who
3059 shall be ex officio, nonvoting members of the council, appointed
3060 by the Speaker of the House of Representatives, one of whom
3061 shall be a member of the Republican Caucus and the other of whom
3062 shall be a member of the Democratic Caucus.

3063 (i)~~(j)~~ Two members of the Senate, who shall be ex officio,
3064 nonvoting members of the council, appointed by the President of
3065 the Senate, one of whom shall be a member of the Republican
3066 Caucus and the other of whom shall be a member of the Democratic
3067 Caucus.

3068 Section 41. Subsection (13) of section 445.051, Florida
3069 Statutes, is amended to read:

3070 445.051 Individual development accounts.—

3071 (13) Pursuant to policy direction by Workforce Florida,
3072 Inc., Jobs Florida ~~the Agency for Workforce Innovation~~ shall
3073 adopt such rules as are necessary to implement this act.

3074 Section 42. Section 445.056, Florida Statutes, is amended

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3075 to read:

3076 445.056 Citizen Soldier Matching Grant Program.—Jobs
3077 Florida The Agency for Workforce Innovation shall implement the
3078 establish a matching grant program established by the former
3079 Agency for Workforce Innovation to award matching grants to
3080 private sector employers in this state that provide wages to
3081 employees serving in the United States Armed Forces Reserves or
3082 the Florida National Guard while those employees are on federal
3083 active duty. A grant may not be provided for federal active duty
3084 served before January 1, 2005. Each grant shall be awarded to
3085 reimburse the employer for not more than one-half of the monthly
3086 wages paid to an employee who is a resident of this state for
3087 the actual period of federal active duty. The monthly grant per
3088 employee may not exceed one-half of the difference between the
3089 amount of monthly wages paid by the employer to the employee at
3090 the level paid before the date the employee was called to
3091 federal active duty and the amount of the employee's active duty
3092 base pay, housing and variable allowances, and subsistence
3093 allowance. Jobs Florida shall implement the plan administered by
3094 the former Agency for Workforce Innovation ~~The agency shall~~
3095 ~~develop a plan by no later than October 1, 2005, subject to the~~
3096 ~~notice, review, and objection procedures of s. 216.177, to~~
3097 ~~administer the application and payment procedures for the~~
3098 ~~matching grant program. The Agency for Workforce Innovation~~
3099 ~~shall not award any matching grants prior to the approval of the~~
3100 ~~plan.~~

3101 Section 43. Section 446.41, Florida Statutes, is amended to
3102 read:

3103 446.41 Legislative intent with respect to rural workforce

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3104 training and development; establishment of Rural Workforce
3105 Services Program.—In order that the state may achieve its full
3106 economic and social potential, consideration must be given to
3107 rural workforce training and development to enable its rural
3108 citizens as well as urban citizens to develop their maximum
3109 capacities and participate productively in our society. It is,
3110 therefore, the policy of the state to make available those
3111 services needed to assist individuals and communities in rural
3112 areas to improve their quality of life. It is with a great sense
3113 of urgency that a Rural Workforce Services Program is
3114 established within Jobs Florida ~~the Agency for Workforce~~
3115 ~~Innovation~~, under the direction of Workforce Florida, Inc., to
3116 provide equal access to all manpower training programs available
3117 to rural as well as urban areas.

3118 Section 44. Section 446.50, Florida Statutes, is amended to
3119 read:

3120 446.50 Displaced homemakers; multiservice programs; report
3121 to the Legislature; Displaced Homemaker Trust Fund created.—

3122 (1) INTENT.—It is the intent of the Legislature to require
3123 Jobs Florida ~~the Agency for Workforce Innovation~~ to enter into
3124 contracts with, and make grants to, public and nonprofit private
3125 entities for purposes of establishing multipurpose service
3126 programs to provide necessary training, counseling, and services
3127 for displaced homemakers so that they may enjoy the independence
3128 and economic security vital to a productive life.

3129 (2) DEFINITIONS.—For the purposes of this section the term—
3130 ~~(a)~~ "Displaced homemaker" means an individual who:
3131 (a)~~1.~~ Is 35 years of age or older;
3132 (b)~~2.~~ Has worked in the home, providing unpaid household

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3133 services for family members;

3134 (c)~~3~~. Is not adequately employed, as defined by rule of the
3135 agency;

3136 (d)~~4~~. Has had, or would have, difficulty in securing
3137 adequate employment; and

3138 (e)~~5~~. Has been dependent on the income of another family
3139 member but is no longer supported by such income, or has been
3140 dependent on federal assistance.

3141 ~~(b) "Agency" means the Agency for Workforce Innovation.~~

3142 (3) AGENCY POWERS AND DUTIES OF JOBS FLORIDA.—

3143 (a) Jobs Florida ~~The agency~~, under plans established by
3144 Workforce Florida, Inc., shall establish, or contract for the
3145 establishment of, programs for displaced homemakers which shall
3146 include:

3147 1. Job counseling, by professionals and peers, specifically
3148 designed for a person entering the job market after a number of
3149 years as a homemaker.

3150 2. Job training and placement services, including:

3151 a. Training programs for available jobs in the public and
3152 private sectors, taking into account the skills and job
3153 experiences of a homemaker and developed by working with public
3154 and private employers.

3155 b. Assistance in locating available employment for
3156 displaced homemakers, some of whom could be employed in existing
3157 job training and placement programs.

3158 c. Utilization of the services of the state employment
3159 service in locating employment opportunities.

3160 3. Financial management services providing information and
3161 assistance with respect to insurance, including, but not limited

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3162 to, life, health, home, and automobile insurance, and taxes,
3163 estate and probate problems, mortgages, loans, and other related
3164 financial matters.

3165 4. Educational services, including high school equivalency
3166 degree and such other courses as Jobs Florida ~~the agency~~
3167 determines would be of interest and benefit to displaced
3168 homemakers.

3169 5. Outreach and information services with respect to
3170 federal and state employment, education, health, and
3171 unemployment assistance programs which Jobs Florida ~~the agency~~
3172 determines would be of interest and benefit to displaced
3173 homemakers.

3174 (b)1. Jobs Florida ~~The agency~~ shall enter into contracts
3175 with, and make grants to, public and nonprofit private entities
3176 for purposes of establishing multipurpose service programs for
3177 displaced homemakers under this section. Such grants and
3178 contracts shall be awarded pursuant to chapter 287 and based on
3179 criteria established in the state plan developed pursuant to
3180 this section. Jobs Florida ~~The agency~~ shall designate catchment
3181 areas which together shall comprise the entire state, and, to
3182 the extent possible from revenues in the Displaced Homemaker
3183 Trust Fund, Jobs Florida ~~the agency~~ shall contract with, and
3184 make grants to, entities which will serve entire catchment areas
3185 so that displaced homemaker service programs are available
3186 statewide. These catchment areas shall be coterminous with the
3187 state's workforce development regions. Jobs Florida ~~The agency~~
3188 may give priority to existing displaced homemaker programs when
3189 evaluating bid responses to the ~~agency's~~ request for proposals.

3190 2. In order to receive funds under this section, and unless

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3191 specifically prohibited by law from doing so, an entity that
3192 provides displaced homemaker service programs must receive at
3193 least 25 percent of its funding from one or more local,
3194 municipal, or county sources or nonprofit private sources. In-
3195 kind contributions may be evaluated by Jobs Florida ~~the agency~~
3196 and counted as part of the required local funding.

3197 3. Jobs Florida ~~The agency~~ shall require an entity that
3198 receives funds under this section to maintain appropriate data
3199 to be compiled in an annual report to Jobs Florida ~~the agency~~.
3200 Such data shall include, but shall not be limited to, the number
3201 of clients served, the units of services provided, designated
3202 client-specific information including intake and outcome
3203 information specific to each client, costs associated with
3204 specific services and program administration, total program
3205 revenues by source and other appropriate financial data, and
3206 client followup information at specified intervals after the
3207 placement of a displaced homemaker in a job.

3208 (c) Jobs Florida ~~The agency~~ shall consult and cooperate
3209 with the Commissioner of Education, the United States
3210 Commissioner of the Social Security Administration, and such
3211 other persons in the executive branch of the state government as
3212 Jobs Florida ~~the agency~~ considers appropriate to facilitate the
3213 coordination of multipurpose service programs established under
3214 this section with existing programs of a similar nature.

3215 (d) Supervisory, technical, and administrative positions
3216 relating to programs established under this section shall, to
3217 the maximum extent practicable, be filled by displaced
3218 homemakers.

3219 (e) Jobs Florida ~~The agency~~ shall adopt rules establishing

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3220 minimum standards necessary for entities that provide displaced
3221 homemaker service programs to receive funds ~~from the agency~~ and
3222 any other rules necessary to administer this section.

3223 (4) STATE PLAN.—

3224 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
3225 develop a 3-year state plan for the displaced homemaker program
3226 which shall be updated annually. The plan must address, at a
3227 minimum, the need for programs specifically designed to serve
3228 displaced homemakers, any necessary service components for such
3229 programs in addition to those enumerated in this section, goals
3230 of the displaced homemaker program with an analysis of the
3231 extent to which those goals are being met, and recommendations
3232 for ways to address any unmet program goals. Any request for
3233 funds for program expansion must be based on the state plan.

3234 (b) Each annual update must address any changes in the
3235 components of the 3-year state plan and a report which must
3236 include, but need not be limited to, the following:

3237 1. The scope of the incidence of displaced homemakers;

3238 2. A compilation and report, by program, of data submitted
3239 to Jobs Florida ~~the agency~~ pursuant to subparagraph 3. by funded
3240 displaced homemaker service programs;

3241 3. An identification and description of the programs in the
3242 state that receive funding from Jobs Florida ~~the agency~~,
3243 including funding information; and

3244 4. An assessment of the effectiveness of each displaced
3245 homemaker service program based on outcome criteria established
3246 by rule of Jobs Florida ~~the agency~~.

3247 (c) The 3-year state plan must be submitted to the
3248 President of the Senate, the Speaker of the House of

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3249 Representatives, and the Governor on or before January 1, 2001,
3250 and annual updates of the plan must be submitted by January 1 of
3251 each subsequent year.

3252 (5) DISPLACED HOMEMAKER TRUST FUND.—

3253 (a) There is established within the State Treasury a
3254 Displaced Homemaker Trust Fund to be used by Jobs Florida ~~the~~
3255 ~~agency~~ for its administration of the displaced homemaker program
3256 and to fund displaced homemaker service programs according to
3257 criteria established under this section.

3258 (b) The trust fund shall receive funds generated from an
3259 additional fee on marriage license applications and dissolution
3260 of marriage filings as specified in ss. 741.01(3) and 28.101,
3261 respectively, and may receive funds from any other public or
3262 private source.

3263 (c) Funds that are not expended by Jobs Florida ~~the agency~~
3264 at the end of the budget cycle or through a supplemental budget
3265 approved by Jobs Florida ~~the agency~~ shall revert to the trust
3266 fund.

3267 Section 45. Section 446.52, Florida Statutes, is amended to
3268 read:

3269 446.52 Confidentiality of information.—Information about
3270 displaced homemakers who receive services under ss. 446.50 and
3271 446.51 which is received through files, reports, inspections, or
3272 otherwise, by Jobs Florida ~~the division~~ or by its authorized
3273 employees ~~of the division~~, by persons who volunteer services, or
3274 by persons who provide services to displaced homemakers under
3275 ss. 446.50 and 446.51 through contracts with the division is
3276 confidential and exempt from the provisions of s. 119.07(1).
3277 Such information may not be disclosed publicly in such a manner

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3278 as to identify a displaced homemaker, unless such person or the
3279 person's legal guardian provides written consent.

3280 Section 46. Paragraph (a) of subsection (3) of section
3281 448.109, Florida Statutes, is amended to read:

3282 448.109 Notification of the state minimum wage.—

3283 (3)(a) Each year the Department of Revenue ~~Agency for~~
3284 ~~Workforce Innovation~~ shall, on or before December 1, create and
3285 make available to employers a poster in English and in Spanish
3286 which reads substantially as follows:

3287

3288 NOTICE TO EMPLOYEES

3289

3290 The Florida minimum wage is \$...(amount)... per hour,
3291 with a minimum wage of at least \$...(amount)... per
3292 hour for tipped employees, in addition to tips, for
3293 January 1, ...(year)..., through December 31,
3294 ...(year)....

3295

3296 The rate of the minimum wage is recalculated yearly on
3297 September 30, based on the Consumer Price Index. Every
3298 year on January 1 the new Florida minimum wage takes
3299 effect.

3300

3301 An employer may not retaliate against an employee for
3302 exercising his or her right to receive the minimum
3303 wage. Rights protected by the State Constitution
3304 include the right to:

3305 1. File a complaint about an employer's alleged
3306 noncompliance with lawful minimum wage requirements.

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3307 2. Inform any person about an employer's alleged
3308 noncompliance with lawful minimum wage requirements.

3309 3. Inform any person of his or her potential
3310 rights under Section 24, Article X of the State
3311 Constitution and to assist him or her in asserting
3312 such rights.

3313
3314 An employee who has not received the lawful minimum
3315 wage after notifying his or her employer and giving
3316 the employer 15 days to resolve any claims for unpaid
3317 wages may bring a civil action in a court of law
3318 against an employer to recover back wages plus damages
3319 and attorney's fees.

3320
3321 An employer found liable for intentionally violating
3322 minimum wage requirements is subject to a fine of
3323 \$1,000 per violation, payable to the state.

3324
3325 The Attorney General or other official designated by
3326 the Legislature may bring a civil action to enforce
3327 the minimum wage.

3328
3329 For details see Section 24, Article X of the State
3330 Constitution.

3331
3332 Section 47. Subsections (2), (4), and (11) of section
3333 448.110, Florida Statutes, are amended to read:

3334 448.110 State minimum wage; annual wage adjustment;
3335 enforcement.—

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3336 (2) The purpose of this section is to provide measures
3337 appropriate for the implementation of s. 24, Art. X of the State
3338 Constitution, in accordance with authority granted to the
3339 Legislature pursuant to s. 24(f), Art. X of the State
3340 Constitution. To implement s. 24, Art. X of the State
3341 Constitution, the Department of Revenue is designated as the
3342 state Agency for Workforce Innovation.

3343 (4)(a) Beginning September 30, 2005, and annually on
3344 September 30 thereafter, the Department of Revenue ~~Agency for~~
3345 ~~Workforce Innovation~~ shall calculate an adjusted state minimum
3346 wage rate by increasing the state minimum wage by the rate of
3347 inflation for the 12 months prior to September 1. In calculating
3348 the adjusted state minimum wage, the department ~~agency~~ shall use
3349 the Consumer Price Index for Urban Wage Earners and Clerical
3350 Workers, not seasonally adjusted, for the South Region or a
3351 successor index as calculated by the United States Department of
3352 Labor. Each adjusted state minimum wage rate shall take effect
3353 on the following January 1, with the initial adjusted minimum
3354 wage rate to take effect on January 1, 2006.

3355 (b) The ~~Agency for Workforce Innovation and the~~ Department
3356 of Revenue shall annually publish the amount of the adjusted
3357 state minimum wage and the effective date. Publication shall
3358 occur by posting the adjusted state minimum wage rate and the
3359 effective date on the Internet home pages of ~~the agency and the~~
3360 department by October 15 of each year. In addition, to the
3361 extent funded in the General Appropriations Act, the department
3362 ~~agency~~ shall provide written notice of the adjusted rate and the
3363 effective date of the adjusted state minimum wage to all
3364 employers registered in the most current unemployment

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3365 compensation database. Such notice shall be mailed by November
3366 15 of each year using the addresses included in the database.
3367 Employers are responsible for maintaining current address
3368 information in the unemployment compensation database. The
3369 department is agency shall not be responsible for failure to
3370 provide notice due to incorrect or incomplete address
3371 information in the database. ~~The agency shall provide the~~
3372 ~~Department of Revenue with the adjusted state minimum wage rate~~
3373 ~~information and effective date in a timely manner.~~

3374 (11) Except for calculating the adjusted state minimum wage
3375 and publishing the initial state minimum wage and any annual
3376 adjustments thereto, the authority of the Department of Revenue
3377 ~~Agency for Workforce Innovation~~ in implementing s. 24, Art. X of
3378 the State Constitution, pursuant to this section, shall be
3379 limited to that authority expressly granted by the Legislature.

3380 Section 48. Section 450.161, Florida Statutes, is amended
3381 to read:

3382 450.161 Chapter not to affect career education of children;
3383 other exceptions.—Nothing in this chapter shall prevent minors
3384 of any age from receiving career education furnished by the
3385 United States, this state, or any county or other political
3386 subdivision of this state and duly approved by the Department of
3387 Education or other duly constituted authority, nor any
3388 apprentice indentured under a plan approved by the Department of
3389 Education ~~Division of Jobs and Benefits~~, or prevent the
3390 employment of any minor 14 years of age or older when such
3391 employment is authorized as an integral part of, or supplement
3392 to, such a course in career education and is authorized by
3393 regulations of the district school board of the district in

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3394 which such minor is employed, provided the employment is in
3395 compliance with the provisions of ss. 450.021(4) and 450.061.
3396 Exemptions for the employment of student learners 16 to 18 years
3397 of age are provided in s. 450.061. Such an exemption shall apply
3398 when:

3399 (1) The student learner is enrolled in a youth vocational
3400 training program under a recognized state or local educational
3401 authority.

3402 (2) Such student learner is employed under a written
3403 agreement which provides:

3404 (a) That the work of the student learner in the occupation
3405 declared particularly hazardous shall be incidental to the
3406 training.

3407 (b) That such work shall be intermittent and for short
3408 periods of time and under the direct and close supervision of a
3409 qualified and experienced person.

3410 (c) That safety instructions shall be given by the school
3411 and correlated by the employer with on-the-job training.

3412 (d) That a schedule of organized and progressive work
3413 processes to be performed on the job shall have been prepared.

3414
3415 Each such written agreement shall contain the name of the
3416 student learner and shall be signed by the employer, the school
3417 coordinator and principal, and the parent or legal guardian.
3418 Copies of each agreement shall be kept on file by both the
3419 school and the employer. This exemption for the employment of
3420 student learners may be revoked in any individual situation when
3421 it is found that reasonable precautions have not been observed
3422 for the safety of minors employed thereunder. A high school

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3423 graduate may be employed in an occupation in which he or she has
3424 completed training as a student learner, as provided in this
3425 section, even though he or she is not yet 18 years of age.

3426 Section 49. Paragraph (j) of subsection (1) of section
3427 450.191, Florida Statutes, is amended to read:

3428 450.191 Executive Office of the Governor; powers and
3429 duties.—

3430 (1) The Executive Office of the Governor is authorized and
3431 directed to:

3432 (j) Cooperate with Jobs Florida ~~the Agency for Workforce~~
3433 ~~Innovation~~ in the recruitment and referral of migrant laborers
3434 and other persons for the planting, cultivation, and harvesting
3435 of agricultural crops in Florida.

3436 Section 50. Paragraph (e) of subsection (2) of section
3437 450.31, Florida Statutes, is amended to read:

3438 450.31 Issuance, revocation, and suspension of, and refusal
3439 to issue or renew, certificate of registration.—

3440 (2) The department may revoke, suspend, or refuse to issue
3441 or renew any certificate of registration when it is shown that
3442 the farm labor contractor has:

3443 (e) Failed to pay unemployment compensation taxes as
3444 determined by Jobs Florida ~~the Agency for Workforce Innovation~~;
3445 or

3446 Section 51. Paragraph (d) of subsection (1) of section
3447 464.203, Florida Statutes, is amended to read:

3448 464.203 Certified nursing assistants; certification
3449 requirement.—

3450 (1) The board shall issue a certificate to practice as a
3451 certified nursing assistant to any person who demonstrates a

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3452 minimum competency to read and write and successfully passes the
3453 required background screening pursuant to s. 400.215 and meets
3454 one of the following requirements:

3455 (d) Has completed the curriculum developed by the
3456 Department of Education ~~under the Enterprise Florida Jobs and~~
3457 ~~Education Partnership Grant~~ and achieved a minimum score,
3458 established by rule of the board, on the nursing assistant
3459 competency examination, which consists of a written portion and
3460 skills-demonstration portion, approved by the board and
3461 administered at a site and by personnel approved by the
3462 department.

3463 Section 52. Subsection (3) of section 468.529, Florida
3464 Statutes, is amended to read:

3465 468.529 Licensee's insurance; employment tax; benefit
3466 plans.—

3467 (3) A licensed employee leasing company shall within 30
3468 days after initiation or termination notify its workers'
3469 compensation insurance carrier, the Division of Workers'
3470 Compensation of the Department of Financial Services, and the
3471 state agency providing unemployment tax collection services
3472 under contract with Jobs Florida ~~the Agency for Workforce~~
3473 ~~Innovation~~ through an interagency agreement pursuant to s.
3474 443.1316 of both the initiation or the termination of the
3475 company's relationship with any client company.

3476 Section 53. Paragraph (e) of subsection (1) of section
3477 469.002, Florida Statutes, is amended to read:

3478 469.002 Exemptions.—

3479 (1) This chapter does not apply to:

3480 (e) An authorized employee of the United States, this

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3481 state, or any municipality, county, or other political
3482 subdivision who has completed all training required by NESHAP
3483 and OSHA or by ASHARA for the activities described in this
3484 paragraph, while engaged in ~~asbestos-related activities set~~
3485 ~~forth in s. 255.5535 and~~ asbestos-related activities involving
3486 the demolition of a building owned by that governmental unit,
3487 where such activities are within the scope of that employment
3488 and the employee does not hold out for hire or otherwise engage
3489 in asbestos abatement, contracting, or consulting.

3490 Section 54. Subsection (2) of section 469.003, Florida
3491 Statutes, is amended to read:

3492 469.003 License required.—

3493 (2)(a) A ~~Ne~~ person may not prepare asbestos abatement
3494 specifications unless trained and licensed as an asbestos
3495 consultant as required by this chapter.

3496 ~~(b) Any person engaged in the business of asbestos surveys~~
3497 ~~prior to October 1, 1987, who has been certified by the~~
3498 ~~Department of Labor and Employment Security as a certified~~
3499 ~~asbestos surveyor, and who has complied with the training~~
3500 ~~requirements of s. 469.013(1)(b), may provide survey services as~~
3501 ~~described in s. 255.553(1), (2), and (3). The Department of~~
3502 ~~Labor and Employment Security may, by rule, establish~~
3503 ~~violations, disciplinary procedures, and penalties for certified~~
3504 ~~asbestos surveyors.~~

3505 Section 55. Paragraph (b) of subsection (1) of section
3506 489.1455, Florida Statutes, is amended to read:

3507 489.1455 Journeyman; reciprocity; standards.—

3508 (1) An individual who holds a valid, active journeyman
3509 license in the plumbing/pipe fitting, mechanical, or HVAC trades

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3510 issued by any county or municipality in this state may work as a
3511 journeyman in the trade in which he or she is licensed in any
3512 county or municipality of this state without taking an
3513 additional examination or paying an additional license fee, if
3514 he or she:

3515 (b) Has completed an apprenticeship program registered with
3516 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
3517 ~~of Labor and Employment Security~~ and demonstrates 4 years'
3518 verifiable practical experience in the trade for which he or she
3519 is licensed, or demonstrates 6 years' verifiable practical
3520 experience in the trade for which he or she is licensed;

3521 Section 56. Paragraph (b) of subsection (1) of section
3522 489.5335, Florida Statutes, is amended to read:

3523 489.5335 Journeyman; reciprocity; standards.—

3524 (1) An individual who holds a valid, active journeyman
3525 license in the electrical trade issued by any county or
3526 municipality in this state may work as a journeyman in any other
3527 county or municipality of this state without taking an
3528 additional examination or paying an additional license fee, if
3529 he or she:

3530 (b) Has completed an apprenticeship program registered with
3531 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
3532 ~~of Labor and Employment Security~~ and demonstrates 4 years'
3533 verifiable practical experience in the electrical trade, or
3534 demonstrates 6 years' verifiable practical experience in the
3535 electrical trade;

3536 Section 57. Subsections (1) and (2), paragraph (b) of
3537 subsection (3), and paragraph (b) of subsection (4) of section
3538 526.143, Florida Statutes, are amended to read:

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3539 526.143 Alternate generated power capacity for motor fuel
3540 dispensing facilities.-

3541 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
3542 defined in s. 526.303(16), and each wholesaler, as defined in s.
3543 526.303(17), which sells motor fuel in this state must be
3544 capable of operating its distribution loading racks using an
3545 alternate generated power source for a minimum of 72 hours.
3546 Pending a postdisaster examination of the equipment by the
3547 operator to determine any extenuating damage that would render
3548 it unsafe to use, the facility must have such alternate
3549 generated power source available for operation within no later
3550 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
3551 Installation of appropriate wiring, including a transfer switch,
3552 shall be performed by a certified electrical contractor. Each
3553 business that is subject to this subsection must keep a copy of
3554 the documentation of such installation on site or at its
3555 corporate headquarters. In addition, each business must keep a
3556 written statement attesting to the periodic testing and ensured
3557 operational capacity of the equipment. The required documents
3558 must be made available, upon request, to the Office Division of
3559 Emergency Management and the director of the county emergency
3560 management agency.

3561 (2) Each newly constructed or substantially renovated motor
3562 fuel retail outlet, as defined in s. 526.303(14), for which a
3563 certificate of occupancy is issued on or after July 1, 2006,
3564 shall be prewired with an appropriate transfer switch, and
3565 capable of operating all fuel pumps, dispensing equipment,
3566 lifesafety systems, and payment-acceptance equipment using an
3567 alternate generated power source. As used in this subsection,

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3568 the term "substantially renovated" means a renovation that
3569 results in an increase of greater than 50 percent in the
3570 assessed value of the motor fuel retail outlet. Local building
3571 inspectors shall include this equipment and operations check in
3572 the normal inspection process before issuing a certificate of
3573 occupancy. Each retail outlet that is subject to this subsection
3574 must keep a copy of the certificate of occupancy on site or at
3575 its corporate headquarters. In addition, each retail outlet must
3576 keep a written statement attesting to the periodic testing of
3577 and ensured operational capability of the equipment. The
3578 required documents must be made available, upon request, to the
3579 Office ~~Division~~ of Emergency Management and the director of the
3580 county emergency management agency.

3581 (3)

3582 (b) Installation of appropriate wiring and transfer
3583 switches must be performed by a certified electrical contractor.
3584 Each retail outlet that is subject to this subsection must keep
3585 a copy of the documentation of such installation on site or at
3586 its corporate headquarters. In addition, each retail outlet must
3587 keep a written statement attesting to the periodic testing of
3588 and ensured operational capacity of the equipment. The required
3589 documents must be made available, upon request, to the Office
3590 ~~Division~~ of Emergency Management and the director of the county
3591 emergency management agency.

3592 (4)

3593 (b) Subsections (2) and (3) do not apply to:

- 3594 1. An automobile dealer;
3595 2. A person who operates a fleet of motor vehicles;
3596 3. A person who sells motor fuel exclusively to a fleet of

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3597 motor vehicles; or

3598 4. A motor fuel retail outlet that has a written agreement
3599 with a public hospital, in a form approved by the Office
3600 ~~Division~~ of Emergency Management, wherein the public hospital
3601 agrees to provide the motor fuel retail outlet with an
3602 alternative means of power generation onsite so that the
3603 outlet's fuel pumps may be operated in the event of a power
3604 outage.

3605 Section 58. Paragraph (a) of subsection (1) and paragraph
3606 (b) of subsection (4) of section 526.144, Florida Statutes, are
3607 amended to read:

3608 526.144 Florida Disaster Motor Fuel Supplier Program.—

3609 (1)(a) There is created the Florida Disaster Motor Fuel
3610 Supplier Program within the Office of Emergency Management
3611 ~~Department of Community Affairs~~.

3612 (4)

3613 (b) Notwithstanding any other law or other ordinance and
3614 for the purpose of ensuring an appropriate emergency management
3615 response following major disasters in this state, the regulation
3616 of all other retail establishments participating in such
3617 response is ~~shall be~~ as follows:

3618 1. Regulation of retail establishments that meet the
3619 standards created by the Office ~~Division~~ of Emergency Management
3620 in the report required in s. 8, chapter 2006-71, Laws of
3621 Florida, by July 1, 2007, is preempted to the state and until
3622 such standards are adopted, the regulation of these retail
3623 establishments is preempted to the state;

3624 2. The office ~~division~~ shall provide written certification
3625 of such preemption to retail establishments that qualify and

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3626 shall provide such information to local governments upon
3627 request; and

3628 3. Regulation of retail establishments that do not meet the
3629 operational standards is subject to local government laws or
3630 ordinances.

3631 Section 59. Paragraph (i) of subsection (4) of section
3632 551.104, Florida Statutes, is amended to read:

3633 551.104 License to conduct slot machine gaming.—

3634 (4) As a condition of licensure and to maintain continued
3635 authority for the conduct of slot machine gaming, the slot
3636 machine licensee shall:

3637 (i) Create and file with the division a written policy for:

3638 1. Creating opportunities to purchase from vendors in this
3639 state, including minority vendors.

3640 2. Creating opportunities for employment of residents of
3641 this state, including minority residents.

3642 3. Ensuring opportunities for construction services from
3643 minority contractors.

3644 4. Ensuring that opportunities for employment are offered
3645 on an equal, nondiscriminatory basis.

3646 5. Training for employees on responsible gaming and working
3647 with a compulsive or addictive gambling prevention program to
3648 further its purposes as provided for in s. 551.118.

3649 6. The implementation of a drug-testing program that
3650 includes, but is not limited to, requiring each employee to sign
3651 an agreement that he or she understands that the slot machine
3652 facility is a drug-free workplace.

3653
3654 The slot machine licensee shall use the Internet-based job-

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3655 listing system of Jobs Florida ~~the Agency for Workforce~~
3656 ~~Innovation~~ in advertising employment opportunities. Beginning in
3657 June 2007, each slot machine licensee shall provide an annual
3658 report to the division containing information indicating
3659 compliance with this paragraph in regard to minority persons.

3660 Section 60. Section 553.62, Florida Statutes, is amended to
3661 read:

3662 553.62 State standard.—The Occupational Safety and Health
3663 Administration's excavation safety standards, 29 C.F.R. s.
3664 1926.650 Subpart P, are hereby incorporated as the state
3665 standard. ~~The Department of Labor and Employment Security may,~~
3666 ~~by rule, adopt updated or revised versions of those standards,~~
3667 ~~provided that the updated or revised versions are consistent~~
3668 ~~with the intent expressed in this act and s. 553.72, and are not~~
3669 ~~otherwise inconsistent with state law. Any rule adopted as~~
3670 ~~provided in this section shall be complied with upon its~~
3671 ~~effective date.~~

3672 Section 61. Subsection (1) of section 597.006, Florida
3673 Statutes, is amended to read:

3674 597.006 Aquaculture Interagency Coordinating Council.—

3675 (1) CREATION.—The Legislature finds and declares that there
3676 is a need for interagency coordination with regard to
3677 aquaculture by the following agencies: the Department of
3678 Agriculture and Consumer Services; Jobs Florida; ~~the Office of~~
3679 ~~Tourism, Trade, and Economic Development;~~ ~~the Department of~~
3680 ~~Community Affairs;~~ the Department of Environmental Protection;
3681 ~~the Department of Labor and Employment Security;~~ the Fish and
3682 Wildlife Conservation Commission; the statewide consortium of
3683 universities under the Florida Institute of Oceanography;

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3684 Florida Agricultural and Mechanical University; the Institute of
3685 Food and Agricultural Sciences at the University of Florida; and
3686 the Florida Sea Grant Program. It is therefore the intent of the
3687 Legislature to hereby create an Aquaculture Interagency
3688 Coordinating Council to act as an advisory body as defined in s.
3689 20.03(9).

3690 Section 62. Paragraph (d) of subsection (2) of section
3691 624.5105, Florida Statutes, is amended to read:

3692 624.5105 Community contribution tax credit; authorization;
3693 limitations; eligibility and application requirements;
3694 administration; definitions; expiration.—

3695 (2) ELIGIBILITY REQUIREMENTS.—

3696 (d) The project shall be located in an area designated as
3697 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
3698 ~~20.18(6)~~. Any project designed to construct or rehabilitate
3699 housing for low-income or very-low-income households as defined
3700 in s. 420.9071(19) and (28) is exempt from the area requirement
3701 of this paragraph.

3702 Section 63. Paragraph (b) of subsection (2) of section
3703 627.0628, Florida Statutes, is amended to read:

3704 627.0628 Florida Commission on Hurricane Loss Projection
3705 Methodology; public records exemption; public meetings
3706 exemption.—

3707 (2) COMMISSION CREATED.—

3708 (b) The commission shall consist of the following 11
3709 members:

3710 1. The insurance consumer advocate.

3711 2. The senior employee of the State Board of Administration
3712 responsible for operations of the Florida Hurricane Catastrophe

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3713 Fund.

3714 3. The Executive Director of the Citizens Property
3715 Insurance Corporation.

3716 4. The Director of the Office ~~Division~~ of Emergency
3717 Management ~~of the Department of Community Affairs~~.

3718 5. The actuary member of the Florida Hurricane Catastrophe
3719 Fund Advisory Council.

3720 6. An employee of the office who is an actuary responsible
3721 for property insurance rate filings and who is appointed by the
3722 director of the office.

3723 7. Five members appointed by the Chief Financial Officer,
3724 as follows:

3725 a. An actuary who is employed full time by a property and
3726 casualty insurer which was responsible for at least 1 percent of
3727 the aggregate statewide direct written premium for homeowner's
3728 insurance in the calendar year preceding the member's
3729 appointment to the commission.

3730 b. An expert in insurance finance who is a full-time member
3731 of the faculty of the State University System and who has a
3732 background in actuarial science.

3733 c. An expert in statistics who is a full-time member of the
3734 faculty of the State University System and who has a background
3735 in insurance.

3736 d. An expert in computer system design who is a full-time
3737 member of the faculty of the State University System.

3738 e. An expert in meteorology who is a full-time member of
3739 the faculty of the State University System and who specializes
3740 in hurricanes.

3741 Section 64. Paragraph (d) of subsection (2) of section

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3742 768.13, Florida Statutes, is amended to read:

3743 768.13 Good Samaritan Act; immunity from civil liability.-

3744 (2)

3745 (d) Any person whose acts or omissions are not otherwise
3746 covered by this section and who participates in emergency
3747 response activities under the direction of or in connection with
3748 a community emergency response team, local emergency management
3749 agencies, the Office ~~Division~~ of Emergency Management ~~of the~~
3750 ~~Department of Community Affairs~~, or the Federal Emergency
3751 Management Agency is not liable for any civil damages as a
3752 result of care, treatment, or services provided gratuitously in
3753 such capacity and resulting from any act or failure to act in
3754 such capacity in providing or arranging further care, treatment,
3755 or services, if such person acts as a reasonably prudent person
3756 would have acted under the same or similar circumstances.

3757 Section 65. Subsection (14) of section 943.03, Florida
3758 Statutes, is amended to read:

3759 943.03 Department of Law Enforcement.-

3760 (14) The department, with respect to counter-terrorism
3761 efforts, responses to acts of terrorism within or affecting this
3762 state, and other matters related to the domestic security of
3763 Florida as it relates to terrorism, shall coordinate and direct
3764 the law enforcement, initial emergency, and other initial
3765 responses. The department shall work closely with the Office
3766 ~~Division~~ of Emergency Management, other federal, state, and
3767 local law enforcement agencies, fire and rescue agencies, first-
3768 responder agencies, and others involved in preparation against
3769 acts of terrorism in or affecting this state and in the response
3770 to such acts. The executive director of the department, or

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3771 another member of the department designated by the director,
3772 shall serve as Chief of Domestic Security for the purpose of
3773 directing and coordinating such efforts. The department and
3774 Chief of Domestic Security shall use the regional domestic
3775 security task forces as established in this chapter to assist in
3776 such efforts.

3777 Section 66. Section 943.03101, Florida Statutes, is amended
3778 to read:

3779 943.03101 Counter-terrorism coordination.—The Legislature
3780 finds that with respect to counter-terrorism efforts and initial
3781 responses to acts of terrorism within or affecting this state,
3782 specialized efforts of emergency management which ~~that~~ are
3783 unique to such situations are required and that these efforts
3784 intrinsically involve very close coordination of federal, state,
3785 and local law enforcement agencies with the efforts of all
3786 others involved in emergency-response efforts. In order to best
3787 provide this specialized effort ~~with respect to counter-~~
3788 ~~terrorism efforts and responses~~, the Legislature has determined
3789 that such efforts should be coordinated by and through the
3790 Department of Law Enforcement, working closely with the Office
3791 ~~Division~~ of Emergency Management and others involved in
3792 preparation against acts of terrorism in or affecting this
3793 state, and in the initial response to such acts, in accordance
3794 with the state comprehensive emergency management plan prepared
3795 pursuant to s. 252.35(2)(a).

3796 Section 67. Subsection (7) of section 943.0311, Florida
3797 Statutes, is amended to read:

3798 943.0311 Chief of Domestic Security; duties of the
3799 department with respect to domestic security.—

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3800 (7) As used in this section, the term "state agency"
3801 includes the Agency for Health Care Administration, Jobs
3802 Florida, ~~the Agency for Workforce Innovation~~, the Department of
3803 Agriculture and Consumer Services, the Department of Business
3804 and Professional Regulation, the Department of Children and
3805 Family Services, the Department of Citrus, the Department of
3806 Community Affairs, the Department of Corrections, the Department
3807 of Education, the Department of Elderly Affairs, the Department
3808 of Environmental Protection, the Department of Financial
3809 Services, the Department of Health, the Department of Highway
3810 Safety and Motor Vehicles, the Department of Juvenile Justice,
3811 the Department of Law Enforcement, the Department of Legal
3812 Affairs, the Department of Management Services, the Department
3813 of Military Affairs, the Department of Revenue, the Department
3814 of State, the Department of the Lottery, the Department of
3815 Transportation, the Department of Veterans' Affairs, the Fish
3816 and Wildlife Conservation Commission, the Parole Commission, the
3817 State Board of Administration, and the Executive Office of the
3818 Governor.

3819 Section 68. Paragraph (d) of subsection (1) and subsection
3820 (3) of section 943.0312, Florida Statutes, are amended to read:

3821 943.0312 Regional domestic security task forces.—The
3822 Legislature finds that there is a need to develop and implement
3823 a statewide strategy to address prevention, preparation,
3824 protection, response, and recovery efforts by federal, state,
3825 and local law enforcement agencies, emergency management
3826 agencies, fire and rescue departments, first-responder personnel
3827 and others in dealing with potential or actual terrorist acts
3828 within or affecting this state.

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3829 (1) To assist the department and the Chief of Domestic
3830 Security in performing their roles and duties in this regard,
3831 the department shall establish a regional domestic security task
3832 force in each of the department's operational regions. The task
3833 forces shall serve in an advisory capacity to the department and
3834 the Chief of Domestic Security and shall provide support to the
3835 department in its performance of functions pertaining to
3836 domestic security.

3837 (d) The co-chairs of each task force may appoint
3838 subcommittees and subcommittee chairs as necessary in order to
3839 address issues related to the various disciplines represented on
3840 the task force, except that subcommittee chairs for emergency
3841 management shall be appointed with the approval of the director
3842 of the Office ~~Division~~ of Emergency Management. A subcommittee
3843 chair shall serve at the pleasure of the co-chairs.

3844 (3) The Chief of Domestic Security, in conjunction with the
3845 Office ~~Division~~ of Emergency Management, the regional domestic
3846 security task forces, and the various state entities responsible
3847 for establishing training standards applicable to state law
3848 enforcement officers and fire, emergency, and first-responder
3849 personnel shall identify appropriate equipment and training
3850 needs, curricula, and materials related to the effective
3851 response to suspected or actual acts of terrorism or incidents
3852 involving real or hoax weapons of mass destruction as defined in
3853 s. 790.166. Recommendations for funding for purchases of
3854 equipment, delivery of training, implementation of, or revision
3855 to basic or continued training required for state licensure or
3856 certification, or other related responses shall be made by the
3857 Chief of Domestic Security to the Domestic Security Oversight

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3858 Council, the Executive Office of the Governor, the President of
3859 the Senate, and the Speaker of the House of Representatives as
3860 necessary to ensure that the needs of this state with regard to
3861 the preparing, equipping, training, and exercising of response
3862 personnel are identified and addressed. In making such
3863 recommendations, the Chief of Domestic Security and the Office
3864 ~~Division~~ of Emergency Management shall identify all funding
3865 sources that may be available to fund such efforts.

3866 Section 69. Paragraph (a) of subsection (1), paragraph (b)
3867 of subsection (2), and paragraphs (a) and (b) of subsection (4)
3868 of section 943.0313, Florida Statutes, are amended to read:

3869 943.0313 Domestic Security Oversight Council.—The
3870 Legislature finds that there exists a need to provide executive
3871 direction and leadership with respect to terrorism prevention,
3872 preparation, protection, response, and recovery efforts by state
3873 and local agencies in this state. In recognition of this need,
3874 the Domestic Security Oversight Council is hereby created. The
3875 council shall serve as an advisory council pursuant to s.
3876 20.03(7) to provide guidance to the state's regional domestic
3877 security task forces and other domestic security working groups
3878 and to make recommendations to the Governor and the Legislature
3879 regarding the expenditure of funds and allocation of resources
3880 related to counter-terrorism and domestic security efforts.

3881 (1) MEMBERSHIP.—

3882 (a) The Domestic Security Oversight Council shall consist
3883 of the following voting members:

3884 1. The executive director of the Department of Law
3885 Enforcement.

3886 2. The director of the Office ~~Division~~ of Emergency

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- 3887 Management ~~within the Department of Community Affairs.~~
- 3888 3. The Attorney General.
- 3889 4. The Commissioner of Agriculture.
- 3890 5. The State Surgeon General.
- 3891 6. The Commissioner of Education.
- 3892 7. The State Fire Marshal.
- 3893 8. The adjutant general of the Florida National Guard.
- 3894 9. The state chief information officer.
- 3895 10. Each sheriff or chief of police who serves as a co-
- 3896 chair of a regional domestic security task force pursuant to s.
- 3897 943.0312(1)(b).
- 3898 11. Each of the department's special agents in charge who
- 3899 serve as a co-chair of a regional domestic security task force.
- 3900 12. Two representatives of the Florida Fire Chiefs
- 3901 Association.
- 3902 13. One representative of the Florida Police Chiefs
- 3903 Association.
- 3904 14. One representative of the Florida Prosecuting Attorneys
- 3905 Association.
- 3906 15. The chair of the Statewide Domestic Security
- 3907 Intelligence Committee.
- 3908 16. One representative of the Florida Hospital Association.
- 3909 17. One representative of the Emergency Medical Services
- 3910 Advisory Council.
- 3911 18. One representative of the Florida Emergency
- 3912 Preparedness Association.
- 3913 19. One representative of the Florida Seaport
- 3914 Transportation and Economic Development Council.
- 3915 (2) ORGANIZATION.—

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3916 (b) The executive director of the Department of Law
3917 Enforcement shall serve as chair of the council, and the
3918 director of the Office Division of Emergency Management ~~within~~
3919 ~~the Department of Community Affairs~~ shall serve as vice chair of
3920 the council. In the absence of the chair, the vice chair shall
3921 serve as chair. In the absence of the vice chair, the chair may
3922 name any member of the council to perform the duties of the
3923 chair if such substitution does not extend beyond a defined
3924 meeting, duty, or period of time.

3925 (4) EXECUTIVE COMMITTEE.—

3926 (a) The council shall establish an executive committee
3927 consisting of the following members:

3928 1. The executive director of the Department of Law
3929 Enforcement.

3930 2. The director of the Office Division of Emergency
3931 Management ~~within the Department of Community Affairs~~.

3932 3. The Attorney General.

3933 4. The Commissioner of Agriculture.

3934 5. The State Surgeon General.

3935 6. The Commissioner of Education.

3936 7. The State Fire Marshal.

3937 (b) The executive director of the Department of Law
3938 Enforcement shall serve as the chair of the executive committee,
3939 and the director of the Office Division of Emergency Management
3940 ~~within the Department of Community Affairs~~ shall serve as the
3941 vice chair of the executive committee.

3942 Section 70. Subsection (5) of section 944.012, Florida
3943 Statutes, is amended to read:

3944 944.012 Legislative intent.—The Legislature hereby finds

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3945 and declares that:

3946 (5) In order to make the correctional system an efficient
3947 and effective mechanism, the various agencies involved in the
3948 correctional process must coordinate their efforts. Where
3949 possible, interagency offices should be physically located
3950 within major institutions and should include representatives of
3951 the public employment service ~~the Florida State Employment~~
3952 ~~Service~~, the vocational rehabilitation programs of the
3953 Department of Education, and the Parole Commission. Duplicative
3954 and unnecessary methods of evaluating offenders must be
3955 eliminated and areas of responsibility consolidated in order to
3956 more economically utilize present scarce resources.

3957 Section 71. Section 944.708, Florida Statutes, is amended
3958 to read:

3959 944.708 Rules.—The Department of Corrections ~~and the Agency~~
3960 ~~for Workforce Innovation~~ shall adopt rules to implement the
3961 provisions of ss. 944.701-944.707.

3962 Section 72. Paragraph (h) of subsection (3) of section
3963 944.801, Florida Statutes, is amended to read:

3964 944.801 Education for state prisoners.—

3965 (3) The responsibilities of the Correctional Education
3966 Program shall be to:

3967 (h) Develop a written procedure for selecting programs to
3968 add to or delete from the vocational curriculum. The procedure
3969 shall include labor market analyses which demonstrate the
3970 projected demand for certain occupations and the projected
3971 supply of potential employees. In conducting these analyses, the
3972 department shall evaluate the feasibility of adding vocational
3973 education programs which have been identified by Jobs Florida,

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3974 the Department of Education, ~~the Agency for Workforce Innovation~~
3975 or a regional coordinating council as being in undersupply in
3976 this state. The department shall periodically reevaluate the
3977 vocational education programs in major institutions to determine
3978 which of the programs support and provide relevant skills to
3979 inmates who could be assigned to a correctional work program
3980 that is operated as a Prison Industry Enhancement Program.

3981 Section 73. Paragraph (d) of subsection (3) of section
3982 945.10, Florida Statutes, is amended to read:

3983 945.10 Confidential information.—

3984 (3) Due to substantial concerns regarding institutional
3985 security and unreasonable and excessive demands on personnel and
3986 resources if an inmate or an offender has unlimited or routine
3987 access to records of the Department of Corrections, an inmate or
3988 an offender who is under the jurisdiction of the department may
3989 not have unrestricted access to the department's records or to
3990 information contained in the department's records. However,
3991 except as to another inmate's or offender's records, the
3992 department may permit limited access to its records if an inmate
3993 or an offender makes a written request and demonstrates an
3994 exceptional need for information contained in the department's
3995 records and the information is otherwise unavailable.

3996 Exceptional circumstances include, but are not limited to:

3997 (d) The requested records contain information required to
3998 process an application or claim by the inmate or offender with
3999 the Internal Revenue Service, the Social Security
4000 Administration, Jobs Florida ~~the Agency for Workforce~~
4001 ~~Innovation~~, or any other similar application or claim with a
4002 state agency or federal agency.

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4003 Section 74. Subsection (4) of section 985.601, Florida
4004 Statutes, is amended to read:

4005 985.601 Administering the juvenile justice continuum.—

4006 (4) The department shall maintain continuing cooperation
4007 with the Department of Education, the Department of Children and
4008 Family Services, ~~the Agency for Workforce Innovation,~~ Jobs
4009 Florida, and the Department of Corrections for the purpose of
4010 participating in agreements with respect to dropout prevention
4011 and the reduction of suspensions, expulsions, and truancy;
4012 increased access to and participation in GED, vocational, and
4013 alternative education programs; and employment training and
4014 placement assistance. The cooperative agreements between the
4015 departments shall include an interdepartmental plan to cooperate
4016 in accomplishing the reduction of inappropriate transfers of
4017 children into the adult criminal justice and correctional
4018 systems.

4019 Section 75. Subsections (1) and (2) of section 1002.375,
4020 Florida Statutes, are amended to read:

4021 1002.375 Alternative credit for high school courses; pilot
4022 project.—

4023 (1) The Commissioner of Education shall implement a pilot
4024 project in up to three school districts beginning in the 2008-
4025 2009 school year which allows school districts to award
4026 alternative course credit for students enrolled in nationally or
4027 state-recognized industry certification programs, as defined by
4028 the former Agency for Workforce Innovation or Jobs Florida, in
4029 accordance with the criteria described in s. 1003.492(2). The
4030 Commissioner of Education shall establish criteria for districts
4031 that participate in the pilot program. School districts

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4032 interested in participating in the program must submit a letter
4033 of interest by July 15, 2008, to the Commissioner of Education
4034 identifying up to five nationally or state-recognized industry
4035 certification programs, as defined by the former Agency for
4036 Workforce Innovation or Jobs Florida, in accordance with the
4037 criteria described in s. 1003.492(2), under which the district
4038 would like to award alternative credit for the eligible courses
4039 identified in subsection (2). The Commissioner of Education
4040 shall select up to three participating school districts by July
4041 30, 2008. The Commissioner of Education shall submit a report to
4042 the Governor, the President of the Senate, and the Speaker of
4043 the House of Representatives identifying the number of students
4044 choosing to earn alternative credit, the number of students that
4045 received alternative credit, and legislative recommendations for
4046 expanding the use of alternative credit for core academic
4047 courses required for high school graduation. The report shall be
4048 submitted by January 1, 2010.

4049 (2) For purposes of designing and implementing a successful
4050 pilot project, eligible alternative credit courses include
4051 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
4052 Alternative credits shall be awarded for courses in which a
4053 student is not enrolled, but for which the student may earn
4054 academic credit by enrolling in another course or sequence of
4055 courses required to earn a nationally or state-recognized
4056 industry certificate, as defined by the former Agency for
4057 Workforce Innovation or Jobs Florida, in accordance with the
4058 criteria described in s. 1003.492(2), of which the majority of
4059 the standards-based content in the course description is
4060 consistent with the alternative credit course description

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4061 approved by the Department of Education.

4062 Section 76. Paragraph (b) of subsection (4) and subsection
4063 (5) of section 1002.53, Florida Statutes, are amended to read:

4064 1002.53 Voluntary Prekindergarten Education Program;
4065 eligibility and enrollment.—

4066 (4)

4067 (b) The application must be submitted on forms prescribed
4068 by the department ~~Agency for Workforce Innovation~~ and must be
4069 accompanied by a certified copy of the child's birth
4070 certificate. The forms must include a certification, in
4071 substantially the form provided in s. 1002.71(6)(b)2., that the
4072 parent chooses the private prekindergarten provider or public
4073 school in accordance with this section and directs that payments
4074 for the program be made to the provider or school. The
4075 department ~~Agency for Workforce Innovation~~ may authorize
4076 alternative methods for submitting proof of the child's age in
4077 lieu of a certified copy of the child's birth certificate.

4078 (5) The early learning coalition shall provide each parent
4079 enrolling a child in the Voluntary Prekindergarten Education
4080 Program with a profile of every private prekindergarten provider
4081 and public school delivering the program within the county where
4082 the child is being enrolled. The profiles shall be provided to
4083 parents in a format prescribed by the department ~~Agency for~~
4084 ~~Workforce Innovation~~. The profiles must include, at a minimum,
4085 the following information about each provider and school:

4086 (a) The provider's or school's services, curriculum,
4087 instructor credentials, and instructor-to-student ratio; and

4088 (b) The provider's or school's kindergarten readiness rate
4089 calculated in accordance with s. 1002.69, based upon the most

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4090 recent available results of the statewide kindergarten
4091 screening.

4092 Section 77. Paragraphs (e) and (h) of subsection (3) of
4093 section 1002.55, Florida Statutes, are amended to read:

4094 1002.55 School-year prekindergarten program delivered by
4095 private prekindergarten providers.—

4096 (3) To be eligible to deliver the prekindergarten program,
4097 a private prekindergarten provider must meet each of the
4098 following requirements:

4099 (e) A private prekindergarten provider may assign a
4100 substitute instructor to temporarily replace a credentialed
4101 instructor if the credentialed instructor assigned to a
4102 prekindergarten class is absent, as long as the substitute
4103 instructor is of good moral character and has been screened
4104 before employment in accordance with level 2 background
4105 screening requirements in chapter 435. The department ~~Agency for~~
4106 ~~Workforce Innovation~~ shall adopt rules to implement this
4107 paragraph which shall include required qualifications of
4108 substitute instructors and the circumstances and time limits for
4109 which a private prekindergarten provider may assign a substitute
4110 instructor.

4111 (h) The private prekindergarten provider must register with
4112 the early learning coalition on forms prescribed by the
4113 department ~~Agency for Workforce Innovation~~.

4114 Section 78. Subsections (6) and (8) of section 1002.61,
4115 Florida Statutes, are amended to read:

4116 1002.61 Summer prekindergarten program delivered by public
4117 schools and private prekindergarten providers.—

4118 (6) A public school or private prekindergarten provider may

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4119 assign a substitute instructor to temporarily replace a
4120 credentialed instructor if the credentialed instructor assigned
4121 to a prekindergarten class is absent, as long as the substitute
4122 instructor is of good moral character and has been screened
4123 before employment in accordance with level 2 background
4124 screening requirements in chapter 435. This subsection does not
4125 supersede employment requirements for instructional personnel in
4126 public schools which are more stringent than the requirements of
4127 this subsection. The department ~~Agency for Workforce Innovation~~
4128 shall adopt rules to implement this subsection which shall
4129 include required qualifications of substitute instructors and
4130 the circumstances and time limits for which a public school or
4131 private prekindergarten provider may assign a substitute
4132 instructor.

4133 (8) Each public school delivering the summer
4134 prekindergarten program must also:

4135 (a) Register with the early learning coalition on forms
4136 prescribed by the department ~~Agency for Workforce Innovation~~;
4137 and

4138 (b) Deliver the Voluntary Prekindergarten Education Program
4139 in accordance with this part.

4140 Section 79. Subsections (6) and (8) of section 1002.63,
4141 Florida Statutes, are amended to read:

4142 1002.63 School-year prekindergarten program delivered by
4143 public schools.—

4144 (6) A public school prekindergarten provider may assign a
4145 substitute instructor to temporarily replace a credentialed
4146 instructor if the credentialed instructor assigned to a
4147 prekindergarten class is absent, as long as the substitute

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4148 instructor is of good moral character and has been screened
4149 before employment in accordance with level 2 background
4150 screening requirements in chapter 435. This subsection does not
4151 supersede employment requirements for instructional personnel in
4152 public schools which are more stringent than the requirements of
4153 this subsection. The department ~~Agency for Workforce Innovation~~
4154 shall adopt rules to implement this subsection which shall
4155 include required qualifications of substitute instructors and
4156 the circumstances and time limits for which a public school
4157 prekindergarten provider may assign a substitute instructor.

4158 (8) Each public school delivering the school-year
4159 prekindergarten program must:

4160 (a) Register with the early learning coalition on forms
4161 prescribed by the department ~~Agency for Workforce Innovation~~;
4162 and

4163 (b) Deliver the Voluntary Prekindergarten Education Program
4164 in accordance with this part.

4165 Section 80. Subsections (1) and (3) of section 1002.67,
4166 Florida Statutes, are amended to read:

4167 1002.67 Performance standards; curricula and
4168 accountability.—

4169 (1) ~~By April 1, 2005,~~ The department shall develop and
4170 adopt performance standards for students in the Voluntary
4171 Prekindergarten Education Program. The performance standards
4172 must address the age-appropriate progress of students in the
4173 development of:

4174 (a) The capabilities, capacities, and skills required under
4175 s. 1(b), Art. IX of the State Constitution; and

4176 (b) Emergent literacy skills, including oral communication,

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4177 knowledge of print and letters, phonemic and phonological
4178 awareness, and vocabulary and comprehension development.

4179 (3)(a) Each early learning coalition shall verify that each
4180 private prekindergarten provider delivering the Voluntary
4181 Prekindergarten Education Program within the coalition's county
4182 or multicounty region complies with this part. Each district
4183 school board shall verify that each public school delivering the
4184 program within the school district complies with this part.

4185 (b) If a private prekindergarten provider or public school
4186 fails or refuses to comply with this part, or if a provider or
4187 school engages in misconduct, the department ~~Agency for~~
4188 ~~Workforce Innovation~~ shall require the early learning coalition
4189 to remove the provider or ~~, and the Department of Education~~
4190 ~~shall require~~ the school district to remove the school, from
4191 eligibility to deliver the Voluntary Prekindergarten Education
4192 Program and receive state funds under this part.

4193 (c)1. If the kindergarten readiness rate of a private
4194 prekindergarten provider or public school falls below the
4195 minimum rate adopted by the State Board of Education as
4196 satisfactory under s. 1002.69(6), the early learning coalition
4197 or school district, as applicable, shall require the provider or
4198 school to submit an improvement plan for approval by the
4199 coalition or school district, as applicable, and to implement
4200 the plan.

4201 2. If a private prekindergarten provider or public school
4202 fails to meet the minimum rate adopted by the State Board of
4203 Education as satisfactory under s. 1002.69(6) for 2 consecutive
4204 years, the early learning coalition or school district, as
4205 applicable, shall place the provider or school on probation and

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4206 must require the provider or school to take certain corrective
4207 actions, including the use of a curriculum approved by the
4208 department under paragraph (2)(c).

4209 3. A private prekindergarten provider or public school that
4210 is placed on probation must continue the corrective actions
4211 required under subparagraph 2., including the use of a
4212 curriculum approved by the department, until the provider or
4213 school meets the minimum rate adopted by the State Board of
4214 Education as satisfactory under s. 1002.69(6).

4215 4. If a private prekindergarten provider or public school
4216 remains on probation for 2 consecutive years and fails to meet
4217 the minimum rate adopted by the State Board of Education as
4218 satisfactory under s. 1002.69(6) and is not granted a good cause
4219 exemption by the department pursuant to s. 1002.69(7), the
4220 department ~~Agency for Workforce Innovation~~ shall require the
4221 early learning coalition or ~~the Department of Education shall~~
4222 ~~require~~ the school district to remove, as applicable, the
4223 provider or school from eligibility to deliver the Voluntary
4224 Prekindergarten Education Program and receive state funds for
4225 the program.

4226 (d) Each early learning coalition, ~~the Agency for Workforce~~
4227 ~~Innovation~~, and the department shall coordinate with the Child
4228 Care Services Program Office of the Department of Children and
4229 Family Services to minimize interagency duplication of
4230 activities for monitoring private prekindergarten providers for
4231 compliance with requirements of the Voluntary Prekindergarten
4232 Education Program under this part, the school readiness programs
4233 under s. 411.01, and the licensing of providers under ss.
4234 402.301-402.319.

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4235 Section 81. Paragraph (f) of subsection (7) of section
4236 1002.69, Florida Statutes, is amended to read:

4237 1002.69 Statewide kindergarten screening; kindergarten
4238 readiness rates.—

4239 (7)

4240 (f) The State Board of Education shall notify the
4241 department ~~Agency for Workforce Innovation~~ of any good cause
4242 exemption granted to a private prekindergarten provider under
4243 this subsection. If a good cause exemption is granted to a
4244 private prekindergarten provider who remains on probation for 2
4245 consecutive years, the department ~~Agency for Workforce~~
4246 ~~Innovation~~ shall notify the early learning coalition of the good
4247 cause exemption and direct that the coalition, notwithstanding
4248 s. 1002.67(3)(c)4., not remove the provider from eligibility to
4249 deliver the Voluntary Prekindergarten Education Program or to
4250 receive state funds for the program, if the provider meets all
4251 other applicable requirements of this part.

4252 Section 82. Paragraph (c) of subsection (3), subsection
4253 (4), paragraph (b) of subsection (5), and subsections (6) and
4254 (7) of section 1002.71, Florida Statutes, are amended to read:

4255 1002.71 Funding; financial and attendance reporting.—

4256 (3)

4257 (c) The initial allocation shall be based on estimated
4258 student enrollment in each coalition service area. The
4259 department ~~Agency for Workforce Innovation~~ shall reallocate
4260 funds among the coalitions based on actual full-time equivalent
4261 student enrollment in each coalition service area.

4262 (4) Notwithstanding s. 1002.53(3) and subsection (2):

4263 (a) A child who, for any of the prekindergarten programs

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4264 listed in s. 1002.53(3), has not completed more than 70 percent
 4265 of the hours authorized to be reported for funding under
 4266 subsection (2), or has not expended more than 70 percent of the
 4267 funds authorized for the child under s. 1002.66, may withdraw
 4268 from the program for good cause and reenroll in one of the
 4269 programs. The total funding for a child who reenrolls in one of
 4270 the programs for good cause may not exceed one full-time
 4271 equivalent student. Funding for a child who withdraws and
 4272 reenrolls in one of the programs for good cause shall be issued
 4273 in accordance with the department's ~~agency's~~ uniform attendance
 4274 policy adopted pursuant to paragraph (6)(d).

4275 (b) A child who has not substantially completed any of the
 4276 prekindergarten programs listed in s. 1002.53(3) may withdraw
 4277 from the program due to an extreme hardship that is beyond the
 4278 child's or parent's control, reenroll in one of the summer
 4279 programs, and be reported for funding purposes as a full-time
 4280 equivalent student in the summer program for which the child is
 4281 reenrolled.

4282
 4283 A child may reenroll only once in a prekindergarten program
 4284 under this section. A child who reenrolls in a prekindergarten
 4285 program under this subsection may not subsequently withdraw from
 4286 the program and reenroll. The department ~~Agency for Workforce~~
 4287 ~~Innovation~~ shall establish criteria specifying whether a good
 4288 cause exists for a child to withdraw from a program under
 4289 paragraph (a), whether a child has substantially completed a
 4290 program under paragraph (b), and whether an extreme hardship
 4291 exists which is beyond the child's or parent's control under
 4292 paragraph (b).

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4293 (5)
4294 (b) The department ~~Agency for Workforce Innovation~~ shall
4295 adopt procedures for the payment of private prekindergarten
4296 providers and public schools delivering the Voluntary
4297 Prekindergarten Education Program. The procedures shall provide
4298 for the advance payment of providers and schools based upon
4299 student enrollment in the program, the certification of student
4300 attendance, and the reconciliation of advance payments in
4301 accordance with the uniform attendance policy adopted under
4302 paragraph (6)(d). The procedures shall provide for the monthly
4303 distribution of funds by the department ~~Agency for Workforce~~
4304 ~~Innovation~~ to the early learning coalitions for payment by the
4305 coalitions to private prekindergarten providers and public
4306 schools. ~~The department shall transfer to the Agency for~~
4307 ~~Workforce Innovation at least once each quarter the funds~~
4308 ~~available for payment to private prekindergarten providers and~~
4309 ~~public schools in accordance with this paragraph from the funds~~
4310 ~~appropriated for that purpose.~~

4311 (6)(a) Each parent enrolling his or her child in the
4312 Voluntary Prekindergarten Education Program must agree to comply
4313 with the attendance policy of the private prekindergarten
4314 provider or district school board, as applicable. Upon
4315 enrollment of the child, the private prekindergarten provider or
4316 public school, as applicable, must provide the child's parent
4317 with a copy of the provider's or school district's attendance
4318 policy, as applicable.

4319 (b)1. Each private prekindergarten provider's and district
4320 school board's attendance policy must require the parent of each
4321 student in the Voluntary Prekindergarten Education Program to

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4351 business hours. The department ~~Agency for Workforce Innovation~~
4352 shall adopt procedures for early learning coalitions and school
4353 districts to review the original signed forms against the
4354 certified student attendance. The review procedures shall
4355 provide for the use of selective inspection techniques,
4356 including, but not limited to, random sampling. Each early
4357 learning coalition and the school districts must comply with the
4358 review procedures.

4359 (c) A private prekindergarten provider or school district,
4360 as applicable, may dismiss a student who does not comply with
4361 the provider's or district's attendance policy. A student
4362 dismissed under this paragraph is not removed from the Voluntary
4363 Prekindergarten Education Program and may continue in the
4364 program through reenrollment with another private
4365 prekindergarten provider or public school. Notwithstanding s.
4366 1002.53(6)(b), a school district is not required to provide for
4367 the admission of a student dismissed under this paragraph.

4368 (d) The department ~~Agency for Workforce Innovation~~ shall
4369 adopt, for funding purposes, a uniform attendance policy for the
4370 Voluntary Prekindergarten Education Program. The attendance
4371 policy must apply statewide and apply equally to all private
4372 prekindergarten providers and public schools. The attendance
4373 policy must include at least the following provisions:

- 4374 1. ~~Beginning with the 2009-2010 fiscal year for school-year~~
4375 ~~programs,~~ A student's attendance may be reported on a pro rata
4376 basis as a fractional part of a full-time equivalent student.
- 4377 2. At a maximum, 20 percent of the total payment made on
4378 behalf of a student to a private prekindergarten provider or a
4379 public school may be for hours a student is absent.

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4380 3. A private prekindergarten provider or public school may
4381 not receive payment for absences that occur before a student's
4382 first day of attendance or after a student's last day of
4383 attendance.

4384

4385 The uniform attendance policy shall be used only for funding
4386 purposes and does not prohibit a private prekindergarten
4387 provider or public school from adopting and enforcing its
4388 attendance policy under paragraphs (a) and (c).

4389 (7) The department ~~Agency for Workforce Innovation~~ shall
4390 require that administrative expenditures be kept to the minimum
4391 necessary for efficient and effective administration of the
4392 Voluntary Prekindergarten Education Program. Administrative
4393 policies and procedures shall be revised, to the maximum extent
4394 practicable, to incorporate the use of automation and electronic
4395 submission of forms, including those required for child
4396 eligibility and enrollment, provider and class registration, and
4397 monthly certification of attendance for payment. A school
4398 district may use its automated daily attendance reporting system
4399 for the purpose of transmitting attendance records to the early
4400 learning coalition in a mutually agreed-upon format. In
4401 addition, actions shall be taken to reduce paperwork, eliminate
4402 the duplication of reports, and eliminate other duplicative
4403 activities. Beginning with the 2010-2011 fiscal year, each early
4404 learning coalition may retain and expend no more than 4.5
4405 percent of the funds paid by the coalition to private
4406 prekindergarten providers and public schools under paragraph
4407 (5)(b). Funds retained by an early learning coalition under this
4408 subsection may be used only for administering the Voluntary

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4409 Prekindergarten Education Program and may not be used for the
4410 school readiness program or other programs.

4411 Section 83. Subsection (1) of section 1002.72, Florida
4412 Statutes, is amended to read:

4413 1002.72 Records of children in the Voluntary
4414 Prekindergarten Education Program.—

4415 (1)(a) The records of a child enrolled in the Voluntary
4416 Prekindergarten Education Program held by an early learning
4417 coalition, the department ~~Agency for Workforce Innovation~~, or a
4418 Voluntary Prekindergarten Education Program provider are
4419 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4420 of the State Constitution. For purposes of this section, such
4421 records include assessment data, health data, records of teacher
4422 observations, and personal identifying information of an
4423 enrolled child and his or her parent.

4424 (b) This exemption applies to the records of a child
4425 enrolled in the Voluntary Prekindergarten Education Program held
4426 by an early learning coalition, the department ~~Agency for~~
4427 ~~Workforce Innovation~~, or a Voluntary Prekindergarten Education
4428 Program provider before, on, or after the effective date of this
4429 exemption.

4430 Section 84. Subsections (1) and (5) of section 1002.77,
4431 Florida Statutes, are amended to read:

4432 1002.77 Florida Early Learning Advisory Council.—

4433 (1) There is created the Florida Early Learning Advisory
4434 Council within the department ~~Agency for Workforce Innovation~~.
4435 The purpose of the advisory council is to submit recommendations
4436 to the department ~~and the Agency for Workforce Innovation~~ on the
4437 early learning policy of this state, including recommendations

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4438 relating to administration of the Voluntary Prekindergarten
4439 Education Program under this part and the school readiness
4440 programs under s. 411.01.

4441 (5) The department ~~Agency for Workforce Innovation~~ shall
4442 provide staff and administrative support for the advisory
4443 council.

4444 Section 85. Section 1002.79, Florida Statutes, is amended
4445 to read:

4446 1002.79 Rulemaking authority.—

4447 ~~(1) The State Board of Education shall adopt rules under~~
4448 ~~ss. 120.536(1) and 120.54 to administer the provisions of this~~
4449 ~~part conferring duties upon the department.~~

4450 ~~(2) The Agency for Workforce Innovation shall adopt rules~~
4451 ~~under ss. 120.536(1) and 120.54 to administer the provisions of~~
4452 ~~this part conferring duties upon the agency.~~

4453 Section 86. Subsection (2), paragraph (a) of subsection
4454 (3), paragraph (c) of subsection (4), and subsection (5) of
4455 section 1003.491, Florida Statutes, are amended to read:

4456 1003.491 Florida Career and Professional Education Act.—The
4457 Florida Career and Professional Education Act is created to
4458 provide a statewide planning partnership between the business
4459 and education communities in order to attract, expand, and
4460 retain targeted, high-value industry and to sustain a strong,
4461 knowledge-based economy.

4462 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
4463 school board shall develop, in collaboration with local
4464 workforce boards and postsecondary institutions approved to
4465 operate in the state, a strategic 5-year plan to address and
4466 meet local and regional workforce demands. If involvement of the

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4467 local workforce board in the strategic plan development is not
4468 feasible, the local school board, with the approval of Jobs
4469 Florida ~~the Agency for Workforce Innovation~~, shall collaborate
4470 with the most appropriate local business leadership board. Two
4471 or more school districts may collaborate in the development of
4472 the strategic plan and offer a career and professional academy
4473 as a joint venture. Such plans must describe in detail
4474 provisions for efficient transportation of students, maximum use
4475 of shared resources, and access to courses through the Florida
4476 Virtual School when appropriate. Each strategic plan shall ~~be~~
4477 ~~completed no later than June 30, 2008, and shall~~ include
4478 provisions to have in place at least one operational career and
4479 professional academy, pursuant to s. 1003.492, ~~no later than the~~
4480 ~~beginning of the 2008-2009 school year.~~

4481 (3) The strategic 5-year plan developed jointly between the
4482 local school district, local workforce boards, and state-
4483 approved postsecondary institutions shall be constructed and
4484 based on:

4485 (a) Research conducted to objectively determine local and
4486 regional workforce needs for the ensuing 5 years, using labor
4487 projections of the United States Department of Labor and Jobs
4488 Florida ~~the Agency for Workforce Innovation~~;

4489 (4) The State Board of Education shall establish a process
4490 for the continual and uninterrupted review of newly proposed
4491 core secondary courses and existing courses requested to be
4492 considered as core courses to ensure that sufficient rigor and
4493 relevance is provided for workforce skills and postsecondary
4494 education and aligned to state curriculum standards. The review
4495 of newly proposed core secondary courses shall be the

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4496 responsibility of a curriculum review committee whose membership
4497 is approved by the Workforce Florida Board as described in s.
4498 445.004, and shall include:

4499 (c) Three workforce representatives recommended by Jobs
4500 Florida ~~the Agency for Workforce Innovation~~.

4501 (5) The submission and review of newly proposed core
4502 courses shall be conducted electronically, and each proposed
4503 core course shall be approved or denied within 60 days. All
4504 courses approved as core courses for high school graduation
4505 purposes shall be immediately added to the Course Code
4506 Directory. Approved core courses shall also be reviewed and
4507 considered for approval for dual enrollment credit. The Board of
4508 Governors and the Commissioner of Education shall jointly
4509 recommend an annual deadline for approval of new core courses to
4510 be included for purposes of postsecondary admissions and dual
4511 enrollment credit the following academic year. The State Board
4512 of Education shall establish an appeals process in the event
4513 that a proposed course is denied which shall require a consensus
4514 ruling by Jobs Florida ~~the Agency for Workforce Innovation~~ and
4515 the Commissioner of Education within 15 days. ~~The curriculum~~
4516 ~~review committee must be established and operational no later~~
4517 ~~than September 1, 2007.~~

4518 Section 87. Subsection (2) of section 1003.492, Florida
4519 Statutes, is amended to read:

4520 1003.492 Industry-certified career education programs.—

4521 (2) The State Board of Education shall use the expertise of
4522 Workforce Florida, Inc., and Enterprise Florida, Inc., to
4523 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
4524 for implementing an industry certification process. Industry

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4525 certification shall be defined by Jobs Florida ~~the Agency for~~
4526 ~~Workforce Innovation~~, based upon the highest available national
4527 standards for specific industry certification, to ensure student
4528 skill proficiency and to address emerging labor market and
4529 industry trends. A regional workforce board or a career and
4530 professional academy may apply to Workforce Florida, Inc., to
4531 request additions to the approved list of industry
4532 certifications based on high-demand job requirements in the
4533 regional economy. The list of industry certifications approved
4534 by Workforce Florida, Inc., and the Department of Education
4535 shall be published and updated annually by a date certain, to be
4536 included in the adopted rule.

4537 Section 88. Paragraph (f) of subsection (4) of section
4538 1003.493, Florida Statutes, is amended to read:

4539 1003.493 Career and professional academies.—

4540 (4) Each career and professional academy must:

4541 (f) Provide instruction in careers designated as high
4542 growth, high demand, and high pay by the local workforce
4543 development board, the chamber of commerce, or Jobs Florida ~~the~~
4544 ~~Agency for Workforce Innovation~~.

4545 Section 89. Subsection (3) of section 1003.575, Florida
4546 Statutes, is amended to read:

4547 1003.575 Assistive technology devices; findings;
4548 interagency agreements.—Accessibility, utilization, and
4549 coordination of appropriate assistive technology devices and
4550 services are essential as a young person with disabilities moves
4551 from early intervention to preschool, from preschool to school,
4552 from one school to another, and from school to employment or
4553 independent living. To ensure that an assistive technology

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4554 device issued to a young person as part of his or her
4555 individualized family support plan, individual support plan, or
4556 an individual education plan remains with the individual through
4557 such transitions, the following agencies shall enter into
4558 interagency agreements, as appropriate, to ensure the
4559 transaction of assistive technology devices:

4560 (3) The Voluntary Prekindergarten Education Program
4561 administered by the Department of Education ~~and the Agency for~~
4562 ~~Workforce Innovation.~~

4563
4564 Interagency agreements entered into pursuant to this section
4565 shall provide a framework for ensuring that young persons with
4566 disabilities and their families, educators, and employers are
4567 informed about the utilization and coordination of assistive
4568 technology devices and services that may assist in meeting
4569 transition needs, and shall establish a mechanism by which a
4570 young person or his or her parent may request that an assistive
4571 technology device remain with the young person as he or she
4572 moves through the continuum from home to school to postschool.

4573 Section 90. Subsection (4) of section 1003.4285, Florida
4574 Statutes, is amended to read:

4575 1003.4285 Standard high school diploma designations.—Each
4576 standard high school diploma shall include, as applicable:

4577 (4) A designation reflecting a Florida Ready to Work
4578 Credential in accordance with s. 445.06 ~~1004.99~~.

4579 Section 91. Paragraph (j) of subsection (4) of section
4580 1003.493, Florida Statutes, is amended to read:

4581 1003.493 Career and professional academies.—

4582 (4) Each career and professional academy must:

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4583 (j) Provide opportunities for students to obtain the
4584 Florida Ready to Work Certification pursuant to s. 445.06
4585 ~~1004.99~~.

4586 Section 92. Subsection (3) of section 1008.39, Florida
4587 Statutes, is amended to read:

4588 1008.39 Florida Education and Training Placement
4589 Information Program.—

4590 (3) The Florida Education and Training Placement
4591 Information Program must not make public any information that
4592 could identify an individual or the individual's employer. The
4593 Department of Education must ensure that the purpose of
4594 obtaining placement information is to evaluate and improve
4595 public programs or to conduct research for the purpose of
4596 improving services to the individuals whose social security
4597 numbers are used to identify their placement. If an agreement
4598 assures that this purpose will be served and that privacy will
4599 be protected, the Department of Education shall have access to
4600 the unemployment insurance wage reports maintained by Jobs
4601 Florida ~~the Agency for Workforce Innovation~~, the files of the
4602 Department of Children and Family Services that contain
4603 information about the distribution of public assistance, the
4604 files of the Department of Corrections that contain records of
4605 incarcerations, and the files of the Department of Business and
4606 Professional Regulation that contain the results of licensure
4607 examination.

4608 Section 93. Subsection (3) of section 1008.41, Florida
4609 Statutes, is amended to read:

4610 1008.41 Workforce education; management information
4611 system.—

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4612 (3) Planning and evaluation of job-preparatory programs
4613 shall be based on standard sources of data and use standard
4614 occupational definitions and coding structures, including, but
4615 not limited to:

4616 (a) The Florida Occupational Information System;

4617 (b) The Florida Education and Training Placement
4618 Information Program;

4619 (c) Jobs Florida ~~The Agency for Workforce Innovation~~;

4620 (d) The United States Department of Labor; and

4621 (e) Other sources of data developed using statistically
4622 valid procedures.

4623 Section 94. Subsections (2), (3), (4), (5), and (6) of
4624 section 1011.76, Florida Statutes, are amended to read:

4625 1011.76 Small School District Stabilization Program.—

4626 (2) In order to participate in this program, a school
4627 district must be located in a rural area of critical economic
4628 concern designated by the Executive Office of the Governor, and
4629 the district school board must submit a resolution to Jobs
4630 Florida ~~the Office of Tourism, Trade, and Economic Development~~
4631 requesting participation in the program. A rural area of
4632 critical economic concern must be a rural community, or a region
4633 composed of such, that has been adversely affected by an
4634 extraordinary economic event or a natural disaster or that
4635 presents a unique economic development concern or opportunity of
4636 regional impact. The resolution must be accompanied with
4637 documentation of the economic conditions in the community,
4638 provide information indicating the negative impact of these
4639 conditions on the school district's financial stability, and the
4640 school district must participate in a best financial management

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4641 practices review to determine potential efficiencies that could
4642 be implemented to reduce program costs in the district.

4643 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4644 ~~Development~~, in consultation with the Department of Education,
4645 shall review the resolution and other information required by
4646 subsection (2) and determine whether the school district is
4647 eligible to participate in the program. Factors influencing the
4648 office's determination may include, but are not limited to,
4649 reductions in the county tax roll resulting from business
4650 closures or other causes, or a reduction in student enrollment
4651 due to business closures or impacts in the local economy.

4652 (4) ~~Effective July 1, 2000, and thereafter, When~~ Jobs
4653 Florida ~~the Office of Tourism, Trade, and Economic Development~~
4654 authorizes a school district to participate in the program, the
4655 Legislature may give priority to that district for a best
4656 financial management practices review in the school district,
4657 subject to approval pursuant to s. 1008.35(7), to the extent
4658 that funding is provided annually for such purpose in the
4659 General Appropriations Act. The scope of the review shall be as
4660 set forth in s. 1008.35.

4661 (5) ~~Effective July 1, 2000, and thereafter, The Department~~
4662 of Education may award the school district a stabilization grant
4663 intended to protect the district from continued financial
4664 reductions. The amount of the grant will be determined by the
4665 Department of Education and may be equivalent to the amount of
4666 the decline in revenues projected for the next fiscal year. In
4667 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
4668 ~~Economic Development~~ may implement a rural economic development
4669 initiative to identify the economic factors that are negatively

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4670 impacting the community and may consult with Enterprise Florida,
4671 Inc., in developing a plan to assist the county with its
4672 economic transition. The grant will be available to the school
4673 district for a period of up to 5 years to the extent that
4674 funding is provided for such purpose in the General
4675 Appropriations Act.

4676 (6) Based on the availability of funds, Jobs Florida ~~the~~
4677 ~~Office of Tourism, Trade, and Economic Development~~ or the
4678 Department of Education may enter into contracts or issue grants
4679 necessary to implement the program.

4680 Section 95. Section 1012.2251, Florida Statutes, is amended
4681 to read:

4682 1012.2251 End-of-course examinations for Merit Award
4683 Program. ~~Beginning with the 2007-2008 school year,~~ School
4684 districts that participate in the Merit Award Program under s.
4685 1012.225 must be able to administer end-of-course examinations
4686 based on the Sunshine State Standards in order to measure a
4687 student's understanding and mastery of the entire course in all
4688 grade groupings and subjects for any year in which the districts
4689 participate in the program. The statewide standardized
4690 assessment, College Board Advanced Placement Examination,
4691 International Baccalaureate examination, Advanced International
4692 Certificate of Education examination, or examinations resulting
4693 in national or state industry certification recognized by Jobs
4694 Florida ~~the Agency for Workforce Innovation~~ satisfy the
4695 requirements of this section for the respective grade groupings
4696 and subjects assessed by these examinations and assessments.

4697 Section 96. The Auditor General may conduct audits as
4698 provided in s. 11.45 to verify that the distributions under s.

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4699 288.1162, Florida Statutes 2010, are expended as required in
4700 that section. If the Auditor General determines that the
4701 distributions under s. 288.1162, Florida Statutes 2010, are not
4702 expended as required, the Auditor General shall notify the
4703 Department of Revenue, which may pursue recovery of the funds
4704 under the laws and rules governing the assessment of taxes.

4705 Section 97. The Department of Revenue may audit as
4706 provided in s. 213.34 to verify that the contributions pursuant
4707 to s. 288.1168, Florida Statutes 2010, have been expended as
4708 required by that section.

4709 Section 98. Paragraph (b) of subsection (2) of section
4710 14.20195, Florida Statutes, is amended to read:

4711 14.20195 Suicide Prevention Coordinating Council; creation;
4712 membership; duties.—There is created within the Statewide Office
4713 for Suicide Prevention a Suicide Prevention Coordinating
4714 Council. The council shall develop strategies for preventing
4715 suicide.

4716 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
4717 shall consist of 28 voting members.

4718 (b) The following state officials or their designees shall
4719 serve on the coordinating council:

- 4720 1. The Secretary of Elderly Affairs.
- 4721 2. The State Surgeon General.
- 4722 3. The Commissioner of Education.
- 4723 4. The Secretary of Health Care Administration.
- 4724 5. The Secretary of Juvenile Justice.
- 4725 6. The Secretary of Corrections.
- 4726 7. The executive director of the Department of Law
4727 Enforcement.

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4728 8. The executive director of the Department of Veterans'
4729 Affairs.

4730 9. The Secretary of Children and Family Services.

4731 10. The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4732 ~~for Workforce Innovation~~.

4733 Section 99. Section 15.182, Florida Statutes, is amended to
4734 read:

4735 15.182 International travel by state-funded musical,
4736 cultural, or artistic organizations; notification to Jobs
4737 Florida Office of Tourism, Trade, and Economic Development.—

4738 (1) If a musical, cultural, or artistic organization that
4739 receives state funding is traveling internationally for a
4740 presentation, performance, or other significant public viewing,
4741 including an organization associated with a college or
4742 university, such organization shall notify Jobs Florida ~~The~~
4743 ~~Office of Tourism, Trade, and Economic Development~~ of its
4744 intentions to travel, together with the date, time, and location
4745 of each appearance.

4746 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4747 ~~Development~~, in conjunction with Enterprise Florida, Inc., shall
4748 act as an intermediary between performing musical, cultural, and
4749 artistic organizations and Florida businesses to encourage and
4750 coordinate joint undertakings. Such coordination may include,
4751 but is not limited to, encouraging business and industry to
4752 sponsor cultural events, assistance with travel of such
4753 organizations, and coordinating travel schedules of cultural
4754 performance groups and international trade missions.

4755 (3) An organization shall provide the notification to the
4756 Department of State required by this section at least 30 days

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4757 before ~~prior to~~ the date the international travel is to commence
4758 or, when an intention to travel internationally is not formed at
4759 least 30 days in advance of the date the travel is to commence,
4760 as soon as feasible after forming such travel intention. The
4761 Department of State shall take an active role in informing such
4762 groups of the responsibility to notify the department of travel
4763 intentions.

4764 Section 100. Paragraph (j) of subsection (1) of section
4765 16.615, Florida Statutes, is amended to read:

4766 16.615 Council on the Social Status of Black Men and Boys.—

4767 (1) The Council on the Social Status of Black Men and Boys
4768 is established within the Department of Legal Affairs and shall
4769 consist of 19 members appointed as follows:

4770 (j) The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4771 ~~for Workforce Innovation~~ or his or her designee.

4772 Section 101. Paragraph (a) of subsection (8) and paragraph
4773 (a) of subsection (9) of section 39.001, Florida Statutes, are
4774 amended to read:

4775 39.001 Purposes and intent; personnel standards and
4776 screening.—

4777 (8) PLAN FOR COMPREHENSIVE APPROACH.—

4778 (a) The office shall develop a state plan for the promotion
4779 of adoption, support of adoptive families, and prevention of
4780 abuse, abandonment, and neglect of children and shall submit the
4781 state plan to the Speaker of the House of Representatives, the
4782 President of the Senate, and the Governor no later than December
4783 31, 2008. The Department of Children and Family Services, the
4784 Department of Corrections, the Department of Education, the
4785 Department of Health, the Department of Juvenile Justice, the

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4786 Department of Law Enforcement, and the Agency for Persons with
4787 Disabilities, ~~and the Agency for Workforce Innovation~~ shall
4788 participate and fully cooperate in the development of the state
4789 plan at both the state and local levels. Furthermore,
4790 appropriate local agencies and organizations shall be provided
4791 an opportunity to participate in the development of the state
4792 plan at the local level. Appropriate local groups and
4793 organizations shall include, but not be limited to, community
4794 mental health centers; guardian ad litem programs for children
4795 under the circuit court; the school boards of the local school
4796 districts; the Florida local advocacy councils; community-based
4797 care lead agencies; private or public organizations or programs
4798 with recognized expertise in working with child abuse prevention
4799 programs for children and families; private or public
4800 organizations or programs with recognized expertise in working
4801 with children who are sexually abused, physically abused,
4802 emotionally abused, abandoned, or neglected and with expertise
4803 in working with the families of such children; private or public
4804 programs or organizations with expertise in maternal and infant
4805 health care; multidisciplinary child protection teams; child day
4806 care centers; law enforcement agencies; and the circuit courts,
4807 when guardian ad litem programs are not available in the local
4808 area. The state plan to be provided to the Legislature and the
4809 Governor shall include, as a minimum, the information required
4810 of the various groups in paragraph (b).

4811 (9) FUNDING AND SUBSEQUENT PLANS.—

4812 (a) All budget requests submitted by the office, the
4813 department, the Department of Health, the Department of
4814 Education, the Department of Juvenile Justice, the Department of

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4815 Corrections, the Agency for Persons with Disabilities, ~~the~~
4816 ~~Agency for Workforce Innovation,~~ or any other agency to the
4817 Legislature for funding of efforts for the promotion of
4818 adoption, support of adoptive families, and prevention of child
4819 abuse, abandonment, and neglect shall be based on the state plan
4820 developed pursuant to this section.

4821 Section 102. Paragraph (a) of subsection (7) of section
4822 45.031, Florida Statutes, is amended to read:

4823 45.031 Judicial sales procedure.—In any sale of real or
4824 personal property under an order or judgment, the procedures
4825 provided in this section and ss. 45.0315-45.035 may be followed
4826 as an alternative to any other sale procedure if so ordered by
4827 the court.

4828 (7) DISBURSEMENTS OF PROCEEDS.—

4829 (a) On filing a certificate of title, the clerk shall
4830 disburse the proceeds of the sale in accordance with the order
4831 or final judgment and shall file a report of such disbursements
4832 and serve a copy of it on each party, and on the Department of
4833 Revenue if the department was named as a defendant in the action
4834 or if Jobs Florida or the former Agency for Workforce Innovation
4835 ~~or the former Department of Labor and Employment Security~~ was
4836 named as a defendant while the Department of Revenue was
4837 providing unemployment tax collection services under contract
4838 with Jobs Florida or the former Agency for Workforce Innovation
4839 through an interagency agreement pursuant to s. 443.1316.

4840 Section 103. Paragraph (a) of subsection (4) of section
4841 69.041, Florida Statutes, is amended to read:

4842 69.041 State named party; lien foreclosure, suit to quiet
4843 title.—

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4844 (4)(a) The Department of Revenue has the right to
4845 participate in the disbursement of funds remaining in the
4846 registry of the court after distribution pursuant to s.
4847 45.031(7). The department shall participate in accordance with
4848 applicable procedures in any mortgage foreclosure action in
4849 which the department has a duly filed tax warrant, or interests
4850 under a lien arising from a judgment, order, or decree for
4851 support, as defined in s. 409.2554, or interest in an
4852 unemployment compensation tax lien under contract with Jobs
4853 Florida ~~the Agency for Workforce Innovation~~ through an
4854 interagency agreement pursuant to s. 443.1316, against the
4855 subject property and with the same priority, regardless of
4856 whether a default against the department, Jobs Florida, or the
4857 former Agency for Workforce Innovation, ~~or the former Department~~
4858 ~~of Labor and Employment Security~~ has been entered for failure to
4859 file an answer or other responsive pleading.

4860 Section 104. Subsection (3) of section 112.3135, Florida
4861 Statutes, is amended to read:

4862 112.3135 Restriction on employment of relatives.—

4863 (3) An agency may prescribe regulations authorizing the
4864 temporary employment, in the event of an emergency as defined in
4865 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
4866 prohibited by this section.

4867 Section 105. Paragraph (d) of subsection (2) and paragraph
4868 (f) of subsection (5) of section 119.071, Florida Statutes, are
4869 amended to read:

4870 119.071 General exemptions from inspection or copying of
4871 public records.—

4872 (2) AGENCY INVESTIGATIONS.—

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4873 (d) Any information revealing surveillance techniques or
4874 procedures or personnel is exempt from s. 119.07(1) and s.
4875 24(a), Art. I of the State Constitution. Any comprehensive
4876 inventory of state and local law enforcement resources compiled
4877 pursuant to part I, chapter 23, and any comprehensive policies
4878 or plans compiled by a criminal justice agency pertaining to the
4879 mobilization, deployment, or tactical operations involved in
4880 responding to an emergency ~~emergencies~~, as defined in s.
4881 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
4882 the State Constitution and unavailable for inspection, except by
4883 personnel authorized by a state or local law enforcement agency,
4884 the office of the Governor, the Department of Legal Affairs, the
4885 Department of Law Enforcement, or Jobs Florida ~~the Department of~~
4886 ~~Community Affairs~~ as having an official need for access to the
4887 inventory or comprehensive policies or plans.

4888 (5) OTHER PERSONAL INFORMATION.—

4889 (f) Medical history records and information related to
4890 health or property insurance provided to Jobs Florida ~~the~~
4891 ~~Department of Community Affairs~~, the Florida Housing Finance
4892 Corporation, a county, a municipality, or a local housing
4893 finance agency by an applicant for or a participant in a
4894 federal, state, or local housing assistance program are
4895 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4896 of the State Constitution. Governmental entities or their agents
4897 shall have access to such confidential and exempt records and
4898 information for the purpose of auditing federal, state, or local
4899 housing programs or housing assistance programs. Such
4900 confidential and exempt records and information may be used in
4901 any administrative or judicial proceeding, provided such records

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4902 are kept confidential and exempt unless otherwise ordered by a
4903 court.

4904 Section 106. Subsection (10) of section 120.80, Florida
4905 Statutes, is amended to read:

4906 120.80 Exceptions and special requirements; agencies.—

4907 (10) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION.~~—

4908 (a) Notwithstanding s. 120.54, the rulemaking provisions of
4909 this chapter do not apply to unemployment appeals referees.

4910 (b) Notwithstanding s. 120.54(5), the uniform rules of
4911 procedure do not apply to appeal proceedings conducted under
4912 chapter 443 by the Unemployment Appeals Commission, special
4913 deputies, or unemployment appeals referees.

4914 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
4915 443 may not be conducted by an administrative law judge assigned
4916 by the division, but instead shall be conducted by the
4917 Unemployment Appeals Commission in unemployment compensation
4918 appeals, unemployment appeals referees, and Jobs Florida ~~the~~
4919 ~~Agency for Workforce Innovation~~ or its special deputies under s.
4920 443.141.

4921 Section 107. Paragraph (n) of subsection (3) of section
4922 125.0104, Florida Statutes, is amended to read:

4923 125.0104 Tourist development tax; procedure for levying;
4924 authorized uses; referendum; enforcement.—

4925 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

4926 (n) In addition to any other tax that is imposed under this
4927 section, a county that has imposed the tax under paragraph (1)
4928 may impose an additional tax that is no greater than 1 percent
4929 on the exercise of the privilege described in paragraph (a) by a
4930 majority plus one vote of the membership of the board of county

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4931 commissioners in order to:

4932 1. Pay the debt service on bonds issued to finance:

4933 a. The construction, reconstruction, or renovation of a
4934 facility either publicly owned and operated, or publicly owned
4935 and operated by the owner of a professional sports franchise or
4936 other lessee with sufficient expertise or financial capability
4937 to operate such facility, and to pay the planning and design
4938 costs incurred prior to the issuance of such bonds for a new
4939 professional sports franchise as defined in s. 288.1162, Florida
4940 Statutes 2010.

4941 b. The acquisition, construction, reconstruction, or
4942 renovation of a facility either publicly owned and operated, or
4943 publicly owned and operated by the owner of a professional
4944 sports franchise or other lessee with sufficient expertise or
4945 financial capability to operate such facility, and to pay the
4946 planning and design costs incurred prior to the issuance of such
4947 bonds for a retained spring training franchise.

4948 2. Promote and advertise tourism in the State of Florida
4949 and nationally and internationally; however, if tax revenues are
4950 expended for an activity, service, venue, or event, the
4951 activity, service, venue, or event shall have as one of its main
4952 purposes the attraction of tourists as evidenced by the
4953 promotion of the activity, service, venue, or event to tourists.

4954
4955 A county that imposes the tax authorized in this paragraph may
4956 not expend any ad valorem tax revenues for the acquisition,
4957 construction, reconstruction, or renovation of a facility for
4958 which tax revenues are used pursuant to subparagraph 1. The
4959 provision of paragraph (b) which prohibits any county authorized

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4960 to levy a convention development tax pursuant to s. 212.0305
4961 from levying more than the 2-percent tax authorized by this
4962 section shall not apply to the additional tax authorized by this
4963 paragraph in counties which levy convention development taxes
4964 pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to
4965 the adoption of the additional tax authorized in this paragraph.
4966 The effective date of the levy and imposition of the tax
4967 authorized under this paragraph is the first day of the second
4968 month following approval of the ordinance by the board of county
4969 commissioners or the first day of any subsequent month specified
4970 in the ordinance. A certified copy of such ordinance shall be
4971 furnished by the county to the Department of Revenue within 10
4972 days after approval of the ordinance.

4973 Section 108. Subsection (1) of section 125.01045, Florida
4974 Statutes, is amended to read:

4975 125.01045 Prohibition of fees for first responder
4976 services.—

4977 (1) A county may not impose a fee or seek reimbursement for
4978 any costs or expenses that may be incurred for services provided
4979 by a first responder, including costs or expenses related to
4980 personnel, supplies, motor vehicles, or equipment in response to
4981 a motor vehicle accident, except for costs to contain or clean
4982 up hazardous materials in quantities reportable to the Florida
4983 State Warning Point at the Office ~~Division~~ of Emergency
4984 Management, and costs for transportation and treatment provided
4985 by ambulance services licensed pursuant to s. 401.23(4) and (5).

4986 Section 109. Subsection (11) of section 159.803, Florida
4987 Statutes, is amended to read:

4988 159.803 Definitions.—As used in this part, the term:

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4989 (11) "Florida First Business project" means any project
4990 which is certified by Jobs Florida ~~the Office of Tourism, Trade,~~
4991 ~~and Economic Development~~ as eligible to receive an allocation
4992 from the Florida First Business allocation pool established
4993 pursuant to s. 159.8083. Jobs Florida ~~The Office of Tourism,~~
4994 ~~Trade, and Economic Development~~ may certify those projects
4995 meeting the criteria set forth in s. 288.106(4)(b) or any
4996 project providing a substantial economic benefit to this state.

4997 Section 110. Paragraph (a) of subsection (2) of section
4998 159.8081, Florida Statutes, is amended to read:

4999 159.8081 Manufacturing facility bond pool.—

5000 (2)(a) The first 75 percent of this pool shall be available
5001 on a first come, first served basis, except that 15 percent of
5002 the state volume limitation allocated to this pool shall be
5003 available as provided in paragraph (b). Before ~~Prior to~~ issuing
5004 any written confirmations for the remaining 25 percent of this
5005 pool, the director shall forward all notices of intent to issue
5006 which are received by the division for manufacturing facility
5007 projects to Jobs Florida ~~the Office of Tourism, Trade, and~~
5008 ~~Economic Development. Jobs Florida ~~The Office of Tourism, Trade,~~~~
5009 ~~and Economic Development and the Department of Community Affairs~~
5010 shall decide, after receipt of the notices of intent to issue,
5011 which notices will receive written confirmations. Such decision
5012 shall be communicated in writing by Jobs Florida ~~the Office of~~
5013 ~~Tourism, Trade, and Economic Development~~ to the director within
5014 10 days of receipt of such notices of intent to issue. Jobs
5015 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
5016 ~~in consultation with the Department of Community Affairs,~~ may
5017 develop rules to ensure that allocation of the remaining 25

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5018 percent is consistent with the state's economic development
5019 policy.

5020 Section 111. Section 159.8083, Florida Statutes, is amended
5021 to read:

5022 159.8083 Florida First Business allocation pool.—The
5023 Florida First Business allocation pool is hereby established.
5024 The Florida First Business allocation pool shall be available
5025 solely to provide written confirmation for private activity
5026 bonds to finance Florida First Business projects certified by
5027 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5028 ~~Development~~ as eligible to receive a written confirmation.
5029 Allocations from such pool shall be awarded statewide pursuant
5030 to procedures specified in s. 159.805, except that the
5031 provisions of s. 159.805(2), (3), and (6) do not apply. Florida
5032 First Business projects that are eligible for a carryforward
5033 shall not lose their allocation pursuant to s. 159.809(3) on
5034 October 1, or pursuant to s. 159.809(4) on November 16, if they
5035 have applied for and have been granted a carryforward by the
5036 division pursuant to s. 159.81(1). In issuing written
5037 confirmations of allocations for Florida First Business
5038 projects, the division shall use the Florida First Business
5039 allocation pool. If allocation is not available from the Florida
5040 First Business allocation pool, the division shall issue written
5041 confirmations of allocations for Florida First Business projects
5042 pursuant to s. 159.806 or s. 159.807, in such order. For the
5043 purpose of determining priority within a regional allocation
5044 pool or the state allocation pool, notices of intent to issue
5045 bonds for Florida First Business projects to be issued from a
5046 regional allocation pool or the state allocation pool shall be

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5047 considered to have been received by the division at the time it
5048 is determined by the division that the Florida First Business
5049 allocation pool is unavailable to issue confirmation for such
5050 Florida First Business project. If the total amount requested in
5051 notices of intent to issue private activity bonds for Florida
5052 First Business projects exceeds the total amount of the Florida
5053 First Business allocation pool, the director shall forward all
5054 timely notices of intent to issue, which are received by the
5055 division for such projects, to Jobs Florida ~~the Office of~~
5056 ~~Tourism, Trade, and Economic Development~~ which shall render a
5057 decision as to which notices of intent to issue are to receive
5058 written confirmations. Jobs Florida ~~The Office of Tourism,~~
5059 ~~Trade, and Economic Development~~, in consultation with the
5060 division, shall develop rules to ensure that the allocation
5061 provided in such pool is available solely to provide written
5062 confirmations for private activity bonds to finance Florida
5063 First Business projects and that such projects are feasible and
5064 financially solvent.

5065 Section 112. Section 163.03, Florida Statutes, is amended
5066 to read:

5067 163.03 Commissioner of Jobs Florida ~~Secretary of Community~~
5068 ~~Affairs~~; powers and duties; function of Jobs Florida ~~Department~~
5069 ~~of Community Affairs~~ with respect to federal grant-in-aid
5070 programs.—

5071 (1) The Commissioner of Jobs Florida ~~Secretary of Community~~
5072 ~~Affairs~~ shall:

5073 (a) Supervise and administer the activities of Jobs Florida
5074 ~~the department~~ and shall advise the Governor, the Cabinet, and
5075 the Legislature with respect to matters affecting community

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5076 affairs and local government and participate in the formulation
5077 of policies which best use ~~utilize~~ the resources of state
5078 government for the benefit of local government.

5079 (b) Render services to local governments by assisting, upon
5080 request, in applying for and securing federal and state funds
5081 and by assisting the Executive Office of the Governor in
5082 coordinating the activities of the state with federal programs
5083 for assistance in and solution of urban problems.

5084 ~~(c) Under the direction of the Governor, administer~~
5085 ~~programs to apply rapidly all available aid to communities~~
5086 ~~stricken by an emergency as defined in s. 252.34(3) and, for~~
5087 ~~this purpose, provide liaison with federal agencies and other~~
5088 ~~public and private agencies.~~

5089 (c)~~(d)~~ When requested, administer programs which will
5090 assist the efforts of local governments in developing mutual and
5091 cooperative solutions to their common problems.

5092 (d)~~(e)~~ Conduct programs to encourage and promote the
5093 involvement of private enterprise in the solution of urban
5094 problems.

5095 (e)~~(f)~~ Conduct continuing programs of analysis and
5096 evaluation of local governments and recommend to the Governor
5097 programs and changes in the powers and organization of local
5098 government as may seem necessary to strengthen local
5099 governments.

5100 (f)~~(g)~~ Assist the Governor and the Cabinet in coordinating
5101 and making more effective the activities and services of those
5102 departments and agencies of the state which may be of service to
5103 units of local government.

5104 (g)~~(h)~~ Provide consultative services and technical

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5105 assistance to local officials in the fields of housing,
5106 redevelopment and renewal, local public improvement programs,
5107 planning and zoning, and other local programs and collect and
5108 disseminate information pertaining thereto, including
5109 information concerning federal, state, and private assistance
5110 programs and services.

5111 (h)~~(i)~~ Conduct research and studies, and prepare model
5112 ordinances and codes relating to the areas referred to herein.

5113 (i)~~(j)~~ Cooperate with other state agencies in the
5114 preparation of statewide plans relating to housing,
5115 redevelopment and renewal, human resources development, local
5116 planning and zoning, transportation and traffic, and other
5117 matters relating to the purposes of this section.

5118 (j)~~(k)~~ Accept funds from all sources to be used ~~utilized~~ in
5119 programs designed to combat juvenile crime, including the making
5120 of contributions to the National Youth Emergency Corps.

5121 (k)~~(l)~~ Be authorized to accept and disburse funds from all
5122 sources in order to carry out the following programs:

5123 1. Advisory and informational services to local
5124 governments.

5125 2. Community development training under Title VIII of the
5126 Housing Act of 1964.

5127 3. Local planning assistance under s. 701 of the Housing
5128 Act of 1954.

5129 4. Statewide planning assistance under s. 701 of the
5130 Housing Act of 1954.

5131 5. Model cities technical assistance under s. 701 of the
5132 Housing Act of 1954.

5133 (l)~~(m)~~ Perform such other functions, duties, or

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5134 responsibilities as may be hereafter assigned to him or her by
5135 law.

5136 (2) It is the intent of this section, with respect to
5137 federal grant-in-aid programs, that Jobs Florida ~~the department~~
5138 serve as the agency for disseminating information to local
5139 governments regarding the availability of federal grant-in-aid
5140 assistance to local governments in their efforts to secure
5141 federal grant-in-aid assistance, but only upon the request of
5142 such local governments, and for assisting local governments in
5143 maintaining liaison and communications with federal agencies
5144 concerning federal grant-in-aid programs. Nothing contained
5145 herein shall be construed to require consent, approval, or
5146 authorization from Jobs Florida ~~the department~~ as a condition to
5147 any application for or acceptance of grants-in-aid from the
5148 United States Government.

5149 (3) Jobs Florida ~~The department~~ is authorized to adopt
5150 rules implementing the following grant programs, which rules
5151 shall be consistent with the laws, regulations, or guidelines
5152 governing the grant to Jobs Florida ~~the department~~:

5153 (a) Criminal justice grant programs administered by the
5154 Bureau of Criminal Justice Assistance.

5155 (b) Grants under the federal Outer Continental Shelf
5156 Program administered by the Bureau of Land and Water Management.

5157 (c) Federal housing assistance programs.

5158 (d) Community Services Block Grant programs.

5159 (e) Federal weatherization grant programs.

5160 (f) ~~The Jobs Impact Program of the~~ federal Community
5161 Development Block Grant.

5162 Section 113. Paragraph (d) of subsection (2) and subsection

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5163 (3) of section 163.3178, Florida Statutes, are amended to read:
5164 163.3178 Coastal management.—

5165 (2) Each coastal management element required by s.
5166 163.3177(6)(g) shall be based on studies, surveys, and data; be
5167 consistent with coastal resource plans prepared and adopted
5168 pursuant to general or special law; and contain:

5169 (d) A component which outlines principles for hazard
5170 mitigation and protection of human life against the effects of
5171 natural disaster, including population evacuation, which take
5172 into consideration the capability to safely evacuate the density
5173 of coastal population proposed in the future land use plan
5174 element in the event of an impending natural disaster. The
5175 Office ~~Division~~ of Emergency Management shall manage the update
5176 of the regional hurricane evacuation studies, ensure such
5177 studies are done in a consistent manner, and ensure that the
5178 methodology used for modeling storm surge is that used by the
5179 National Hurricane Center.

5180 (3) Expansions to port harbors, spoil disposal sites,
5181 navigation channels, turning basins, harbor berths, and other
5182 related inwater harbor facilities of ports listed in s.
5183 403.021(9); port transportation facilities and projects listed
5184 in s. 311.07(3)(b); intermodal transportation facilities
5185 identified pursuant to s. 311.09(3); and facilities determined
5186 by Jobs Florida ~~the Department of Community Affairs~~ and
5187 applicable general-purpose local government to be port-related
5188 industrial or commercial projects located within 3 miles of or
5189 in a port master plan area which rely upon the use of port and
5190 intermodal transportation facilities shall not be designated as
5191 developments of regional impact if such expansions, projects, or

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5192 facilities are consistent with comprehensive master plans that
5193 are in compliance with this section.

5194 Section 114. Subsection (10) of section 163.360, Florida
5195 Statutes, is amended to read:

5196 163.360 Community redevelopment plans.—

5197 (10) Notwithstanding any other provisions of this part, if
5198 ~~when~~ the governing body certifies that an area is in need of
5199 redevelopment or rehabilitation as a result of an emergency as
5200 defined in ~~under~~ s. 252.34(3), with respect to which the
5201 Governor has certified the need for emergency assistance under
5202 federal law, that area may be certified as a "blighted area,"
5203 and the governing body may approve a community redevelopment
5204 plan and community redevelopment with respect to such area
5205 without regard to the provisions of this section requiring a
5206 general plan for the county or municipality and a public hearing
5207 on the community redevelopment.

5208 Section 115. Subsection (1) of section 166.0446, Florida
5209 Statutes, is amended to read:

5210 166.0446 Prohibition of fees for first responder services.—

5211 (1) A municipality may not impose a fee or seek
5212 reimbursement for any costs or expenses that may be incurred for
5213 services provided by a first responder, including costs or
5214 expenses related to personnel, supplies, motor vehicles, or
5215 equipment in response to a motor vehicle accident, except for
5216 costs to contain or clean up hazardous materials in quantities
5217 reportable to the Florida State Warning Point at the Office
5218 ~~Division~~ of Emergency Management, and costs for transportation
5219 and treatment provided by ambulance services licensed pursuant
5220 to s. 401.23(4) and (5).

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5221 Section 116. Subsection (1) of section 175.021, Florida
5222 Statutes, is amended to read:

5223 175.021 Legislative declaration.—

5224 (1) It is hereby declared by the Legislature that
5225 firefighters, ~~as hereinafter defined~~, perform state and
5226 municipal functions; that it is their duty to extinguish fires,
5227 to protect life, and to protect property at their own risk and
5228 peril; that it is their duty to prevent conflagration and to
5229 continuously instruct school personnel, public officials, and
5230 private citizens in the prevention of fires and firesafety; that
5231 they protect both life and property from local emergencies as
5232 defined in s. 252.34~~(3)~~; and that their activities are vital to
5233 the public safety. It is further declared that firefighters
5234 employed by special fire control districts serve under the same
5235 circumstances and perform the same duties as firefighters
5236 employed by municipalities and should therefore be entitled to
5237 the benefits available under this chapter. Therefore, the
5238 Legislature declares that it is a proper and legitimate state
5239 purpose to provide a uniform retirement system for the benefit
5240 of firefighters ~~as hereinafter defined~~ and intends, in
5241 implementing the provisions of s. 14, Art. X of the State
5242 Constitution as they relate to municipal and special district
5243 firefighters' pension trust fund systems and plans, that such
5244 retirement systems or plans be managed, administered, operated,
5245 and funded in such manner as to maximize the protection of the
5246 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
5247 of the State Constitution, the Legislature hereby determines and
5248 declares that ~~the provisions of~~ this act fulfill an important
5249 state interest.

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5250 Section 117. Subsection (11) of section 186.505, Florida
5251 Statutes, is amended to read:

5252 186.505 Regional planning councils; powers and duties.—Any
5253 regional planning council created hereunder shall have the
5254 following powers:

5255 (11) To cooperate, in the exercise of its planning
5256 functions, with federal and state agencies in planning for
5257 emergency management as defined in ~~under~~ s. 252.34(4).

5258 Section 118. Paragraph (p) of subsection (5) of section
5259 212.08, Florida Statutes, is amended to read:

5260 212.08 Sales, rental, use, consumption, distribution, and
5261 storage tax; specified exemptions.—The sale at retail, the
5262 rental, the use, the consumption, the distribution, and the
5263 storage to be used or consumed in this state of the following
5264 are hereby specifically exempt from the tax imposed by this
5265 chapter.

5266 (5) EXEMPTIONS; ACCOUNT OF USE.—

5267 (p) *Community contribution tax credit for donations.*—

5268 1. Authorization.—Persons who are registered with the
5269 department under s. 212.18 to collect or remit sales or use tax
5270 and who make donations to eligible sponsors are eligible for tax
5271 credits against their state sales and use tax liabilities as
5272 provided in this paragraph:

5273 a. The credit shall be computed as 50 percent of the
5274 person's approved annual community contribution.

5275 b. The credit shall be granted as a refund against state
5276 sales and use taxes reported on returns and remitted in the 12
5277 months preceding the date of application to the department for
5278 the credit as required in sub-subparagraph 3.c. If the annual

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5279 credit is not fully used through such refund because of
5280 insufficient tax payments during the applicable 12-month period,
5281 the unused amount may be included in an application for a refund
5282 made pursuant to sub-subparagraph 3.c. in subsequent years
5283 against the total tax payments made for such year. Carryover
5284 credits may be applied for a 3-year period without regard to any
5285 time limitation that would otherwise apply under s. 215.26.

5286 c. A person may not receive more than \$200,000 in annual
5287 tax credits for all approved community contributions made in any
5288 one year.

5289 d. All proposals for the granting of the tax credit require
5290 the prior approval of Jobs Florida ~~the Office of Tourism, Trade,~~
5291 ~~and Economic Development.~~

5292 e. The total amount of tax credits which may be granted for
5293 all programs approved under this paragraph, s. 220.183, and s.
5294 624.5105 is \$10.5 million annually for projects that provide
5295 homeownership opportunities for low-income or very-low-income
5296 households as defined in s. 420.9071(19) and (28) and \$3.5
5297 million annually for all other projects.

5298 f. A person who is eligible to receive the credit provided
5299 for in this paragraph, s. 220.183, or s. 624.5105 may receive
5300 the credit only under the one section of the person's choice.

5301 2. Eligibility requirements.—

5302 a. A community contribution by a person must be in the
5303 following form:

5304 (I) Cash or other liquid assets;

5305 (II) Real property;

5306 (III) Goods or inventory; or

5307 (IV) Other physical resources as identified by Jobs Florida

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5308 ~~the Office of Tourism, Trade, and Economic Development.~~

5309 b. All community contributions must be reserved exclusively
5310 for use in a project. As used in this sub-subparagraph, the term
5311 "project" means any activity undertaken by an eligible sponsor
5312 which is designed to construct, improve, or substantially
5313 rehabilitate housing that is affordable to low-income or very-
5314 low-income households as defined in s. 420.9071(19) and (28);
5315 designed to provide commercial, industrial, or public resources
5316 and facilities; or designed to improve entrepreneurial and job-
5317 development opportunities for low-income persons. A project may
5318 be the investment necessary to increase access to high-speed
5319 broadband capability in rural communities with enterprise zones,
5320 including projects that result in improvements to communications
5321 assets that are owned by a business. A project may include the
5322 provision of museum educational programs and materials that are
5323 directly related to any project approved between January 1,
5324 1996, and December 31, 1999, and located in an enterprise zone
5325 designated pursuant to s. 290.0065. This paragraph does not
5326 preclude projects that propose to construct or rehabilitate
5327 housing for low-income or very-low-income households on
5328 scattered sites. With respect to housing, contributions may be
5329 used to pay the following eligible low-income and very-low-
5330 income housing-related activities:

5331 (I) Project development impact and management fees for low-
5332 income or very-low-income housing projects;

5333 (II) Down payment and closing costs for eligible persons,
5334 as defined in s. 420.9071(19) and (28);

5335 (III) Administrative costs, including housing counseling
5336 and marketing fees, not to exceed 10 percent of the community

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5337 contribution, directly related to low-income or very-low-income
5338 projects; and

5339 (IV) Removal of liens recorded against residential property
5340 by municipal, county, or special district local governments when
5341 satisfaction of the lien is a necessary precedent to the
5342 transfer of the property to an eligible person, as defined in s.
5343 420.9071(19) and (28), for the purpose of promoting home
5344 ownership. Contributions for lien removal must be received from
5345 a nonrelated third party.

5346 c. The project must be undertaken by an "eligible sponsor,"
5347 which includes:

5348 (I) A community action program;

5349 (II) A nonprofit community-based development organization
5350 whose mission is the provision of housing for low-income or
5351 very-low-income households or increasing entrepreneurial and
5352 job-development opportunities for low-income persons;

5353 (III) A neighborhood housing services corporation;

5354 (IV) A local housing authority created under chapter 421;

5355 (V) A community redevelopment agency created under s.
5356 163.356;

5357 (VI) The Florida Industrial Development Corporation;

5358 (VII) A historic preservation district agency or
5359 organization;

5360 (VIII) A regional workforce board;

5361 (IX) A direct-support organization as provided in s.
5362 1009.983;

5363 (X) An enterprise zone development agency created under s.
5364 290.0056;

5365 (XI) A community-based organization incorporated under

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5366 chapter 617 which is recognized as educational, charitable, or
5367 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
5368 and whose bylaws and articles of incorporation include
5369 affordable housing, economic development, or community
5370 development as the primary mission of the corporation;

5371 (XII) Units of local government;

5372 (XIII) Units of state government; or

5373 (XIV) Any other agency that Jobs Florida ~~the Office of~~
5374 ~~Tourism, Trade, and Economic Development~~ designates by rule.

5375

5376 In no event may a contributing person have a financial interest
5377 in the eligible sponsor.

5378 d. The project must be located in an area designated an
5379 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
5380 ~~s. 20.18(6)~~, unless the project increases access to high-speed
5381 broadband capability for rural communities with enterprise zones
5382 but is physically located outside the designated rural zone
5383 boundaries. Any project designed to construct or rehabilitate
5384 housing for low-income or very-low-income households as defined
5385 in s. 420.9071(19) and (28) is exempt from the area requirement
5386 of this sub-subparagraph.

5387 e.(I) If, during the first 10 business days of the state
5388 fiscal year, eligible tax credit applications for projects that
5389 provide homeownership opportunities for low-income or very-low-
5390 income households as defined in s. 420.9071(19) and (28) are
5391 received for less than the annual tax credits available for
5392 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
5393 ~~Economic Development~~ shall grant tax credits for those
5394 applications and shall grant remaining tax credits on a first-

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5395 come, first-served basis for any subsequent eligible
5396 applications received before the end of the state fiscal year.
5397 If, during the first 10 business days of the state fiscal year,
5398 eligible tax credit applications for projects that provide
5399 homeownership opportunities for low-income or very-low-income
5400 households as defined in s. 420.9071(19) and (28) are received
5401 for more than the annual tax credits available for those
5402 projects, Jobs Florida ~~the office~~ shall grant the tax credits
5403 for those applications as follows:

5404 (A) If tax credit applications submitted for approved
5405 projects of an eligible sponsor do not exceed \$200,000 in total,
5406 the credits shall be granted in full if the tax credit
5407 applications are approved.

5408 (B) If tax credit applications submitted for approved
5409 projects of an eligible sponsor exceed \$200,000 in total, the
5410 amount of tax credits granted pursuant to sub-sub-sub-
5411 subparagraph (A) shall be subtracted from the amount of
5412 available tax credits, and the remaining credits shall be
5413 granted to each approved tax credit application on a pro rata
5414 basis.

5415 (II) If, during the first 10 business days of the state
5416 fiscal year, eligible tax credit applications for projects other
5417 than those that provide homeownership opportunities for low-
5418 income or very-low-income households as defined in s.
5419 420.9071(19) and (28) are received for less than the annual tax
5420 credits available for those projects, Jobs Florida ~~the office~~
5421 shall grant tax credits for those applications and shall grant
5422 remaining tax credits on a first-come, first-served basis for
5423 any subsequent eligible applications received before the end of

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5424 the state fiscal year. If, during the first 10 business days of
5425 the state fiscal year, eligible tax credit applications for
5426 projects other than those that provide homeownership
5427 opportunities for low-income or very-low-income households as
5428 defined in s. 420.9071(19) and (28) are received for more than
5429 the annual tax credits available for those projects, the office
5430 shall grant the tax credits for those applications on a pro rata
5431 basis.

5432 3. Application requirements.—

5433 a. Any eligible sponsor seeking to participate in this
5434 program must submit a proposal to Jobs Florida ~~the Office of~~
5435 ~~Tourism, Trade, and Economic Development~~ which sets forth the
5436 name of the sponsor, a description of the project, and the area
5437 in which the project is located, together with such supporting
5438 information as is prescribed by rule. The proposal must also
5439 contain a resolution from the local governmental unit in which
5440 the project is located certifying that the project is consistent
5441 with local plans and regulations.

5442 b. Any person seeking to participate in this program must
5443 submit an application for tax credit to Jobs Florida ~~the office~~
5444 which sets forth the name of the sponsor, a description of the
5445 project, and the type, value, and purpose of the contribution.
5446 The sponsor shall verify the terms of the application and
5447 indicate its receipt of the contribution, which verification
5448 must be in writing and accompany the application for tax credit.
5449 The person must submit a separate tax credit application to Jobs
5450 Florida ~~the office~~ for each individual contribution that it
5451 makes to each individual project.

5452 c. Any person who has received notification from Jobs

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5453 Florida ~~the office~~ that a tax credit has been approved must
5454 apply to the department to receive the refund. Application must
5455 be made on the form prescribed for claiming refunds of sales and
5456 use taxes and be accompanied by a copy of the notification. A
5457 person may submit only one application for refund to the
5458 department within any 12-month period.

5459 4. Administration.—

5460 a. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5461 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and
5462 120.54 necessary to administer this paragraph, including rules
5463 for the approval or disapproval of proposals by a person.

5464 b. The decision of Jobs Florida ~~the office~~ must be in
5465 writing, and, if approved, the notification shall state the
5466 maximum credit allowable to the person. Upon approval, Jobs
5467 Florida ~~the office~~ shall transmit a copy of the decision to the
5468 Department of Revenue.

5469 c. Jobs Florida ~~The office~~ shall periodically monitor all
5470 projects in a manner consistent with available resources to
5471 ensure that resources are used in accordance with this
5472 paragraph; however, each project must be reviewed at least once
5473 every 2 years.

5474 d. Jobs Florida ~~The office~~ shall, in consultation with ~~the~~
5475 ~~Department of Community Affairs~~ and the statewide and regional
5476 housing and financial intermediaries, market the availability of
5477 the community contribution tax credit program to community-based
5478 organizations.

5479 5. Expiration.—This paragraph expires June 30, 2015;
5480 however, any accrued credit carryover that is unused on that
5481 date may be used until the expiration of the 3-year carryover

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5482 period for such credit.

5483 Section 119. Paragraph (d) of subsection (1) of section
5484 212.096, Florida Statutes, is amended to read:

5485 212.096 Sales, rental, storage, use tax; enterprise zone
5486 jobs credit against sales tax.—

5487 (1) For the purposes of the credit provided in this
5488 section:

5489 (d) "Job" means a full-time position, as consistent with
5490 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
5491 and the United States Department of Labor for purposes of
5492 unemployment compensation tax administration and employment
5493 estimation resulting directly from a business operation in this
5494 state. This term may not include a temporary construction job
5495 involved with the construction of facilities or any job that has
5496 previously been included in any application for tax credits
5497 under s. 220.181(1). The term also includes employment of an
5498 employee leased from an employee leasing company licensed under
5499 chapter 468 if such employee has been continuously leased to the
5500 employer for an average of at least 36 hours per week for more
5501 than 6 months.

5502
5503 A person shall be deemed to be employed if the person performs
5504 duties in connection with the operations of the business on a
5505 regular, full-time basis, provided the person is performing such
5506 duties for an average of at least 36 hours per week each month.
5507 The person must be performing such duties at a business site
5508 located in the enterprise zone.

5509 Section 120. Paragraphs (a) and (e) of subsection (1) and
5510 subsections (6), (7), and (10) of section 212.097, Florida

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5511 Statutes, are amended to read:
5512 212.097 Urban High-Crime Area Job Tax Credit Program.—
5513 (1) As used in this section, the term:
5514 (a) "Eligible business" means any sole proprietorship,
5515 firm, partnership, or corporation that is located in a qualified
5516 county and is predominantly engaged in, or is headquarters for a
5517 business predominantly engaged in, activities usually provided
5518 for consideration by firms classified within the following
5519 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5520 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
5521 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
5522 storage); SIC 70 (hotels and other lodging places); SIC 7391
5523 (research and development); SIC 781 (motion picture production
5524 and allied services); SIC 7992 (public golf courses); and SIC
5525 7996 (amusement parks). A call center or similar customer
5526 service operation that services a multistate market or
5527 international market is also an eligible business. In addition,
5528 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5529 ~~Development~~ may, as part of its final budget request submitted
5530 pursuant to s. 216.023, recommend additions to or deletions from
5531 the list of standard industrial classifications used to
5532 determine an eligible business, and the Legislature may
5533 implement such recommendations. Excluded from eligible receipts
5534 are receipts from retail sales, except such receipts for SIC 52-
5535 SIC 57 and SIC 59 (retail) hotels and other lodging places
5536 classified in SIC 70, public golf courses in SIC 7992, and
5537 amusement parks in SIC 7996. For purposes of this paragraph, the
5538 term "predominantly" means that more than 50 percent of the
5539 business's gross receipts from all sources is generated by those

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5540 activities usually provided for consideration by firms in the
5541 specified standard industrial classification. The determination
5542 of whether the business is located in a qualified high-crime
5543 area and the tier ranking of that area must be based on the date
5544 of application for the credit under this section. Commonly owned
5545 and controlled entities are to be considered a single business
5546 entity.

5547 (e) "Qualified high-crime area" means an area selected by
5548 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5549 ~~Development~~ in the following manner: every third year, Jobs
5550 Florida ~~the Office~~ shall rank and tier those areas nominated
5551 under subsection (7), according to the following prioritized
5552 criteria:

5553 1. Highest arrest rates within the geographic area for
5554 violent crime and for such other crimes as drug sale, drug
5555 possession, prostitution, vandalism, and civil disturbances;

5556 2. Highest reported crime volume and rate of specific
5557 property crimes such as business and residential burglary, motor
5558 vehicle theft, and vandalism;

5559 3. Highest percentage of reported index crimes that are
5560 violent in nature;

5561 4. Highest overall index crime volume for the area; and

5562 5. Highest overall index crime rate for the geographic
5563 area.

5564
5565 Tier-one areas are ranked 1 through 5 and represent the highest
5566 crime areas according to this ranking. Tier-two areas are ranked
5567 6 through 10 according to this ranking. Tier-three areas are
5568 ranked 11 through 15. Notwithstanding this definition,

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5569 "qualified high-crime area" also means an area that has been
5570 designated as a federal Empowerment Zone pursuant to the
5571 Taxpayer Relief Act of 1997. Such a designated area is ranked in
5572 tier three until the areas are reevaluated by Jobs Florida ~~the~~
5573 ~~Office of Tourism, Trade, and Economic Development~~.

5574 (6) Any county or municipality, or a county and one or more
5575 municipalities together, may apply to Jobs Florida ~~the Office of~~
5576 ~~Tourism, Trade, and Economic Development~~ for the designation of
5577 an area as a high-crime area after the adoption by the governing
5578 body or bodies of a resolution that:

5579 (a) Finds that a high-crime area exists in such county or
5580 municipality, or in both the county and one or more
5581 municipalities, which chronically exhibits extreme and
5582 unacceptable levels of poverty, unemployment, physical
5583 deterioration, and economic disinvestment;

5584 (b) Determines that the rehabilitation, conservation, or
5585 redevelopment, or a combination thereof, of such a high-crime
5586 area is necessary in the interest of the health, safety, and
5587 welfare of the residents of such county or municipality, or such
5588 county and one or more municipalities; and

5589 (c) Determines that the revitalization of such a high-crime
5590 area can occur if the public sector or private sector can be
5591 induced to invest its own resources in productive enterprises
5592 that build or rebuild the economic viability of the area.

5593 (7) The governing body of the entity nominating the area
5594 shall provide to Jobs Florida ~~the Office of Tourism, Trade, and~~
5595 ~~Economic Development~~ the following:

5596 (a) The overall index crime rate for the geographic area;

5597 (b) The overall index crime volume for the area;

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5598 (c) The percentage of reported index crimes that are
5599 violent in nature;

5600 (d) The reported crime volume and rate of specific property
5601 crimes such as business and residential burglary, motor vehicle
5602 theft, and vandalism; and

5603 (e) The arrest rates within the geographic area for violent
5604 crime and for such other crimes as drug sale, drug possession,
5605 prostitution, disorderly conduct, vandalism, and other public-
5606 order offenses.

5607 (10)(a) In order to claim this credit, an eligible business
5608 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5609 ~~Trade, and Economic Development~~ a statement that includes the
5610 name and address of the eligible business and any other
5611 information that is required to process the application.

5612 (b) Applications shall be reviewed and certified pursuant
5613 to s. 288.061.

5614 (c) The maximum credit amount that may be approved during
5615 any calendar year is \$5 million, of which \$1 million shall be
5616 exclusively reserved for tier-one areas. The Department of
5617 Revenue, in conjunction with Jobs Florida ~~the Office of Tourism,~~
5618 ~~Trade, and Economic Development~~, shall notify the governing
5619 bodies in areas designated as urban high-crime areas when the \$5
5620 million maximum amount has been reached. Applications must be
5621 considered for approval in the order in which they are received
5622 without regard to whether the credit is for a new or existing
5623 business. This limitation applies to the value of the credit as
5624 contained in approved applications. Approved credits may be
5625 taken in the time and manner allowed pursuant to this section.

5626 Section 121. Paragraphs (a) and (c) of subsection (1) and

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5627 subsections (6), and (7), of section 212.098, Florida Statutes,
5628 are amended to read:

5629 212.098 Rural Job Tax Credit Program.—

5630 (1) As used in this section, the term:

5631 (a) "Eligible business" means any sole proprietorship,
5632 firm, partnership, or corporation that is located in a qualified
5633 county and is predominantly engaged in, or is headquarters for a
5634 business predominantly engaged in, activities usually provided
5635 for consideration by firms classified within the following
5636 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5637 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
5638 (public warehousing and storage); SIC 70 (hotels and other
5639 lodging places); SIC 7391 (research and development); SIC 781
5640 (motion picture production and allied services); SIC 7992
5641 (public golf courses); SIC 7996 (amusement parks); and a
5642 targeted industry eligible for the qualified target industry
5643 business tax refund under s. 288.106. A call center or similar
5644 customer service operation that services a multistate market or
5645 an international market is also an eligible business. In
5646 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
5647 ~~Economic Development~~ may, as part of its final budget request
5648 submitted pursuant to s. 216.023, recommend additions to or
5649 deletions from the list of standard industrial classifications
5650 used to determine an eligible business, and the Legislature may
5651 implement such recommendations. Excluded from eligible receipts
5652 are receipts from retail sales, except such receipts for hotels
5653 and other lodging places classified in SIC 70, public golf
5654 courses in SIC 7992, and amusement parks in SIC 7996. For
5655 purposes of this paragraph, the term "predominantly" means that

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5656 more than 50 percent of the business's gross receipts from all
5657 sources is generated by those activities usually provided for
5658 consideration by firms in the specified standard industrial
5659 classification. The determination of whether the business is
5660 located in a qualified county and the tier ranking of that
5661 county must be based on the date of application for the credit
5662 under this section. Commonly owned and controlled entities are
5663 to be considered a single business entity.

5664 (c) "Qualified area" means any area that is contained
5665 within a rural area of critical economic concern designated
5666 under s. 288.0656, a county that has a population of fewer than
5667 75,000 persons, or a county that has a population of 125,000 or
5668 less and is contiguous to a county that has a population of less
5669 than 75,000, selected in the following manner: every third year,
5670 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5671 ~~Development~~ shall rank and tier the state's counties according
5672 to the following four factors:

5673 1. Highest unemployment rate for the most recent 36-month
5674 period.

5675 2. Lowest per capita income for the most recent 36-month
5676 period.

5677 3. Highest percentage of residents whose incomes are below
5678 the poverty level, based upon the most recent data available.

5679 4. Average weekly manufacturing wage, based upon the most
5680 recent data available.

5681 (6)(a) In order to claim this credit, an eligible business
5682 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5683 ~~Trade, and Economic Development~~ a statement that includes the
5684 name and address of the eligible business, the starting salary

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5685 or hourly wages paid to the new employee, and any other
5686 information that the Department of Revenue requires.

5687 (b) Within 30 working days after receipt of an application
5688 for credit, Jobs Florida ~~the Office of Tourism, Trade, and~~
5689 ~~Economic Development~~ shall review the application to determine
5690 whether it contains all the information required by this
5691 subsection and meets the criteria set out in this section.
5692 Subject to the provisions of paragraph (c), Jobs Florida ~~the~~
5693 ~~Office of Tourism, Trade, and Economic Development~~ shall approve
5694 all applications that contain the information required by this
5695 subsection and meet the criteria set out in this section as
5696 eligible to receive a credit.

5697 (c) The maximum credit amount that may be approved during
5698 any calendar year is \$5 million. The Department of Revenue, in
5699 conjunction with Jobs Florida ~~the Office of Tourism, Trade, and~~
5700 ~~Economic Development~~, shall notify the governing bodies in areas
5701 designated as qualified counties when the \$5 million maximum
5702 amount has been reached. Applications must be considered for
5703 approval in the order in which they are received without regard
5704 to whether the credit is for a new or existing business. This
5705 limitation applies to the value of the credit as contained in
5706 approved applications. Approved credits may be taken in the time
5707 and manner allowed pursuant to this section.

5708 (d) A business may not receive more than \$500,000 of tax
5709 credits under this section during any one calendar year.

5710 (7) If the application is insufficient to support the
5711 credit authorized in this section, Jobs Florida ~~the Office of~~
5712 ~~Tourism, Trade, and Economic Development~~ shall deny the credit
5713 and notify the business of that fact. The business may reapply

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5714 for this credit within 3 months after such notification.

5715 Section 122. Paragraph (d) of subsection (6) of section
5716 212.20, Florida Statutes, is amended to read:

5717 212.20 Funds collected, disposition; additional powers of
5718 department; operational expense; refund of taxes adjudicated
5719 unconstitutionally collected.—

5720 (6) Distribution of all proceeds under this chapter and s.
5721 202.18(1)(b) and (2)(b) shall be as follows:

5722 (d) The proceeds of all other taxes and fees imposed
5723 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
5724 and (2)(b) shall be distributed as follows:

5725 1. In any fiscal year, the greater of \$500 million, minus
5726 an amount equal to 4.6 percent of the proceeds of the taxes
5727 collected pursuant to chapter 201, or 5.2 percent of all other
5728 taxes and fees imposed pursuant to this chapter or remitted
5729 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
5730 monthly installments into the General Revenue Fund.

5731 2. After the distribution under subparagraph 1., 8.814
5732 percent of the amount remitted by a sales tax dealer located
5733 within a participating county pursuant to s. 218.61 shall be
5734 transferred into the Local Government Half-cent Sales Tax
5735 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
5736 transferred shall be reduced by 0.1 percent, and the department
5737 shall distribute this amount to the Public Employees Relations
5738 Commission Trust Fund less \$5,000 each month, which shall be
5739 added to the amount calculated in subparagraph 3. and
5740 distributed accordingly.

5741 3. After the distribution under subparagraphs 1. and 2.,
5742 0.095 percent shall be transferred to the Local Government Half-

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5743 cent Sales Tax Clearing Trust Fund and distributed pursuant to
5744 s. 218.65.

5745 4. After the distributions under subparagraphs 1., 2., and
5746 3., 2.0440 percent of the available proceeds shall be
5747 transferred monthly to the Revenue Sharing Trust Fund for
5748 Counties pursuant to s. 218.215.

5749 5. After the distributions under subparagraphs 1., 2., and
5750 3., 1.3409 percent of the available proceeds shall be
5751 transferred monthly to the Revenue Sharing Trust Fund for
5752 Municipalities pursuant to s. 218.215. If the total revenue to
5753 be distributed pursuant to this subparagraph is at least as
5754 great as the amount due from the Revenue Sharing Trust Fund for
5755 Municipalities and the former Municipal Financial Assistance
5756 Trust Fund in state fiscal year 1999-2000, no municipality shall
5757 receive less than the amount due from the Revenue Sharing Trust
5758 Fund for Municipalities and the former Municipal Financial
5759 Assistance Trust Fund in state fiscal year 1999-2000. If the
5760 total proceeds to be distributed are less than the amount
5761 received in combination from the Revenue Sharing Trust Fund for
5762 Municipalities and the former Municipal Financial Assistance
5763 Trust Fund in state fiscal year 1999-2000, each municipality
5764 shall receive an amount proportionate to the amount it was due
5765 in state fiscal year 1999-2000.

5766 6. Of the remaining proceeds:

5767 a. In each fiscal year, the sum of \$29,915,500 shall be
5768 divided into as many equal parts as there are counties in the
5769 state, and one part shall be distributed to each county. The
5770 distribution among the several counties must begin each fiscal
5771 year on or before January 5th and continue monthly for a total

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5772 of 4 months. If a local or special law required that any moneys
5773 accruing to a county in fiscal year 1999-2000 under the then-
5774 existing provisions of s. 550.135 be paid directly to the
5775 district school board, special district, or a municipal
5776 government, such payment must continue until the local or
5777 special law is amended or repealed. The state covenants with
5778 holders of bonds or other instruments of indebtedness issued by
5779 local governments, special districts, or district school boards
5780 before July 1, 2000, that it is not the intent of this
5781 subparagraph to adversely affect the rights of those holders or
5782 relieve local governments, special districts, or district school
5783 boards of the duty to meet their obligations as a result of
5784 previous pledges or assignments or trusts entered into which
5785 obligated funds received from the distribution to county
5786 governments under then-existing s. 550.135. This distribution
5787 specifically is in lieu of funds distributed under s. 550.135
5788 before July 1, 2000.

5789 b. The department shall distribute \$166,667 monthly
5790 pursuant to s. 288.1162, Florida Statutes 2010, to each
5791 applicant certified as a facility for a new or retained
5792 professional sports franchise pursuant to s. 288.1162, Florida
5793 Statutes 2010. Up to \$41,667 shall be distributed monthly by the
5794 department to each certified applicant as defined in s.
5795 288.11621 for a facility for a spring training franchise.
5796 However, not more than \$416,670 may be distributed monthly in
5797 the aggregate to all certified applicants for facilities for
5798 spring training franchises. Distributions begin 60 days after
5799 such certification and continue for not more than 30 years,
5800 except as otherwise provided in s. 288.11621. A certified

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5801 applicant identified in this sub-subparagraph may not receive
5802 more in distributions than expended by the applicant for the
5803 public purposes provided for in s. 288.1162(5), Florida Statutes
5804 2010, or s. 288.11621(3).

5805 c. Beginning 30 days after notice by the Office of Tourism,
5806 Trade, and Economic Development to the Department of Revenue
5807 that an applicant has been certified as the professional golf
5808 hall of fame pursuant to s. 288.1168, Florida Statutes 2010, and
5809 is open to the public, \$166,667 shall be distributed monthly,
5810 for up to 300 months, to the applicant.

5811 d. Beginning 30 days after notice by the Office of Tourism,
5812 Trade, and Economic Development to the Department of Revenue
5813 that the applicant has been certified as the International Game
5814 Fish Association World Center facility pursuant to s. 288.1169,
5815 and the facility is open to the public, \$83,333 shall be
5816 distributed monthly, for up to 168 months, to the applicant.
5817 This distribution is subject to reduction pursuant to s.
5818 288.1169. A lump sum payment of \$999,996 shall be made, after
5819 certification and before July 1, 2000.

5820 7. All other proceeds must remain in the General Revenue
5821 Fund.

5822 Section 123. Subsection (4) and paragraphs (k) and (w) of
5823 subsection (8) of section 213.053, Florida Statutes, as amended
5824 by chapter 2010-280, Laws of Florida, are amended to read:

5825 213.053 Confidentiality and information sharing.-

5826 (4) The department, while providing unemployment tax
5827 collection services under contract with Jobs Florida ~~the Agency~~
5828 ~~for Workforce Innovation~~ through an interagency agreement
5829 pursuant to s. 443.1316, may release unemployment tax rate

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5830 information to the agent of an employer, which agent provides
5831 payroll services for more than 100 ~~500~~ employers, pursuant to
5832 the terms of a memorandum of understanding. The memorandum of
5833 understanding must state that the agent affirms, subject to the
5834 criminal penalties contained in ss. 443.171 and 443.1715, that
5835 the agent will retain the confidentiality of the information,
5836 that the agent has in effect a power of attorney from the
5837 employer which permits the agent to obtain unemployment tax rate
5838 information, and that the agent shall provide the department
5839 with a copy of the employer's power of attorney upon request.

5840 (8) Notwithstanding any other provision of this section,
5841 the department may provide:

5842 (k)1. Payment information relative to chapters 199, 201,
5843 202, 212, 220, 221, and 624 to Jobs Florida ~~the Office of~~
5844 ~~Tourism, Trade, and Economic Development~~, or its employees or
5845 agents that are identified in writing by Jobs Florida ~~the office~~
5846 to the department, in the administration of the tax refund
5847 program for qualified defense contractors and space flight
5848 business contractors authorized by s. 288.1045 and the tax
5849 refund program for qualified target industry businesses
5850 authorized by s. 288.106.

5851 2. Information relative to tax credits taken by a business
5852 under s. 220.191 and exemptions or tax refunds received by a
5853 business under s. 212.08(5)(j) to Jobs Florida ~~the Office of~~
5854 ~~Tourism, Trade, and Economic Development~~, or its employees or
5855 agents that are identified in writing by Jobs Florida to the
5856 department, in the administration and evaluation of the capital
5857 investment tax credit program authorized in s. 220.191 and the
5858 semiconductor, defense, and space tax exemption program

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5859 authorized in s. 212.08(5)(j).

5860 3. Information relative to tax credits taken by a taxpayer
5861 pursuant to the tax credit programs created in ss. 193.017;
5862 212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097;
5863 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;
5864 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; ~~288.99;~~
5865 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
5866 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to
5867 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5868 ~~Development~~, or its employees or agents that are identified in
5869 writing by Jobs Florida ~~the office~~ to the department, for use in
5870 the administration or evaluation of such programs.

5871
5872 Disclosure of information under this subsection shall be
5873 pursuant to a written agreement between the executive director
5874 and the agency. Such agencies, governmental or nongovernmental,
5875 shall be bound by the same requirements of confidentiality as
5876 the Department of Revenue. Breach of confidentiality is a
5877 misdemeanor of the first degree, punishable as provided by s.
5878 775.082 or s. 775.083.

5879 (w) Tax registration information to Jobs Florida ~~the Agency~~
5880 ~~for Workforce Innovation~~ for use in the conduct of its official
5881 duties, which information may not be redisclosed by Jobs Florida
5882 ~~the Agency for Workforce Innovation~~.

5883
5884 Disclosure of information under this subsection shall be
5885 pursuant to a written agreement between the executive director
5886 and the agency. Such agencies, governmental or nongovernmental,
5887 shall be bound by the same requirements of confidentiality as

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5888 the Department of Revenue. Breach of confidentiality is a
5889 misdemeanor of the first degree, punishable as provided by s.
5890 775.082 or s. 775.083.

5891 Section 124. Paragraph (j) of subsection (4) of section
5892 215.5586, Florida Statutes, is amended to read:

5893 215.5586 My Safe Florida Home Program.—There is established
5894 within the Department of Financial Services the My Safe Florida
5895 Home Program. The department shall provide fiscal
5896 accountability, contract management, and strategic leadership
5897 for the program, consistent with this section. This section does
5898 not create an entitlement for property owners or obligate the
5899 state in any way to fund the inspection or retrofitting of
5900 residential property in this state. Implementation of this
5901 program is subject to annual legislative appropriations. It is
5902 the intent of the Legislature that the My Safe Florida Home
5903 Program provide trained and certified inspectors to perform
5904 inspections for owners of site-built, single-family, residential
5905 properties and grants to eligible applicants as funding allows.
5906 The program shall develop and implement a comprehensive and
5907 coordinated approach for hurricane damage mitigation that may
5908 include the following:

5909 (4) ADVISORY COUNCIL.—There is created an advisory council
5910 to provide advice and assistance to the department regarding
5911 administration of the program. The advisory council shall
5912 consist of:

5913 (j) The director of the Office ~~Florida Division~~ of
5914 Emergency Management.

5915
5916 Members appointed under paragraphs (a)-(d) shall serve at the

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5917 pleasure of the Financial Services Commission. Members appointed
5918 under paragraphs (e) and (f) shall serve at the pleasure of the
5919 appointing officer. All other members shall serve as voting ex
5920 officio members. Members of the advisory council shall serve
5921 without compensation but may receive reimbursement as provided
5922 in s. 112.061 for per diem and travel expenses incurred in the
5923 performance of their official duties.

5924 Section 125. Paragraph (b) of subsection (8) of section
5925 216.136, Florida Statutes, is amended to read:

5926 216.136 Consensus estimating conferences; duties and
5927 principals.—

5928 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

5929 (b) The Department of Education ~~Agency for Workforce~~
5930 ~~Innovation~~ shall provide information on needs and waiting lists
5931 for school readiness programs, and information on the needs for
5932 the Voluntary Prekindergarten Education Program, as requested by
5933 the Early Learning Programs Estimating Conference or individual
5934 conference principals in a timely manner.

5935 Section 126. Paragraph (a) of subsection (6) of section
5936 216.292, Florida Statutes, is amended to read:

5937 216.292 Appropriations nontransferable; exceptions.—

5938 (6) The Chief Financial Officer shall transfer from any
5939 available funds of an agency or the judicial branch the
5940 following amounts and shall report all such transfers and the
5941 reasons therefor to the legislative appropriations committees
5942 and the Executive Office of the Governor:

5943 (a) The amount due to the Unemployment Compensation Trust
5944 Fund which is more than 90 days delinquent on reimbursements due
5945 to the Unemployment Compensation Trust Fund. The amount

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5946 transferred shall be that certified by the state agency
5947 providing unemployment tax collection services under contract
5948 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
5949 interagency agreement pursuant to s. 443.1316.

5950 Section 127. Subsection (1) of section 216.231, Florida
5951 Statutes, is amended to read:

5952 216.231 Release of certain classified appropriations.—

5953 (1)(a) Any appropriation to the Executive Office of the
5954 Governor which is classified as an "emergency," as defined in s.
5955 252.34~~(3)~~, may be released only with the approval of the
5956 Governor. The state agency, or the judicial branch, desiring the
5957 use of the emergency appropriation shall submit to the Executive
5958 Office of the Governor application ~~therefor~~ in writing setting
5959 forth the facts from which the alleged need arises. The
5960 Executive Office of the Governor shall, at a public hearing,
5961 review such application promptly and approve or disapprove the
5962 applications as the circumstances may warrant. All actions of
5963 the Executive Office of the Governor shall be reported to the
5964 legislative appropriations committees, and the committees may
5965 advise the Executive Office of the Governor relative to the
5966 release of such funds.

5967 (b) The release of appropriated funds classified as
5968 "emergency" shall be approved only if ~~when~~ an act or
5969 circumstance caused by an act of God, civil disturbance, natural
5970 disaster, or other circumstance of an emergency nature
5971 threatens, endangers, or damages the property, safety, health,
5972 or welfare of the state or its residents ~~citizens~~, which
5973 condition has not been provided for in appropriation acts of the
5974 Legislature. Funds allocated for this purpose may be used to pay

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5975 overtime pay to personnel of agencies called upon to perform
5976 extra duty because of any civil disturbance or other emergency
5977 as defined in s. 252.34(3) and to provide the required state
5978 match for federal grants under the federal Disaster Relief Act.

5979 Section 128. Paragraph (a) of subsection (3) of section
5980 218.64, Florida Statutes, is amended to read:

5981 218.64 Local government half-cent sales tax; uses;
5982 limitations.-

5983 (3) Subject to ordinances enacted by the majority of the
5984 members of the county governing authority and by the majority of
5985 the members of the governing authorities of municipalities
5986 representing at least 50 percent of the municipal population of
5987 such county, counties may use up to \$2 million annually of the
5988 local government half-cent sales tax allocated to that county
5989 for funding for any of the following applicants:

5990 (a) A certified applicant as a facility for a new or
5991 retained professional sports franchise under s. 288.1162,
5992 Florida Statutes 2010, or a certified applicant as defined in s.
5993 288.11621 for a facility for a spring training franchise. It is
5994 the Legislature's intent that the provisions of s. 288.1162,
5995 Florida Statutes 2010, including, but not limited to, the
5996 evaluation process ~~by the Office of Tourism, Trade, and Economic~~
5997 ~~Development~~ except for the limitation on the number of certified
5998 applicants or facilities as provided in that section and the
5999 restrictions set forth in s. 288.1162(8), Florida Statutes 2010,
6000 shall apply to an applicant's facility to be funded by local
6001 government as provided in this subsection.

6002 Section 129. Paragraph (ff) of subsection (1) of section
6003 220.03, Florida Statutes, is amended to read:

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6004 220.03 Definitions.—

6005 (1) SPECIFIC TERMS.—When used in this code, and when not
6006 otherwise distinctly expressed or manifestly incompatible with
6007 the intent thereof, the following terms shall have the following
6008 meanings:

6009 (ff) "Job" means a full-time position, as consistent with
6010 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
6011 and the United States Department of Labor for purposes of
6012 unemployment compensation tax administration and employment
6013 estimation resulting directly from business operations in this
6014 state. The term may not include a temporary construction job
6015 involved with the construction of facilities or any job that has
6016 previously been included in any application for tax credits
6017 under s. 212.096. The term also includes employment of an
6018 employee leased from an employee leasing company licensed under
6019 chapter 468 if the employee has been continuously leased to the
6020 employer for an average of at least 36 hours per week for more
6021 than 6 months.

6022 Section 130. Paragraph (d) of subsection (1), paragraphs
6023 (b), (c), and (d) of subsection (2), and subsections (3), and
6024 (4) of section 220.183, Florida Statutes, are amended to read:

6025 220.183 Community contribution tax credit.—

6026 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
6027 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
6028 SPENDING.—

6029 (d) All proposals for the granting of the tax credit shall
6030 require the prior approval of Jobs Florida ~~the Office of~~
6031 ~~Tourism, Trade, and Economic Development.~~

6032 (2) ELIGIBILITY REQUIREMENTS.—

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6033 (b)1. All community contributions must be reserved
6034 exclusively for use in projects as defined in s. 220.03(1)(t).

6035 2. If, during the first 10 business days of the state
6036 fiscal year, eligible tax credit applications for projects that
6037 provide homeownership opportunities for low-income or very-low-
6038 income households as defined in s. 420.9071(19) and (28) are
6039 received for less than the annual tax credits available for
6040 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
6041 ~~Economic Development~~ shall grant tax credits for those
6042 applications and shall grant remaining tax credits on a first-
6043 come, first-served basis for any subsequent eligible
6044 applications received before the end of the state fiscal year.
6045 If, during the first 10 business days of the state fiscal year,
6046 eligible tax credit applications for projects that provide
6047 homeownership opportunities for low-income or very-low-income
6048 households as defined in s. 420.9071(19) and (28) are received
6049 for more than the annual tax credits available for those
6050 projects, the office shall grant the tax credits for those
6051 applications as follows:

6052 a. If tax credit applications submitted for approved
6053 projects of an eligible sponsor do not exceed \$200,000 in total,
6054 the credit shall be granted in full if the tax credit
6055 applications are approved.

6056 b. If tax credit applications submitted for approved
6057 projects of an eligible sponsor exceed \$200,000 in total, the
6058 amount of tax credits granted under sub-subparagraph a. shall be
6059 subtracted from the amount of available tax credits, and the
6060 remaining credits shall be granted to each approved tax credit
6061 application on a pro rata basis.

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6062 3. If, during the first 10 business days of the state
6063 fiscal year, eligible tax credit applications for projects other
6064 than those that provide homeownership opportunities for low-
6065 income or very-low-income households as defined in s.
6066 420.9071(19) and (28) are received for less than the annual tax
6067 credits available for those projects, the office shall grant tax
6068 credits for those applications and shall grant remaining tax
6069 credits on a first-come, first-served basis for any subsequent
6070 eligible applications received before the end of the state
6071 fiscal year. If, during the first 10 business days of the state
6072 fiscal year, eligible tax credit applications for projects other
6073 than those that provide homeownership opportunities for low-
6074 income or very-low-income households as defined in s.
6075 420.9071(19) and (28) are received for more than the annual tax
6076 credits available for those projects, the office shall grant the
6077 tax credits for those applications on a pro rata basis.

6078 (c) The project must be undertaken by an "eligible
6079 sponsor," defined here as:

- 6080 1. A community action program;
- 6081 2. A nonprofit community-based development organization
6082 whose mission is the provision of housing for low-income or
6083 very-low-income households or increasing entrepreneurial and
6084 job-development opportunities for low-income persons;
- 6085 3. A neighborhood housing services corporation;
- 6086 4. A local housing authority, created pursuant to chapter
6087 421;
- 6088 5. A community redevelopment agency, created pursuant to s.
6089 163.356;
- 6090 6. The Florida Industrial Development Corporation;

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- 6091 7. An historic preservation district agency or
6092 organization;
- 6093 8. A regional workforce board;
- 6094 9. A direct-support organization as provided in s.
6095 1009.983;
- 6096 10. An enterprise zone development agency created pursuant
6097 to s. 290.0056;
- 6098 11. A community-based organization incorporated under
6099 chapter 617 which is recognized as educational, charitable, or
6100 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
6101 and whose bylaws and articles of incorporation include
6102 affordable housing, economic development, or community
6103 development as the primary mission of the corporation;
- 6104 12. Units of local government;
- 6105 13. Units of state government; or
- 6106 14. Such other agency as Jobs Florida ~~the Office of~~
6107 ~~Tourism, Trade, and Economic Development~~ may, from time to time,
6108 designate by rule.

6109

6110 In no event shall a contributing business firm have a financial
6111 interest in the eligible sponsor.

6112 (d) The project shall be located in an area designated as
6113 an enterprise zone or a Front Porch Florida Community ~~pursuant~~
6114 ~~to s. 20.18(6)~~. Any project designed to construct or
6115 rehabilitate housing for low-income or very-low-income
6116 households as defined in s. 420.9071(19) and (28) is exempt from
6117 the area requirement of this paragraph. This section does not
6118 preclude projects that propose to construct or rehabilitate
6119 housing for low-income or very-low-income households on

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6120 scattered sites. Any project designed to provide increased
6121 access to high-speed broadband capabilities which includes
6122 coverage of a rural enterprise zone may locate the project's
6123 infrastructure in any area of a rural county.

6124 (3) APPLICATION REQUIREMENTS.—

6125 (a) Any eligible sponsor wishing to participate in this
6126 program must submit a proposal to Jobs Florida ~~the Office of~~
6127 ~~Tourism, Trade, and Economic Development~~ which sets forth the
6128 sponsor, the project, the area in which the project is located,
6129 and such supporting information as may be prescribed by rule.
6130 The proposal shall also contain a resolution from the local
6131 governmental unit in which it is located certifying that the
6132 project is consistent with local plans and regulations.

6133 (b) Any business wishing to participate in this program
6134 must submit an application for tax credit to Jobs Florida ~~the~~
6135 ~~Office of Tourism, Trade, and Economic Development~~, which
6136 application sets forth the sponsor; the project; and the type,
6137 value, and purpose of the contribution. The sponsor shall verify
6138 the terms of the application and indicate its receipt of the
6139 contribution, which verification must be in writing and
6140 accompany the application for tax credit.

6141 (c) The business firm must submit a separate application
6142 for tax credit for each individual contribution that it makes to
6143 each individual project.

6144 (4) ADMINISTRATION.—

6145 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
6146 ~~Development~~ has authority to adopt rules pursuant to ss.
6147 120.536(1) and 120.54 to implement the provisions of this
6148 section, including rules for the approval or disapproval of

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6149 proposals by business firms.

6150 (b) The decision of Jobs Florida ~~the Office of Tourism,~~
6151 ~~Trade, and Economic Development~~ shall be in writing, and, if
6152 approved, the notification must state the maximum credit
6153 allowable to the business firm. A copy of the decision shall be
6154 transmitted to the executive director of the Department of
6155 Revenue, who shall apply such credit to the tax liability of the
6156 business firm.

6157 (c) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
6158 ~~Development~~ shall periodically monitor all projects in a manner
6159 consistent with available resources to ensure that resources are
6160 utilized in accordance with this section; however, each project
6161 shall be reviewed no less often than once every 2 years.

6162 (d) The Department of Revenue has authority to adopt rules
6163 pursuant to ss. 120.536(1) and 120.54 to implement the
6164 provisions of this section.

6165 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
6166 ~~Development~~ shall, in consultation with ~~the Department of~~
6167 ~~Community Affairs,~~ the Florida Housing Finance Corporation, and
6168 the statewide and regional housing and financial intermediaries,
6169 market the availability of the community contribution tax credit
6170 program to community-based organizations.

6171 Section 131. Paragraphs (e) and (h) of subsection (1) of
6172 section 220.191, Florida Statutes, are amended to read:

6173 220.191 Capital investment tax credit.—

6174 (1) DEFINITIONS.—For purposes of this section:

6175 (e) "Jobs" means full-time equivalent positions, as that
6176 term is consistent with terms used by Jobs Florida ~~the Agency~~
6177 ~~for Workforce Innovation~~ and the United States Department of

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6178 Labor for purposes of unemployment tax administration and
6179 employment estimation, resulting directly from a project in this
6180 state. The term does not include temporary construction jobs
6181 involved in the construction of the project facility.

6182 (h) "Qualifying project" means:

6183 1. A new or expanding facility in this state which creates
6184 at least 100 new jobs in this state and is in one of the high-
6185 impact sectors identified by Enterprise Florida, Inc., and
6186 certified by the office pursuant to s. 288.108(6), including,
6187 but not limited to, aviation, aerospace, automotive, and silicon
6188 technology industries;

6189 2. A new or expanded facility in this state which is
6190 engaged in a target industry designated pursuant to the
6191 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which
6192 is induced by this credit to create or retain at least 1,000
6193 jobs in this state, provided that at least 100 of those jobs are
6194 new, pay an annual average wage of at least 130 percent of the
6195 average private sector wage in the area as defined in s.
6196 288.106(2), and make a cumulative capital investment of at least
6197 \$100 million after July 1, 2005. Jobs may be considered retained
6198 only if there is significant evidence that the loss of jobs is
6199 imminent. Notwithstanding subsection (2), annual credits against
6200 the tax imposed by this chapter shall not exceed 50 percent of
6201 the increased annual corporate income tax liability or the
6202 premium tax liability generated by or arising out of a project
6203 qualifying under this subparagraph. A facility that qualifies
6204 under this subparagraph for an annual credit against the tax
6205 imposed by this chapter may take the tax credit for a period not
6206 to exceed 5 years; or

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6207 3. A new or expanded headquarters facility in this state
6208 which locates in an enterprise zone and brownfield area and is
6209 induced by this credit to create at least 1,500 jobs which on
6210 average pay at least 200 percent of the statewide average annual
6211 private sector wage, as published by Jobs Florida ~~the Agency for~~
6212 ~~Workforce Innovation or its successor~~, and which new or expanded
6213 headquarters facility makes a cumulative capital investment in
6214 this state of at least \$250 million.

6215 Section 132. Subsection (2) of section 222.15, Florida
6216 Statutes, is amended to read:

6217 222.15 Wages or unemployment compensation payments due
6218 deceased employee may be paid spouse or certain relatives.-

6219 (2) It is also lawful for Jobs Florida ~~the Agency for~~
6220 ~~Workforce Innovation~~, in case of death of any unemployed
6221 individual, to pay to those persons referred to in subsection
6222 (1) any unemployment compensation payments that may be due to
6223 the individual at the time of his or her death.

6224 Section 133. Subsections (3) and (4) of section 250.06,
6225 Florida Statutes, are amended to read:

6226 250.06 Commander in chief.-

6227 (3) The Governor may, in order to preserve the public
6228 peace, execute the laws of the state, suppress insurrection,
6229 repel invasion, respond to an emergency as defined in s.
6230 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
6231 of all or any portion of the militia of this state ~~Florida~~ into
6232 the services of the United States, may increase the Florida
6233 National Guard and organize it in accordance with rules and
6234 regulations governing the Armed Forces of the United States.
6235 Such organization and increase may be pursuant to or in advance

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6236 of any call made by the President of the United States. If the
6237 Florida National Guard is activated into service of the United
6238 States, another organization may not be designated as the
6239 Florida National Guard.

6240 (4) The Governor may, in order to preserve the public
6241 peace, execute the laws of the state, enhance domestic security,
6242 respond to terrorist threats or attacks, respond to an emergency
6243 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
6244 respond to any need for emergency aid to civil authorities as
6245 specified in s. 250.28, order into state active duty all or any
6246 part of the militia which he or she deems proper.

6247 Section 134. Paragraphs (a) and (b) of subsection (1) of
6248 section 252.32, Florida Statutes, are amended to read:

6249 252.32 Policy and purpose.—

6250 (1) Because of the existing and continuing possibility of
6251 the occurrence of emergencies and disasters resulting from
6252 natural, technological, or manmade causes; in order to ensure
6253 that preparations of this state will be adequate to deal with,
6254 reduce vulnerability to, and recover from such emergencies and
6255 disasters; to provide for the common defense and to protect the
6256 public peace, health, and safety; and to preserve the lives and
6257 property of the people of the state, it is hereby found and
6258 declared to be necessary:

6259 (a) To create a state emergency management agency to be
6260 known as the "Office ~~Division~~ of Emergency Management," to
6261 authorize the creation of local organizations for emergency
6262 management in the political subdivisions of the state, and to
6263 authorize cooperation with the Federal Government and the
6264 governments of other states.

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6265 (b) To confer upon the Governor, the Office ~~Division~~ of
6266 Emergency Management, and the governing body of each political
6267 subdivision of the state the emergency powers provided herein.

6268 Section 135. Section 252.34, Florida Statutes, is amended
6269 to read:

6270 252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~,
6271 the term:

6272 (1) "Disaster" means any natural, technological, or civil
6273 emergency that causes damage of sufficient severity and
6274 magnitude to result in a declaration of a state of emergency by
6275 a county, the Governor, or the President of the United States.
6276 Disasters are ~~shall be~~ identified by the severity of resulting
6277 damage, as follows:

6278 (a) "Catastrophic disaster" means a disaster that will
6279 require massive state and federal assistance, including
6280 immediate military involvement.

6281 (b) "Major disaster" means a disaster that will likely
6282 exceed local capabilities and require a broad range of state and
6283 federal assistance.

6284 (c) "Minor disaster" means a disaster that is likely to be
6285 within the response capabilities of local government and to
6286 result in only a minimal need for state or federal assistance.

6287 ~~(2) "Division" means the Division of Emergency Management~~
6288 ~~of the Department of Community Affairs, or the successor to that~~
6289 ~~division.~~

6290 (2)~~(3)~~ "Emergency" means any occurrence, or threat thereof,
6291 whether natural, technological, or manmade, in war or in peace,
6292 which results or may result in substantial injury or harm to the
6293 population or substantial damage to or loss of property.

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6294 (3)~~(4)~~ "Emergency management" means the preparation for,
6295 the mitigation of, the response to, and the recovery from
6296 emergencies and disasters. Specific emergency management
6297 responsibilities include, but are not limited to:

6298 (a) Reduction of vulnerability of people and communities of
6299 this state to damage, injury, and loss of life and property
6300 resulting from natural, technological, or manmade emergencies or
6301 hostile military or paramilitary action.

6302 (b) Preparation for prompt and efficient response and
6303 recovery to protect lives and property affected by emergencies.

6304 (c) Response to emergencies using all systems, plans, and
6305 resources necessary to preserve adequately the health, safety,
6306 and welfare of persons or property affected by the emergency.

6307 (d) Recovery from emergencies by providing for the rapid
6308 and orderly start of restoration and rehabilitation of persons
6309 and property affected by emergencies.

6310 (e) Provision of an emergency management system embodying
6311 all aspects of preemergency preparedness and postemergency
6312 response, recovery, and mitigation.

6313 (f) Assistance in anticipation, recognition, appraisal,
6314 prevention, and mitigation of emergencies which may be caused or
6315 aggravated by inadequate planning for, and regulation of, public
6316 and private facilities and land use.

6317 (4)~~(5)~~ "Local emergency management agency" means an
6318 organization created in accordance with ~~the provisions of~~ ss.
6319 252.31-252.90 to discharge the emergency management
6320 responsibilities and functions of a political subdivision.

6321 (5)~~(6)~~ "Manmade emergency" means an emergency caused by an
6322 action against persons or society, including, but not limited

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6323 to, enemy attack, sabotage, terrorism, civil unrest, or other
6324 action impairing the orderly administration of government.

6325 (6)~~(7)~~ "Natural emergency" means an emergency caused by a
6326 natural event, including, but not limited to, a hurricane, a
6327 storm, a flood, severe wave action, a drought, or an earthquake.

6328 (7) "Office" means the Office of Emergency Management
6329 within the Executive Office of the Governor, or the successor to
6330 that office.

6331 (8) "Political subdivision" means any county or
6332 municipality created pursuant to law.

6333 (9) "Technological emergency" means an emergency caused by
6334 a technological failure or accident, including, but not limited
6335 to, an explosion, transportation accident, radiological
6336 accident, or chemical or other hazardous material incident.

6337 Section 136. Section 252.35, Florida Statutes, is amended
6338 to read:

6339 252.35 Emergency management powers; ~~Division of Emergency~~
6340 ~~Management.~~—

6341 (1) The office division is responsible for maintaining a
6342 comprehensive statewide program of emergency management and for
6343 coordinating the. ~~The division is responsible for coordination~~
6344 ~~with~~ efforts of the Federal Government with other departments
6345 and agencies of state government, with county and municipal
6346 governments and school boards, and with private agencies that
6347 have a role in emergency management.

6348 (2) The office division is responsible for carrying out the
6349 provisions of ss. 252.31-252.90. In performing its duties ~~under~~
6350 ~~ss. 252.31-252.90~~, the office division shall:

6351 (a) Prepare a state comprehensive emergency management

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6352 plan, which shall be integrated into and coordinated with the
6353 emergency management plans and programs of the Federal
6354 Government. The office ~~division~~ must adopt the plan as a rule in
6355 accordance with chapter 120. The plan shall be implemented by a
6356 continuous, integrated comprehensive emergency management
6357 program. The plan must contain provisions to ensure that the
6358 state is prepared for emergencies and minor, major, and
6359 catastrophic disasters, and the office ~~division~~ shall work
6360 closely with local governments and agencies and organizations
6361 with emergency management responsibilities in preparing and
6362 maintaining the plan. The state comprehensive emergency
6363 management plan must ~~shall~~ be operations oriented and:

6364 1. Include an evacuation component that includes specific
6365 regional and interregional planning provisions and promotes
6366 intergovernmental coordination of evacuation activities. This
6367 component must, at a minimum: contain guidelines for lifting
6368 tolls on state highways; ensure coordination pertaining to
6369 evacuees crossing county lines; set forth procedures for
6370 directing people caught on evacuation routes to safe shelter;
6371 establish strategies for ensuring sufficient, reasonably priced
6372 fueling locations along evacuation routes; and establish
6373 policies and strategies for emergency medical evacuations.

6374 2. Include a shelter component that includes specific
6375 regional and interregional planning provisions and promotes
6376 coordination of shelter activities between the public, private,
6377 and nonprofit sectors. This component must, at a minimum:
6378 contain strategies to ensure the availability of adequate public
6379 shelter space in each region of the state; establish strategies
6380 for refuge-of-last-resort programs; provide strategies to assist

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6381 local emergency management efforts to ensure that adequate
6382 staffing plans exist for all shelters, including medical and
6383 security personnel; provide for a postdisaster communications
6384 system for public shelters; establish model shelter guidelines
6385 for operations, registration, inventory, power generation
6386 capability, information management, and staffing; and set forth
6387 policy guidance for sheltering people with special needs.

6388 3. Include a postdisaster response and recovery component
6389 that includes specific regional and interregional planning
6390 provisions and promotes intergovernmental coordination of
6391 postdisaster response and recovery activities. This component
6392 must provide for postdisaster response and recovery strategies
6393 according to whether a disaster is minor, major, or
6394 catastrophic. The postdisaster response and recovery component
6395 must, at a minimum: establish the structure of the state's
6396 postdisaster response and recovery organization; establish
6397 procedures for activating the state's plan; set forth policies
6398 used to guide postdisaster response and recovery activities;
6399 describe the chain of command during the postdisaster response
6400 and recovery period; describe initial and continuous
6401 postdisaster response and recovery actions; identify the roles
6402 and responsibilities of each involved agency and organization;
6403 provide for a comprehensive communications plan; establish
6404 procedures for monitoring mutual aid agreements; provide for
6405 rapid impact assessment teams; ensure the availability of an
6406 effective statewide urban search and rescue program coordinated
6407 with the fire services; ensure the existence of a comprehensive
6408 statewide medical care and relief plan administered by the
6409 Department of Health; and establish systems for coordinating

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6410 volunteers and accepting and distributing donated funds and
6411 goods.

6412 4. Include additional provisions addressing aspects of
6413 preparedness, response, recovery, and mitigation as determined
6414 necessary by the office division.

6415 5. Address the need for coordinated and expeditious
6416 deployment of state resources, including the Florida National
6417 Guard. In the case of an imminent major disaster, procedures
6418 should address predeployment of the Florida National Guard, and,
6419 in the case of an imminent catastrophic disaster, procedures
6420 should address predeployment of the Florida National Guard and
6421 the United States Armed Forces.

6422 6. Establish a system of communications and warning to
6423 ensure that the state's population and emergency management
6424 agencies are warned of developing emergency situations and can
6425 communicate emergency response decisions.

6426 7. Establish guidelines and schedules for annual exercises
6427 that evaluate the ability of the state and its political
6428 subdivisions to respond to minor, major, and catastrophic
6429 disasters and support local emergency management agencies. Such
6430 exercises must ~~shall~~ be coordinated with local governments and,
6431 to the extent possible, the Federal Government.

6432 8. Assign lead and support responsibilities to state
6433 agencies and personnel for emergency support functions and other
6434 support activities.

6435
6436 The complete state comprehensive emergency management plan must
6437 ~~shall~~ be submitted to the President of the Senate, the Speaker
6438 of the House of Representatives, and the Governor on February 1

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6439 of every even-numbered year.

6440 (b) Adopt standards and requirements for county emergency
6441 management plans. The standards and requirements must ensure
6442 that county plans are coordinated and consistent with the state
6443 comprehensive emergency management plan. If a municipality
6444 elects to establish an emergency management program, it must
6445 adopt a city emergency management plan that complies with all
6446 standards and requirements applicable to county emergency
6447 management plans.

6448 (c) Assist political subdivisions in preparing and
6449 maintaining emergency management plans.

6450 (d) Review periodically political subdivision emergency
6451 management plans for consistency with the state comprehensive
6452 emergency management plan and standards and requirements adopted
6453 under this section.

6454 (e) Cooperate with the President, the heads of the Armed
6455 Forces, the various federal emergency management agencies, and
6456 the officers and agencies of other states in matters pertaining
6457 to emergency management in the state and the nation and
6458 incidents thereof and, in connection therewith, take any
6459 measures that it deems proper to carry into effect any request
6460 of the President and the appropriate federal officers and
6461 agencies for any emergency management action, including the
6462 direction or control of:

6463 1. Emergency management drills, tests, or exercises of
6464 whatever nature.

6465 2. Warnings and signals for tests and drills, attacks, or
6466 other imminent emergencies or threats thereof and the mechanical
6467 devices to be used in connection with such warnings and signals.

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6468 (f) Make recommendations to the Legislature, building code
6469 organizations, and political subdivisions for zoning, building,
6470 and other land use controls; safety measures for securing mobile
6471 homes or other nonpermanent or semipermanent structures; and
6472 other preparedness, prevention, and mitigation measures designed
6473 to eliminate emergencies or reduce their impact.

6474 (g) In accordance with the state comprehensive emergency
6475 management plan and program for emergency management, ascertain
6476 the requirements of the state and its political subdivisions for
6477 equipment and supplies of all kinds in the event of an
6478 emergency; plan for and ~~either~~ procure supplies, medicines,
6479 materials, and equipment or enter into memoranda of agreement or
6480 open purchase orders that will ensure their availability; and
6481 use and employ from time to time any of the property, services,
6482 and resources within the state in accordance with ss. 252.31-
6483 252.90.

6484 (h) Anticipate trends and promote innovations that will
6485 enhance the emergency management system.

6486 (i) Institute statewide public awareness programs. This
6487 shall include an intensive public educational campaign on
6488 emergency preparedness issues, including, but not limited to,
6489 the personal responsibility of individual citizens to be self-
6490 sufficient for up to 72 hours following a natural or manmade
6491 disaster. The public educational campaign must ~~shall~~ include
6492 relevant information on statewide disaster plans, evacuation
6493 routes, fuel suppliers, and shelters. All educational materials
6494 must be available in alternative formats and mediums to ensure
6495 that they are available to persons with disabilities.

6496 (j) In cooperation with ~~The Division of Emergency~~

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6497 ~~Management~~ and the Department of Education, ~~shall~~ coordinate
6498 with the Agency for Persons with Disabilities to provide an
6499 educational outreach program on disaster preparedness and
6500 readiness to individuals who have limited English skills and
6501 identify persons who are in need of assistance but are not
6502 defined under special-needs criteria.

6503 (k) Prepare and distribute to appropriate state and local
6504 officials catalogs of federal, state, and private assistance
6505 programs.

6506 (l) Coordinate federal, state, and local emergency
6507 management activities and take all other steps, including the
6508 partial or full mobilization of emergency management forces and
6509 organizations in advance of an actual emergency, to ensure the
6510 availability of adequately trained and equipped forces of
6511 emergency management personnel before, during, and after
6512 emergencies and disasters.

6513 (m) Establish a schedule of fees that may be charged by
6514 local emergency management agencies for review of emergency
6515 management plans on behalf of external agencies and
6516 institutions. In establishing such schedule, the office ~~division~~
6517 shall consider facility size, review complexity, and other
6518 factors.

6519 (n) Implement training programs to improve the ability of
6520 state and local emergency management personnel to prepare and
6521 implement emergency management plans and programs. This includes
6522 ~~shall include~~ a continuous training program for agencies and
6523 individuals that will be called on to perform key roles in state
6524 and local postdisaster response and recovery efforts and for
6525 local government personnel on federal and state postdisaster

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6526 response and recovery strategies and procedures.

6527 (o) ~~Review~~ Periodically review emergency operating
6528 procedures of state agencies and recommend revisions as needed
6529 to ensure consistency with the state comprehensive emergency
6530 management plan and program.

6531 (p) Make such surveys of industries, resources, and
6532 facilities within the state, both public and private, as are
6533 necessary to carry out the purposes of ss. 252.31-252.90.

6534 (q) Prepare, in advance if ~~whenever~~ possible, such
6535 executive orders, proclamations, and rules for issuance by the
6536 Governor as are necessary or appropriate for coping with
6537 emergencies and disasters.

6538 (r) Cooperate with the Federal Government and any public or
6539 private agency or entity in achieving any purpose of ss. 252.31-
6540 252.90 and in implementing programs for mitigation, preparation,
6541 response, and recovery.

6542 (s) ~~By January 1, 2007, the Division of Emergency~~
6543 ~~Management shall~~ Complete an inventory of portable generators
6544 owned by the state and local governments which are capable of
6545 operating during a major disaster. The inventory must identify,
6546 at a minimum, the location of each generator, the number of
6547 generators stored at each specific location, the agency to which
6548 each generator belongs, the primary use of the generator by the
6549 owner agency, and the names, addresses, and telephone numbers of
6550 persons having the authority to loan the stored generators as
6551 authorized by the office ~~Division of Emergency Management~~ during
6552 a declared emergency.

6553 (t) ~~The division shall~~ Maintain an inventory list of
6554 generators owned by the state and local governments. In

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6555 addition, the office ~~division~~ may keep a list of private
6556 entities, along with appropriate contact information, which
6557 offer generators for sale or lease. The list of private entities
6558 shall be available to the public for inspection in written and
6559 electronic formats.

6560 (u) Assist political subdivisions with the creation and
6561 training of urban search and rescue teams and promote the
6562 development and maintenance of a state urban search and rescue
6563 program.

6564 (v) Delegate, as necessary and appropriate, authority
6565 vested in it under ss. 252.31-252.90 and provide for the
6566 subdelegation of such authority.

6567 (w) Report biennially to the President of the Senate, the
6568 Speaker of the House of Representatives, and the Governor, no
6569 later than February 1 of every odd-numbered year, the status of
6570 the emergency management capabilities of the state and its
6571 political subdivisions.

6572 (x) In accordance with chapter 120, create, implement,
6573 administer, adopt, amend, and rescind rules, programs, and plans
6574 needed to carry out the provisions of ss. 252.31-252.90 with due
6575 consideration for, and in cooperating with, the plans and
6576 programs of the Federal Government. In addition, the office
6577 ~~division~~ may adopt rules in accordance with chapter 120 to
6578 administer and distribute federal financial predisaster and
6579 postdisaster assistance for prevention, mitigation,
6580 preparedness, response, and recovery.

6581 (y) Do other things necessary, incidental, or appropriate
6582 for the implementation of ss. 252.31-252.90.

6583 Section 137. Subsection (2) of section 252.355, Florida

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6584 Statutes, is amended to read:

6585 252.355 Registry of persons with special needs; notice.—

6586 (2) The office ~~Department of Community Affairs~~ shall be the
6587 designated lead agency responsible for community education and
6588 outreach to the public, including special needs clients,
6589 regarding registration and special needs shelters and general
6590 information regarding shelter stays.

6591 Section 138. Section 252.3568, Florida Statutes, is amended
6592 to read:

6593 252.3568 Emergency sheltering of persons with pets.—In
6594 accordance with s. 252.35, the office ~~division~~ shall address
6595 strategies for the evacuation of persons with pets in the
6596 shelter component of the state comprehensive emergency
6597 management plan and shall include the requirement for similar
6598 strategies in its standards and requirements for local
6599 comprehensive emergency management plans. The Department of
6600 Agriculture and Consumer Services shall assist the office
6601 ~~division~~ in determining strategies regarding this activity.

6602 Section 139. Subsections (8) and (9) of section 252.36,
6603 Florida Statutes, are amended to read:

6604 252.36 Emergency management powers of the Governor.—

6605 (8) The Governor shall delegate emergency responsibilities
6606 to the officers and agencies of the state and of the political
6607 subdivisions thereof prior to an emergency or threat of an
6608 emergency and shall utilize the services and facilities of
6609 existing officers and agencies of the state and of the political
6610 subdivisions thereof, including their personnel and other
6611 resources, as the primary emergency management forces of the
6612 state, and all such officers and agencies shall cooperate with

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6613 and extend their services and facilities to the office division,
6614 as it may require.

6615 (9) The Governor and the office division shall establish
6616 agencies and offices and appoint executive, professional,
6617 technical, clerical, and other personnel as may be necessary to
6618 carry out the provisions of ss. 252.31-252.90.

6619 Section 140. Subsections (2), (3), and (4) of section
6620 252.365, Florida Statutes, are amended to read:

6621 252.365 Emergency coordination officers; disaster-
6622 preparedness plans.—

6623 (2) The emergency coordination officer is responsible for
6624 coordinating with the office division on emergency preparedness
6625 issues, preparing and maintaining emergency preparedness and
6626 postdisaster response and recovery plans for such agency,
6627 maintaining rosters of personnel to assist in disaster
6628 operations, and coordinating appropriate training for agency
6629 personnel.

6630 (3) These individuals shall be responsible for ensuring
6631 that each state agency and facility, such as a prison, office
6632 building, or university, has a disaster preparedness plan that
6633 is coordinated with the applicable local emergency-management
6634 agency and approved by the office division.

6635 (a) The disaster-preparedness plan must outline a
6636 comprehensive and effective program to ensure continuity of
6637 essential state functions under all circumstances. The plan must
6638 identify a baseline of preparedness for a full range of
6639 potential emergencies to establish a viable capability to
6640 perform essential functions during any emergency or other
6641 situation that disrupts normal operations.

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6642 (b) The plan must include, at a minimum, the following
6643 elements: identification of essential functions, programs, and
6644 personnel; procedures to implement the plan and personnel
6645 notification and accountability; delegations of authority and
6646 lines of succession; identification of alternative facilities
6647 and related infrastructure, including those for communications;
6648 identification and protection of vital records and databases;
6649 and schedules and procedures for periodic tests, training, and
6650 exercises.

6651 (c) The office ~~division~~ shall develop and distribute
6652 guidelines for developing and implementing the plan. Each agency
6653 is encouraged to initiate and complete development of its plan
6654 immediately, but no later than July 1, 2003.

6655 (4) The head of each agency shall notify the Governor and
6656 the office ~~division~~ in writing of the person initially
6657 designated as the emergency coordination officer for such agency
6658 and her or his alternate and of any changes in persons so
6659 designated thereafter.

6660 Section 141. Subsection (4) of section 252.37, Florida
6661 Statutes, is amended to read:

6662 252.37 Financing.—

6663 (4)(a) Whenever the Federal Government or any agency or
6664 officer thereof offers to the state or, through the state, to
6665 any political subdivision thereof services, equipment, supplies,
6666 materials, or funds by way of gift, grant, or loan for the
6667 purposes of emergency management, the state, acting through the
6668 office ~~division~~, or such political subdivision, acting with the
6669 consent of the Governor or the Governor's authorized
6670 representative, may accept such offer. Upon such acceptance, the

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6671 office ~~division~~ or the presiding officer or governing body of
6672 such political subdivision may authorize receipt of the gift,
6673 grant, or loan on behalf of the state or such political
6674 subdivision, subject to the terms of the offer and the rules and
6675 regulations of the agency making the offer.

6676 (b) Whenever any person, firm, or corporation offers to the
6677 state or to any political subdivision thereof services,
6678 equipment, supplies, materials, or funds by way of gift, grant,
6679 loan, or other agreement for the purpose of emergency
6680 management, the state, acting through the office ~~division~~, or
6681 such political subdivision, acting through its governing body or
6682 a local emergency management agency, may accept such offer. Upon
6683 such acceptance, the office ~~division~~ or the presiding officer or
6684 governing body of the political subdivision may authorize
6685 receipt of the gift, grant, or loan on behalf of the state or
6686 such political subdivision, subject to the terms of the offer.

6687 Section 142. Section 252.371, Florida Statutes, is amended
6688 to read:

6689 252.371 Emergency Management, Preparedness, and Assistance
6690 Trust Fund.—There is created the Emergency Management,
6691 Preparedness, and Assistance Trust Fund to be administered by
6692 the office ~~Department of Community Affairs~~.

6693 Section 143. Subsections (1) and (3) of section 252.373,
6694 Florida Statutes, are amended to read:

6695 252.373 Allocation of funds; rules.—

6696 (1) Funds appropriated from the Emergency Management,
6697 Preparedness, and Assistance Trust Fund shall be allocated by
6698 the office ~~Department of Community Affairs~~ for the following
6699 purposes:

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6700 (a) To implement and administer state and local emergency
6701 management programs, including administration, training, and
6702 operations.

6703 (b) For grants and loans to state or regional agencies,
6704 local governments, and private organizations to implement
6705 projects that will further state and local emergency management
6706 objectives. These projects must include, but need not be limited
6707 to, projects that will promote public education on disaster
6708 preparedness and recovery issues, enhance coordination of relief
6709 efforts of statewide private sector organizations, and improve
6710 the training and operations capabilities of agencies assigned
6711 lead or support responsibilities in the state comprehensive
6712 emergency management plan, including the State Fire Marshal's
6713 Office for coordinating the Florida fire services. The office
6714 ~~division~~ shall establish criteria and procedures for competitive
6715 allocation of these funds by rule. No more than 5 percent of any
6716 award made pursuant to this subparagraph may be used for
6717 administrative expenses. This competitive criteria must give
6718 priority consideration to hurricane evacuation shelter retrofit
6719 projects.

6720 (c) To meet any matching requirements imposed as a
6721 condition of receiving federal disaster relief assistance.

6722 (3) If adequate funds are available as determined by the
6723 office ~~division~~, every county shall receive funds at least
6724 sufficient to fund a dedicated, full-time emergency preparedness
6725 officer position.

6726 Section 144. Paragraphs (a), (b), and (e) of subsection (1)
6727 of section 252.38, Florida Statutes, are amended to read:

6728 252.38 Emergency management powers of political

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6729 subdivisions.—Safeguarding the life and property of its citizens
6730 is an innate responsibility of the governing body of each
6731 political subdivision of the state.

6732 (1) COUNTIES.—

6733 (a) In order to provide effective and orderly governmental
6734 control and coordination of emergency operations in emergencies
6735 within the scope of ss. 252.31-252.90, each county within this
6736 state shall be within the jurisdiction of, and served by, the
6737 office ~~division~~. Except as otherwise provided in ss. 252.31-
6738 252.90, each local emergency management agency shall have
6739 jurisdiction over and serve an entire county. Unless part of an
6740 interjurisdictional emergency management agreement entered into
6741 pursuant to paragraph (3)(b) which is recognized by the Governor
6742 by executive order or rule, each county must establish and
6743 maintain such an emergency management agency and shall develop a
6744 county emergency management plan and program that is coordinated
6745 and consistent with the state comprehensive emergency management
6746 plan and program. Counties that are part of an
6747 interjurisdictional emergency management agreement entered into
6748 pursuant to paragraph (3)(b) which is recognized by the Governor
6749 by executive order or rule shall cooperatively develop an
6750 emergency management plan and program that is coordinated and
6751 consistent with the state comprehensive emergency management
6752 plan and program.

6753 (b) Each county emergency management agency created and
6754 established pursuant to ss. 252.31-252.90 shall have a director.
6755 The director must meet the minimum training and education
6756 qualifications established in a job description approved by the
6757 county. The director shall be appointed by the board of county

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6758 commissioners or the chief administrative officer of the county,
6759 as described in chapter 125 or the county charter, if
6760 applicable, to serve at the pleasure of the appointing
6761 authority, in conformance with applicable resolutions,
6762 ordinances, and laws. A county constitutional officer, or an
6763 employee of a county constitutional officer, may be appointed as
6764 director following prior notification to the division. Each
6765 board of county commissioners shall promptly inform the office
6766 ~~division~~ of the appointment of the director and other personnel.
6767 Each director has direct responsibility for the organization,
6768 administration, and operation of the county emergency management
6769 agency. The director shall coordinate emergency management
6770 activities, services, and programs within the county and shall
6771 serve as liaison to the office ~~division~~ and other local
6772 emergency management agencies and organizations.

6773 (e) County emergency management agencies may charge and
6774 collect fees for the review of emergency management plans on
6775 behalf of external agencies and institutions. Fees must be
6776 reasonable and may not exceed the cost of providing a review of
6777 emergency management plans in accordance with fee schedules
6778 established by the office ~~division~~.

6779 Section 145. Subsections (2) and (3) of section 252.385,
6780 Florida Statutes, are amended to read:

6781 252.385 Public shelter space.—

6782 (2)(a) The office ~~division~~ shall administer a program to
6783 survey existing schools, universities, community colleges, and
6784 other state-owned, municipally owned, and county-owned public
6785 buildings and any private facility that the owner, in writing,
6786 agrees to provide for use as a public hurricane evacuation

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6787 shelter to identify those that are appropriately designed and
6788 located to serve as such shelters. The owners of the facilities
6789 must be given the opportunity to participate in the surveys. The
6790 state university boards of trustees, district school boards,
6791 community college boards of trustees, and the Department of
6792 Education are responsible for coordinating and implementing the
6793 survey of public schools, universities, and community colleges
6794 with the office ~~division~~ or the local emergency management
6795 agency.

6796 (b) By January 31 of each even-numbered year, the office
6797 ~~division~~ shall prepare and submit a statewide emergency shelter
6798 plan to the Governor and Cabinet for approval, subject to the
6799 requirements for approval in s. 1013.37(2). The plan shall
6800 identify the general location and square footage of special
6801 needs shelters, by regional planning council region, during the
6802 next 5 years. The plan shall also include information on the
6803 availability of shelters that accept pets. The Department of
6804 Health shall assist the office ~~division~~ in determining the
6805 estimated need for special needs shelter space and the adequacy
6806 of facilities to meet the needs of persons with special needs
6807 based on information from the registries of persons with special
6808 needs and other information.

6809 (3) The office ~~division~~ shall annually provide to the
6810 President of the Senate, the Speaker of the House of
6811 Representatives, and the Governor a list of facilities
6812 recommended to be retrofitted using state funds. State funds
6813 should be maximized and targeted to regional planning council
6814 regions with hurricane evacuation shelter deficits. Retrofitting
6815 facilities in regions with public hurricane evacuation shelter

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6816 deficits shall be given first priority ~~and should be completed~~
6817 ~~by 2003. All recommended facilities should be retrofitted by~~
6818 ~~2008.~~ The owner or lessee of a public hurricane evacuation
6819 shelter that is included on the list of facilities recommended
6820 for retrofitting is not required to perform any recommended
6821 improvements.

6822 Section 146. Subsection (1) of section 252.40, Florida
6823 Statutes, is amended to read:

6824 252.40 Mutual aid arrangements.—

6825 (1) The governing body of each political subdivision of the
6826 state is authorized to develop and enter into mutual aid
6827 agreements within the state for reciprocal emergency aid and
6828 assistance in case of emergencies too extensive to be dealt with
6829 unassisted. Copies of such agreements shall be sent to the
6830 office ~~division~~. Such agreements shall be consistent with the
6831 state comprehensive emergency management plan and program, and
6832 in time of emergency it shall be the duty of each local
6833 emergency management agency to render assistance in accordance
6834 with the provisions of such mutual aid agreements to the fullest
6835 possible extent.

6836 Section 147. Subsection (1) and paragraph (c) of subsection
6837 (2) of section 252.41, Florida Statutes, are amended to read:

6838 252.41 Emergency management support forces.—

6839 (1) The office ~~division~~ is authorized to provide, within or
6840 without the state, such support from available personnel,
6841 equipment, and other resources of state agencies and the
6842 political subdivisions of the state as may be necessary to
6843 reinforce emergency management agencies in areas stricken by
6844 emergency. Such support shall be rendered with due consideration

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6845 of the plans of the Federal Government, this state, the other
6846 states, and of the criticalness of the existing situation.
6847 Emergency management support forces shall be called to duty upon
6848 orders of the office ~~division~~ and shall perform functions in any
6849 part of the state or, upon the conditions specified in this
6850 section, in other states.

6851 (2) Personnel of emergency management support forces while
6852 on duty, whether within or without the state, shall:

6853 (c) If they are not employees of the state or a political
6854 subdivision thereof, they shall be entitled to the same rights
6855 and immunities as are provided by law for the employees of this
6856 state and to such compensation as may be fixed by the office
6857 ~~division~~. All personnel of emergency management support forces
6858 shall, while on duty, be subject to the operational control of
6859 the authority in charge of emergency management activities in
6860 the area in which they are serving and shall be reimbursed for
6861 all actual and necessary travel and subsistence expenses to the
6862 extent of funds available.

6863 Section 148. Section 252.42, Florida Statutes, is amended
6864 to read:

6865 252.42 Government equipment, services, and facilities.—In
6866 the event of any emergency, the office ~~division~~ may make
6867 available any equipment, services, or facilities owned or
6868 organized by the state or its political subdivisions for use in
6869 the affected area upon request of the duly constituted authority
6870 of the area or upon the request of any recognized and accredited
6871 relief agency through such duly constituted authority.

6872 Section 149. Subsections (2), (4), and (5) of section
6873 252.43, Florida Statutes, are amended to read:

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6874 252.43 Compensation.—

6875 (2) Compensation owed for personal services shall be only
6876 such as may be fixed by the office ~~division~~.

6877 (4) Any person claiming compensation for the use, damage,
6878 loss, or destruction of property under ss. 252.31-252.60 shall
6879 file a claim therefor with the office ~~division~~ in the form and
6880 manner that the office ~~division~~ provides.

6881 (5) Unless the amount of compensation owed on account of
6882 property damaged, lost, or destroyed is agreed between the
6883 claimant and the office ~~division~~, the amount of compensation
6884 shall be calculated in the same manner as compensation due for a
6885 taking of property pursuant to the condemnation laws of this
6886 state.

6887 Section 150. Subsections (2) and (3) of section 252.44,
6888 Florida Statutes, are amended to read:

6889 252.44 Emergency mitigation.—

6890 (2) The appropriate state agencies, in conjunction with the
6891 office ~~division~~, shall keep land uses and construction of
6892 structures and other facilities under continuing study and
6893 identify areas which are particularly susceptible to severe land
6894 shifting, subsidence, flood, or other catastrophic occurrence,
6895 manmade or natural. The studies under this subsection shall
6896 concentrate on means of reducing or avoiding the dangers caused
6897 by these occurrences or the consequences thereof.

6898 (3) If the office ~~division~~ believes, on the basis of the
6899 studies or other competent evidence, that an area is susceptible
6900 to an emergency of catastrophic proportions without adequate
6901 warning; that existing building standards and land use controls
6902 in that area are inadequate and could add substantially to the

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6903 magnitude of the emergency; and that changes in zoning
6904 regulations, other land use regulations, or building
6905 requirements are essential in order to further the purposes of
6906 this section, it shall specify the essential changes to the
6907 Governor. If the Governor upon review of the recommendation
6908 finds after public hearing that changes are essential, she or he
6909 shall so recommend to the agencies or political subdivisions
6910 with jurisdiction over the area and subject matter. If no
6911 action, or insufficient action, pursuant to her or his
6912 recommendations is taken within the time specified by the
6913 Governor, she or he shall so inform the Legislature and request
6914 legislative action appropriate to mitigate the impact of such an
6915 emergency.

6916 Section 151. Subsections (1) and (2) of section 252.46,
6917 Florida Statutes, are amended to read:

6918 252.46 Orders and rules.—

6919 (1) In accordance with the provisions of chapter 120, the
6920 political subdivisions of the state and other agencies
6921 designated or appointed by the Governor or in the state
6922 comprehensive emergency management plan are authorized and
6923 empowered to make, amend, and rescind such orders and rules as
6924 are necessary for emergency management purposes and to
6925 supplement the carrying out of the provisions of ss. 252.31-
6926 252.90, but which are not inconsistent with any orders or rules
6927 adopted by the office ~~division~~ or by any state agency exercising
6928 a power delegated to it by the Governor or the office ~~division~~.

6929 (2) All orders and rules adopted by the office ~~division~~ or
6930 any political subdivision or other agency authorized by ss.
6931 252.31-252.90 to make orders and rules have full force and

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6932 effect of law after adoption in accordance with the provisions
6933 of chapter 120 in the event of issuance by the office ~~division~~
6934 or any state agency or, if promulgated by a political
6935 subdivision of the state or agency thereof, when filed in the
6936 office of the clerk or recorder of the political subdivision or
6937 agency promulgating the same. All existing laws, ordinances, and
6938 rules inconsistent with the provisions of ss. 252.31-252.90, or
6939 any order or rule issued under the authority of ss. 252.31-
6940 252.90, shall be suspended during the period of time and to the
6941 extent that such conflict exists.

6942 Section 152. Subsection (5) of section 252.55, Florida
6943 Statutes, is amended to read:

6944 252.55 Civil Air Patrol, Florida Wing.—

6945 (5) The wing commander of the Florida Wing of the Civil Air
6946 Patrol shall biennially furnish the office ~~Bureau of Emergency~~
6947 ~~Management~~ a 2-year projection of the goals and objectives of
6948 the Civil Air Patrol which shall be reported in the office's
6949 ~~division's~~ biennial report submitted pursuant to s. 252.35.

6950 Section 153. Subsection (3) and paragraph (a) of subsection
6951 (4) of section 252.60, Florida Statutes, are amended to read:

6952 252.60 Radiological emergency preparedness.—

6953 (3) EMERGENCY RESPONSE PLANS.—In addition to the other
6954 plans required by this chapter, the office ~~division~~ shall
6955 develop, prepare, test, and implement as needed, in conjunction
6956 with the appropriate counties and the affected operator, such
6957 radiological emergency response plans and preparedness
6958 requirements as may be imposed by the United States Nuclear
6959 Regulatory Commission or the Federal Emergency Management Agency
6960 as a requirement for obtaining or continuing the appropriate

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6961 licenses for a commercial nuclear electric generating facility.

6962 (4) POWERS AND DUTIES.—In implementing the requirements of
6963 this section, the director of the office ~~secretary of the~~
6964 ~~department~~, or the director's ~~secretary's~~ designated
6965 representative, shall:

6966 (a) Negotiate and enter into such additional contracts and
6967 arrangements among the office ~~division~~, appropriate counties,
6968 and each operator to provide for the level of funding and the
6969 respective roles of each in the development, preparation,
6970 testing, and implementation of the plans.

6971 Section 154. Section 252.61, Florida Statutes, is amended
6972 to read:

6973 252.61 List of persons for contact relating to release of
6974 toxic substances into atmosphere.—The Office of Emergency
6975 Management Department of Community Affairs shall maintain a list
6976 of contact persons ~~after the survey pursuant to s. 403.771 is~~
6977 ~~completed~~.

6978 Section 155. Section 252.82, Florida Statutes, is amended
6979 to read:

6980 252.82 Definitions.—As used in this part:

6981 (1) "Commission" means the State Hazardous Materials
6982 Emergency Response Commission created pursuant to s. 301 of
6983 EPCRA.

6984 (2) "Committee" means any local emergency planning
6985 committee established in the state pursuant to s. 301 of EPCRA.

6986 ~~(3) "Department" means the Department of Community Affairs.~~

6987 ~~(3)(4)~~ (3) "Facility" means facility as defined in s. 329 of
6988 EPCRA. Vehicles placarded according to title 49 Code of Federal
6989 Regulations are ~~shall~~ not be considered a facility except for

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6990 purposes of s. 304 of EPCRA.

6991 (4)~~(5)~~ "Hazardous material" means any hazardous chemical,
6992 toxic chemical, or extremely hazardous substance, as defined in
6993 s. 329 of EPCRA.

6994 (5)~~(6)~~ "EPCRA" means the Emergency Planning and Community
6995 Right-to-Know Act of 1986, title III of the Superfund Amendments
6996 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-
6997 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
6998 adopted thereunder.

6999 (6) "Office" means the Office of Emergency Management
7000 within the Executive Office of the Governor.

7001 (7) "Trust fund" means the Operating Trust Fund of the
7002 office ~~Department of Community Affairs.~~

7003 Section 156. Section 252.83, Florida Statutes, is amended
7004 to read:

7005 252.83 Powers and duties of the department.—

7006 (1) The office ~~department~~ shall have the authority:

7007 (a) To coordinate its activities under this part with its
7008 other emergency management responsibilities, including its
7009 responsibilities under part I of this chapter, and activities
7010 and with the related activities of other agencies, keeping
7011 separate accounts for all activities supported or partially
7012 supported from the Operating Trust Fund.

7013 (b) To make rules, with the advice and consent of the
7014 commission, to implement this part.

7015 (2) The office ~~department~~ shall provide administrative
7016 support, including staff, facilities, materials, and services,
7017 to the commission and shall provide funding to the committees to
7018 enable the commission and the committees to perform their

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7019 functions under EPCRA and this part.

7020 (3) The office ~~department~~ and the commission, to the extent
7021 possible, shall use the emergency planning capabilities of local
7022 governments to reduce duplication and paperwork to achieve the
7023 intent of this part. It is the intent of the Legislature that
7024 this part be implemented in the most cost-efficient manner
7025 possible, with the least possible financial impact on local
7026 government and the community.

7027 Section 157. Subsections (1), (3), (4), and (5) of section
7028 252.85, Florida Statutes, are amended to read:

7029 252.85 Fees.—

7030 (1) Any owner or operator of a facility required under s.
7031 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
7032 notification or an annual inventory form to the commission shall
7033 be required to pay an annual registration fee. The fee for any
7034 company, including all facilities under common ownership or
7035 control, shall not be less than \$25 nor more than \$2,000. The
7036 office ~~department~~ shall establish a reduced fee, of not less
7037 than \$25 nor more than \$500, applicable to any owner or operator
7038 regulated under part I of chapter 368, chapter 527, or s.
7039 376.303, which does not have present any extremely hazardous
7040 substance, as defined by EPCRA, in excess of a threshold
7041 planning quantity, as established by EPCRA. The office
7042 ~~department~~ shall establish a reduced fee of not less than \$25
7043 nor more than \$1,000, applicable to any owner or operator of a
7044 facility with a Standard Industrial Classification Code of 01,
7045 02, or 07, which is eligible for the "routine agricultural use"
7046 exemption provided in ss. 311 and 312 of EPCRA. The fee under
7047 this subsection shall be based on the number of employees

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7048 employed within the state at facilities under the common
7049 ownership or control of such owner or operator, which number
7050 shall be determined, to the extent possible, in accordance with
7051 data supplied by Jobs Florida or its tax collection service
7052 provider ~~the Department of Labor and Employment Security~~. In
7053 order to avoid the duplicative reporting of seasonal and
7054 temporary agricultural employees, fees applicable to owners or
7055 operators of agricultural facilities, which are eligible for the
7056 "routine agricultural use" reporting exemption provided in ss.
7057 311 and 312 of EPCRA, shall be based on employee data which most
7058 closely reflects such owner or operator's permanent nonseasonal
7059 workforce. The office ~~department~~ shall establish by rule the
7060 date by which the fee is to be paid, as well as a formula or
7061 method of determining the applicable fee under this subsection
7062 without regard to the number of facilities under common
7063 ownership or control. The office ~~department~~ may require owners
7064 or operators of multiple facilities to demonstrate common
7065 ownership or control for purposes of this subsection.

7066 (3) Any owner or operator of a facility that is required to
7067 submit a report or filing under s. 313 of EPCRA shall pay an
7068 annual reporting fee not to exceed \$150 for those s. 313 EPCRA
7069 listed substances in effect on January 1, 2005. The office
7070 ~~department~~ shall establish by rule the date by which the fee is
7071 to be paid, as well as a formula or method of determining the
7072 applicable fee under this subsection.

7073 (4)(a) The office ~~department~~ may assess a late fee for the
7074 failure to submit a report or filing that substantially complies
7075 with the requirements of EPCRA or s. 252.87 by the specified
7076 date or for failure to pay any fee, including any late fee,

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7077 required by this section. This late fee shall be in addition to
7078 the fee otherwise imposed pursuant to this section. If the
7079 office department elects to impose a late fee, it shall provide
7080 the owner or operator with a written notice that identifies the
7081 specific requirements which have not been met and advises of its
7082 intent to assess a late fee.

7083 (b) The office department may impose a late fee, subject to
7084 the limitations set forth below:

7085 1. If the report, filing, or fee is submitted within 30
7086 days after the receipt of the office's department's notice, no
7087 late fee may be assessed.

7088 2. If the report, filing, or fee is not submitted within 30
7089 days after the receipt of the office's department's notice, the
7090 office department may impose a late fee in an amount equal to
7091 the amount of the annual registration fee, filing fee, or s. 313
7092 fee due, not to exceed \$2,000.

7093 3. If the report, filing, or fee is not submitted within 90
7094 days after the receipt of the office's department's notice, the
7095 office department may issue a second notice. If the report,
7096 filing, or fee is not submitted within 30 days after receipt of
7097 the office's department's second notice, the office department
7098 may assess a second late fee in an amount equal to twice the
7099 amount of the annual registration fee, filing fee, or s. 313 fee
7100 due, not to exceed \$4,000.

7101 4. The office department may consider, but is not limited
7102 to considering, the following factors in assessing late fees:
7103 good faith attempt to comply; history of noncompliance; ability
7104 to pay or continue in business; threat to health and safety
7105 posed by noncompliance; and degree of culpability.

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7106 (5) The office ~~department~~ shall establish by rule the dates
7107 by which the fee is to be paid, as well as a formula or method
7108 of determining the facility registration fee and late fee.

7109 Section 158. Subsections (1) and (3) of section 252.86,
7110 Florida Statutes, are amended to read:

7111 252.86 Penalties and remedies.—

7112 (1) The owner or operator of a facility, an employer, or
7113 any other person submitting written information pursuant to
7114 EPCRA or this part to the commission, a committee, or a fire
7115 department shall be liable for a civil penalty of \$5,000 for
7116 each item of information in the submission that is false, if
7117 such person knew or should have known the information was false
7118 or if such person submitted the information with reckless
7119 disregard of its truth or falsity. The office ~~department~~ may
7120 institute a civil action in a court of competent jurisdiction to
7121 impose and recover a civil penalty for the amount indicated in
7122 this subsection. However, the court may receive evidence in
7123 mitigation.

7124 (3) Any provision of s. 325 or s. 326 of EPCRA which
7125 creates a federal cause of action shall create a corresponding
7126 cause of action under state law, with jurisdiction in the
7127 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
7128 imposes or authorizes the imposition of a civil penalty by the
7129 Administrator of the Environmental Protection Agency, or which
7130 creates a liability to the United States, shall impose or
7131 authorize the imposition of such a penalty by the office
7132 ~~department~~ or create such a liability to and for the benefit of
7133 the state, to be paid into the Operating Trust Fund. Venue shall
7134 be proper in the county where the violation occurred or where

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7135 the defendant has its principal place of business.

7136 Section 159. Subsections (4) and (7) of section 252.87,
7137 Florida Statutes, are amended to read:

7138 252.87 Supplemental state reporting requirements.—

7139 (4) Each employer that owns or operates a facility in this
7140 state at which hazardous materials are present in quantities at
7141 or above the thresholds established under ss. 311(b) and 312(b)
7142 of EPCRA shall comply with the reporting requirements of ss. 311
7143 and 312 of EPCRA. Such employer shall also be responsible for
7144 notifying the office ~~department~~, the local emergency planning
7145 committee, and the local fire department in writing within 30
7146 days if there is a discontinuance or abandonment of the
7147 employer's business activities that could affect any stored
7148 hazardous materials.

7149 (7) The office ~~department~~ shall avoid duplicative reporting
7150 requirements by utilizing the reporting requirements of other
7151 state agencies that regulate hazardous materials to the extent
7152 feasible and shall request the information authorized under
7153 EPCRA. With the advice and consent of the State Emergency
7154 Response Commission for Hazardous Materials, the office
7155 ~~department~~ may require by rule that the maximum daily amount
7156 entry on the chemical inventory report required under s. 312 of
7157 EPCRA provide for reporting in estimated actual amounts. The
7158 office ~~department~~ may also require by rule an entry for the
7159 Federal Employer Identification Number on this report. To the
7160 extent feasible, the office ~~department~~ shall encourage and
7161 accept required information in a form initiated through
7162 electronic data interchange and shall describe by rule the
7163 format, manner of execution, and method of electronic

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7164 transmission necessary for using such form. To the extent
7165 feasible, the Department of Financial Services, the Department
7166 of Agriculture and Consumer Services, the Department of
7167 Environmental Protection, the Public Service Commission, the
7168 Department of Revenue, ~~the Department of Labor and Employment~~
7169 ~~Security~~, and other state agencies which regulate hazardous
7170 materials shall coordinate with the office ~~department~~ in order
7171 to avoid duplicative requirements contained in each agency's
7172 respective reporting or registration forms. The other state
7173 agencies that inspect facilities storing hazardous materials and
7174 suppliers and distributors of covered substances shall assist
7175 the office ~~department~~ in informing the facility owner or
7176 operator of the requirements of this part. The office ~~department~~
7177 shall provide the other state agencies with the necessary
7178 information and materials to inform the owners and operators of
7179 the requirements of this part to ensure that the budgets of
7180 these agencies are not adversely affected.

7181 Section 160. Subsection (4) of section 252.88, Florida
7182 Statutes, is amended to read:

7183 252.88 Public records.—

7184 (4) The office ~~department~~, the commission, and the
7185 committees shall furnish copies of public records submitted
7186 under EPCRA or this part, and may charge a fee of \$1 per page
7187 per person per year for over 25 pages of materials copied.

7188 Section 161. Subsections (3), (8), (9), and (19) of section
7189 252.936, Florida Statutes, are amended to read:

7190 252.936 Definitions.—As used in this part, the term:

7191 (3) "Audit" means a review of information at, a ~~stationary~~
7192 ~~source subject to s. 112(r)(7)~~, or submitted by, a stationary

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7193 source subject to s. 112(r)(7), to determine whether that
7194 stationary source is in compliance with ~~the requirements of~~ this
7195 part and rules adopted to administer ~~implement~~ this part. Audits
7196 must include a review of the adequacy of the stationary source's
7197 Risk Management Plan, may consist of reviews of information
7198 submitted to the office ~~department~~ or the United States
7199 Environmental Protection Agency to determine whether the plan is
7200 complete or whether revisions to the plan are needed, and the
7201 reviews may be conducted at the stationary source to confirm
7202 that information onsite is consistent with reported information.

7203 ~~(8) "Department" means the Department of Community Affairs.~~

7204 (8)~~(9)~~ "Inspection" means a review of information at a
7205 stationary source subject to s. 112(r)(7), including
7206 documentation and operating practices and access to the source
7207 and to any area where an accidental release could occur, to
7208 determine whether the stationary source is in compliance with
7209 ~~the requirements of~~ this part or rules adopted to administer
7210 ~~implement~~ this part.

7211 (9) "Office" means the Office of Emergency Management in
7212 the Executive Office of the Governor.

7213 (19) "Trust fund" means the Operating Trust Fund of the
7214 office established in the department's Division of Emergency
7215 Management.

7216 Section 162. Section 252.937, Florida Statutes, is amended
7217 to read:

7218 252.937 Department powers and duties.—

7219 (1) The office ~~department~~ has the power and duty to:

7220 (a)1. Seek delegation from the United States Environmental
7221 Protection Agency to implement the Accidental Release Prevention

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7222 Program under s. 112(r)(7) of the Clean Air Act and the federal
7223 implementing regulations for specified sources subject to s.
7224 112(r)(7) of the Clean Air Act. Implementation for all other
7225 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
7226 be performed by the United States Environmental Protection
7227 Agency; and

7228 2. Ensure the timely submission of Risk Management Plans
7229 and any subsequent revisions of Risk Management Plans.

7230 (b) Adopt, modify, and repeal rules, with the advice and
7231 consent of the commission, necessary to obtain delegation from
7232 the United States Environmental Protection Agency and to
7233 administer the s. 112(r)(7) Accidental Release Prevention
7234 Program in this state for the specified stationary sources with
7235 no expansion or addition of the regulatory program.

7236 (c) Make and execute contracts and other agreements
7237 necessary or convenient to the administration ~~implementation~~ of
7238 this part.

7239 (d) Coordinate its activities under this part with its
7240 other emergency management responsibilities, including its
7241 responsibilities and activities under parts I, II, and III of
7242 this chapter and with the related activities of other state and
7243 local agencies, keeping separate accounts for all activities
7244 conducted under this part which are supported or partially
7245 supported from the trust fund.

7246 (e) Establish, with the advice and consent of the
7247 commission, a technical assistance and outreach program ~~on or~~
7248 ~~before January 31, 1999,~~ to assist owners and operators of
7249 specified stationary sources subject to s. 112(r)(7) in
7250 complying with the reporting and fee requirements of this part.

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7251 This program is designed to facilitate and ensure timely
7252 submission of proper certifications or compliance schedules and
7253 timely submission and registration of Risk Management Plans and
7254 revised registrations and Risk Management Plans if ~~when~~ required
7255 for these sources.

7256 (f) Make a quarterly report to the State Emergency Response
7257 Commission on income and expenses for the state's Accidental
7258 Release Prevention Program under this part.

7259 (2) To ensure that this program is self-supporting, the
7260 office ~~department~~ shall provide administrative support,
7261 including staff, facilities, materials, and services to
7262 implement this part for specified stationary sources subject to
7263 s. 252.939 and ~~shall~~ provide necessary funding to local
7264 emergency planning committees and county emergency management
7265 agencies for work performed to implement this part. Each state
7266 agency with regulatory, inspection, or technical assistance
7267 programs for specified stationary sources subject to this part
7268 shall enter into a memorandum of understanding with the office
7269 ~~department~~ which specifically outlines how each agency's staff,
7270 facilities, materials, and services will be used ~~utilized~~ to
7271 support implementation. ~~At a minimum, these agencies and~~
7272 ~~programs include: the Department of Environmental Protection's~~
7273 ~~Division of Air Resources Management and Division of Water~~
7274 ~~Resource Management, and the Department of Labor and Employment~~
7275 ~~Security's Division of Safety.~~ It is the Legislature's intent to
7276 implement this part as efficiently and economically as possible,
7277 using existing expertise and resources, if available and
7278 appropriate.

7279 (3) To prevent the duplication of investigative efforts and

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7280 resources, the office ~~department~~, on behalf of the commission,
7281 shall coordinate with any federal agencies or agents thereof,
7282 including the federal Chemical Safety and Hazard Investigation
7283 Board, or its successor, which are performing accidental release
7284 investigations for specified stationary sources, and may
7285 coordinate with any agencies of the state which are performing
7286 accidental release investigations. This accidental release
7287 investigation coordination is not intended to limit or take the
7288 place of any individual agency accidental release investigation
7289 under separate authority.

7290 (4) To promote efficient administration of this program and
7291 specified stationary sources, ~~the only~~ the office ~~agency which~~
7292 may seek delegation from the United States Environmental
7293 Protection Agency for this program ~~is the Florida Department of~~
7294 ~~Community Affairs~~. Further, the office may ~~Florida Department of~~
7295 ~~Community Affairs shall~~ not delegate this program to any local
7296 environmental agency.

7297 Section 163. Section 252.943, Florida Statutes, is amended
7298 to read:

7299 252.943 Public records.—

7300 (1) The office ~~Department of Community Affairs~~ shall
7301 protect records, reports, or information or particular parts
7302 thereof, other than release or emissions data, contained in a
7303 risk management plan from public disclosure pursuant to ss.
7304 112(r) and 114(c) of the federal Clean Air Act and authorities
7305 cited therein, based upon a showing satisfactory to the
7306 Administrator of the United States Environmental Protection
7307 Agency, by any owner or operator of a stationary source subject
7308 to the Accidental Release Prevention Program, that public

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7309 release of such records, reports, or information would divulge
7310 methods or processes entitled to protection as trade secrets as
7311 provided for in 40 C.F.R. part 2, subpart B. Such records,
7312 reports, or information held by the office ~~department~~ are
7313 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
7314 s. 24(a), Art. I of the State Constitution, unless a final
7315 determination has been made by the Administrator of the
7316 Environmental Protection Agency that such records, reports, or
7317 information are not entitled to trade secret protection, or
7318 pursuant to an order of court.

7319 (2) The office ~~department~~ shall protect records, reports,
7320 or information or particular parts thereof, other than release
7321 or emissions data, obtained from an investigation, inspection,
7322 or audit from public disclosure pursuant to ss. 112(r) and
7323 114(c) of the federal Clean Air Act and authorities cited
7324 therein, based upon a showing satisfactory to the Administrator
7325 of the United States Environmental Protection Agency, by any
7326 owner or operator of a stationary source subject to the
7327 Accidental Release Prevention Program, that public release of
7328 such records, reports, or information would divulge methods or
7329 processes entitled to protection as trade secrets as provided
7330 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
7331 information held by the office ~~department~~ are confidential and
7332 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
7333 of the State Constitution, unless a final determination has been
7334 made by the Administrator of the Environmental Protection Agency
7335 that such records, reports, or information are not entitled to
7336 trade secret protection, or pursuant to a court ~~an order of~~
7337 ~~court~~.

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7338 Section 164. Section 252.946, Florida Statutes, is amended
7339 to read:

7340 252.946 Public records.—With regard to information
7341 submitted to the United States Environmental Protection Agency
7342 under this part or s. 112(r)(7), the office ~~department~~ of
7343 ~~Community Affairs~~, the State Hazardous Materials Emergency
7344 Response Commission, and any local emergency planning committee
7345 may assist persons in electronically accessing such information
7346 held by the United States Environmental Protection Agency in its
7347 centralized database. If requested, the office ~~department~~, the
7348 commission, or a committee may furnish copies of such United
7349 States Environmental Protection Agency records.

7350 Section 165. Paragraph (b) of subsection (1) of section
7351 255.099, Florida Statutes, is amended to read:

7352 255.099 Preference to state residents.—

7353 (1) Each contract for construction that is funded by state
7354 funds must contain a provision requiring the contractor to give
7355 preference to the employment of state residents in the
7356 performance of the work on the project if state residents have
7357 substantially equal qualifications to those of nonresidents. A
7358 contract for construction funded by local funds may contain such
7359 a provision.

7360 (b) A contractor required to employ state residents must
7361 contact Jobs Florida ~~the Agency for Workforce Innovation~~ to post
7362 the contractor's employment needs in the state's job bank
7363 system.

7364 Section 166. Paragraph (b) of subsection (1) of section
7365 259.035, Florida Statutes, is amended to read:

7366 259.035 Acquisition and Restoration Council.—

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7367 (1) There is created the Acquisition and Restoration
7368 Council.

7369 (b) The five remaining appointees shall be composed of the
7370 Secretary of Environmental Protection, the director of the
7371 Division of Forestry of the Department of Agriculture and
7372 Consumer Services, the executive director of the Fish and
7373 Wildlife Conservation Commission, the director of the Division
7374 of Historical Resources of the Department of State, ~~and the~~
7375 ~~secretary of the Department of Community Affairs,~~ or their
7376 respective designees.

7377 Section 167. Paragraph (d) of subsection (1) of section
7378 260.0142, Florida Statutes, is amended to read:

7379 260.0142 Florida Greenways and Trails Council; composition;
7380 powers and duties.—

7381 (1) There is created within the department the Florida
7382 Greenways and Trails Council which shall advise the department
7383 in the execution of the department's powers and duties under
7384 this chapter. The council shall be composed of 20 ~~21~~ members,
7385 consisting of:

7386 (d) The 10 remaining members shall include:

7387 1. The Secretary of Environmental Protection or a designee.

7388 2. The executive director of the Fish and Wildlife
7389 Conservation Commission or a designee.

7390 ~~3. The Secretary of Community Affairs or a designee.~~

7391 3.4. The Secretary of Transportation or a designee.

7392 4.5. The Director of the Division of Forestry of the
7393 Department of Agriculture and Consumer Services or a designee.

7394 5.6. The director of the Division of Historical Resources
7395 of the Department of State or a designee.

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7396 6.7. A representative of the water management districts.
7397 Membership on the council shall rotate among the five districts.
7398 The districts shall determine the order of rotation.

7399 7.8. A representative of a federal land management agency.
7400 The Secretary of Environmental Protection shall identify the
7401 appropriate federal agency and request designation of a
7402 representative from the agency to serve on the council.

7403 8.9. A representative of the regional planning councils to
7404 be appointed by the Secretary of Environmental Protection ~~in~~
7405 ~~consultation with the Secretary of Community Affairs~~. Membership
7406 on the council shall rotate among the seven regional planning
7407 councils. The regional planning councils shall determine the
7408 order of rotation.

7409 9.10. A representative of local governments to be appointed
7410 by the Secretary of Environmental Protection ~~in consultation~~
7411 ~~with the Secretary of Community Affairs~~. Membership shall
7412 alternate between a county representative and a municipal
7413 representative.

7414 Section 168. Paragraph (a) of subsection (4) of section
7415 282.34, Florida Statutes, is amended to read:

7416 282.34 Statewide e-mail service.—A state e-mail system that
7417 includes the delivery and support of e-mail, messaging, and
7418 calendaring capabilities is established as an enterprise
7419 information technology service as defined in s. 282.0041. The
7420 service shall be designed to meet the needs of all executive
7421 branch agencies. The primary goals of the service are to
7422 minimize the state investment required to establish, operate,
7423 and support the statewide service; reduce the cost of current e-
7424 mail operations and the number of duplicative e-mail systems;

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7425 and eliminate the need for each state agency to maintain its own
7426 e-mail staff.

7427 (4) All agencies must be completely migrated to the
7428 statewide e-mail service as soon as financially and
7429 operationally feasible, but no later than June 30, 2015.

7430 (a) The following statewide e-mail service implementation
7431 schedule is established for state agencies:

7432 1. Phase 1.—The following agencies must be completely
7433 migrated to the statewide e-mail system by June 30, 2012: the
7434 Agency for Enterprise Information Technology; ~~the Department of~~
7435 ~~Community Affairs, including the Division of Emergency~~
7436 ~~Management~~; the Department of Corrections; the Department of
7437 Health; the Department of Highway Safety and Motor Vehicles; the
7438 Department of Management Services, including the Division of
7439 Administrative Hearings, the Division of Retirement, the
7440 Commission on Human Relations, and the Public Employees
7441 Relations Commission; the Southwood Shared Resource Center; and
7442 the Department of Revenue.

7443 2. Phase 2.—The following agencies must be completely
7444 migrated to the statewide e-mail system by June 30, 2013: the
7445 Department of Business and Professional Regulation; the
7446 Department of Education, including the Board of Governors; the
7447 Department of Environmental Protection; the Department of
7448 Juvenile Justice; the Department of the Lottery; the Department
7449 of State; the Department of Law Enforcement; the Department of
7450 Veterans' Affairs; the Judicial Administration Commission; the
7451 Public Service Commission; and the Statewide Guardian Ad Litem
7452 Office.

7453 3. Phase 3.—The following agencies must be completely

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7454 migrated to the statewide e-mail system by June 30, 2014: the
7455 Agency for Health Care Administration; ~~the Agency for Workforce~~
7456 ~~Innovation~~; the Department of Financial Services, including the
7457 Office of Financial Regulation and the Office of Insurance
7458 Regulation; the Department of Agriculture and Consumer Services;
7459 the Executive Office of the Governor, including the Office of
7460 Emergency Management; the Department of Transportation; the Fish
7461 and Wildlife Conservation Commission; the Agency for Persons
7462 With Disabilities; the Northwood Shared Resource Center; and the
7463 State Board of Administration.

7464 4. Phase 4.—The following agencies must be completely
7465 migrated to the statewide e-mail system by June 30, 2015: the
7466 Department of Children and Family Services; the Department of
7467 Citrus; the Department of Elderly Affairs; and the Department of
7468 Legal Affairs.

7469 Section 169. Paragraphs (a) and (d) of subsection (1) and
7470 subsection (4) of section 282.709, Florida Statutes, are amended
7471 to read:

7472 282.709 State agency law enforcement radio system and
7473 interoperability network.—

7474 (1) The department may acquire and administer a statewide
7475 radio communications system to serve law enforcement units of
7476 state agencies, and to serve local law enforcement agencies
7477 through mutual aid channels.

7478 (a) The department shall, in conjunction with the
7479 Department of Law Enforcement and the Office Division of
7480 Emergency Management ~~of the Department of Community Affairs~~,
7481 establish policies, procedures, and standards to be incorporated
7482 into a comprehensive management plan for the use and operation

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7483 of the statewide radio communications system.

7484 (d) The department shall exercise its powers and duties
7485 under this part to plan, manage, and administer the mutual aid
7486 channels in the statewide radio communication system.

7487 1. In implementing such powers and duties, the department
7488 shall consult and act in conjunction with the Department of Law
7489 Enforcement and the Office ~~Division~~ of Emergency Management ~~of~~
7490 ~~the Department of Community Affairs~~, and shall manage and
7491 administer the mutual aid channels in a manner that reasonably
7492 addresses the needs and concerns of the involved law enforcement
7493 agencies and emergency response agencies and entities.

7494 2. The department may make the mutual aid channels
7495 available to federal agencies, state agencies, and agencies of
7496 the political subdivisions of the state for the purpose of
7497 public safety and domestic security.

7498 (4) The department may create and administer an
7499 interoperability network to enable interoperability between
7500 various radio communications technologies and to serve federal
7501 agencies, state agencies, and agencies of political subdivisions
7502 of the state for the purpose of public safety and domestic
7503 security.

7504 (a) The department shall, in conjunction with the
7505 Department of Law Enforcement and the Office ~~Division~~ of
7506 Emergency Management ~~of the Department of Community Affairs~~,
7507 exercise its powers and duties pursuant to this chapter to plan,
7508 manage, and administer the interoperability network. The office
7509 may:

7510 1. Enter into mutual aid agreements among federal agencies,
7511 state agencies, and political subdivisions of the state for the

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7512 use of the interoperability network.

7513 2. Establish the cost of maintenance and operation of the
7514 interoperability network and charge subscribing federal and
7515 local law enforcement agencies for access and use of the
7516 network. The department may not charge state law enforcement
7517 agencies identified in paragraph (2)(a) to use the network.

7518 3. In consultation with the Department of Law Enforcement
7519 and the Office Division of Emergency Management ~~of the~~
7520 ~~Department of Community Affairs~~, amend and enhance the statewide
7521 radio communications system as necessary to implement the
7522 interoperability network.

7523 (b) The department, in consultation with the Joint Task
7524 Force on State Agency Law Enforcement Communications, and in
7525 conjunction with the Department of Law Enforcement and the
7526 Office Division of Emergency Management ~~of the Department of~~
7527 ~~Community Affairs~~, shall establish policies, procedures, and
7528 standards to incorporate into a comprehensive management plan
7529 for the use and operation of the interoperability network.

7530 Section 170. Section 287.09431, Florida Statutes, is
7531 amended to read:

7532 287.09431 Statewide and interlocal agreement on
7533 certification of business concerns for the status of minority
7534 business enterprise.—The statewide and interlocal agreement on
7535 certification of business concerns for the status of minority
7536 business enterprise is hereby enacted and entered into with all
7537 jurisdictions or organizations legally joining therein. If,
7538 within 2 years from the date that the certification core
7539 criteria are approved by the Department of Management Services
7540 ~~Department of Labor and Employment Security~~, the agreement

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7541 included herein is not executed by a majority of county and
7542 municipal governing bodies that administer a minority business
7543 assistance program on the effective date of this act, then the
7544 Legislature shall review this agreement. It is the intent of the
7545 Legislature that if the agreement is not executed by a majority
7546 of the requisite governing bodies, then a statewide uniform
7547 certification process should be adopted, and that said agreement
7548 should be repealed and replaced by a mandatory state government
7549 certification process.

7550
7551 ARTICLE I
7552

7553 PURPOSE, FINDINGS, AND POLICY.—

7554 (1) The parties to this agreement, desiring by common
7555 action to establish a uniform certification process in order to
7556 reduce the multiplicity of applications by business concerns to
7557 state and local governmental programs for minority business
7558 assistance, declare that it is the policy of each of them, on
7559 the basis of cooperation with one another, to remedy social and
7560 economic disadvantage suffered by certain groups, resulting in
7561 their being historically underutilized in ownership and control
7562 of commercial enterprises. Thus, the parties seek to address
7563 this history by increasing the participation of the identified
7564 groups in opportunities afforded by government procurement.

7565 (2) The parties find that the State of Florida presently
7566 certifies firms for participation in the minority business
7567 assistance programs of the state. The parties find further that
7568 some counties, municipalities, school boards, special districts,
7569 and other divisions of local government require a separate, yet

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7570 similar, and in most cases redundant certification in order for
7571 businesses to participate in the programs sponsored by each
7572 government entity.

7573 (3) The parties find further that this redundant
7574 certification has proven to be unduly burdensome to the
7575 minority-owned firms intended to benefit from the underlying
7576 purchasing incentives.

7577 (4) The parties agree that:

7578 (a) They will facilitate integrity, stability, and
7579 cooperation in the statewide and interlocal certification
7580 process, and in other elements of programs established to assist
7581 minority-owned businesses.

7582 (b) They shall cooperate with agencies, organizations, and
7583 associations interested in certification and other elements of
7584 minority business assistance.

7585 (c) It is the purpose of this agreement to provide for a
7586 uniform process whereby the status of a business concern may be
7587 determined in a singular review of the business information for
7588 these purposes, in order to eliminate any undue expense, delay,
7589 or confusion to the minority-owned businesses in seeking to
7590 participate in the minority business assistance programs of
7591 state and local jurisdictions.

7592
7593 ARTICLE II
7594

7595 DEFINITIONS.—As used in this agreement and contracts made
7596 pursuant to it, unless the context clearly requires otherwise:

7597 (1) "Awarding organization" means any political subdivision
7598 or organization authorized by law, ordinance, or agreement to

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7599 enter into contracts and for which the governing body has
7600 entered into this agreement.

7601 (2) "Department" means the Department of Management
7602 Services ~~Department of Labor and Employment Security~~.

7603 (3) "Minority" means a person who is a lawful, permanent
7604 resident of the state, having origins in one of the minority
7605 groups as described and adopted by the Department of Management
7606 Services ~~Department of Labor and Employment Security~~, hereby
7607 incorporated by reference.

7608 (4) "Minority business enterprise" means any small business
7609 concern as defined in subsection (6) that meets all of the
7610 criteria described and adopted by the Department of Management
7611 Services ~~Department of Labor and Employment Security~~, hereby
7612 incorporated by reference.

7613 (5) "Participating state or local organization" means any
7614 political subdivision of the state or organization designated by
7615 such that elects to participate in the certification process
7616 pursuant to this agreement, which has been approved according to
7617 s. 287.0943(3) and has legally entered into this agreement.

7618 (6) "Small business concern" means an independently owned
7619 and operated business concern which is of a size and type as
7620 described and adopted by vote related to this agreement of the
7621 commission, hereby incorporated by reference.

7622

7623 ARTICLE III

7624

7625 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

7626 (1) All awarding organizations shall accept a certification
7627 granted by any participating organization which has been

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7628 approved according to s. 287.0943(3) and has entered into this
7629 agreement, as valid status of minority business enterprise.

7630 (2) A participating organization shall certify a business
7631 concern that meets the definition of minority business
7632 enterprise in this agreement, in accordance with the duly
7633 adopted eligibility criteria.

7634 (3) All participating organizations shall issue notice of
7635 certification decisions granting or denying certification to all
7636 other participating organizations within 14 days of the
7637 decision. Such notice may be made through electronic media.

7638 (4) No certification will be granted without an onsite
7639 visit to verify ownership and control of the prospective
7640 minority business enterprise, unless verification can be
7641 accomplished by other methods of adequate verification or
7642 assessment of ownership and control.

7643 (5) The certification of a minority business enterprise
7644 pursuant to the terms of this agreement shall not be suspended,
7645 revoked, or otherwise impaired except on any grounds which would
7646 be sufficient for revocation or suspension of a certification in
7647 the jurisdiction of the participating organization.

7648 (6) The certification determination of a party may be
7649 challenged by any other participating organization by the
7650 issuance of a timely written notice by the challenging
7651 organization to the certifying organization's determination
7652 within 10 days of receiving notice of the certification
7653 decision, stating the grounds therefor.

7654 (7) The sole accepted grounds for challenge shall be the
7655 failure of the certifying organization to adhere to the adopted
7656 criteria or the certifying organization's rules or procedures,

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7657 or the perpetuation of a misrepresentation or fraud by the firm.

7658 (8) The certifying organization shall reexamine its
7659 certification determination and submit written notice to the
7660 applicant and the challenging organization of its findings
7661 within 30 days after the receipt of the notice of challenge.

7662 (9) If the certification determination is affirmed, the
7663 challenging agency may subsequently submit timely written notice
7664 to the firm of its intent to revoke certification of the firm.

7665
7666 ARTICLE IV

7667
7668 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement
7669 shall be construed to repeal or otherwise modify any ordinance,
7670 law, or regulation of a party relating to the existing minority
7671 business assistance provisions and procedures by which minority
7672 business enterprises participate therein.

7673
7674 ARTICLE V

7675
7676 TERM.—The term of the agreement shall be 5 years, after
7677 which it may be reexecuted by the parties.

7678
7679 ARTICLE VI

7680
7681 AGREEMENT EVALUATION.—The designated state and local
7682 officials may meet from time to time as a group to evaluate
7683 progress under the agreement, to formulate recommendations for
7684 changes, or to propose a new agreement.

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ARTICLE VII

OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

(1) This agreement shall become effective when properly executed by a legal representative of the participating organization, when enacted into the law of the state and after an ordinance or other legislation is enacted into law by the governing body of each participating organization. Thereafter it shall become effective as to any participating organization upon the enactment of this agreement by the governing body of that organization.

(2) Any party may withdraw from this agreement by enacting legislation repealing the same, but no such withdrawal shall take effect until one year after the governing body of the withdrawing party has given notice in writing of the withdrawal to the other parties.

(3) No withdrawal shall relieve the withdrawing party of any obligations imposed upon it by law.

ARTICLE IX

FINANCIAL RESPONSIBILITY.—

(1) A participating organization shall not be financially

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7715 responsible or liable for the obligations of any other
7716 participating organization related to this agreement.

7717 (2) The provisions of this agreement shall constitute
7718 neither a waiver of any governmental immunity under Florida law
7719 nor a waiver of any defenses of the parties under Florida law.
7720 The provisions of this agreement are solely for the benefit of
7721 its executors and not intended to create or grant any rights,
7722 contractual or otherwise, to any person or entity.

7723
7724 ARTICLE X

7725
7726 VENUE AND GOVERNING LAW.—The obligations of the parties to
7727 this agreement are performable only within the county where the
7728 participating organization is located, and statewide for the
7729 Office of Supplier Diversity, and venue for any legal action in
7730 connection with this agreement shall lie, for any participating
7731 organization except the Office of Supplier Diversity,
7732 exclusively in the county where the participating organization
7733 is located. This agreement shall be governed by and construed in
7734 accordance with the laws and court decisions of the state.

7735
7736 ARTICLE XI

7737
7738 CONSTRUCTION AND SEVERABILITY.—This agreement shall be
7739 liberally construed so as to effectuate the purposes thereof.
7740 The provisions of this agreement shall be severable and if any
7741 phrase, clause, sentence, or provision of this agreement is
7742 declared to be contrary to the State Constitution or the United
7743 States Constitution, or the application thereof to any

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7744 government, agency, person, or circumstance is held invalid, the
7745 validity of the remainder of this agreement and the
7746 applicability thereof to any government, agency, person, or
7747 circumstance shall not be affected thereby. If this agreement
7748 shall be held contrary to the State Constitution, the agreement
7749 shall remain in full force and effect as to all severable
7750 matters.

7751 Section 171. Paragraphs (h) and (o) of subsection (4) of
7752 section 287.09451, Florida Statutes, are amended to read:

7753 287.09451 Office of Supplier Diversity; powers, duties, and
7754 functions.—

7755 (4) The Office of Supplier Diversity shall have the
7756 following powers, duties, and functions:

7757 (h) To develop procedures to investigate complaints against
7758 minority business enterprises or contractors alleged to violate
7759 any provision related to this section or s. 287.0943, that may
7760 include visits to worksites or business premises, and to refer
7761 all information on businesses suspected of misrepresenting
7762 minority status to the Department of Management Services for
7763 investigation. When an investigation is completed and there is
7764 reason to believe that a violation has occurred, ~~the Department~~
7765 ~~of Labor and Employment Security shall refer~~ the matter shall be
7766 referred to the office of the Attorney General, Department of
7767 Legal Affairs, for prosecution.

7768 (o)1. To establish a system to record and measure the use
7769 of certified minority business enterprises in state contracting.
7770 This system shall maintain information and statistics on
7771 certified minority business enterprise participation, awards,
7772 dollar volume of expenditures and agency goals, and other

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7773 appropriate types of information to analyze progress in the
7774 access of certified minority business enterprises to state
7775 contracts and to monitor agency compliance with this section.
7776 Such reporting must include, but is not limited to, the
7777 identification of all subcontracts in state contracting by
7778 dollar amount and by number of subcontracts and the
7779 identification of the utilization of certified minority business
7780 enterprises as prime contractors and subcontractors by dollar
7781 amounts of contracts and subcontracts, number of contracts and
7782 subcontracts, minority status, industry, and any conditions or
7783 circumstances that significantly affected the performance of
7784 subcontractors. Agencies shall report their compliance with the
7785 requirements of this reporting system at least annually and at
7786 the request of the office. All agencies shall cooperate with the
7787 office in establishing this reporting system. Except in
7788 construction contracting, all agencies shall review contracts
7789 costing in excess of CATEGORY FOUR as defined in s. 287.017 to
7790 determine if such contracts could be divided into smaller
7791 contracts to be separately solicited and awarded, and shall,
7792 when economical, offer such smaller contracts to encourage
7793 minority participation.

7794 2. To report agency compliance with the provisions of
7795 subparagraph 1. for the preceding fiscal year to the Governor
7796 and Cabinet, the President of the Senate, and the Speaker of the
7797 House of Representatives, ~~and the secretary of the Department of~~
7798 ~~Labor and Employment Security~~ on or before February 1 of each
7799 year. The report must contain, at a minimum, the following:

- 7800 a. Total expenditures of each agency by industry.
7801 b. The dollar amount and percentage of contracts awarded to

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7802 certified minority business enterprises by each state agency.

7803 c. The dollar amount and percentage of contracts awarded
7804 indirectly to certified minority business enterprises as
7805 subcontractors by each state agency.

7806 d. The total dollar amount and percentage of contracts
7807 awarded to certified minority business enterprises, whether
7808 directly or indirectly, as subcontractors.

7809 e. A statement and assessment of good faith efforts taken
7810 by each state agency.

7811 f. A status report of agency compliance with subsection
7812 (6), as determined by the Minority Business Enterprise Office.

7813 Section 172. Subsections (1) and (5) of section 287.0947,
7814 Florida Statutes, are amended to read:

7815 287.0947 Florida Advisory Council on Small and Minority
7816 Business Development; creation; membership; duties.—

7817 (1) ~~On or after October 1, 1996,~~ The Secretary of
7818 Management Services ~~the Department of Labor and Employment~~
7819 ~~Security~~ may create the Florida Advisory Council on Small and
7820 Minority Business Development with the purpose of advising and
7821 assisting the secretary in carrying out the secretary's duties
7822 with respect to minority businesses and economic and business
7823 development. It is the intent of the Legislature that the
7824 membership of such council include practitioners, laypersons,
7825 financiers, and others with business development experience who
7826 can provide invaluable insight and expertise for this state in
7827 the diversification of its markets and networking of business
7828 opportunities. The council shall initially consist of 19
7829 persons, each of whom is or has been actively engaged in small
7830 and minority business development, either in private industry,

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7831 in governmental service, or as a scholar of recognized
7832 achievement in the study of such matters. Initially, the council
7833 shall consist of members representing all regions of the state
7834 and shall include at least one member from each group identified
7835 within the definition of "minority person" in s. 288.703(3),
7836 considering also gender and nationality subgroups, and shall
7837 consist of the following:

7838 (a) Four members consisting of representatives of local and
7839 federal small and minority business assistance programs or
7840 community development programs.

7841 (b) Eight members composed of representatives of the
7842 minority private business sector, including certified minority
7843 business enterprises and minority supplier development councils,
7844 among whom at least two shall be women and at least four shall
7845 be minority persons.

7846 (c) Two representatives of local government, one of whom
7847 shall be a representative of a large local government, and one
7848 of whom shall be a representative of a small local government.

7849 (d) Two representatives from the banking and insurance
7850 industry.

7851 (e) Two members from the private business sector,
7852 representing the construction and commodities industries.

7853 (f) The chairperson of the Florida Black Business
7854 Investment Board or the chairperson's designee.

7855

7856 A candidate for appointment may be considered if eligible to be
7857 certified as an owner of a minority business enterprise, or if
7858 otherwise qualified under the criteria above. Vacancies may be
7859 filled by appointment of the secretary, in the manner of the

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7860 original appointment.

7861 (5) The powers and duties of the council include, but are
7862 not limited to: researching and reviewing the role of small and
7863 minority businesses in the state's economy; reviewing issues and
7864 emerging topics relating to small and minority business economic
7865 development; studying the ability of financial markets and
7866 institutions to meet small business credit needs and determining
7867 the impact of government demands on credit for small businesses;
7868 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
7869 requiring a state economic development comprehensive plan, as it
7870 relates to small and minority businesses; assessing the
7871 reasonableness and effectiveness of efforts by any state agency
7872 or by all state agencies collectively to assist minority
7873 business enterprises; and advising the Governor, the secretary,
7874 and the Legislature on matters relating to small and minority
7875 business development which are of importance to the
7876 international strategic planning and activities of this state.

7877 Section 173. Section 288.012, Florida Statutes, is amended
7878 to read:

7879 288.012 State of Florida international ~~foreign~~ offices.—The
7880 Legislature finds that the expansion of international trade and
7881 tourism is vital to the overall health and growth of the economy
7882 of this state. This expansion is hampered by the lack of
7883 technical and business assistance, financial assistance, and
7884 information services for businesses in this state. The
7885 Legislature finds that these businesses could be assisted by
7886 providing these services at State of Florida international
7887 ~~foreign~~ offices. The Legislature further finds that the
7888 accessibility and provision of services at these offices can be

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7889 enhanced through cooperative agreements or strategic alliances
7890 between private businesses and state ~~entities~~, local ~~entities~~,
7891 and international governmental ~~foreign~~ entities, ~~and private~~
7892 ~~businesses~~.

7893 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7894 ~~Development~~ is authorized to:

7895 (a) Establish and operate offices in other ~~foreign~~
7896 countries for the purpose of promoting ~~the~~ trade and economic
7897 development opportunities of the state, and promoting the
7898 gathering of trade data information and research on trade
7899 opportunities in specific countries.

7900 (b) Enter into agreements with governmental and private
7901 sector entities to establish and operate offices in other
7902 ~~foreign~~ countries containing provisions which may be in conflict
7903 with general laws of the state pertaining to the purchase of
7904 office space, employment of personnel, and contracts for
7905 services. When agreements pursuant to this section are made
7906 which set compensation in foreign currency, such agreements
7907 shall be subject to the requirements of s. 215.425, but the
7908 purchase of foreign currency by Jobs Florida ~~the Office of~~
7909 ~~Tourism, Trade, and Economic Development~~ to meet such
7910 obligations shall be subject only to s. 216.311.

7911 (2) Each international ~~foreign~~ office shall have in place
7912 an operational plan approved by the participating boards or
7913 other governing authority, a copy of which shall be provided to
7914 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7915 ~~Development~~. These operating plans shall be reviewed and updated
7916 each fiscal year and shall include, at a minimum, the following:

7917 (a) Specific policies and procedures encompassing the

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7918 entire scope of the operation and management of each office.

7919 (b) A comprehensive, commercial strategic plan identifying
7920 marketing opportunities and industry sector priorities for the
7921 ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~
7922 office is located.

7923 (c) Provisions for access to information for Florida
7924 businesses through the Florida Trade Data Center. Each
7925 international ~~foreign~~ office shall obtain and forward trade
7926 leads and inquiries to the center on a regular basis.

7927 (d) Identification of new and emerging market opportunities
7928 for Florida businesses. Each international ~~foreign~~ office shall
7929 provide the Florida Trade Data Center with a compilation of
7930 foreign buyers and importers in industry sector priority areas
7931 on an annual basis. In return, the Florida Trade Data Center
7932 shall make available to each international ~~foreign~~ office, and
7933 to Enterprise Florida, Inc., the Florida Commission on Tourism,
7934 Space Florida, the Florida Ports Council, the Department of
7935 State, the Department of Citrus, and the Department of
7936 Agriculture and Consumer Services, trade industry, commodity,
7937 and opportunity information. This information shall be provided
7938 to such offices and entities either free of charge or on a fee
7939 basis with fees set only to recover the costs of providing the
7940 information.

7941 (e) Provision of access for Florida businesses to the
7942 services of the Florida Trade Data Center, international trade
7943 assistance services provided by state and local entities,
7944 seaport and airport information, and other services identified
7945 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7946 ~~Development~~.

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7947 (f) Qualitative and quantitative performance measures for
7948 each office, including, but not limited to, the number of
7949 businesses assisted, the number of trade leads and inquiries
7950 generated, the number of international ~~foreign~~ buyers and
7951 importers contacted, and the amount and type of marketing
7952 conducted.

7953 (3) By October 1 of each year, each international ~~foreign~~
7954 office shall submit to Jobs Florida ~~the Office of Tourism,~~
7955 ~~Trade, and Economic Development~~ a complete and detailed report
7956 on its activities and accomplishments during the preceding
7957 fiscal year. In a format provided by Enterprise Florida, Inc.,
7958 the report must set forth information on:

7959 (a) The number of Florida companies assisted.

7960 (b) The number of inquiries received about investment
7961 opportunities in this state.

7962 (c) The number of trade leads generated.

7963 (d) The number of investment projects announced.

7964 (e) The estimated U.S. dollar value of sales confirmations.

7965 (f) The number of representation agreements.

7966 (g) The number of company consultations.

7967 (h) Barriers or other issues affecting the effective
7968 operation of the office.

7969 (i) Changes in office operations which are planned for the
7970 current fiscal year.

7971 (j) Marketing activities conducted.

7972 (k) Strategic alliances formed with organizations in the
7973 country in which the office is located.

7974 (l) Activities conducted with Florida's other ~~Florida~~
7975 international ~~foreign~~ offices.

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7976 (m) Any other information that the office believes would
7977 contribute to an understanding of its activities.

7978 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7979 ~~Development~~, in connection with the establishment, operation,
7980 and management of any of its offices located in another a
7981 ~~foreign~~ country, is exempt from the provisions of ss. 255.21,
7982 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
7983 and 283.35 relating to bids for printing; ss. 287.001-287.20
7984 relating to purchasing and motor vehicles; and ss. 282.003-
7985 282.0056 and 282.702-282.7101 relating to communications, and
7986 from all statutory provisions relating to state employment.

7987 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7988 ~~Development~~ may exercise such exemptions only upon prior
7989 approval of the Governor.

7990 (b) If approval for an exemption under this section is
7991 granted as an integral part of a plan of operation for a
7992 specified international ~~foreign~~ office, such action shall
7993 constitute continuing authority for Jobs Florida ~~the Office of~~
7994 ~~Tourism, Trade, and Economic Development~~ to exercise the
7995 exemption, but only in the context and upon the terms originally
7996 granted. Any modification of the approved plan of operation with
7997 respect to an exemption contained therein must be resubmitted to
7998 the Governor for his or her approval. An approval granted to
7999 exercise an exemption in any other context shall be restricted
8000 to the specific instance for which the exemption is to be
8001 exercised.

8002 (c) As used in this subsection, the term "plan of
8003 operation" means the plan developed pursuant to subsection (2).

8004 (d) Upon final action by the Governor with respect to a

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8005 request to exercise the exemption authorized in this subsection,
8006 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8007 ~~Development~~ shall report such action, along with the original
8008 request and any modifications thereto, to the President of the
8009 Senate and the Speaker of the House of Representatives within 30
8010 days.

8011 (5) Where feasible and appropriate, and subject to s.
8012 288.1224(9), foreign offices established and operated under this
8013 section may provide one-stop access to the economic development,
8014 trade, and tourism information, services, and programs of the
8015 state. Where feasible and appropriate, and subject to s.
8016 288.1224(9), such offices may also be collocated with other
8017 foreign offices of the state.

8018 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8019 ~~Development~~ is authorized to make and to enter into contracts
8020 with Enterprise Florida, Inc., Space Florida, and the Florida
8021 Commission on Tourism to carry out the provisions of this
8022 section. The authority, duties, and exemptions provided in this
8023 section apply to Enterprise Florida, Inc., Space Florida, and
8024 the Florida Commission on Tourism to the same degree and subject
8025 to the same conditions as applied to Jobs Florida ~~the Office of~~
8026 ~~Tourism, Trade, and Economic Development~~. To the greatest extent
8027 possible, such contracts shall include provisions for
8028 cooperative agreements or strategic alliances between private
8029 businesses and state entities, international, ~~foreign entities~~,
8030 and local governmental entities, ~~and private businesses~~ to
8031 operate international ~~foreign~~ offices.

8032 Section 174. Subsections (1) and (3) of section 288.017,
8033 Florida Statutes, are amended to read:

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8034 288.017 Cooperative advertising matching grants program.—

8035 (1) The Florida Commission on Tourism is authorized to
8036 establish a cooperative advertising matching grants program and,
8037 pursuant thereto, to make expenditures and enter into contracts
8038 with local governments and nonprofit corporations for the
8039 purpose of publicizing the tourism advantages of the state. Jobs
8040 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
8041 based on recommendations from the Florida Commission on Tourism,
8042 shall have final approval of grants awarded through this
8043 program. The commission may contract with its direct-support
8044 organization to administer the program.

8045 (3) The Florida Commission on Tourism shall conduct an
8046 annual competitive selection process for the award of grants
8047 under the program. In determining its recommendations for the
8048 grant awards, the commission shall consider the demonstrated
8049 need of the applicant for advertising assistance, the
8050 feasibility and projected benefit of the applicant's proposal,
8051 the amount of nonstate funds that will be leveraged, and such
8052 other criteria as the commission deems appropriate. In
8053 evaluating grant applications, Jobs Florida ~~the Office~~ shall
8054 consider recommendations from the Florida Commission on Tourism.
8055 Jobs Florida ~~the Office~~, however, has final approval authority
8056 for any grant under this section.

8057 Section 175. Section 288.018, Florida Statutes, is amended
8058 to read:

8059 288.018 Regional Rural Development Grants Program.—

8060 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8061 ~~Development~~ shall establish a matching grant program to provide
8062 funding to regionally based economic development organizations

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8063 representing rural counties and communities for the purpose of
8064 building the professional capacity of their organizations. Such
8065 matching grants may also be used by an economic development
8066 organization to provide technical assistance to businesses
8067 within the rural counties and communities that it serves. Jobs
8068 Florida ~~The Office of Tourism, Trade, and Economic Development~~
8069 is authorized to approve, on an annual basis, grants to such
8070 regionally based economic development organizations. The maximum
8071 amount an organization may receive in any year will be \$35,000,
8072 or \$100,000 in a rural area of critical economic concern
8073 recommended by the Rural Economic Development Initiative and
8074 designated by the Governor, and must be matched each year by an
8075 equivalent amount of nonstate resources.

8076 (2) In approving the participants, Jobs Florida ~~the Office~~
8077 ~~of Tourism, Trade, and Economic Development~~ shall consider the
8078 demonstrated need of the applicant for assistance and require
8079 the following:

8080 (a) Documentation of official commitments of support from
8081 each of the units of local government represented by the
8082 regional organization.

8083 (b) Demonstration that each unit of local government has
8084 made a financial or in-kind commitment to the regional
8085 organization.

8086 (c) Demonstration that the private sector has made
8087 financial or in-kind commitments to the regional organization.

8088 (d) Demonstration that the organization is in existence and
8089 actively involved in economic development activities serving the
8090 region.

8091 (e) Demonstration of the manner in which the organization

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8092 is or will coordinate its efforts with those of other local and
8093 state organizations.

8094 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8095 ~~Development~~ may also contract for the development of an
8096 enterprise zone web portal or websites for each enterprise zone
8097 which will be used to market the program for job creation in
8098 disadvantaged urban and rural enterprise zones. Each enterprise
8099 zone web page should include downloadable links to state forms
8100 and information, as well as local message boards that help
8101 businesses and residents receive information concerning zone
8102 boundaries, job openings, zone programs, and neighborhood
8103 improvement activities.

8104 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8105 ~~Development~~ may expend up to \$750,000 each fiscal year from
8106 funds appropriated to the Rural Community Development Revolving
8107 Loan Fund for the purposes outlined in this section. Jobs
8108 Florida ~~The Office of Tourism, Trade, and Economic Development~~
8109 may contract with Enterprise Florida, Inc., for the
8110 administration of the purposes specified in this section. Funds
8111 released to Enterprise Florida, Inc., for this purpose shall be
8112 released quarterly and shall be calculated based on the
8113 applications in process.

8114 Section 176. Subsection (4) of section 288.019, Florida
8115 Statutes, is amended to read:

8116 288.019 Rural considerations in grant review and evaluation
8117 processes.—Notwithstanding any other law, and to the fullest
8118 extent possible, the member agencies and organizations of the
8119 Rural Economic Development Initiative (REDI) as defined in s.
8120 288.0656(6)(a) shall review all grant and loan application

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8121 evaluation criteria to ensure the fullest access for rural
8122 counties as defined in s. 288.0656(2) to resources available
8123 throughout the state.

8124 (4) For existing programs, the modified evaluation criteria
8125 and scoring procedure must be delivered to Jobs Florida ~~the~~
8126 ~~Office of Tourism, Trade, and Economic Development~~ for
8127 distribution to the REDI agencies and organizations. The REDI
8128 agencies and organizations shall review and make comments.
8129 Future rules, programs, evaluation criteria, and scoring
8130 processes must be brought before a REDI meeting for review,
8131 discussion, and recommendation to allow rural counties fuller
8132 access to the state's resources.

8133 Section 177. Subsection (1) of section 288.021, Florida
8134 Statutes, is amended to read:

8135 288.021 Economic development liaison.-

8136 (1) The heads of the Department of Transportation, the
8137 Department of Environmental Protection and an additional member
8138 appointed by the secretary of the department, ~~the Department of~~
8139 ~~Labor and Employment Security~~, the Department of Education, ~~the~~
8140 ~~Department of Community Affairs~~, the Department of Management
8141 Services, the Department of Revenue, the Fish and Wildlife
8142 Conservation Commission, each water management district, and
8143 each Department of Transportation District office shall
8144 designate a high-level staff member from within such agency to
8145 serve as the economic development liaison for the agency. This
8146 person shall report to the agency head and have general
8147 knowledge both of the state's permitting and other regulatory
8148 functions and of the state's economic goals, policies, and
8149 programs. This person shall also be the primary point of contact

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8150 for the agency with Jobs Florida ~~the Office of Tourism, Trade,~~
8151 ~~and Economic Development~~ on issues and projects important to the
8152 economic development of Florida, including its rural areas, to
8153 expedite project review, to ensure a prompt, effective response
8154 to problems arising with regard to permitting and regulatory
8155 functions, and to work closely with the other economic
8156 development liaisons to resolve interagency conflicts.

8157 Section 178. Subsection (1) of section 288.035, Florida
8158 Statutes, is amended to read:

8159 288.035 Economic development activities.—

8160 (1) The Florida Public Service Commission may authorize
8161 public utilities to recover reasonable economic development
8162 expenses. For purposes of this section, recoverable "economic
8163 development expenses" are those expenses described in subsection
8164 (2) which are consistent with criteria to be established by
8165 rules adopted by Jobs Florida ~~the Department of Commerce as of~~
8166 ~~June 30, 1996, or as those criteria are later modified by the~~
8167 ~~Office of Tourism, Trade, and Economic Development.~~

8168 Section 179. Section 288.047, Florida Statutes, is amended
8169 to read:

8170 288.047 Quick-response training for economic development.—

8171 (1) The Quick-Response Training Program is created within
8172 Jobs Florida to meet the workforce-skill needs of existing, new,
8173 and expanding industries. The program shall be administered in
8174 conjunction with ~~by~~ Workforce Florida, Inc., in conjunction with
8175 Enterprise Florida, Inc., and the Department of Education.
8176 Workforce Florida, Inc., shall adopt guidelines for the
8177 administration of this program. Workforce Florida, Inc., shall
8178 provide technical services and shall help to identify businesses

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8179 that seek services through the program. ~~Workforce Florida, Inc.,~~
8180 ~~may contract with Enterprise Florida, Inc., or administer this~~
8181 ~~program directly, if it is determined that such an arrangement~~
8182 ~~maximizes the amount of the Quick Response grant going to direct~~
8183 ~~services.~~

8184 (2) Jobs Florida ~~Workforce Florida, Inc.,~~ shall ensure that
8185 instruction funded pursuant to this section is not available
8186 through the local community college or school district and that
8187 the instruction promotes economic development by providing
8188 specialized training to new workers or retraining for current
8189 employees to meet changing skill requirements caused by new
8190 technology or new product lines and to prevent potential
8191 layoffs. Such funds may not be expended to provide training for
8192 instruction related to retail businesses or to reimburse
8193 businesses for trainee wages. Funds made available pursuant to
8194 this section may not be expended in connection with the
8195 relocation of a business from one community to another community
8196 in this state unless Jobs Florida ~~Workforce Florida, Inc.,~~
8197 determines that without such relocation the business will move
8198 outside this state or determines that the business has a
8199 compelling economic rationale for the relocation which creates
8200 additional jobs.

8201 (3) Requests for funding through the Quick-Response
8202 Training Program may be produced through inquiries from a
8203 specific business or industry, inquiries from a school district
8204 director of career education or community college occupational
8205 dean on behalf of a business or industry, or through official
8206 state or local economic development efforts. In allocating funds
8207 for the purposes of the program, Jobs Florida ~~Workforce Florida,~~

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8208 ~~Inc.~~, shall establish criteria for approval of requests for
8209 funding and shall select the entity that provides the most
8210 efficient, cost-effective instruction meeting such criteria.
8211 Program funds may be allocated to any career center, community
8212 college, or state university. Program funds may be allocated to
8213 private postsecondary institutions only upon a review that
8214 includes, but is not limited to, accreditation and licensure
8215 documentation and prior approval by Jobs Florida Workforce
8216 ~~Florida, Inc.~~ Instruction funded through the program must
8217 terminate when participants demonstrate competence at the level
8218 specified in the request; however, the grant term may not exceed
8219 24 months. Costs and expenditures for the Quick-Response
8220 Training Program must be documented and separated from those
8221 incurred by the training provider.

8222 (4) For the first 6 months of each fiscal year, Jobs
8223 Florida Workforce ~~Florida, Inc.~~, shall set aside 30 percent of
8224 the amount appropriated for the Quick-Response Training Program
8225 by the Legislature to fund instructional programs for businesses
8226 located in an enterprise zone or brownfield area. Any
8227 unencumbered funds remaining undisbursed from this set-aside at
8228 the end of the 6-month period may be used to provide funding for
8229 any program qualifying for funding pursuant to this section.

8230 (5) Prior to the allocation of funds for any request
8231 pursuant to this section, Jobs Florida Workforce ~~Florida, Inc.~~,
8232 shall prepare a grant agreement between the business or industry
8233 requesting funds, the educational institution receiving funding
8234 through the program, and Jobs Florida Workforce ~~Florida, Inc.~~
8235 Such agreement must include, but is not limited to:

8236 (a) An identification of the personnel necessary to conduct

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8237 the instructional program, the qualifications of such personnel,
8238 and the respective responsibilities of the parties for paying
8239 costs associated with the employment of such personnel.

8240 (b) An identification of the estimated length of the
8241 instructional program.

8242 (c) An identification of all direct, training-related
8243 costs, including tuition and fees, curriculum development, books
8244 and classroom materials, and overhead or indirect costs, not to
8245 exceed 5 percent of the grant amount.

8246 (d) An identification of special program requirements that
8247 are not addressed otherwise in the agreement.

8248 (e) Permission to access information specific to the wages
8249 and performance of participants upon the completion of
8250 instruction for evaluation purposes. Information which, if
8251 released, would disclose the identity of the person to whom the
8252 information pertains or disclose the identity of the person's
8253 employer is confidential and exempt from the provisions of s.
8254 119.07(1). The agreement must specify that any evaluations
8255 published subsequent to the instruction may not identify the
8256 employer or any individual participant.

8257 (6) For the purposes of this section, Jobs Florida
8258 ~~Workforce Florida, Inc.~~, may accept grants of money, materials,
8259 services, or property of any kind from any agency, corporation,
8260 or individual.

8261 (7) In providing instruction pursuant to this section,
8262 materials that relate to methods of manufacture or production,
8263 potential trade secrets, business transactions, or proprietary
8264 information received, produced, ascertained, or discovered by
8265 employees of the respective departments, district school boards,

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8266 community college district boards of trustees, or other
8267 personnel employed for the purposes of this section is
8268 confidential and exempt from the provisions of s. 119.07(1). The
8269 state may seek copyright protection for all instructional
8270 materials and ancillary written documents developed wholly or
8271 partially with state funds as a result of instruction provided
8272 pursuant to this section, except for materials that are
8273 confidential and exempt from the provisions of s. 119.07(1).

8274 (8) There is created a Quick-Response Training Program for
8275 participants in the welfare transition program. Workforce
8276 Florida, Inc., in conjunction with Jobs Florida, may award
8277 quick-response training grants and develop applicable guidelines
8278 for the training of participants in the welfare transition
8279 program. In addition to a local economic development
8280 organization, grants must be endorsed by the applicable regional
8281 workforce board.

8282 (a) Training funded pursuant to this subsection may not
8283 exceed 12 months, and may be provided by the local community
8284 college, school district, regional workforce board, or the
8285 business employing the participant, including on-the-job
8286 training. Training will provide entry-level skills to new
8287 workers, including those employed in retail, who are
8288 participants in the welfare transition program.

8289 (b) Participants trained pursuant to this subsection must
8290 be employed at a wage not less than \$6 per hour.

8291 (c) Funds made available pursuant to this subsection may be
8292 expended in connection with the relocation of a business from
8293 one community to another community if approved by Workforce
8294 Florida, Inc.

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8295 (9) Notwithstanding any other provision of law, eligible
8296 matching contributions received under the Quick-Response
8297 Training Program under this section may be counted toward the
8298 private sector support of Enterprise Florida, Inc., under s.
8299 288.90151(5)(d).

8300 (10) Jobs Florida ~~Workforce Florida, Inc., and Enterprise~~
8301 ~~Florida, Inc.~~, shall ensure maximum coordination and cooperation
8302 in administering this section, in such a manner that any
8303 division of responsibility between the two organizations which
8304 relates to marketing or administering the Quick-Response
8305 Training Program is not apparent to a business that inquires
8306 about or applies for funding under this section. ~~The~~
8307 ~~organizations shall provide such~~ A business shall be provided
8308 with a single point of contact for information and assistance.

8309 Section 180. Paragraph (b) of subsection (1), paragraphs
8310 (b) and (e) of subsection (2), paragraph (a) of subsection (6),
8311 and subsection (7) of section 288.0656, Florida Statutes, are
8312 amended to read:

8313 288.0656 Rural Economic Development Initiative.—

8314 (1)(b) The Rural Economic Development Initiative, known as
8315 "REDI," is created within Jobs Florida ~~the Office of Tourism,~~
8316 ~~Trade, and Economic Development~~, and the participation of state
8317 and regional agencies in this initiative is authorized.

8318 (2) As used in this section, the term:

8319 (b) "Catalyst site" means a parcel or parcels of land
8320 within a rural area of critical economic concern that has been
8321 prioritized as a geographic site for economic development
8322 through partnerships with state, regional, and local
8323 organizations. The site must be reviewed by REDI and approved by

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8324 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8325 ~~Development~~ for the purposes of locating a catalyst project.

8326 (e) "Rural community" means:

8327 1. A county with a population of 75,000 or fewer.

8328 2. A county with a population of 125,000 or fewer which is
8329 contiguous to a county with a population of 75,000 or fewer.

8330 3. A municipality within a county described in subparagraph
8331 1. or subparagraph 2.

8332 4. An unincorporated federal enterprise community or an
8333 incorporated rural city with a population of 25,000 or fewer and
8334 an employment base focused on traditional agricultural or
8335 resource-based industries, located in a county not defined as
8336 rural, which has at least three or more of the economic distress
8337 factors identified in paragraph (c) and verified by Jobs Florida
8338 ~~the Office of Tourism, Trade, and Economic Development~~.

8339
8340 For purposes of this paragraph, population shall be determined
8341 in accordance with the most recent official estimate pursuant to
8342 s. 186.901.

8343 (6)(a) By August 1 of each year, the head of each of the
8344 following agencies and organizations shall designate a deputy
8345 secretary or higher-level staff person from within the agency or
8346 organization to serve as the REDI representative for the agency
8347 or organization:

8348 ~~1. The Department of Community Affairs.~~

8349 ~~1.2.~~ The Department of Transportation.

8350 ~~2.3.~~ The Department of Environmental Protection.

8351 ~~3.4.~~ The Department of Agriculture and Consumer Services.

8352 ~~4.5.~~ The Department of State.

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8353 5.6. The Department of Health.
8354 6.7. The Department of Children and Family Services.
8355 7.8. The Department of Corrections.
8356 ~~9. The Agency for Workforce Innovation.~~
8357 8.10. The Department of Education.
8358 9.11. The Department of Juvenile Justice.
8359 10.12. The Fish and Wildlife Conservation Commission.
8360 11.13. Each water management district.
8361 12.14. Enterprise Florida, Inc.
8362 13.15. Workforce Florida, Inc.
8363 14.16. The Florida Commission on Tourism or VISIT Florida.
8364 15.17. The Florida Regional Planning Council Association.
8365 16.18. The Agency for Health Care Administration.
8366 17.19. The Institute of Food and Agricultural Sciences
8367 (IFAS).
8368
8369 An alternate for each designee shall also be chosen, and the
8370 names of the designees and alternates shall be sent to the
8371 director of Jobs Florida ~~the Office of Tourism, Trade, and~~
8372 ~~Economic Development.~~
8373 (7)(a) REDI may recommend to the Governor up to three rural
8374 areas of critical economic concern. The Governor may by
8375 executive order designate up to three rural areas of critical
8376 economic concern which will establish these areas as priority
8377 assignments for REDI as well as to allow the Governor, acting
8378 through REDI, to waive criteria, requirements, or similar
8379 provisions of any economic development incentive. Such
8380 incentives shall include, but not be limited to: the Qualified
8381 Target Industry Tax Refund Program under s. 288.106, the Quick

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8382 Response Training Program under s. 288.047, the Quick Response
8383 Training Program for participants in the welfare transition
8384 program under s. 288.047(8), transportation projects under s.
8385 288.063, the brownfield redevelopment bonus refund under s.
8386 288.107, and the rural job tax credit program under ss. 212.098
8387 and 220.1895.

8388 (b) Designation as a rural area of critical economic
8389 concern under this subsection shall be contingent upon the
8390 execution of a memorandum of agreement among Jobs Florida ~~the~~
8391 ~~Office of Tourism, Trade, and Economic Development~~; the
8392 governing body of the county; and the governing bodies of any
8393 municipalities to be included within a rural area of critical
8394 economic concern. Such agreement shall specify the terms and
8395 conditions of the designation, including, but not limited to,
8396 the duties and responsibilities of the county and any
8397 participating municipalities to take actions designed to
8398 facilitate the retention and expansion of existing businesses in
8399 the area, as well as the recruitment of new businesses to the
8400 area.

8401 (c) Each rural area of critical economic concern may
8402 designate catalyst projects, provided that each catalyst project
8403 is specifically recommended by REDI, identified as a catalyst
8404 project by Enterprise Florida, Inc., and confirmed as a catalyst
8405 project by Jobs Florida ~~the Office of Tourism, Trade, and~~
8406 ~~Economic Development~~. All state agencies and departments shall
8407 use all available tools and resources to the extent permissible
8408 by law to promote the creation and development of each catalyst
8409 project and the development of catalyst sites.

8410 Section 181. Subsections (1), (2), (3), (4), (5), (8), (9),

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8411 and (10) of section 288.063, Florida Statutes, are amended to
8412 read:

8413 288.063 Contracts for transportation projects.—

8414 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8415 ~~Development~~ is authorized to make, ~~and based on a recommendation~~
8416 ~~from Enterprise Florida, Inc., to approve,~~ expenditures and
8417 enter into contracts for direct costs of transportation projects
8418 with the appropriate governmental body. Jobs Florida ~~the Office~~
8419 ~~of Tourism, Trade, and Economic Development~~ shall provide the
8420 Department of Transportation ~~and,~~ the Department of
8421 Environmental Protection, ~~and the Department of Community~~
8422 ~~Affairs~~ with an opportunity to formally review and comment on
8423 recommended transportation projects, although Jobs Florida ~~the~~
8424 ~~Office of Tourism, Trade, and Economic Development~~ has final
8425 approval authority for any project under this section.

8426 (2) Any contract with a governmental body for construction
8427 of any transportation project executed by Jobs Florida ~~the~~
8428 ~~Office of Tourism, Trade, and Economic Development~~ shall:

8429 (a) Specify and identify the transportation project to be
8430 constructed for a new or expanding business and the number of
8431 full-time permanent jobs that will result from the project.

8432 (b) Require that the appropriate governmental body award
8433 the construction of the particular transportation project to the
8434 lowest and best bidder in accordance with applicable state and
8435 federal statutes or regulations unless the project can be
8436 constructed with existing local government employees within the
8437 contract period specified by Jobs Florida ~~the Office of Tourism,~~
8438 ~~Trade, and Economic Development.~~

8439 (c) Require that the appropriate governmental body provide

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8440 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8441 ~~Development~~ with quarterly progress reports. Each quarterly
8442 progress report shall contain a narrative description of the
8443 work completed according to the project schedule, a description
8444 of any change orders executed by the appropriate governmental
8445 body, a budget summary detailing planned expenditures versus
8446 actual expenditures, and identification of minority business
8447 enterprises used as contractors and subcontractors. Records of
8448 all progress payments made for work in connection with such
8449 transportation projects, and any change orders executed by the
8450 appropriate governmental body and payments made pursuant to such
8451 orders, shall be maintained by that governmental body in
8452 accordance with accepted governmental accounting principles and
8453 practices and shall be subject to financial audit as required by
8454 law. In addition, the appropriate governmental body, upon
8455 completion and acceptance of the transportation project, shall
8456 make certification to Jobs Florida ~~the Office of Tourism, Trade,~~
8457 ~~and Economic Development~~ that the project has been completed in
8458 compliance with the terms and conditions of the contractual
8459 agreements between Jobs Florida ~~the Office of Tourism, Trade,~~
8460 ~~and Economic Development~~ and the appropriate governmental body
8461 and meets minimum construction standards established in
8462 accordance with s. 336.045.

8463 (d) Specify that Jobs Florida ~~the Office of Tourism, Trade,~~
8464 ~~and Economic Development~~ shall transfer funds upon receipt of a
8465 request for funds from the local government, on no more than a
8466 quarterly basis, consistent with project needs. A contract
8467 totaling less than \$200,000 is exempt from this transfer
8468 requirement. Jobs Florida ~~the Office of Tourism, Trade, and~~

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8469 ~~Economic Development~~ shall not transfer any funds unless
8470 construction has begun on the facility of the business on whose
8471 behalf the award was made. Local governments shall expend funds
8472 in a timely manner.

8473 (e) Require that program funds be used only on those
8474 transportation projects that have been properly reviewed and
8475 approved in accordance with the criteria set forth in this
8476 section.

8477 (f) Require that the governing board of the appropriate
8478 local governmental body agree by resolution to accept future
8479 maintenance and other attendant costs occurring after completion
8480 of the transportation project if the project is construction on
8481 a county or municipal system.

8482 (3) a. With respect to any contract executed pursuant to
8483 this section, the term "transportation project" means a
8484 transportation facility as defined in s. 334.03(31) which is
8485 necessary in the judgment of Jobs Florida ~~the Office of Tourism,~~
8486 ~~Trade, and Economic Development~~ to facilitate the economic
8487 development and growth of the state. ~~Except for applications~~
8488 ~~received prior to July 1, 1996, such~~ Transportation projects
8489 shall be approved only as a consideration to attract new
8490 employment opportunities to the state or expand or retain
8491 employment in existing companies operating within the state, or
8492 to allow for the construction or expansion of a state or federal
8493 correctional facility in a county with a population of 75,000 or
8494 less that creates new employment opportunities or expands or
8495 retains employment in the county. Jobs Florida ~~The Office of~~
8496 ~~Tourism, Trade, and Economic Development~~ shall institute
8497 procedures to ensure that small and minority businesses have

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8498 equal access to funding provided under this section.

8499 b. Funding for approved transportation projects may include
8500 any expenses, other than administrative costs and equipment
8501 purchases specified in the contract, necessary for new, or
8502 improvement to existing, transportation facilities. Funds made
8503 available pursuant to this section may not be expended in
8504 connection with the relocation of a business from one community
8505 to another community in this state unless Jobs Florida ~~the~~
8506 ~~Office of Tourism, Trade, and Economic Development~~ determines
8507 that without such relocation the business will move outside this
8508 state or determines that the business has a compelling economic
8509 rationale for the relocation which creates additional jobs.

8510 c. Subject to appropriation for projects under this
8511 section, any appropriation greater than \$10 million shall be
8512 allocated to each of the districts of the Department of
8513 Transportation to ensure equitable geographical distribution.
8514 Such allocated funds that remain uncommitted by the third
8515 quarter of the fiscal year shall be reallocated among the
8516 districts based on pending project requests.

8517 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8518 ~~Development~~ may adopt criteria by which transportation projects
8519 are to be reviewed and certified in accordance with s. 288.061.
8520 In approving transportation projects for funding, Jobs Florida
8521 ~~the Office of Tourism, Trade, and Economic Development~~ shall
8522 consider factors including, but not limited to, the cost per job
8523 created or retained considering the amount of transportation
8524 funds requested; the average hourly rate of wages for jobs
8525 created; the reliance on the program as an inducement for the
8526 project's location decision; the amount of capital investment to

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8527 be made by the business; the demonstrated local commitment; the
8528 location of the project in an enterprise zone designated
8529 pursuant to s. 290.0055; the location of the project in a
8530 spaceport territory as defined in s. 331.304; the unemployment
8531 rate of the surrounding area; the poverty rate of the community;
8532 and the adoption of an economic element as part of its local
8533 comprehensive plan in accordance with s. 163.3177(7)(j). Jobs
8534 Florida ~~The Office of Tourism, Trade, and Economic Development~~
8535 may contact any agency it deems appropriate for additional input
8536 regarding the approval of projects.

8537 (5) No project that has not been specified and identified
8538 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8539 ~~Development~~ in accordance with subsection (4) prior to the
8540 initiation of construction shall be eligible for funding.

8541 (8) Each local government receiving funds under this
8542 section shall submit to Jobs Florida ~~the Office of Tourism,~~
8543 ~~Trade, and Economic Development~~ a financial audit of the local
8544 entity conducted by an independent certified public accountant.
8545 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8546 ~~Development~~ shall develop procedures to ensure that audits are
8547 received and reviewed in a timely manner and that deficiencies
8548 or questioned costs noted in the audit are resolved.

8549 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8550 ~~Development~~ shall monitor on site each grant recipient,
8551 including, but not limited to, the construction of the business
8552 facility, to ensure compliance with contractual requirements.

8553 (10) In addition to the other provisions of this section,
8554 projects that the Legislature deems necessary to facilitate the
8555 economic development and growth of the state may be designated

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8556 and funded in the General Appropriations Act. Such
8557 transportation projects create new employment opportunities,
8558 expand transportation infrastructure, improve mobility, or
8559 increase transportation innovation. Jobs Florida ~~The Office of~~
8560 ~~Tourism, Trade, and Economic Development~~ shall enter into
8561 contracts with, and make expenditures to, the appropriate
8562 entities for the costs of transportation projects designated in
8563 the General Appropriations Act.

8564 Section 182. Subsections (1), (2), and (3) of section
8565 288.065, Florida Statutes, are amended to read:

8566 288.065 Rural Community Development Revolving Loan Fund.—

8567 (1) The Rural Community Development Revolving Loan Fund
8568 Program is established within Jobs Florida ~~in the Office of~~
8569 ~~Tourism, Trade, and Economic Development~~ to facilitate the use
8570 of existing federal, state, and local financial resources by
8571 providing local governments with financial assistance to further
8572 promote the economic viability of rural communities. These funds
8573 may be used to finance initiatives directed toward maintaining
8574 or developing the economic base of rural communities, especially
8575 initiatives addressing employment opportunities for residents of
8576 these communities.

8577 (2)(a) The program shall provide for long-term loans, loan
8578 guarantees, and loan loss reserves to units of local
8579 governments, or economic development organizations substantially
8580 underwritten by a unit of local government, within counties with
8581 populations of 75,000 or fewer, or within any county with a
8582 population of 125,000 or fewer which is contiguous to a county
8583 with a population of 75,000 or fewer, based on the most recent
8584 official population estimate as determined under s. 186.901,

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8585 including those residing in incorporated areas and those
8586 residing in unincorporated areas of the county, or to units of
8587 local government, or economic development organizations
8588 substantially underwritten by a unit of local government, within
8589 a rural area of critical economic concern.

8590 (b) Requests for loans shall be made by application to Jobs
8591 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
8592 Loans shall be made pursuant to agreements specifying the terms
8593 and conditions agreed to between the applicant and Jobs Florida
8594 ~~the Office of Tourism, Trade, and Economic Development~~. The
8595 loans shall be the legal obligations of the applicant.

8596 (c) All repayments of principal and interest shall be
8597 returned to the loan fund and made available for loans to other
8598 applicants. However, in a rural area of critical economic
8599 concern designated by the Governor, and upon approval by Jobs
8600 Florida ~~the Office of Tourism, Trade, and Economic Development~~,
8601 repayments of principal and interest may be retained by the
8602 applicant if such repayments are dedicated and matched to fund
8603 regionally based economic development organizations representing
8604 the rural area of critical economic concern.

8605 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8606 ~~Development~~ shall manage the fund, establishing loan practices
8607 that must include, but are not limited to, procedures for
8608 establishing loan interest rates, uses of funding, application
8609 procedures, and application review procedures. Jobs Florida ~~The~~
8610 ~~Office of Tourism, Trade, and Economic Development~~ shall have
8611 final approval authority for any loan under this section.

8612 Section 183. Subsections (1), (2), (3), and (4) of section
8613 288.0655, Florida Statutes, are amended to read:

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8614 288.0655 Rural Infrastructure Fund.—

8615 (1) There is created within Jobs Florida ~~the Office of~~
8616 ~~Tourism, Trade, and Economic Development~~ the Rural
8617 Infrastructure Fund to facilitate the planning, preparing, and
8618 financing of infrastructure projects in rural communities which
8619 will encourage job creation, capital investment, and the
8620 strengthening and diversification of rural economies by
8621 promoting tourism, trade, and economic development.

8622 (2)(a) Funds appropriated by the Legislature shall be
8623 distributed by Jobs Florida ~~the Office~~ through grant programs
8624 that maximize the use of federal, local, and private resources,
8625 including, but not limited to, those available under the Small
8626 Cities Community Development Block Grant Program.

8627 (b) To facilitate access of rural communities and rural
8628 areas of critical economic concern as defined by the Rural
8629 Economic Development Initiative to infrastructure funding
8630 programs of the Federal Government, such as those offered by the
8631 United States Department of Agriculture and the United States
8632 Department of Commerce, and state programs, including those
8633 offered by Rural Economic Development Initiative agencies, and
8634 to facilitate local government or private infrastructure funding
8635 efforts, Jobs Florida ~~the Office~~ may award grants for up to 30
8636 percent of the total infrastructure project cost. If an
8637 application for funding is for a catalyst site, as defined in s.
8638 288.0656, Jobs Florida ~~the Office~~ may award grants for up to 40
8639 percent of the total infrastructure project cost. Eligible
8640 projects must be related to specific job-creation or job-
8641 retention opportunities. Eligible projects may also include
8642 improving any inadequate infrastructure that has resulted in

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8643 regulatory action that prohibits economic or community growth or
8644 reducing the costs to community users of proposed infrastructure
8645 improvements that exceed such costs in comparable communities.
8646 Eligible uses of funds shall include improvements to public
8647 infrastructure for industrial or commercial sites and upgrades
8648 to or development of public tourism infrastructure. Authorized
8649 infrastructure may include the following public or public-
8650 private partnership facilities: storm water systems;
8651 telecommunications facilities; broadband facilities; roads or
8652 other remedies to transportation impediments; nature-based
8653 tourism facilities; or other physical requirements necessary to
8654 facilitate tourism, trade, and economic development activities
8655 in the community. Authorized infrastructure may also include
8656 publicly or privately owned self-powered nature-based tourism
8657 facilities, publicly owned telecommunications facilities, and
8658 broadband facilities, and additions to the distribution
8659 facilities of the existing natural gas utility as defined in s.
8660 366.04(3)(c), the existing electric utility as defined in s.
8661 366.02, or the existing water or wastewater utility as defined
8662 in s. 367.021(12), or any other existing water or wastewater
8663 facility, which owns a gas or electric distribution system or a
8664 water or wastewater system in this state where:

8665 1. A contribution-in-aid of construction is required to
8666 serve public or public-private partnership facilities under the
8667 tariffs of any natural gas, electric, water, or wastewater
8668 utility as defined herein; and

8669 2. Such utilities as defined herein are willing and able to
8670 provide such service.

8671 (c) To facilitate timely response and induce the location

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8672 or expansion of specific job creating opportunities, Jobs
8673 Florida ~~the Office~~ may award grants for infrastructure
8674 feasibility studies, design and engineering activities, or other
8675 infrastructure planning and preparation activities. Authorized
8676 grants shall be up to \$50,000 for an employment project with a
8677 business committed to create at least 100 jobs; ~~7~~ up to \$150,000
8678 for an employment project with a business committed to create at
8679 least 300 jobs; ~~7~~ and up to \$300,000 for a project in a rural
8680 area of critical economic concern. Grants awarded under this
8681 paragraph may be used in conjunction with grants awarded under
8682 paragraph (b), provided that the total amount of both grants
8683 does not exceed 30 percent of the total project cost. In
8684 evaluating applications under this paragraph, Jobs Florida ~~the~~
8685 ~~Office~~ shall consider the extent to which the application seeks
8686 to minimize administrative and consultant expenses.

8687 (d) Jobs Florida ~~By September 1, 1999, the Office~~ shall
8688 participate in ~~pursue execution of~~ a memorandum of agreement
8689 with the United States Department of Agriculture under which
8690 state funds available through the Rural Infrastructure Fund may
8691 be advanced, in excess of the prescribed state share, for a
8692 project that has received from the department a preliminary
8693 determination of eligibility for federal financial support.
8694 State funds in excess of the prescribed state share which are
8695 advanced pursuant to this paragraph and the memorandum of
8696 agreement shall be reimbursed when funds are awarded under an
8697 application for federal funding.

8698 (e) To enable local governments to access the resources
8699 available pursuant to s. 403.973(18), Jobs Florida ~~the Office~~
8700 may award grants for surveys, feasibility studies, and other

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8701 activities related to the identification and preclearance review
8702 of land which is suitable for preclearance review. Authorized
8703 grants under this paragraph shall not exceed \$75,000 each,
8704 except in the case of a project in a rural area of critical
8705 economic concern, in which case the grant shall not exceed
8706 \$300,000. Any funds awarded under this paragraph must be matched
8707 at a level of 50 percent with local funds, except that any funds
8708 awarded for a project in a rural area of critical economic
8709 concern must be matched at a level of 33 percent with local
8710 funds. If an application for funding is for a catalyst site, as
8711 defined in s. 288.0656, the requirement for local match may be
8712 waived pursuant to the process in s. 288.06561. In evaluating
8713 applications under this paragraph, the office shall consider the
8714 extent to which the application seeks to minimize administrative
8715 and consultant expenses.

8716 (3) Jobs Florida ~~the office~~, in consultation with
8717 Enterprise Florida, Inc., VISIT Florida, the Department of
8718 Environmental Protection, and the Florida Fish and Wildlife
8719 Conservation Commission, as appropriate, shall review and
8720 certify applications pursuant to s. 288.061. The review shall
8721 include an evaluation of the economic benefit of the projects
8722 and their long-term viability. Jobs Florida ~~The office~~ shall
8723 have final approval for any grant under this section.

8724 (4) By September 1, 2011 ~~1999~~, Jobs Florida ~~the office~~
8725 shall, in consultation with the organizations listed in
8726 subsection (3), and other organizations, re-evaluate existing
8727 ~~develop~~ guidelines and criteria governing submission of
8728 applications for funding, review and evaluation of such
8729 applications, and approval of funding under this section. Jobs

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8730 Florida ~~The office~~ shall consider factors including, but not
8731 limited to, the project's potential for enhanced job creation or
8732 increased capital investment, the demonstration and level of
8733 local public and private commitment, whether the project is
8734 located ~~location of the project~~ in an enterprise zone, ~~the~~
8735 ~~location of the project~~ in a community development corporation
8736 service area, or in an urban high-crime area as ~~the location of~~
8737 ~~the project in a county~~ designated under s. 212.097, the
8738 unemployment rate of the county in which the project would be
8739 located ~~surrounding area~~, and the poverty rate of the community.

8740 Section 184. Subsections (2) and (3) of section 288.06561,
8741 Florida Statutes, are amended to read:

8742 288.06561 Reduction or waiver of financial match
8743 requirements.—Notwithstanding any other law, the member agencies
8744 and organizations of the Rural Economic Development Initiative
8745 (REDI), as defined in s. 288.0656(6)(a), shall review the
8746 financial match requirements for projects in rural areas as
8747 defined in s. 288.0656(2).

8748 (2) Agencies and organizations shall ensure that all
8749 proposals are submitted to Jobs Florida ~~the Office of Tourism,~~
8750 ~~Trade, and Economic Development~~ for review by the REDI agencies.

8751 (3) These proposals shall be delivered to Jobs Florida ~~the~~
8752 ~~Office of Tourism, Trade, and Economic Development~~ for
8753 distribution to the REDI agencies and organizations. A meeting
8754 of REDI agencies and organizations must be called within 30 days
8755 after receipt of such proposals for REDI comment and
8756 recommendations on each proposal.

8757 Section 185. Subsections (2) and (4) of section 288.0657,
8758 Florida Statutes, are amended to read:

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8759 288.0657 Florida rural economic development strategy
8760 grants.-

8761 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8762 ~~Development~~ may accept and administer moneys appropriated to the
8763 office for providing grants to assist rural communities to
8764 develop and implement strategic economic development plans.

8765 (4) Enterprise Florida, Inc., and VISIT Florida, shall
8766 establish criteria for reviewing grant applications. These
8767 criteria shall include, but are not limited to, the degree of
8768 participation and commitment by the local community and the
8769 application's consistency with local comprehensive plans or the
8770 application's proposal to ensure such consistency. ~~The~~
8771 ~~International Trade and Economic Development Board of Enterprise~~
8772 Florida, Inc., and VISIT Florida, shall review each application
8773 for a grant and shall submit annually to Jobs Florida ~~the Office~~
8774 for approval a list of all recommended applications ~~that are~~
8775 ~~recommended by the board and VISIT Florida~~, arranged in order of
8776 priority. Jobs Florida ~~The office~~ may approve grants only to the
8777 extent that funds are appropriated for such grants by the
8778 Legislature.

8779 Section 186. Section 288.0659, Florida Statutes, is amended
8780 to read:

8781 288.0659 Local Government Distressed Area Matching Grant
8782 Program.-

8783 (1) The Local Government Distressed Area Matching Grant
8784 Program is created within Jobs Florida ~~the Office of Tourism,~~
8785 ~~Trade, and Economic Development~~. The purpose of the program is
8786 to stimulate investment in the state's economy by providing
8787 grants to match demonstrated business assistance by local

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8788 governments to attract and retain businesses in this state.

8789 (2) As used in this section, the term:

8790 (a) "Local government" means a county or municipality.

8791 (b) "Department Office" means Jobs Florida ~~the Office of~~
8792 ~~Tourism, Trade, and Economic Development.~~

8793 (c) "Qualified business assistance" means economic
8794 incentives provided by a local government for the purpose of
8795 attracting or retaining a specific business, including, but not
8796 limited to, suspensions, waivers, or reductions of impact fees
8797 or permit fees; direct incentive payments; expenditures for
8798 onsite or offsite improvements directly benefiting a specific
8799 business; or construction or renovation of buildings for a
8800 specific business.

8801 (3) Jobs Florida ~~The Office~~ may accept and administer
8802 moneys appropriated by the Legislature ~~to the Office~~ for
8803 providing grants to match expenditures by local governments to
8804 attract or retain businesses in this state.

8805 (4) A local government may apply for grants to match
8806 qualified business assistance made by the local government for
8807 the purpose of attracting or retaining a specific business. A
8808 local government may apply for no more than one grant per
8809 targeted business. A local government may only have one
8810 application pending with Jobs Florida ~~the Office~~. Additional
8811 applications may be filed after a previous application has been
8812 approved or denied.

8813 (5) To qualify for a grant, the business being targeted by
8814 a local government must create at least 15 full-time jobs, must
8815 be new to this state, must be expanding its operations in this
8816 state, or would otherwise leave the state absent state and local

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8817 assistance, and the local government applying for the grant must
8818 expedite its permitting processes for the target business by
8819 accelerating the normal review and approval timelines. In
8820 addition to these requirements, Jobs Florida ~~the office~~ shall
8821 review the grant requests using the following evaluation
8822 criteria, with priority given in descending order:

8823 (a) The presence and degree of pervasive poverty,
8824 unemployment, and general distress as determined pursuant to s.
8825 290.0058 in the area where the business will locate, with
8826 priority given to locations with greater degrees of poverty,
8827 unemployment, and general distress.

8828 (b) The extent of reliance on the local government
8829 expenditure as an inducement for the business's location
8830 decision, with priority given to higher levels of local
8831 government expenditure.

8832 (c) The number of new full-time jobs created, with priority
8833 given to higher numbers of jobs created.

8834 (d) The average hourly wage for jobs created, with priority
8835 given to higher average wages.

8836 (e) The amount of capital investment to be made by the
8837 business, with priority given to higher amounts of capital
8838 investment.

8839 (6) In evaluating grant requests, Jobs Florida ~~the Office~~
8840 shall take into consideration the need for grant assistance as
8841 it relates to the local government's general fund balance as
8842 well as local incentive programs that are already in existence.

8843 (7) Funds made available pursuant to this section may not
8844 be expended in connection with the relocation of a business from
8845 one community to another community in this state unless Jobs

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8846 Florida ~~the Office~~ determines that without such relocation the
8847 business will move outside this state or determines that the
8848 business has a compelling economic rationale for the relocation
8849 which creates additional jobs. Funds made available pursuant to
8850 this section may not be used by the receiving local government
8851 to supplant matching commitments required of the local
8852 government pursuant to other state or federal incentive
8853 programs.

8854 (8) Within 30 days after Jobs Florida ~~the Office~~ receives
8855 an application for a grant, Jobs Florida ~~the Office~~ shall
8856 approve a preliminary grant allocation or disapprove the
8857 application. The preliminary grant allocation shall be based on
8858 estimates of qualified business assistance submitted by the
8859 local government and shall equal 50 percent of the amount of the
8860 estimated qualified business assistance or \$50,000, whichever is
8861 less. The preliminary grant allocation shall be executed by
8862 contract with the local government. The contract shall set forth
8863 the terms and conditions, including the timeframes within which
8864 the final grant award will be disbursed. The final grant award
8865 may not exceed the preliminary grant allocation. Jobs Florida
8866 ~~the Office~~ may approve preliminary grant allocations only to the
8867 extent that funds are appropriated for such grants by the
8868 Legislature.

8869 (a) Preliminary grant allocations that are revoked or
8870 voluntarily surrendered shall be immediately available for
8871 reallocation.

8872 (b) Recipients of preliminary grant allocations shall
8873 promptly report to Jobs Florida ~~the Office~~ the date on which the
8874 local government's permitting and approval process is completed

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8875 and the date on which all qualified business assistance is
8876 completed.

8877 (9) Jobs Florida ~~the Office~~ shall make a final grant award
8878 to a local government within 30 days after receiving information
8879 from the local government sufficient to demonstrate actual
8880 qualified business assistance. An awarded grant amount shall
8881 equal 50 percent of the amount of the qualified business
8882 assistance or \$50,000, whichever is less, and may not exceed the
8883 preliminary grant allocation. The amount by which a preliminary
8884 grant allocation exceeds a final grant award shall be
8885 immediately available for reallocation.

8886 (10) Up to 2 percent of the funds appropriated annually by
8887 the Legislature for the program may be used by Jobs Florida ~~the~~
8888 ~~Office~~ for direct administrative costs associated with
8889 implementing this section.

8890 Section 187. Paragraph (a) of subsection (1) of section
8891 288.075, Florida Statutes, is amended to read:

8892 288.075 Confidentiality of records.—

8893 (1) DEFINITIONS.—As used in this section, the term:

8894 (a) "Economic development agency" means:

8895 1. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8896 ~~Development;~~

8897 2. Any industrial development authority created in
8898 accordance with part III of chapter 159 or by special law;

8899 3. Space Florida created in part II of chapter 331;

8900 4. The public economic development agency of a county or
8901 municipality or, if the county or municipality does not have a
8902 public economic development agency, the county or municipal
8903 officers or employees assigned the duty to promote the general

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8904 business interests or industrial interests of that county or
8905 municipality or the responsibilities related thereto;

8906 5. Any research and development authority created in
8907 accordance with part V of chapter 159; or

8908 6. Any private agency, person, partnership, corporation, or
8909 business entity when authorized by the state, a municipality, or
8910 a county to promote the general business interests or industrial
8911 interests of the state or that municipality or county.

8912 Section 188. Paragraphs (c), (h), (p), and (r) of
8913 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
8914 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
8915 of subsection (5), paragraphs (a), (b), and (c) of subsection
8916 (6), and subsections (7) and (8) of section 288.1045, Florida
8917 Statutes, are amended, and present paragraphs (r) through (u) of
8918 subsection (1) are redesignated as paragraphs (q) through (t),
8919 respectively, to read:

8920 288.1045 Qualified defense contractor and space flight
8921 business tax refund program.—

8922 (1) DEFINITIONS.—As used in this section:

8923 (c) "Business unit" means an employing unit, as defined in
8924 s. 443.036, that is registered with Jobs Florida ~~the Agency for~~
8925 ~~Workforce Innovation~~ for unemployment compensation purposes or
8926 means a subcategory or division of an employing unit that is
8927 accepted by Jobs Florida ~~the Agency for Workforce Innovation~~ as
8928 a reporting unit.

8929 (h) "Commissioner Director" means the commissioner of Jobs
8930 Florida ~~director of the Office of Tourism, Trade, and Economic~~
8931 ~~Development.~~

8932 (p) ~~"Office" means the Office of Tourism, Trade, and~~

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8933 ~~Economic Development.~~

8934 (q)~~(r)~~ "Qualified applicant" means an applicant that has
8935 been approved by the commissioner ~~director~~ to be eligible for
8936 tax refunds pursuant to this section.

8937 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

8938 (a) There shall be allowed, from the Economic Development
8939 Trust Fund, a refund to a qualified applicant for the amount of
8940 eligible taxes certified by the commissioner ~~director~~ which were
8941 paid by such qualified applicant. The total amount of refunds
8942 for all fiscal years for each qualified applicant shall be
8943 determined pursuant to subsection (3). The annual amount of a
8944 refund to a qualified applicant shall be determined pursuant to
8945 subsection (5).

8946 (d) Contingent upon an annual appropriation by the
8947 Legislature, the commissioner ~~director~~ may approve not more in
8948 tax refunds than the amount appropriated to the Economic
8949 Development Trust Fund for tax refunds, for a fiscal year
8950 pursuant to subsection (5) and s. 288.095.

8951 (e) For the first 6 months of each fiscal year, the
8952 commissioner ~~director~~ shall set aside 30 percent of the amount
8953 appropriated for refunds pursuant to this section by the
8954 Legislature to provide tax refunds only to qualified applicants
8955 who employ 500 or fewer full-time employees in this state. Any
8956 unencumbered funds remaining undisbursed from this set-aside at
8957 the end of the 6-month period may be used to provide tax refunds
8958 for any qualified applicants pursuant to this section.

8959 (f) After entering into a tax refund agreement pursuant to
8960 subsection (4), a qualified applicant may:

8961 1. Receive refunds from the account for corporate income

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8962 taxes due and paid pursuant to chapter 220 by that business
8963 beginning with the first taxable year of the business which
8964 begins after entering into the agreement.

8965 2. Receive refunds from the account for the following taxes
8966 due and paid by that business after entering into the agreement:

8967 a. Taxes on sales, use, and other transactions paid
8968 pursuant to chapter 212.

8969 b. Intangible personal property taxes paid pursuant to
8970 chapter 199.

8971 c. Emergency excise taxes paid pursuant to chapter 221.

8972 d. Excise taxes paid on documents pursuant to chapter 201.

8973 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
8974 June 1, 1996.

8975 f. State communications services taxes administered under
8976 chapter 202. This provision does not apply to the gross receipts
8977 tax imposed under chapter 203 and administered under chapter 202
8978 or the local communications services tax authorized under s.
8979 202.19.

8980
8981 However, a qualified applicant may not receive a tax refund
8982 pursuant to this section for any amount of credit, refund, or
8983 exemption granted such contractor for any of such taxes. If a
8984 refund for such taxes is provided by Jobs Florida ~~the Office~~,
8985 which taxes are subsequently adjusted by the application of any
8986 credit, refund, or exemption granted to the qualified applicant
8987 other than that provided in this section, the qualified
8988 applicant shall reimburse the Economic Development Trust Fund
8989 for the amount of such credit, refund, or exemption. A qualified
8990 applicant must notify and tender payment to the office within 20

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8991 days after receiving a credit, refund, or exemption, other than
8992 that provided in this section. ~~The addition of communications~~
8993 ~~services taxes administered under chapter 202 is remedial in~~
8994 ~~nature and retroactive to October 1, 2001. The Office may make~~
8995 ~~supplemental tax refund payments to allow for tax refunds for~~
8996 ~~communications services taxes paid by an eligible qualified~~
8997 ~~defense contractor after October 1, 2001.~~

8998 (h) Funds made available pursuant to this section may not
8999 be expended in connection with the relocation of a business from
9000 one community to another community in this state unless Jobs
9001 Florida ~~the Office of Tourism, Trade, and Economic Development~~
9002 determines that without such relocation the business will move
9003 outside this state or determines that the business has a
9004 compelling economic rationale for the relocation which creates
9005 additional jobs.

9006 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
9007 DETERMINATION.—

9008 (a) To apply for certification as a qualified applicant
9009 pursuant to this section, an applicant must file an application
9010 with Jobs Florida ~~the Office~~ which satisfies the requirements of
9011 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
9012 and (e), or paragraphs (e) and (j). An applicant may not apply
9013 for certification pursuant to this section after a proposal has
9014 been submitted for a new Department of Defense contract, after
9015 the applicant has made the decision to consolidate an existing
9016 Department of Defense contract in this state for which such
9017 applicant is seeking certification, after a proposal has been
9018 submitted for a new space flight business contract in this
9019 state, after the applicant has made the decision to consolidate

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9020 an existing space flight business contract in this state for
9021 which such applicant is seeking certification, or after the
9022 applicant has made the decision to convert defense production
9023 jobs to nondefense production jobs for which such applicant is
9024 seeking certification.

9025 (b) Applications for certification based on the
9026 consolidation of a Department of Defense contract or a new
9027 Department of Defense contract must be submitted to Jobs Florida
9028 ~~the Office~~ as prescribed by Jobs Florida ~~the Office~~ and must
9029 include, but are not limited to, the following information:

9030 1. The applicant's federal employer identification number,
9031 the applicant's Florida sales tax registration number, and a
9032 signature of an officer of the applicant.

9033 2. The permanent location of the manufacturing, assembling,
9034 fabricating, research, development, or design facility in this
9035 state at which the project is or is to be located.

9036 3. The Department of Defense contract numbers of the
9037 contract to be consolidated, the new Department of Defense
9038 contract number, or the "RFP" number of a proposed Department of
9039 Defense contract.

9040 4. The date the contract was executed or is expected to be
9041 executed, and the date the contract is due to expire or is
9042 expected to expire.

9043 5. The commencement date for project operations under the
9044 contract in this state.

9045 6. The number of net new full-time equivalent Florida jobs
9046 included in the project as of December 31 of each year and the
9047 average wage of such jobs.

9048 7. The total number of full-time equivalent employees

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9049 employed by the applicant in this state.

9050 8. The percentage of the applicant's gross receipts derived
9051 from Department of Defense contracts during the 5 taxable years
9052 immediately preceding the date the application is submitted.

9053 9. The number of full-time equivalent jobs in this state to
9054 be retained by the project.

9055 10. A brief statement concerning the applicant's need for
9056 tax refunds, and the proposed uses of such refunds by the
9057 applicant.

9058 11. A resolution adopted by the governing board of the
9059 county or municipality in which the project will be located,
9060 which recommends the applicant be approved as a qualified
9061 applicant, and which indicates that the necessary commitments of
9062 local financial support for the applicant exist. Prior to the
9063 adoption of the resolution, the county commission may review the
9064 proposed public or private sources of such support and determine
9065 whether the proposed sources of local financial support can be
9066 provided or, for any applicant whose project is located in a
9067 county designated by the Rural Economic Development Initiative,
9068 a resolution adopted by the county commissioners of such county
9069 requesting that the applicant's project be exempt from the local
9070 financial support requirement.

9071 12. Any additional information requested by Jobs Florida
9072 ~~the Office~~.

9073 (c) Applications for certification based on the conversion
9074 of defense production jobs to nondefense production jobs must be
9075 submitted to Jobs Florida ~~the Office~~ as prescribed by Jobs
9076 Florida ~~the Office~~ and must include, but are not limited to, the
9077 following information:

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- 9078 1. The applicant's federal employer identification number,
9079 the applicant's Florida sales tax registration number, and a
9080 signature of an officer of the applicant.
- 9081 2. The permanent location of the manufacturing, assembling,
9082 fabricating, research, development, or design facility in this
9083 state at which the project is or is to be located.
- 9084 3. The Department of Defense contract numbers of the
9085 contract under which the defense production jobs will be
9086 converted to nondefense production jobs.
- 9087 4. The date the contract was executed, and the date the
9088 contract is due to expire or is expected to expire, or was
9089 canceled.
- 9090 5. The commencement date for the nondefense production
9091 operations in this state.
- 9092 6. The number of net new full-time equivalent Florida jobs
9093 included in the nondefense production project as of December 31
9094 of each year and the average wage of such jobs.
- 9095 7. The total number of full-time equivalent employees
9096 employed by the applicant in this state.
- 9097 8. The percentage of the applicant's gross receipts derived
9098 from Department of Defense contracts during the 5 taxable years
9099 immediately preceding the date the application is submitted.
- 9100 9. The number of full-time equivalent jobs in this state to
9101 be retained by the project.
- 9102 10. A brief statement concerning the applicant's need for
9103 tax refunds, and the proposed uses of such refunds by the
9104 applicant.
- 9105 11. A resolution adopted by the governing board of the
9106 county or municipality in which the project will be located,

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9107 which recommends the applicant be approved as a qualified
9108 applicant, and which indicates that the necessary commitments of
9109 local financial support for the applicant exist. Prior to the
9110 adoption of the resolution, the county commission may review the
9111 proposed public or private sources of such support and determine
9112 whether the proposed sources of local financial support can be
9113 provided or, for any applicant whose project is located in a
9114 county designated by the Rural Economic Development Initiative,
9115 a resolution adopted by the county commissioners of such county
9116 requesting that the applicant's project be exempt from the local
9117 financial support requirement.

9118 12. Any additional information requested by Jobs Florida
9119 ~~the Office~~.

9120 (d) Applications for certification based on a contract for
9121 reuse of a defense-related facility must be submitted to Jobs
9122 Florida ~~the Office~~ as prescribed by the office and must include,
9123 but are not limited to, the following information:

9124 1. The applicant's Florida sales tax registration number
9125 and a signature of an officer of the applicant.

9126 2. The permanent location of the manufacturing, assembling,
9127 fabricating, research, development, or design facility in this
9128 state at which the project is or is to be located.

9129 3. The business entity holding a valid Department of
9130 Defense contract or branch of the Armed Forces of the United
9131 States that previously occupied the facility, and the date such
9132 entity last occupied the facility.

9133 4. A copy of the contract to reuse the facility, or such
9134 alternative proof as may be prescribed by the office that the
9135 applicant is seeking to contract for the reuse of such facility.

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9136 5. The date the contract to reuse the facility was executed
9137 or is expected to be executed, and the date the contract is due
9138 to expire or is expected to expire.

9139 6. The commencement date for project operations under the
9140 contract in this state.

9141 7. The number of net new full-time equivalent Florida jobs
9142 included in the project as of December 31 of each year and the
9143 average wage of such jobs.

9144 8. The total number of full-time equivalent employees
9145 employed by the applicant in this state.

9146 9. The number of full-time equivalent jobs in this state to
9147 be retained by the project.

9148 10. A brief statement concerning the applicant's need for
9149 tax refunds, and the proposed uses of such refunds by the
9150 applicant.

9151 11. A resolution adopted by the governing board of the
9152 county or municipality in which the project will be located,
9153 which recommends the applicant be approved as a qualified
9154 applicant, and which indicates that the necessary commitments of
9155 local financial support for the applicant exist. Prior to the
9156 adoption of the resolution, the county commission may review the
9157 proposed public or private sources of such support and determine
9158 whether the proposed sources of local financial support can be
9159 provided or, for any applicant whose project is located in a
9160 county designated by the Rural Economic Development Initiative,
9161 a resolution adopted by the county commissioners of such county
9162 requesting that the applicant's project be exempt from the local
9163 financial support requirement.

9164 12. Any additional information requested by Jobs Florida

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9165 ~~the Office.~~

9166 (e) To qualify for review by Jobs Florida ~~the Office~~, the
9167 application of an applicant must, at a minimum, establish the
9168 following to the satisfaction of the office:

9169 1. The jobs proposed to be provided under the application,
9170 pursuant to subparagraph (b)6., subparagraph (c)6., or
9171 subparagraph (j)6., must pay an estimated annual average wage
9172 equaling at least 115 percent of the average wage in the area
9173 where the project is to be located.

9174 2. The consolidation of a Department of Defense contract
9175 must result in a net increase of at least 25 percent in the
9176 number of jobs at the applicant's facilities in this state or
9177 the addition of at least 80 jobs at the applicant's facilities
9178 in this state.

9179 3. The conversion of defense production jobs to nondefense
9180 production jobs must result in net increases in nondefense
9181 employment at the applicant's facilities in this state.

9182 4. The Department of Defense contract or the space flight
9183 business contract cannot allow the business to include the costs
9184 of relocation or retooling in its base as allowable costs under
9185 a cost-plus, or similar, contract.

9186 5. A business unit of the applicant must have derived not
9187 less than 60 percent of its gross receipts in this state from
9188 Department of Defense contracts or space flight business
9189 contracts over the applicant's last fiscal year, and must have
9190 derived not less than an average of 60 percent of its gross
9191 receipts in this state from Department of Defense contracts or
9192 space flight business contracts over the 5 years preceding the
9193 date an application is submitted pursuant to this section. This

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9194 subparagraph does not apply to any application for certification
9195 based on a contract for reuse of a defense-related facility.

9196 6. The reuse of a defense-related facility must result in
9197 the creation of at least 100 jobs at such facility.

9198 7. A new space flight business contract or the
9199 consolidation of a space flight business contract must result in
9200 net increases in space flight business employment at the
9201 applicant's facilities in this state.

9202 (f) Each application meeting the requirements of paragraphs
9203 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
9204 paragraphs (e) and (j) must be submitted to the office for a
9205 determination of eligibility. Jobs Florida ~~the Office~~ shall
9206 review and evaluate each application based on, but not limited
9207 to, the following criteria:

9208 1. Expected contributions to the state strategic economic
9209 development plan adopted by Enterprise Florida, Inc., taking
9210 into account the extent to which the project contributes to the
9211 state's high-technology base, and the long-term impact of the
9212 project and the applicant on the state's economy.

9213 2. The economic benefit of the jobs created or retained by
9214 the project in this state, taking into account the cost and
9215 average wage of each job created or retained, and the potential
9216 risk to existing jobs.

9217 3. The amount of capital investment to be made by the
9218 applicant in this state.

9219 4. The local commitment and support for the project and
9220 applicant.

9221 5. The impact of the project on the local community, taking
9222 into account the unemployment rate for the county where the

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9223 project will be located.

9224 6. The dependence of the local community on the defense
9225 industry or space flight business.

9226 7. The impact of any tax refunds granted pursuant to this
9227 section on the viability of the project and the probability that
9228 the project will occur in this state if such tax refunds are
9229 granted to the applicant, taking into account the expected long-
9230 term commitment of the applicant to economic growth and
9231 employment in this state.

9232 8. The length of the project, or the expected long-term
9233 commitment to this state resulting from the project.

9234 (g) Applications shall be reviewed and certified pursuant
9235 to s. 288.061. If appropriate, the commissioner ~~director~~ shall
9236 enter into a written agreement with the qualified applicant
9237 pursuant to subsection (4).

9238 (h) The commissioner ~~director~~ may not certify any applicant
9239 as a qualified applicant when the value of tax refunds to be
9240 included in that letter of certification exceeds the available
9241 amount of authority to certify new businesses as determined in
9242 s. 288.095(3). A letter of certification that approves an
9243 application must specify the maximum amount of a tax refund that
9244 is to be available to the contractor for each fiscal year and
9245 the total amount of tax refunds for all fiscal years.

9246 (i) This section does not create a presumption that an
9247 applicant should receive any tax refunds under this section.

9248 (j) Applications for certification based upon a new space
9249 flight business contract or the consolidation of a space flight
9250 business contract must be submitted to the office as prescribed
9251 by the office and must include, but are not limited to, the

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9252 following information:

9253 1. The applicant's federal employer identification number,
9254 the applicant's Florida sales tax registration number, and a
9255 signature of an officer of the applicant.

9256 2. The permanent location of the space flight business
9257 facility in this state where the project is or will be located.

9258 3. The new space flight business contract number, the space
9259 flight business contract numbers of the contract to be
9260 consolidated, or the request-for-proposal number of a proposed
9261 space flight business contract.

9262 4. The date the contract was executed and the date the
9263 contract is due to expire, is expected to expire, or was
9264 canceled.

9265 5. The commencement date for project operations under the
9266 contract in this state.

9267 6. The number of net new full-time equivalent Florida jobs
9268 included in the project as of December 31 of each year and the
9269 average wage of such jobs.

9270 7. The total number of full-time equivalent employees
9271 employed by the applicant in this state.

9272 8. The percentage of the applicant's gross receipts derived
9273 from space flight business contracts during the 5 taxable years
9274 immediately preceding the date the application is submitted.

9275 9. The number of full-time equivalent jobs in this state to
9276 be retained by the project.

9277 10. A brief statement concerning the applicant's need for
9278 tax refunds and the proposed uses of such refunds by the
9279 applicant.

9280 11. A resolution adopted by the governing board of the

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9281 county or municipality in which the project will be located
9282 which recommends the applicant be approved as a qualified
9283 applicant and indicates that the necessary commitments of local
9284 financial support for the applicant exist. Prior to the adoption
9285 of the resolution, the county commission may review the proposed
9286 public or private sources of such support and determine whether
9287 the proposed sources of local financial support can be provided
9288 or, for any applicant whose project is located in a county
9289 designated by the Rural Economic Development Initiative, a
9290 resolution adopted by the county commissioners of such county
9291 requesting that the applicant's project be exempt from the local
9292 financial support requirement.

9293 12. Any additional information requested by Jobs Florida
9294 ~~the office~~.

9295 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

9296 (a) A qualified applicant shall enter into a written
9297 agreement with Jobs Florida ~~the Office~~ containing, but not
9298 limited to, the following:

9299 1. The total number of full-time equivalent jobs in this
9300 state that are or will be dedicated to the qualified applicant's
9301 project, the average wage of such jobs, the definitions that
9302 will apply for measuring the achievement of these terms during
9303 the pendency of the agreement, and a time schedule or plan for
9304 when such jobs will be in place and active in this state.

9305 2. The maximum amount of a refund that the qualified
9306 applicant is eligible to receive for each fiscal year, based on
9307 the job creation or retention and maintenance schedule specified
9308 in subparagraph 1.

9309 3. An agreement with Jobs Florida ~~the Office~~ allowing Jobs

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9310 Florida ~~the Office~~ to review and verify the financial and
9311 personnel records of the qualified applicant to ascertain
9312 whether the qualified applicant is complying with the
9313 requirements of this section.

9314 4. The date by which, in each fiscal year, the qualified
9315 applicant may file a claim pursuant to subsection (5) to be
9316 considered to receive a tax refund in the following fiscal year.

9317 5. That local financial support shall be annually available
9318 and will be paid to the Economic Development Trust Fund.

9319 (b) Compliance with the terms and conditions of the
9320 agreement is a condition precedent for receipt of tax refunds
9321 each year. The failure to comply with the terms and conditions
9322 of the agreement shall result in the loss of eligibility for
9323 receipt of all tax refunds previously authorized pursuant to
9324 this section, and the revocation of the certification as a
9325 qualified applicant by the commissioner ~~director~~, unless the
9326 qualified applicant is eligible to receive and elects to accept
9327 a prorated refund under paragraph (5)(g) or Jobs Florida ~~the~~
9328 ~~Office~~ grants the qualified applicant an economic-stimulus
9329 exemption.

9330 1. A qualified applicant may submit, in writing, a request
9331 to Jobs Florida ~~the Office~~ for an economic-stimulus exemption.
9332 The request must provide quantitative evidence demonstrating how
9333 negative economic conditions in the qualified applicant's
9334 industry, the effects of the impact of a named hurricane or
9335 tropical storm, or specific acts of terrorism affecting the
9336 qualified applicant have prevented the qualified applicant from
9337 complying with the terms and conditions of its tax refund
9338 agreement.

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9339 2. Upon receipt of a request under subparagraph 1., the
9340 commissioner ~~director~~ shall have 45 days to notify the
9341 requesting qualified applicant, in writing, if its exemption has
9342 been granted or denied. In determining if an exemption should be
9343 granted, the commissioner ~~director~~ shall consider the extent to
9344 which negative economic conditions in the requesting qualified
9345 applicant's industry, the effects of the impact of a named
9346 hurricane or tropical storm, or specific acts of terrorism
9347 affecting the qualified applicant have prevented the qualified
9348 applicant from complying with the terms and conditions of its
9349 tax refund agreement.

9350 3. As a condition for receiving a prorated refund under
9351 paragraph (5)(g) or an economic-stimulus exemption under this
9352 paragraph, a qualified applicant must agree to renegotiate its
9353 tax refund agreement with Jobs Florida ~~the Office~~ to, at a
9354 minimum, ensure that the terms of the agreement comply with
9355 current law and the Office procedures of Jobs Florida governing
9356 application for and award of tax refunds. Upon approving the
9357 award of a prorated refund or granting an economic-stimulus
9358 exemption, Jobs Florida ~~the Office~~ shall renegotiate the tax
9359 refund agreement with the qualified applicant as required by
9360 this subparagraph. When amending the agreement of a qualified
9361 applicant receiving an economic-stimulus exemption, Jobs Florida
9362 ~~the Office~~ may extend the duration of the agreement for a period
9363 not to exceed 2 years.

9364 4. ~~A qualified applicant may submit a request for an~~
9365 ~~economic-stimulus exemption to the Office in lieu of any tax~~
9366 ~~refund claim scheduled to be submitted after January 1, 2005,~~
9367 ~~but before July 1, 2006.~~

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9368 ~~4.5-~~ A qualified applicant that receives an economic-
9369 stimulus exemption may not receive a tax refund for the period
9370 covered by the exemption.

9371 (c) The agreement shall be signed by the commissioner
9372 ~~director~~ and the authorized officer of the qualified applicant.

9373 (d) The agreement must contain the following legend,
9374 clearly printed on its face in bold type of not less than 10
9375 points:

9376
9377 "This agreement is neither a general obligation of the
9378 State of Florida, nor is it backed by the full faith
9379 and credit of the State of Florida. Payment of tax
9380 refunds are conditioned on and subject to specific
9381 annual appropriations by the Florida Legislature of
9382 funds sufficient to pay amounts authorized in s.
9383 288.1045, Florida Statutes."

9384
9385 (5) ANNUAL CLAIM FOR REFUND.-

9386 (a) To be eligible to claim any scheduled tax refund,
9387 qualified applicants who have entered into a written agreement
9388 with Jobs Florida ~~the Office~~ pursuant to subsection (4) and who
9389 have entered into a valid new Department of Defense contract,
9390 entered into a valid new space flight business contract,
9391 commenced the consolidation of a space flight business contract,
9392 commenced the consolidation of a Department of Defense contract,
9393 commenced the conversion of defense production jobs to
9394 nondefense production jobs, or entered into a valid contract for
9395 reuse of a defense-related facility must apply by January 31 of
9396 each fiscal year to Jobs Florida ~~the Office~~ for tax refunds

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9397 scheduled to be paid from the appropriation for the fiscal year
9398 that begins on July 1 following the January 31 claims-submission
9399 date. Jobs Florida ~~The Office~~ may, upon written request, grant a
9400 30-day extension of the filing date. The application must
9401 include a notarized signature of an officer of the applicant.

9402 (d) The commissioner ~~director~~, with assistance from ~~the~~
9403 ~~Office~~, the Department of Revenue, and Jobs Florida ~~the Agency~~
9404 ~~for Workforce Innovation~~, shall, by June 30 following the
9405 scheduled date for submitting the tax refund claim, specify by
9406 written order the approval or disapproval of the tax refund
9407 claim and, if approved, the amount of the tax refund that is
9408 authorized to be paid to the qualified applicant for the annual
9409 tax refund. The commissioner ~~Office~~ may grant an extension of
9410 this date upon the request of the qualified applicant for the
9411 purpose of filing additional information in support of the
9412 claim.

9413 (e) The total amount of tax refunds approved by the
9414 commissioner ~~director~~ under this section in any fiscal year may
9415 not exceed the amount authorized under s. 288.095(3).

9416 (g) A prorated tax refund, less a 5 percent penalty, shall
9417 be approved for a qualified applicant provided all other
9418 applicable requirements have been satisfied and the applicant
9419 proves to the satisfaction of the commissioner ~~director~~ that it
9420 has achieved at least 80 percent of its projected employment and
9421 that the average wage paid by the qualified applicant is at
9422 least 90 percent of the average wage specified in the tax refund
9423 agreement, but in no case less than 115 percent of the average
9424 private sector wage in the area available at the time of
9425 certification. The prorated tax refund shall be calculated by

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9426 multiplying the tax refund amount for which the qualified
9427 applicant would have been eligible, if all applicable
9428 requirements had been satisfied, by the percentage of the
9429 average employment specified in the tax refund agreement which
9430 was achieved, and by the percentage of the average wages
9431 specified in the tax refund agreement which was achieved.

9432 (6) ADMINISTRATION.—

9433 (a) Jobs Florida ~~The Office~~ may adopt rules pursuant to
9434 chapter 120 for the administration of this section.

9435 (b) Jobs Florida ~~The Office~~ may verify information provided
9436 in any claim submitted for tax credits under this section with
9437 regard to employment and wage levels or the payment of the taxes
9438 with the appropriate agency or authority including the
9439 Department of Revenue, Jobs Florida ~~the Agency for Workforce~~
9440 ~~Innovation~~, or any local government or authority.

9441 (c) To facilitate the process of monitoring and auditing
9442 applications made under this program, Jobs Florida ~~the Office~~
9443 may provide a list of qualified applicants to the Department of
9444 Revenue, ~~to the Agency for Workforce Innovation~~, or to any local
9445 government or authority. Jobs Florida ~~the Office~~ may request the
9446 assistance of said entities with respect to monitoring jobs,
9447 wages, and the payment of the taxes listed in subsection (2).

9448 ~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the~~
9449 ~~Office may approve a waiver of the local financial support~~
9450 ~~requirement for a business located in any of the following~~
9451 ~~counties in which businesses received emergency loans~~
9452 ~~administered by the Office in response to the named hurricanes~~
9453 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
9454 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~

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9455 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
9456 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
9457 ~~waiver may be granted only if the Office determines that the~~
9458 ~~local financial support cannot be provided or that doing so~~
9459 ~~would effect a demonstrable hardship on the unit of local~~
9460 ~~government providing the local financial support. If the Office~~
9461 ~~grants a waiver of the local financial support requirement, the~~
9462 ~~state shall pay 100 percent of the refund due to an eligible~~
9463 ~~business. The waiver shall apply for tax refund applications~~
9464 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

9465 (7)~~(8)~~ EXPIRATION.—An applicant may not be certified as
9466 qualified under this section after June 30, 2014. A tax refund
9467 agreement existing on that date shall continue in effect in
9468 accordance with its terms.

9469 Section 189. Paragraphs (d), (f), (n), (p), (r), and (t) of
9470 subsection (2), paragraphs (a), (b), and (f) of subsection (3),
9471 subsection (4), paragraphs (a), (b), and (c) of subsection (5),
9472 paragraphs (a), (c), (f), and (g) of subsection (6), and
9473 subsection (7) of section 288.106, Florida Statutes, are
9474 amended, and present paragraphs (o) through (u) of subsection
9475 (2) are redesignated as paragraphs (n) through (t),
9476 respectively, to read:

9477 288.106 Tax refund program for qualified target industry
9478 businesses.—

9479 (2) DEFINITIONS.—As used in this section:

9480 (d) "Business" means an employing unit, as defined in s.
9481 443.036, that is registered for unemployment compensation
9482 purposes with the state agency providing unemployment tax
9483 collection services ~~under contract with the Agency for Workforce~~

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9484 ~~Innovation through an interagency agreement pursuant to s.~~
9485 ~~443.1316,~~ or a subcategory or division of an employing unit that
9486 is accepted by the state agency providing unemployment tax
9487 collection services as a reporting unit.

9488 (f) "Commissioner ~~Director~~" means the commissioner of Jobs
9489 Florida ~~Director of the Office of Tourism, Trade, and Economic~~
9490 ~~Development.~~

9491 (n) "~~Office~~" means ~~the Office of Tourism, Trade, and~~
9492 ~~Economic Development.~~

9493 (o)~~(p)~~ "Qualified target industry business" means a target
9494 industry business approved by Jobs Florida ~~the Office~~ to be
9495 eligible for tax refunds under this section.

9496 (q)~~(r)~~ "Rural city" means a city having a population of
9497 10,000 or fewer, or a city having a population of greater than
9498 10,000 but fewer than 20,000 that has been determined by Jobs
9499 Florida ~~the Office~~ to have economic characteristics such as, but
9500 not limited to, a significant percentage of residents on public
9501 assistance, a significant percentage of residents with income
9502 below the poverty level, or a significant percentage of the
9503 city's employment base in agriculture-related industries.

9504 (s)~~(t)~~ "Target industry business" means a corporate
9505 headquarters business or any business that is engaged in one of
9506 the target industries identified pursuant to the following
9507 criteria developed by Jobs Florida ~~the Office~~ in consultation
9508 with Enterprise Florida, Inc.:

9509 1. Future growth.—Industry forecasts should indicate strong
9510 expectation for future growth in both employment and output,
9511 according to the most recent available data. Special
9512 consideration should be given to businesses that export goods

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9513 to, or provide services in, international markets and businesses
9514 that replace domestic and international imports of goods or
9515 services.

9516 2. Stability.—The industry should not be subject to
9517 periodic layoffs, whether due to seasonality or sensitivity to
9518 volatile economic variables such as weather. The industry should
9519 also be relatively resistant to recession, so that the demand
9520 for products of this industry is not typically subject to
9521 decline during an economic downturn.

9522 3. High wage.—The industry should pay relatively high wages
9523 compared to statewide or area averages.

9524 4. Market and resource independent.—The location of
9525 industry businesses should not be dependent on Florida markets
9526 or resources as indicated by industry analysis, except for
9527 businesses in the renewable energy industry.

9528 5. Industrial base diversification and strengthening.—The
9529 industry should contribute toward expanding or diversifying the
9530 state's or area's economic base, as indicated by analysis of
9531 employment and output shares compared to national and regional
9532 trends. Special consideration should be given to industries that
9533 strengthen regional economies by adding value to basic products
9534 or building regional industrial clusters as indicated by
9535 industry analysis. Special consideration should also be given to
9536 the development of strong industrial clusters that include
9537 defense and homeland security businesses.

9538 6. Economic benefits.—The industry is expected to have
9539 strong positive impacts on or benefits to the state or regional
9540 economies.

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9542 The term does not include any business engaged in retail
9543 industry activities; any electrical utility company; any
9544 phosphate or other solid minerals severance, mining, or
9545 processing operation; any oil or gas exploration or production
9546 operation; or any business subject to regulation by the Division
9547 of Hotels and Restaurants of the Department of Business and
9548 Professional Regulation. Any business within NAICS code 5611 or
9549 5614, office administrative services and business support
9550 services, respectively, may be considered a target industry
9551 business only after the local governing body and Enterprise
9552 Florida, Inc., make a determination that the community where the
9553 business may locate has conditions affecting the fiscal and
9554 economic viability of the local community or area, including but
9555 not limited to, factors such as low per capita income, high
9556 unemployment, high underemployment, and a lack of year-round
9557 stable employment opportunities, and such conditions may be
9558 improved by the location of such a business to the community. By
9559 January 1 of every 3rd year, beginning January 1, 2011, Jobs
9560 Florida ~~the Office~~, in consultation with Enterprise Florida,
9561 Inc., economic development organizations, the State University
9562 System, local governments, employee and employer organizations,
9563 market analysts, and economists, shall review and, as
9564 appropriate, revise the list of such target industries and
9565 submit the list to the Governor, the President of the Senate,
9566 and the Speaker of the House of Representatives.

9567 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

9568 (a) There shall be allowed, from the account, a refund to a
9569 qualified target industry business for the amount of eligible
9570 taxes certified by Jobs Florida ~~the Office~~ that were paid by the

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9571 business. The total amount of refunds for all fiscal years for
9572 each qualified target industry business must be determined
9573 pursuant to subsection (4). The annual amount of a refund to a
9574 qualified target industry business must be determined pursuant
9575 to subsection (6).

9576 (b)1. Upon approval by Jobs Florida ~~the Office~~, a qualified
9577 target industry business shall be allowed tax refund payments
9578 equal to \$3,000 multiplied by the number of jobs specified in
9579 the tax refund agreement under subparagraph (5)(a)1., or equal
9580 to \$6,000 multiplied by the number of jobs if the project is
9581 located in a rural community or an enterprise zone.

9582 2. A qualified target industry business shall be allowed
9583 additional tax refund payments equal to \$1,000 multiplied by the
9584 number of jobs specified in the tax refund agreement under
9585 subparagraph (5)(a)1. if such jobs pay an annual average wage of
9586 at least 150 percent of the average private sector wage in the
9587 area, or equal to \$2,000 multiplied by the number of jobs if
9588 such jobs pay an annual average wage of at least 200 percent of
9589 the average private sector wage in the area.

9590 3. A qualified target industry business shall be allowed
9591 tax refund payments in addition to the other payments authorized
9592 in this paragraph equal to \$1,000 multiplied by the number of
9593 jobs specified in the tax refund agreement under subparagraph
9594 (5)(a)1. if the local financial support is equal to that of the
9595 state's incentive award under subparagraph 1.

9596 4. In addition to the other tax refund payments authorized
9597 in this paragraph, a qualified target industry business shall be
9598 allowed a tax refund payment equal to \$2,000 multiplied by the
9599 number of jobs specified in the tax refund agreement under

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9600 subparagraph (5)(a)1. if the business:

9601 a. Falls within one of the high-impact sectors designated
9602 under s. 288.108; or

9603 b. Increases exports of its goods through a seaport or
9604 airport in the state by at least 10 percent in value or tonnage
9605 in each of the years that the business receives a tax refund
9606 under this section. For purposes of this sub-subparagraph,
9607 seaports in the state are limited to the ports of Jacksonville,
9608 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
9609 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
9610 Pensacola, Fernandina, and Key West.

9611 (f) Refunds made available under this section may not be
9612 expended in connection with the relocation of a business from
9613 one community to another community in the state unless Jobs
9614 Florida ~~the Office~~ determines that, without such relocation, the
9615 business will move outside the state or determines that the
9616 business has a compelling economic rationale for relocation and
9617 that the relocation will create additional jobs.

9618 (4) APPLICATION AND APPROVAL PROCESS.—

9619 (a) To apply for certification as a qualified target
9620 industry business under this section, the business must file an
9621 application with Jobs Florida ~~the Office~~ before the business
9622 decides to locate in this state or before the business decides
9623 to expand its existing operations in this state. The application
9624 must include, but need not be limited to, the following
9625 information:

9626 1. The applicant's federal employer identification number
9627 and, if applicable, state sales tax registration number.

9628 2. The proposed permanent location of the applicant's

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9629 facility in this state at which the project is to be located.

9630 3. A description of the type of business activity or
9631 product covered by the project, including a minimum of a five-
9632 digit NAICS code for all activities included in the project. As
9633 used in this paragraph, "NAICS" means those classifications
9634 contained in the North American Industry Classification System,
9635 as published in 2007 by the Office of Management and Budget,
9636 Executive Office of the President, and updated periodically.

9637 4. The proposed number of net new full-time equivalent
9638 Florida jobs at the qualified target industry business as of
9639 December 31 of each year included in the project and the average
9640 wage of those jobs. If more than one type of business activity
9641 or product is included in the project, the number of jobs and
9642 average wage for those jobs must be separately stated for each
9643 type of business activity or product.

9644 5. The total number of full-time equivalent employees
9645 employed by the applicant in this state, if applicable.

9646 6. The anticipated commencement date of the project.

9647 7. A brief statement explaining the role that the estimated
9648 tax refunds to be requested will play in the decision of the
9649 applicant to locate or expand in this state.

9650 8. An estimate of the proportion of the sales resulting
9651 from the project that will be made outside this state.

9652 9. An estimate of the proportion of the cost of the
9653 machinery and equipment, and any other resources necessary in
9654 the development of its product or service, to be used by the
9655 business in its Florida operations which will be purchased
9656 outside this state.

9657 10. A resolution adopted by the governing board of the

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9658 county or municipality in which the project will be located,
9659 which resolution recommends that the project be approved as a
9660 qualified target industry business and specifies that the
9661 commitments of local financial support necessary for the target
9662 industry business exist. Before the passage of such resolution,
9663 the office may also accept an official letter from an authorized
9664 local economic development agency that endorses the proposed
9665 target industry project and pledges that sources of local
9666 financial support for such project exist. For the purposes of
9667 making pledges of local financial support under this
9668 subparagraph, the authorized local economic development agency
9669 shall be officially designated by the passage of a one-time
9670 resolution by the local governing board.

9671 11. Any additional information requested by Jobs Florida
9672 ~~the Office~~.

9673 (b) To qualify for review by Jobs Florida ~~the Office~~, the
9674 application of a target industry business must, at a minimum,
9675 establish the following to the satisfaction of the office:

9676 1.a. The jobs proposed to be created under the application,
9677 pursuant to subparagraph (a)4., must pay an estimated annual
9678 average wage equaling at least 115 percent of the average
9679 private sector wage in the area where the business is to be
9680 located or the statewide private sector average wage. The
9681 governing board of the county where the qualified target
9682 industry business is to be located shall notify Jobs Florida ~~the~~
9683 ~~Office~~ and Enterprise Florida, Inc., which calculation of the
9684 average private sector wage in the area must be used as the
9685 basis for the business's wage commitment. In determining the
9686 average annual wage, Jobs Florida ~~the Office~~ shall include only

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9687 new proposed jobs, and wages for existing jobs shall be excluded
9688 from this calculation.

9689 b. Jobs Florida ~~the Office~~ may waive the average wage
9690 requirement at the request of the local governing body
9691 recommending the project and Enterprise Florida, Inc. Jobs
9692 Florida ~~the Office~~ may waive the wage requirement for a project
9693 located in a brownfield area designated under s. 376.80, in a
9694 rural city, in a rural community, in an enterprise zone, or for
9695 a manufacturing project at any location in the state if the jobs
9696 proposed to be created pay an estimated annual average wage
9697 equaling at least 100 percent of the average private sector wage
9698 in the area where the business is to be located, only if the
9699 merits of the individual project or the specific circumstances
9700 in the community in relationship to the project warrant such
9701 action. If the local governing body and Enterprise Florida,
9702 Inc., make such a recommendation, it must be transmitted in
9703 writing, and the specific justification for the waiver
9704 recommendation must be explained. If Jobs Florida ~~the Office~~
9705 elects to waive the wage requirement, the waiver must be stated
9706 in writing, and the reasons for granting the waiver must be
9707 explained.

9708 2. The target industry business's project must result in
9709 the creation of at least 10 jobs at the project and, in the case
9710 of an expansion of an existing business, must result in a net
9711 increase in employment of at least 10 percent at the business.
9712 At the request of the local governing body recommending the
9713 project and Enterprise Florida, Inc., Jobs Florida ~~the Office~~
9714 may waive this requirement for a business in a rural community
9715 or enterprise zone if the merits of the individual project or

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9716 the specific circumstances in the community in relationship to
9717 the project warrant such action. If the local governing body and
9718 Enterprise Florida, Inc., make such a request, the request must
9719 be transmitted in writing, and the specific justification for
9720 the request must be explained. If Jobs Florida ~~the Office~~ elects
9721 to grant the request, the grant must be stated in writing, and
9722 the reason for granting the request must be explained.

9723 3. The business activity or product for the applicant's
9724 project must be within an industry identified by Jobs Florida
9725 ~~the Office~~ as a target industry business that contributes to the
9726 economic growth of the state and the area in which the business
9727 is located, that produces a higher standard of living for
9728 residents of this state in the new global economy, or that can
9729 be shown to make an equivalent contribution to the area's and
9730 state's economic progress.

9731 (c) Each application meeting the requirements of paragraph
9732 (b) must be submitted to Jobs Florida ~~the Office~~ for
9733 determination of eligibility. Jobs Florida ~~the Office~~ shall
9734 review and evaluate each application based on, but not limited
9735 to, the following criteria:

9736 1. Expected contributions to the state's economy,
9737 consistent with the state strategic economic development plan
9738 adopted by Enterprise Florida, Inc.

9739 2. The return on investment of the proposed award of tax
9740 refunds under this section and the return on investment for
9741 state incentives proposed for the project. The Office of
9742 Economic and Demographic Research shall review and evaluate the
9743 methodology and model used to calculate the return on investment
9744 and report its findings by September 1 of every 3rd year,

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9745 beginning September 1, 2010, to the President of the Senate and
9746 the Speaker of the House of Representatives.

9747 3. The amount of capital investment to be made by the
9748 applicant in this state.

9749 4. The local financial commitment and support for the
9750 project.

9751 5. The effect of the project on the unemployment rate in
9752 the county where the project will be located.

9753 6. The effect of the award on the viability of the project
9754 and the probability that the project would be undertaken in this
9755 state if such tax refunds are granted to the applicant.

9756 7. The expected long-term commitment of the applicant to
9757 economic growth and employment in this state resulting from the
9758 project.

9759 8. A review of the business's past activities in this state
9760 or other states, including whether such business has been
9761 subjected to criminal or civil fines and penalties. This
9762 subparagraph does not require the disclosure of confidential
9763 information.

9764 (d) Applications shall be reviewed and certified pursuant
9765 to s. 288.061. Jobs Florida ~~the Office~~ shall include in its
9766 review projections of the tax refunds the business would be
9767 eligible to receive in each fiscal year based on the creation
9768 and maintenance of the net new Florida jobs specified in
9769 subparagraph (a)4. as of December 31 of the preceding state
9770 fiscal year. If appropriate, Jobs Florida ~~the Office~~ shall enter
9771 into a written agreement with the qualified target industry
9772 business pursuant to subsection (5).

9773 (e) Jobs Florida ~~the Office~~ may not certify any target

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9774 industry business as a qualified target industry business if the
9775 value of tax refunds to be included in that letter of
9776 certification exceeds the available amount of authority to
9777 certify new businesses as determined in s. 288.095(3). However,
9778 if the commitments of local financial support represent less
9779 than 20 percent of the eligible tax refund payments, or to
9780 otherwise preserve the viability and fiscal integrity of the
9781 program, the office may certify a qualified target industry
9782 business to receive tax refund payments of less than the
9783 allowable amounts specified in paragraph (3)(b). A letter of
9784 certification that approves an application must specify the
9785 maximum amount of tax refund that will be available to the
9786 qualified industry business in each fiscal year and the total
9787 amount of tax refunds that will be available to the business for
9788 all fiscal years.

9789 (f) This section does not create a presumption that an
9790 applicant will receive any tax refunds under this section.
9791 However, Jobs Florida ~~the Office~~ may issue nonbinding opinion
9792 letters, upon the request of prospective applicants, as to the
9793 applicants' eligibility and the potential amount of refunds.

9794 (5) TAX REFUND AGREEMENT.—

9795 (a) Each qualified target industry business must enter into
9796 a written agreement with Jobs Florida ~~the Office~~ that specifies,
9797 at a minimum:

9798 1. The total number of full-time equivalent jobs in this
9799 state that will be dedicated to the project, the average wage of
9800 those jobs, the definitions that will apply for measuring the
9801 achievement of these terms during the pendency of the agreement,
9802 and a time schedule or plan for when such jobs will be in place

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9803 and active in this state.

9804 2. The maximum amount of tax refunds that the qualified
9805 target industry business is eligible to receive on the project
9806 and the maximum amount of a tax refund that the qualified target
9807 industry business is eligible to receive for each fiscal year,
9808 based on the job creation and maintenance schedule specified in
9809 subparagraph 1.

9810 3. That Jobs Florida ~~the Office~~ may review and verify the
9811 financial and personnel records of the qualified target industry
9812 business to ascertain whether that business is in compliance
9813 with this section.

9814 4. The date by which, in each fiscal year, the qualified
9815 target industry business may file a claim under subsection (6)
9816 to be considered to receive a tax refund in the following fiscal
9817 year.

9818 5. That local financial support will be annually available
9819 and will be paid to the account. Jobs Florida ~~the Office~~ may not
9820 enter into a written agreement with a qualified target industry
9821 business if the local financial support resolution is not passed
9822 by the local governing body within 90 days after Jobs Florida
9823 ~~the Office~~ has issued the letter of certification under
9824 subsection (4).

9825 6. That Jobs Florida ~~the Office~~ may conduct a review of the
9826 business to evaluate whether the business is continuing to
9827 contribute to the area's or state's economy.

9828 7. That in the event the business does not complete the
9829 agreement, the business will provide Jobs Florida ~~the Office~~
9830 with the reasons the business was unable to complete the
9831 agreement.

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9832 (b) Compliance with the terms and conditions of the
9833 agreement is a condition precedent for the receipt of a tax
9834 refund each year. The failure to comply with the terms and
9835 conditions of the tax refund agreement results in the loss of
9836 eligibility for receipt of all tax refunds previously authorized
9837 under this section and the revocation by Jobs Florida ~~the Office~~
9838 of the certification of the business entity as a qualified
9839 target industry business, unless the business is eligible to
9840 receive and elects to accept a prorated refund under paragraph
9841 (6)(e) or Jobs Florida ~~the Office~~ grants the business an
9842 economic recovery extension.

9843 1. A qualified target industry business may submit a
9844 request to Jobs Florida ~~the Office~~ for an economic recovery
9845 extension. The request must provide quantitative evidence
9846 demonstrating how negative economic conditions in the business's
9847 industry, the effects of a named hurricane or tropical storm, or
9848 specific acts of terrorism affecting the qualified target
9849 industry business have prevented the business from complying
9850 with the terms and conditions of its tax refund agreement.

9851 2. Upon receipt of a request under subparagraph 1., Jobs
9852 Florida ~~the Office~~ has 45 days to notify the requesting
9853 business, in writing, whether its extension has been granted or
9854 denied. In determining whether an extension should be granted,
9855 Jobs Florida ~~the Office~~ shall consider the extent to which
9856 negative economic conditions in the requesting business's
9857 industry have occurred in the state or the effects of a named
9858 hurricane or tropical storm or specific acts of terrorism
9859 affecting the qualified target industry business have prevented
9860 the business from complying with the terms and conditions of its

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9861 tax refund agreement. Jobs Florida ~~the Office~~ shall consider
9862 current employment statistics for this state by industry,
9863 including whether the business's industry had substantial job
9864 loss during the prior year, when determining whether an
9865 extension shall be granted.

9866 3. As a condition for receiving a prorated refund under
9867 paragraph (6)(e) or an economic recovery extension under this
9868 paragraph, a qualified target industry business must agree to
9869 renegotiate its tax refund agreement with Jobs Florida ~~the~~
9870 ~~Office~~ to, at a minimum, ensure that the terms of the agreement
9871 comply with current law and office procedures governing
9872 application for and award of tax refunds. Upon approving the
9873 award of a prorated refund or granting an economic recovery
9874 extension, Jobs Florida ~~the Office~~ shall renegotiate the tax
9875 refund agreement with the business as required by this
9876 subparagraph. When amending the agreement of a business
9877 receiving an economic recovery extension, Jobs Florida ~~the~~
9878 ~~Office~~ may extend the duration of the agreement for a period not
9879 to exceed 2 years.

9880 4. A qualified target industry business may submit a
9881 request for an economic recovery extension to Jobs Florida ~~the~~
9882 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted
9883 after January 1, 2009, but before July 1, 2012.

9884 5. A qualified target industry business that receives an
9885 economic recovery extension may not receive a tax refund for the
9886 period covered by the extension.

9887 (c) The agreement must be signed by the commissioner
9888 ~~director~~ and by an authorized officer of the qualified target
9889 industry business within 120 days after the issuance of the

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9890 letter of certification under subsection (4), but not before
9891 passage and receipt of the resolution of local financial
9892 support. The commissioner ~~Office~~ may grant an extension of this
9893 period at the written request of the qualified target industry
9894 business.

9895 (6) ANNUAL CLAIM FOR REFUND.—

9896 (a) To be eligible to claim any scheduled tax refund, a
9897 qualified target industry business that has entered into a tax
9898 refund agreement with Jobs Florida ~~the Office~~ under subsection
9899 (5) must apply by January 31 of each fiscal year to the office
9900 for the tax refund scheduled to be paid from the appropriation
9901 for the fiscal year that begins on July 1 following the January
9902 31 claims-submission date. Jobs Florida ~~The Office~~ may, upon
9903 written request, grant a 30-day extension of the filing date.

9904 (c) Jobs Florida ~~the Office~~ may waive the requirement for
9905 proof of taxes paid in future years for a qualified target
9906 industry business that provides the office with proof that, in a
9907 single year, the business has paid an amount of state taxes from
9908 the categories in paragraph (3)(d) that is at least equal to the
9909 total amount of tax refunds that the business may receive
9910 through successful completion of its tax refund agreement.

9911 (f) Jobs Florida ~~the Office~~, with such assistance as may be
9912 required from the Department of Revenue ~~or the Agency for~~
9913 ~~Workforce Innovation~~, shall, by June 30 following the scheduled
9914 date for submission of the tax refund claim, specify by written
9915 order the approval or disapproval of the tax refund claim and,
9916 if approved, the amount of the tax refund that is authorized to
9917 be paid to the qualified target industry business for the annual
9918 tax refund. Jobs Florida ~~the Office~~ may grant an extension of

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9919 this date on the request of the qualified target industry
9920 business for the purpose of filing additional information in
9921 support of the claim.

9922 (g) The total amount of tax refund claims approved by Jobs
9923 Florida ~~the Office~~ under this section in any fiscal year must
9924 not exceed the amount authorized under s. 288.095(3).

9925 (7) ADMINISTRATION.—

9926 (a) Jobs Florida ~~the Office~~ may verify information provided
9927 in any claim submitted for tax credits under this section with
9928 regard to employment and wage levels or the payment of the taxes
9929 to the appropriate agency or authority, including the Department
9930 of Revenue, ~~the Agency for Workforce Innovation~~, or any local
9931 government or authority.

9932 (b) To facilitate the process of monitoring and auditing
9933 applications made under this section, Jobs Florida ~~the Office~~
9934 may provide a list of qualified target industry businesses to
9935 the Department of Revenue, ~~to the Agency for Workforce~~
9936 ~~Innovation~~, or to any local government or authority. Jobs
9937 Florida ~~The Office~~ may request the assistance of those entities
9938 with respect to monitoring jobs, wages, and the payment of the
9939 taxes listed in subsection (3).

9940 (c) Funds specifically appropriated for tax refunds for
9941 qualified target industry businesses under this section may not
9942 be used by Jobs Florida ~~the Office~~ for any purpose other than
9943 the payment of tax refunds authorized by this section.

9944 (d) Beginning with tax refund agreements signed after July
9945 1, 2010, Jobs Florida ~~the Office~~ shall attempt to ascertain the
9946 causes for any business's failure to complete its agreement and
9947 shall report its findings and recommendations to the Governor,

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9948 the President of the Senate, and the Speaker of the House of
9949 Representatives. The report shall be submitted by December 1 of
9950 each year beginning in 2011.

9951 Section 190. Paragraphs (d) and (g) of subsection (1),
9952 subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of
9953 subsection (4), and subsection (5) of section 288.107, Florida
9954 Statutes, are amended, and present paragraph (h) of subsection
9955 (1) is redesignated as paragraph (g), to read:

9956 288.107 Brownfield redevelopment bonus refunds.—

9957 (1) DEFINITIONS.—As used in this section:

9958 (d) "Commissioner ~~Director~~" means the commissioner of Jobs
9959 Florida ~~director of the Office of Tourism, Trade, and Economic~~
9960 ~~Development.~~

9961 ~~(g) "Office" means The Office of Tourism, Trade, and~~
9962 ~~Economic Development.~~

9963 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
9964 shall be approved by Jobs Florida ~~the Office~~ as specified in the
9965 final order and allowed from the account as follows:

9966 (a) A bonus refund of \$2,500 shall be allowed to any
9967 qualified target industry business as defined in s. 288.106 for
9968 each new Florida job created in a brownfield area that is
9969 claimed on the qualified target industry business's annual
9970 refund claim authorized in s. 288.106(6).

9971 (b) A bonus refund of up to \$2,500 shall be allowed to any
9972 other eligible business as defined in subparagraph (1)(e)2. for
9973 each new Florida job created in a brownfield area that is
9974 claimed under an annual claim procedure similar to the annual
9975 refund claim authorized in s. 288.106(6). The amount of the
9976 refund shall be equal to 20 percent of the average annual wage

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9977 for the jobs created.

9978 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

9979 (a) To be eligible to receive a bonus refund for new
9980 Florida jobs created in a brownfield area, a business must have
9981 been certified as a qualified target industry business under s.
9982 288.106 or eligible business as defined in paragraph (1)(e) and
9983 must have indicated on the qualified target industry business
9984 tax refund application form submitted in accordance with s.
9985 288.106(4) or other similar agreement for other eligible
9986 business as defined in paragraph (1)(e) that the project for
9987 which the application is submitted is or will be located in a
9988 brownfield area and that the business is applying for
9989 certification as a qualified brownfield business under this
9990 section, and must have signed a qualified target industry
9991 business tax refund agreement with Jobs Florida ~~the Office~~ that
9992 indicates that the business has been certified as a qualified
9993 target industry business located in a brownfield area and
9994 specifies the schedule of brownfield redevelopment bonus refunds
9995 that the business may be eligible to receive in each fiscal
9996 year.

9997 (b) To be considered to receive an eligible brownfield
9998 redevelopment bonus refund payment, the business meeting the
9999 requirements of paragraph (a) must submit a claim once each
10000 fiscal year on a claim form approved by Jobs Florida ~~the Office~~
10001 which indicates the location of the brownfield, the address of
10002 the business facility's brownfield location, the name of the
10003 brownfield in which it is located, the number of jobs created,
10004 and the average wage of the jobs created by the business within
10005 the brownfield as defined in s. 288.106 or other eligible

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10006 business as defined in paragraph (1)(e) and the administrative
10007 rules and policies for that section.

10008 (f) Applications shall be reviewed and certified pursuant
10009 to s. 288.061. Jobs Florida ~~The Office~~ shall review all
10010 applications submitted under s. 288.106 or other similar
10011 application forms for other eligible businesses as defined in
10012 paragraph (1)(e) which indicate that the proposed project will
10013 be located in a brownfield and determine, with the assistance of
10014 the Department of Environmental Protection, that the project
10015 location is within a brownfield as provided in this act.

10016 (g) Jobs Florida ~~The Office~~ shall approve all claims for a
10017 brownfield redevelopment bonus refund payment that are found to
10018 meet the requirements of paragraphs (b) and (d).

10019 (h) The commissioner ~~director~~, with such assistance as may
10020 be required from ~~the Office~~ and the Department of Environmental
10021 Protection, shall specify by written final order the amount of
10022 the brownfield redevelopment bonus refund that is authorized for
10023 the qualified target industry business for the fiscal year
10024 within 30 days after the date that the claim for the annual tax
10025 refund is received by the office.

10026 (i) The total amount of the bonus refunds approved by the
10027 commissioner ~~director~~ under this section in any fiscal year must
10028 not exceed the total amount appropriated to the Economic
10029 Development Incentives Account for this purpose for the fiscal
10030 year. In the event that the Legislature does not appropriate an
10031 amount sufficient to satisfy projections by Jobs Florida ~~the~~
10032 ~~Office~~ for brownfield redevelopment bonus refunds under this
10033 section in a fiscal year, Jobs Florida ~~the Office~~ shall, not
10034 later than July 15 of such year, determine the proportion of

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10035 each brownfield redevelopment bonus refund claim which shall be
10036 paid by dividing the amount appropriated for tax refunds for the
10037 fiscal year by the projected total of brownfield redevelopment
10038 bonus refund claims for the fiscal year. The amount of each
10039 claim for a brownfield redevelopment bonus tax refund shall be
10040 multiplied by the resulting quotient. If, after the payment of
10041 all such refund claims, funds remain in the Economic Development
10042 Incentives Account for brownfield redevelopment tax refunds,
10043 Jobs Florida ~~the Office~~ shall recalculate the proportion for
10044 each refund claim and adjust the amount of each claim
10045 accordingly.

10046 (5) ADMINISTRATION.—

10047 (a) Jobs Florida ~~the Office~~ may verify information provided
10048 in any claim submitted for tax credits under this section with
10049 regard to employment and wage levels or the payment of the taxes
10050 to the appropriate agency or authority, including the Department
10051 of Revenue, ~~the Agency for Workforce Innovation~~, or any local
10052 government or authority.

10053 (b) To facilitate the process of monitoring and auditing
10054 applications made under this program, Jobs Florida ~~the Office~~
10055 may provide a list of qualified target industry businesses to
10056 the Department of Revenue, ~~to the Agency for Workforce~~
10057 ~~Innovation~~, to the Department of Environmental Protection, or to
10058 any local government authority. Jobs Florida ~~the office~~ may
10059 request the assistance of those entities with respect to
10060 monitoring the payment of the taxes listed in s. 288.106(3).

10061 Section 191. Paragraphs (a), (b), (c), and (d) of
10062 subsection (2), paragraphs (b), (d), and (e) of subsection (3),
10063 subsection (4), paragraphs (a) and (c) of subsection (5),

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10064 paragraphs (b), (e), (g), and (h) of subsection (6), and
10065 subsection (7) of section 288.108, Florida Statutes, are
10066 amended, and present paragraphs (d) through (j) of subsection
10067 (2) are redesignated as paragraphs (c) through (h),
10068 respectively, to read:

10069 288.108 High-impact business.—

10070 (2) DEFINITIONS.—As used in this section, the term:

10071 (a) "Eligible high-impact business" means a business in one
10072 of the high-impact sectors identified by Enterprise Florida,
10073 Inc., and certified by Jobs Florida ~~the Office of Tourism,~~
10074 ~~Trade, and Economic Development~~ as provided in subsection (5),
10075 which is making a cumulative investment in the state of at least
10076 \$50 million and creating at least 50 new full-time equivalent
10077 jobs in the state or a research and development facility making
10078 a cumulative investment of at least \$25 million and creating at
10079 least 25 new full-time equivalent jobs. Such investment and
10080 employment must be achieved in a period not to exceed 3 years
10081 after the date the business is certified as a qualified high-
10082 impact business.

10083 (b) "Qualified high-impact business" means a business in
10084 one of the high-impact sectors that has been certified by Jobs
10085 Florida ~~the Office~~ as a qualified high-impact business to
10086 receive a high-impact sector performance grant.

10087 ~~(c) "Office" means the Office of Tourism, Trade, and~~
10088 ~~Economic Development.~~

10089 ~~(c)(d)~~ "Commissioner Director" means the commissioner of
10090 Jobs Florida ~~director of the Office of Tourism, Trade, and~~
10091 ~~Economic Development.~~

10092 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE

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10093 AMOUNTS.—

10094 (b) The commissioner Office may, ~~in consultation with~~
10095 ~~Enterprise Florida, Inc.~~, negotiate qualified high-impact
10096 business performance grant awards for any single qualified high-
10097 impact business. In negotiating such awards, the commissioner
10098 ~~Office~~ shall consider the following guidelines in conjunction
10099 with other relevant applicant impact and cost information and
10100 analysis as required in subsection (5).

10101 1. A qualified high-impact business making a cumulative
10102 investment of \$50 million and creating 50 jobs may be eligible
10103 for a total qualified high-impact business performance grant of
10104 \$500,000 to \$1 million.

10105 2. A qualified high-impact business making a cumulative
10106 investment of \$100 million and creating 100 jobs may be eligible
10107 for a total qualified high-impact business performance grant of
10108 \$1 million to \$2 million.

10109 3. A qualified high-impact business making a cumulative
10110 investment of \$800 million and creating 800 jobs may be eligible
10111 for a qualified high-impact business performance grant of \$10
10112 million to \$12 million.

10113 4. A qualified high-impact business engaged in research and
10114 development making a cumulative investment of \$25 million and
10115 creating 25 jobs may be eligible for a total qualified high-
10116 impact business performance grant of \$700,000 to \$1 million.

10117 5. A qualified high-impact business engaged in research and
10118 development making a cumulative investment of \$75 million, and
10119 creating 75 jobs may be eligible for a total qualified high-
10120 impact business performance grant of \$2 million to \$3 million.

10121 6. A qualified high-impact business engaged in research and

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10122 development making a cumulative investment of \$150 million, and
10123 creating 150 jobs may be eligible for a qualified high-impact
10124 business performance grant of \$3.5 million to \$4.5 million.

10125 (d) The balance of the performance grant award shall be
10126 paid to the qualified high-impact business upon the business's
10127 certification that full operations have commenced and that the
10128 full investment and employment goals specified in the qualified
10129 high-impact business agreement have been met and verified by
10130 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
10131 ~~Development~~. The verification must occur not later than 60 days
10132 after the qualified high-impact business has provided the
10133 certification specified in this paragraph.

10134 (e) The commissioner ~~office~~ may, upon a showing of
10135 reasonable cause for delay and significant progress toward the
10136 achievement of the investment and employment goals specified in
10137 the qualified high-impact business agreement, extend the date
10138 for commencement of operations, not to exceed an additional 2
10139 years beyond the limit specified in paragraph (2)(a), but in no
10140 case may any high-impact sector performance grant payment be
10141 made to the business until the scheduled goals have been
10142 achieved.

10143 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
10144 ~~AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE~~
10145 ~~GRANTS.~~—

10146 (a) The total amount of active performance grants scheduled
10147 for payment by Jobs Florida ~~the office~~ in any single fiscal year
10148 may not exceed the lesser of \$30 million or the amount
10149 appropriated by the Legislature for that fiscal year for
10150 qualified high-impact business performance grants. If the

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10151 scheduled grant payments are not made in the year for which they
10152 were scheduled in the qualified high-impact business agreement
10153 and are rescheduled as authorized in paragraph (3)(e), they are,
10154 for purposes of this paragraph, deemed to have been paid in the
10155 year in which they were originally scheduled in the qualified
10156 high-impact business agreement.

10157 (b) If the Legislature does not appropriate an amount
10158 sufficient to satisfy the qualified high-impact business
10159 performance grant payments scheduled for any fiscal year, Jobs
10160 Florida ~~the Office~~ shall, not later than July 15 of that year,
10161 determine the proportion of each grant payment which may be paid
10162 by dividing the amount appropriated for qualified high-impact
10163 business performance grant payments for the fiscal year by the
10164 total performance grant payments scheduled in all performance
10165 grant agreements for the fiscal year. The amount of each grant
10166 scheduled for payment in that fiscal year must be multiplied by
10167 the resulting quotient. All businesses affected by this
10168 calculation must be notified by August 1 of each fiscal year.
10169 If, after the payment of all the refund claims, funds remain in
10170 the appropriation for payment of qualified high-impact business
10171 performance grants, Jobs Florida ~~the Office~~ shall recalculate
10172 the proportion for each performance grant payment and adjust the
10173 amount of each claim accordingly.

10174 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

10175 (a) Any eligible business, as defined in subsection (2),
10176 shall apply to Enterprise Florida, Inc., for consideration as a
10177 qualified high-impact business before the business has made a
10178 decision to locate or expand a facility in this state. The
10179 application, developed by Jobs Florida ~~The Office of Tourism,~~

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10180 ~~Trade, and Economic Development~~, in consultation with Enterprise
10181 Florida, Inc., must include, but is not limited to, the
10182 following information:

10183 1. A complete description of the type of facility, business
10184 operations, and product or service associated with the project.

10185 2. The number of full-time equivalent jobs that will be
10186 created by the project and the average annual wage of those
10187 jobs.

10188 3. The cumulative amount of investment to be dedicated to
10189 this project within 3 years.

10190 4. A statement concerning any special impacts the facility
10191 is expected to stimulate in the sector, the state, or regional
10192 economy and in state universities and community colleges.

10193 5. A statement concerning the role the grant will play in
10194 the decision of the applicant business to locate or expand in
10195 this state.

10196 6. Any additional information requested by Jobs Florida and
10197 ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and~~
10198 ~~Economic Development.~~

10199 (c) The commissioner ~~director~~ and the qualified high-impact
10200 business shall enter into a performance grant agreement setting
10201 forth the conditions for payment of the qualified high-impact
10202 business performance grant. The agreement shall include the
10203 total amount of the qualified high-impact business facility
10204 performance grant award, the performance conditions that must be
10205 met to obtain the award, including the employment, average
10206 salary, investment, the methodology for determining if the
10207 conditions have been met, and the schedule of performance grant
10208 payments.

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10209 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

10210 (b) Jobs Florida ~~the Office~~ has authority, ~~only~~ after
10211 recommendation from Enterprise Florida, Inc., to designate a
10212 high-impact sector or to deauthorize a designated high-impact
10213 sector.

10214 (e) The study and its findings and recommendations and the
10215 recommendations gathered from the sector-business network must
10216 be discussed and considered during the at least one meeting per
10217 calendar year of leaders in business, government, education,
10218 workforce development, and economic development called by the
10219 Governor to address the business climate in the state, develop a
10220 common vision for the economic future of the state, and identify
10221 economic development efforts to fulfill that vision ~~required in~~
10222 ~~s. 14.2015(2)(e).~~

10223 (g) Upon receiving a recommendation from the board of
10224 directors of Enterprise Florida, Inc., together with the study
10225 required in paragraph (c) and a summary of the findings and
10226 recommendations of the sector-business network required in
10227 paragraph (d), including a list of all meetings of the sector
10228 network and participants in those meetings and the findings and
10229 recommendations from the quarterly meeting as required in
10230 paragraph (e), Jobs Florida ~~the Office~~ shall after a thorough
10231 evaluation of the study and accompanying materials report its
10232 findings and either concur in the recommendation of Enterprise
10233 Florida, Inc., and designate the sector as a high-impact
10234 business sector or notify Enterprise Florida, Inc., that it does
10235 not concur and deny the board's request for designation or
10236 return the recommendation and study to Enterprise Florida, Inc.,
10237 for further evaluation. In any case, Jobs Florida ~~the director's~~

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10238 decision must be in writing and justify the reasons for the
10239 decision.

10240 (h) If Jobs Florida ~~the Office~~ designates the sector as a
10241 high-impact sector, it shall, within 30 days, notify the
10242 Governor, the President of the Senate, and the Speaker of the
10243 House of Representatives of its decision and provide a complete
10244 report on its decision, including copies of the material
10245 provided by Enterprise Florida, Inc., and Jobs Florida ~~the~~
10246 ~~Office of Tourism, Trade, and Economic Development's~~ evaluation
10247 and comment on any statutory or policy changes recommended by
10248 Enterprise Florida, Inc.

10249 (7) RULEMAKING.—Jobs Florida ~~the Office~~ may adopt rules
10250 necessary to carry out the provisions of this section.

10251 Section 192. Subsections (1), (5), (7), and (8) of section
10252 288.1081, Florida Statutes, are amended to read:

10253 288.1081 Economic Gardening Business Loan Pilot Program.—

10254 (1) There is created within Jobs Florida ~~the Office of~~
10255 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
10256 Business Loan Pilot Program. The purpose of the pilot program is
10257 to stimulate investment in Florida's economy by providing loans
10258 to expanding businesses in the state. ~~As used in this section,~~
10259 ~~the term "office" means the Office of Tourism, Trade, and~~
10260 ~~Economic Development.~~

10261 (5)(a) Jobs Florida ~~the Office~~ may designate one or more
10262 qualified entities to serve as loan administrators for the pilot
10263 program. A loan administrator must:

10264 1. Be a Florida corporation not for profit incorporated
10265 under chapter 617 which has its principal place of business in
10266 the state.

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10267 2. Have 5 years of verifiable experience of lending to
10268 businesses in this state.

10269 3. Submit an application to Jobs Florida ~~the Office~~ on
10270 forms prescribed by Jobs Florida ~~the Office~~. The application
10271 must include the loan administrator's business plan for its
10272 proposed lending activities under the pilot program, including,
10273 but not limited to, a description of its outreach efforts,
10274 underwriting, credit policies and procedures, credit decision
10275 processes, monitoring policies and procedures, and collection
10276 practices; the membership of its board of directors; and samples
10277 of its currently used loan documentation. The application must
10278 also include a detailed description and supporting documentation
10279 of the nature of the loan administrator's partnerships with
10280 local or regional economic and business development
10281 organizations.

10282 (b) Jobs Florida ~~The Office~~, upon selecting a loan
10283 administrator, shall enter into a grant agreement with the
10284 administrator to issue the available loans to eligible
10285 applicants. The grant agreement must specify the aggregate
10286 amount of the loans authorized for award by the loan
10287 administrator. The term of the grant agreement must be at least
10288 4 years, except that Jobs Florida ~~the Office~~ may terminate the
10289 agreement earlier if the loan administrator fails to meet
10290 minimum performance standards set by Jobs Florida ~~the office~~.
10291 The grant agreement may be amended by mutual consent of both
10292 parties.

10293 (c) Jobs Florida ~~The Office~~ shall disburse from the
10294 Economic Development Trust Fund to the loan administrator the
10295 appropriations provided for the pilot program. Disbursements to

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10296 the loan administrator must not exceed the aggregate amount of
10297 the loans authorized in the grant agreement. Jobs Florida ~~the~~
10298 ~~Office~~ may not disburse more than 50 percent of the aggregate
10299 amount of the loans authorized in the grant agreement until Jobs
10300 Florida ~~the Office~~ verifies the borrowers' use of the loan
10301 proceeds and the loan administrator's successful credit
10302 decisionmaking policies.

10303 (e) A loan administrator, after collecting the servicing
10304 fee in accordance with paragraph (d), shall remit the borrower's
10305 collected interest, principal payments, and charges for late
10306 payments to the office on a quarterly basis. If the borrower
10307 defaults on the loan, the loan administrator shall initiate
10308 collection efforts to seek repayment of the loan. The loan
10309 administrator, upon collecting payments for a defaulted loan,
10310 shall remit the payments to the office but, to the extent
10311 authorized in the grant agreement, may deduct the costs of the
10312 administrator's collection efforts. Jobs Florida ~~The Office~~
10313 shall deposit all funds received under this paragraph in the
10314 General Revenue Fund.

10315 (f) A loan administrator shall submit quarterly reports to
10316 Jobs Florida ~~the Office~~ which include the information required
10317 in the grant agreement. A quarterly report must include, at a
10318 minimum, the number of full-time equivalent jobs created as a
10319 result of the loans, the amount of wages paid to employees in
10320 the newly created jobs, and the locations and types of economic
10321 activity undertaken by the borrowers.

10322 (7) Jobs Florida ~~The Office~~ shall adopt rules under ss.
10323 120.536(1) and 120.54 to administer this section. ~~To the extent~~
10324 ~~necessary to expedite implementation of the pilot program, the~~

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10325 ~~Office may adopt initial emergency rules for the pilot program~~
10326 ~~in accordance with s. 120.54(4).~~

10327 (8) On June 30 and December 31 of each year, Jobs Florida
10328 ~~beginning in 2009, the Office~~ shall submit a report to the
10329 Governor, the President of the Senate, and the Speaker of the
10330 House of Representatives which describes in detail the use of
10331 the loan funds. The report must include, at a minimum, the
10332 number of businesses receiving loans, the number of full-time
10333 equivalent jobs created as a result of the loans, the amount of
10334 wages paid to employees in the newly created jobs, the locations
10335 and types of economic activity undertaken by the borrowers, the
10336 amounts of loan repayments made to date, and the default rate of
10337 borrowers.

10338 Section 193. Subsections (1), (2), (7), (8), and (9) of
10339 section 288.1082, Florida Statutes, are amended to read:

10340 288.1082 Economic Gardening Technical Assistance Pilot
10341 Program.—

10342 (1) There is created within Jobs Florida ~~The Office of~~
10343 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
10344 Technical Assistance Pilot Program. The purpose of the pilot
10345 program is to stimulate investment in Florida's economy by
10346 providing technical assistance for expanding businesses in the
10347 state. As used in this section, the term "department Office"
10348 means Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
10349 ~~Development~~.

10350 (2) Jobs Florida ~~The Office~~ shall contract with one or more
10351 entities to administer the pilot program under this section.
10352 Jobs Florida ~~The Office~~ shall award each contract in accordance
10353 with the competitive bidding requirements in s. 287.057 to an

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10354 entity that demonstrates the ability to implement the pilot
10355 program on a statewide basis, has an outreach plan, and has the
10356 ability to provide counseling services, access to technology and
10357 information, marketing services and advice, business management
10358 support, and other similar services. In selecting these
10359 entities, Jobs Florida ~~the Office~~ also must consider whether the
10360 entities will qualify for matching funds to provide the
10361 technical assistance.

10362 (7) Jobs Florida ~~The Office~~ shall review the progress of a
10363 contracted entity administering the pilot program at least once
10364 each 6 months and shall determine whether the contracted entity
10365 is meeting its contractual obligations for administering the
10366 pilot program. Jobs Florida ~~The Office~~ may terminate and rebid a
10367 contract if the contracted entity does not meet its contractual
10368 obligations.

10369 (8) On December 31 of each year, Jobs Florida ~~beginning in~~
10370 ~~2009, the Office~~ shall submit a report to the Governor, the
10371 President of the Senate, and the Speaker of the House of
10372 Representatives which describes in detail the progress of the
10373 pilot program. The report must include, at a minimum, the number
10374 of businesses receiving assistance, the number of full-time
10375 equivalent jobs created as a result of the assistance, if any,
10376 the amount of wages paid to employees in the newly created jobs,
10377 and the locations and types of economic activity undertaken by
10378 the businesses.

10379 (9) Jobs Florida ~~the Office~~ may adopt rules under ss.
10380 120.536(1) and 120.54 to administer this section.

10381 Section 194. Subsection (1), paragraph (f) of subsection
10382 (2), and subsections (4), (5), and (9) of section 288.1083,

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10383 Florida Statutes, are amended, and present paragraph (g) of
10384 subsection (2) is redesignated as paragraph (f), to read:

10385 288.1083 Manufacturing and Spaceport Investment Incentive
10386 Program.—

10387 (1) The Manufacturing and Spaceport Investment Incentive
10388 Program is created within Jobs Florida ~~The Office of Tourism,~~
10389 ~~Trade, and Economic Development~~. The purpose of the program is
10390 to encourage capital investment and job creation in
10391 manufacturing and spaceport activities in this state.

10392 (2) As used in this section, the term:

10393 ~~(f) "Office" means The Office of Tourism, Trade, and~~
10394 ~~Economic Development.~~

10395 (4) To receive a refund, a business entity must first apply
10396 to Jobs Florida ~~the Office~~ for a tax refund allocation. The
10397 entity shall provide such information in the application as
10398 reasonably required by Jobs Florida ~~the Office~~. Further, the
10399 business entity shall provide such information as is required by
10400 Jobs Florida ~~the Office~~ to establish the cost incurred and
10401 actual sales and use tax paid to purchase eligible equipment
10402 located and placed into service in this state during its taxable
10403 year that began in 2008.

10404 (a) Within 30 days after Jobs Florida ~~the Office~~ receives
10405 an application for a refund, Jobs Florida ~~the Office~~ shall
10406 approve or disapprove the application.

10407 (b) Refund allocations made during the 2010-2011 fiscal
10408 year shall be awarded in the same order in which applications
10409 are received. Eligible entities may apply to Jobs Florida ~~the~~
10410 ~~Office~~ beginning July 1, 2010, for refunds attributable to
10411 eligible equipment purchases made during the 2010-2011 fiscal

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10412 year. For the 2010-2011 fiscal year, Jobs Florida ~~the Office~~
10413 shall allocate the maximum amount of \$50,000 per entity until
10414 the entire \$19 million available for refund in state fiscal year
10415 2010-2011 has been allocated. If the total amount available for
10416 allocation during the 2010-2011 fiscal year is allocated, Jobs
10417 Florida ~~the Office~~ shall continue taking applications. Each
10418 applicant shall be informed of its place in the queue and
10419 whether the applicant received an allocation of the eligible
10420 funds.

10421 (c) Refund allocations made during the 2011-2012 fiscal
10422 year shall first be given to any applicants remaining in the
10423 queue from the prior fiscal year. Jobs Florida ~~The Office~~ shall
10424 allocate the maximum amount of \$50,000 per entity, first to
10425 those applicants that remained in the queue from 2010-2011 for
10426 eligible purchases in 2010-2011, then to applicants for 2011-
10427 2012 in the order applications are received for eligible
10428 purchases in 2011-2012. Jobs Florida ~~The Office~~ shall allocate
10429 the maximum amount of \$50,000 per entity until the entire \$24
10430 million available to be allocated for refund in the 2011-2012
10431 fiscal year is allocated. If the total amount available for
10432 refund in 2011-2012 has been allocated, Jobs Florida ~~The Office~~
10433 shall continue to accept applications from eligible entities in
10434 the 2011-2012 fiscal year for refunds attributable to eligible
10435 equipment purchases made during the 2011-2012 fiscal year.
10436 Refund allocations made during the 2011-2012 fiscal year shall
10437 be awarded in the same order in which applications are received.
10438 Upon submitting an application, each applicant shall be informed
10439 of its place in the queue and whether the applicant has received
10440 an allocation of the eligible funds.

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10441 (5) Upon completion of eligible equipment purchases, a
 10442 business entity that received a refund allocation from Jobs
 10443 Florida ~~the Office~~ must apply to the office for certification of
 10444 a refund. For eligible equipment purchases made during the 2010-
 10445 2011 fiscal year, the application for certification must be made
 10446 no later than September 1, 2011. For eligible equipment
 10447 purchases made during the 2011-2012 fiscal year, the application
 10448 for certification must be made no later than September 1, 2012.
 10449 The application shall provide such documentation as is
 10450 reasonably required by Jobs Florida ~~the Office~~ to calculate the
 10451 refund amount, including documentation necessary to confirm the
 10452 cost of eligible equipment purchases supporting the claim of the
 10453 sales and use tax paid thereon. Further, the business entity
 10454 shall provide such documentation as required by Jobs Florida ~~the~~
 10455 ~~Office~~ to establish the entity's base year purchases. If, upon
 10456 reviewing the application, Jobs Florida ~~the Office~~ determines
 10457 that eligible equipment purchases did not occur, that the amount
 10458 of tax claimed to have been paid or remitted on the eligible
 10459 equipment purchases is not supported by the documentation
 10460 provided, or that the information provided to Jobs Florida ~~the~~
 10461 ~~Office~~ was otherwise inaccurate, the amount of the refund
 10462 allocation not substantiated shall not be certified. Otherwise,
 10463 Jobs Florida ~~the Office~~ shall determine and certify the amount
 10464 of the refund to the eligible entity and to the department
 10465 within 30 days after the office receives the application for
 10466 certification.

10467 (9) Jobs Florida ~~the Office~~ shall adopt emergency rules
 10468 governing applications for, issuance of, and procedures for
 10469 allocation and certification and may establish guidelines as to

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10470 the requisites for demonstrating base year purchases and
10471 eligible equipment purchases.

10472 Section 195. Subsections (2) and (3) of section 288.1088,
10473 Florida Statutes, are amended to read:

10474 288.1088 Quick Action Closing Fund.—

10475 (2) There is created within Jobs Florida ~~The Office of~~
10476 ~~Tourism, Trade, and Economic Development~~ the Quick Action
10477 Closing Fund. Projects eligible for receipt of funds from the
10478 Quick Action Closing Fund shall:

10479 (a) Be in an industry as referenced in s. 288.106.

10480 (b) Have a positive payback ratio of at least 5 to 1.

10481 (c) Be an inducement to the project's location or expansion
10482 in the state.

10483 (d) Pay an average annual wage of at least 125 percent of
10484 the areawide or statewide private sector average wage.

10485 (e) Be supported by the local community in which the
10486 project is to be located.

10487 (3)(a) The Jobs Florida commissioner and Enterprise
10488 Florida, Inc., shall jointly review applications pursuant to s.
10489 288.061 and determine the eligibility of each project consistent
10490 with the criteria in subsection (2). The commissioner Enterprise
10491 Florida, Inc., in consultation with Enterprise Florida, Inc.,
10492 ~~the Office of Tourism, Trade, and Economic Development~~, may
10493 waive these criteria:

10494 1. Based on extraordinary circumstances;

10495 2. In order to mitigate the impact of the conclusion of the
10496 space shuttle program; or

10497 3. In rural areas of critical economic concern if the
10498 project would significantly benefit the local or regional

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10499 economy.

10500 (b) The commissioner and Enterprise Florida, Inc., shall
10501 jointly evaluate individual proposals for high-impact business
10502 facilities ~~and forward recommendations regarding the use of~~
10503 ~~moneys in the fund for such facilities to the director of the~~
10504 ~~Office of Tourism, Trade, and Economic Development.~~ Such
10505 evaluation ~~and recommendation~~ must include, but need not be
10506 limited to:

10507 1. A description of the type of facility or infrastructure,
10508 its operations, and the associated product or service associated
10509 with the facility.

10510 2. The number of full-time-equivalent jobs that will be
10511 created by the facility and the total estimated average annual
10512 wages of those jobs or, in the case of privately developed rural
10513 infrastructure, the types of business activities and jobs
10514 stimulated by the investment.

10515 3. The cumulative amount of investment to be dedicated to
10516 the facility within a specified period.

10517 4. A statement of any special impacts the facility is
10518 expected to stimulate in a particular business sector in the
10519 state or regional economy or in the state's universities and
10520 community colleges.

10521 5. A statement of the role the incentive is expected to
10522 play in the decision of the applicant business to locate or
10523 expand in this state or for the private investor to provide
10524 critical rural infrastructure.

10525 6. A report evaluating the quality and value of the company
10526 submitting a proposal. The report must include:

10527 a. A financial analysis of the company, including an

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10528 evaluation of the company's short-term liquidity ratio as
10529 measured by its assets to liability, the company's profitability
10530 ratio, and the company's long-term solvency as measured by its
10531 debt-to-equity ratio;

10532 b. The historical market performance of the company;

10533 c. A review of any independent evaluations of the company;

10534 d. A review of the latest audit of the company's financial
10535 statement and the related auditor's management letter; and

10536 e. A review of any other types of audits that are related
10537 to the internal and management controls of the company.

10538 (c)1. Within 7 business ~~22 calendar~~ days after evaluating a
10539 project, the commissioner receiving the evaluation and
10540 recommendation from Enterprise Florida, Inc., the director of
10541 the Office of Tourism, Trade, and Economic Development shall
10542 recommend to the Governor approval or disapproval of a project
10543 for receipt of funds from the Quick Action Closing Fund. In
10544 recommending a project, the commissioner ~~director~~ shall include
10545 proposed performance conditions that the project must meet to
10546 obtain incentive funds.

10547 2. The Governor shall provide in writing the description
10548 and evaluation of projects recommended for approval to the
10549 President of the Senate and the Speaker of the House of
10550 Representatives and, no sooner than three days subsequent to
10551 providing the written project descriptions and evaluations,
10552 shall consult with the President of the Senate and the Speaker
10553 of the House of Representatives before giving final approval for
10554 a project. At least 14 days before releasing funds for a
10555 project, the Executive Office of the Governor shall recommend
10556 approval of the project and the release of funds by delivering

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10557 notice of such action pursuant to the legislative consultation
10558 and review requirements set forth in s. 216.177. The
10559 recommendation must include proposed performance conditions that
10560 the project must meet in order to obtain funds.

10561 3. If the chair or vice chair of the Legislative Budget
10562 Commission or the President of the Senate or the Speaker of the
10563 House of Representatives timely advises the Executive Office of
10564 the Governor, in writing, that such action or proposed action
10565 exceeds the delegated authority of the Executive Office of the
10566 Governor or is contrary to legislative policy or intent, the
10567 Executive Office of the Governor shall void the release of funds
10568 and instruct the Office of Tourism, Trade, and Economic
10569 Development to immediately change such action or proposed action
10570 until the Legislative Budget Commission or the Legislature
10571 addresses the issue. Notwithstanding such requirement, any
10572 project exceeding \$2,000,000 must be approved by the Legislative
10573 Budget Commission prior to the funds being released.

10574 (d) Upon the approval of the Governor, the commissioner
10575 ~~director of the Office of Tourism, Trade, and Economic~~
10576 ~~Development~~ and the business shall enter into a contract that
10577 sets forth the conditions for payment of moneys from the fund.
10578 The contract must include the total amount of funds awarded; the
10579 performance conditions that must be met to obtain the award,
10580 including, but not limited to, net new employment in the state,
10581 average salary, and total capital investment; demonstrate a
10582 baseline of current service and a measure of enhanced
10583 capability; the methodology for validating performance; the
10584 schedule of payments from the fund; and sanctions for failure to
10585 meet performance conditions. The contract must provide that

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10586 payment of moneys from the fund is contingent upon sufficient
10587 appropriation of funds by the Legislature.

10588 (e) Enterprise Florida, Inc., shall validate contractor
10589 performance. Such validation shall be reported within 6 months
10590 after completion of the contract to the Governor, President of
10591 the Senate, and the Speaker of the House of Representatives.

10592 Section 196. Subsection (1), paragraphs (b), (f), and (o)
10593 of subsection (2), and subsections (4), (5), (6), (7), (8), (9),
10594 (11), and (12) of section 288.1089, Florida Statutes, are
10595 amended, and present paragraphs (p) through (s) of subsection
10596 (2) are redesignated as paragraphs (o) through (r),
10597 respectively, to read:

10598 288.1089 Innovation Incentive Program.—

10599 (1) The Innovation Incentive Program is created within Jobs
10600 Florida ~~The Office of Tourism, Trade, and Economic Development~~
10601 to ensure that sufficient resources are available to allow the
10602 state to respond expeditiously to extraordinary economic
10603 opportunities and to compete effectively for high-value research
10604 and development, innovation business, and alternative and
10605 renewal energy projects.

10606 (2) As used in this section, the term:

10607 (b) "Average private sector wage" means the statewide
10608 average wage in the private sector or the average of all private
10609 sector wages in the county or in the standard metropolitan area
10610 in which the project is located as determined by Jobs Florida
10611 ~~the Agency for Workforce Innovation~~.

10612 (f) "Commissioner ~~Director~~" means the commissioner of Jobs
10613 Florida ~~director of the Office of Tourism, Trade, and Economic~~
10614 ~~Development~~.

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10615 ~~(e) "Office" means the Office of Tourism, Trade, and~~
10616 ~~Economic Development.~~

10617 (4) To qualify for review by Jobs Florida ~~the Office~~, the
10618 applicant must, at a minimum, establish the following to the
10619 satisfaction of Jobs Florida and Enterprise Florida, Inc., ~~and~~
10620 ~~the Office~~:

10621 (a) The jobs created by the project must pay an estimated
10622 annual average wage equaling at least 130 percent of the average
10623 private sector wage. The commissioner ~~Office~~ may waive this
10624 average wage requirement at the request of Enterprise Florida,
10625 Inc., for a project located in a rural area, a brownfield area,
10626 or an enterprise zone, when the merits of the individual project
10627 or the specific circumstances in the community in relationship
10628 to the project warrant such action. A recommendation for waiver
10629 by Enterprise Florida, Inc., must include a specific
10630 justification for the waiver and be transmitted to Jobs Florida
10631 ~~the Office~~ in writing. If the director elects to waive the wage
10632 requirement, the waiver must be stated in writing and the
10633 reasons for granting the waiver must be explained.

10634 (b) A research and development project must:

10635 1. Serve as a catalyst for an emerging or evolving
10636 technology cluster.

10637 2. Demonstrate a plan for significant higher education
10638 collaboration.

10639 3. Provide the state, at a minimum, a break-even return on
10640 investment within a 20-year period.

10641 4. Be provided with a one-to-one match from the local
10642 community. The match requirement may be reduced or waived in
10643 rural areas of critical economic concern or reduced in rural

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10644 areas, brownfield areas, and enterprise zones.

10645 (c) An innovation business project in this state, other
10646 than a research and development project, must:

10647 1.a. Result in the creation of at least 1,000 direct, new
10648 jobs at the business; or

10649 b. Result in the creation of at least 500 direct, new jobs
10650 if the project is located in a rural area, a brownfield area, or
10651 an enterprise zone.

10652 2. Have an activity or product that is within an industry
10653 that is designated as a target industry business under s.
10654 288.106 or a designated sector under s. 288.108.

10655 3.a. Have a cumulative investment of at least \$500 million
10656 within a 5-year period; or

10657 b. Have a cumulative investment that exceeds \$250 million
10658 within a 10-year period if the project is located in a rural
10659 area, brownfield area, or an enterprise zone.

10660 4. Be provided with a one-to-one match from the local
10661 community. The match requirement may be reduced or waived in
10662 rural areas of critical economic concern or reduced in rural
10663 areas, brownfield areas, and enterprise zones.

10664 (d) For an alternative and renewable energy project in this
10665 state, the project must:

10666 1. Demonstrate a plan for significant collaboration with an
10667 institution of higher education;

10668 2. Provide the state, at a minimum, a break-even return on
10669 investment within a 20-year period;

10670 3. Include matching funds provided by the applicant or
10671 other available sources. The match requirement may be reduced or
10672 waived in rural areas of critical economic concern or reduced in

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10673 rural areas, brownfield areas, and enterprise zones;

10674 4. Be located in this state; and

10675 5. Provide at least 35 direct, new jobs that pay an
10676 estimated annual average wage that equals at least 130 percent
10677 of the average private sector wage.

10678 (5) Enterprise Florida, Inc., shall evaluate proposals for
10679 all three categories of innovation incentive awards and transmit
10680 recommendations for awards to Jobs Florida ~~the Office~~. Before
10681 making its recommendations on alternative and renewable energy
10682 projects, Enterprise Florida, Inc., shall solicit comments and
10683 recommendations from the Florida Energy and Climate Commission.
10684 For each project, the evaluation and recommendation to the
10685 office must include, but need not be limited to:

10686 (a) A description of the project, its required facilities,
10687 and the associated product, service, or research and development
10688 associated with the project.

10689 (b) The percentage of match provided for the project.

10690 (c) The number of full-time equivalent jobs that will be
10691 created by the project, the total estimated average annual wages
10692 of such jobs, and the types of business activities and jobs
10693 likely to be stimulated by the project.

10694 (d) The cumulative investment to be dedicated to the
10695 project within 5 years and the total investment expected in the
10696 project if more than 5 years.

10697 (e) The projected economic and fiscal impacts on the local
10698 and state economies relative to investment.

10699 (f) A statement of any special impacts the project is
10700 expected to stimulate in a particular business sector in the
10701 state or regional economy or in the state's universities and

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10702 community colleges.

10703 (g) A statement of any anticipated or proposed
10704 relationships with state universities.

10705 (h) A statement of the role the incentive is expected to
10706 play in the decision of the applicant to locate or expand in
10707 this state.

10708 (i) A recommendation and explanation of the amount of the
10709 award needed to cause the applicant to expand or locate in this
10710 state.

10711 (j) A discussion of the efforts and commitments made by the
10712 local community in which the project is to be located to induce
10713 the applicant's location or expansion, taking into consideration
10714 local resources and abilities.

10715 (k) A recommendation for specific performance criteria the
10716 applicant would be expected to achieve in order to receive
10717 payments from the fund and penalties or sanctions for failure to
10718 meet or maintain performance conditions.

10719 (l) Additional evaluative criteria for a research and
10720 development facility project, including:

10721 1. A description of the extent to which the project has the
10722 potential to serve as catalyst for an emerging or evolving
10723 cluster.

10724 2. A description of the extent to which the project has or
10725 could have a long-term collaborative research and development
10726 relationship with one or more universities or community colleges
10727 in this state.

10728 3. A description of the existing or projected impact of the
10729 project on established clusters or targeted industry sectors.

10730 4. A description of the project's contribution to the

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10731 diversity and resiliency of the innovation economy of this
10732 state.

10733 5. A description of the project's impact on special needs
10734 communities, including, but not limited to, rural areas,
10735 distressed urban areas, and enterprise zones.

10736 (m) Additional evaluative criteria for alternative and
10737 renewable energy proposals, including:

10738 1. The availability of matching funds or other in-kind
10739 contributions applied to the total project from an applicant.
10740 The commission shall give greater preference to projects that
10741 provide such matching funds or other in-kind contributions.

10742 2. The degree to which the project stimulates in-state
10743 capital investment and economic development in metropolitan and
10744 rural areas, including the creation of jobs and the future
10745 development of a commercial market for renewable energy
10746 technologies.

10747 3. The extent to which the proposed project has been
10748 demonstrated to be technically feasible based on pilot project
10749 demonstrations, laboratory testing, scientific modeling, or
10750 engineering or chemical theory that supports the proposal.

10751 4. The degree to which the project incorporates an
10752 innovative new technology or an innovative application of an
10753 existing technology.

10754 5. The degree to which a project generates thermal,
10755 mechanical, or electrical energy by means of a renewable energy
10756 resource that has substantial long-term production potential.

10757 6. The degree to which a project demonstrates efficient use
10758 of energy and material resources.

10759 7. The degree to which the project fosters overall

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10760 understanding and appreciation of renewable energy technologies.

10761 8. The ability to administer a complete project.

10762 9. Project duration and timeline for expenditures.

10763 10. The geographic area in which the project is to be
10764 conducted in relation to other projects.

10765 11. The degree of public visibility and interaction.

10766 (6) In consultation with Enterprise Florida, Inc., the
10767 commissioner ~~office~~ may negotiate the proposed amount of an
10768 award for any applicant meeting the requirements of this
10769 section. In negotiating such award, the commissioner ~~office~~
10770 shall consider the amount of the incentive needed to cause the
10771 applicant to locate or expand in this state in conjunction with
10772 other relevant applicant impact and cost information and
10773 analysis as described in this section. Particular emphasis shall
10774 be given to the potential for the project to stimulate
10775 additional private investment and high-quality employment
10776 opportunities in the area.

10777 (7) Upon receipt of the evaluation and recommendation from
10778 Enterprise Florida, Inc., the commissioner ~~director~~ shall
10779 recommend to the Governor the approval or disapproval of an
10780 award. In recommending approval of an award, the commissioner
10781 ~~director~~ shall include proposed performance conditions that the
10782 applicant must meet in order to obtain incentive funds and any
10783 other conditions that must be met before the receipt of any
10784 incentive funds. The Governor shall consult with the President
10785 of the Senate and the Speaker of the House of Representatives
10786 before giving approval for an award. Upon review and approval of
10787 an award by the Legislative Budget Commission, the Executive
10788 Office of the Governor shall release the funds.

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10789 (8)(a) After the conditions set forth in subsection (7)
10790 have been met, the commissioner ~~director~~ shall issue a letter
10791 certifying the applicant as qualified for an award. Jobs Florida
10792 ~~the Office~~ and the award recipient shall enter into an agreement
10793 that sets forth the conditions for payment of the incentive
10794 funds. The agreement must include, at a minimum:

- 10795 1. The total amount of funds awarded.
10796 2. The performance conditions that must be met in order to
10797 obtain the award or portions of the award, including, but not
10798 limited to, net new employment in the state, average wage, and
10799 total cumulative investment.
10800 3. Demonstration of a baseline of current service and a
10801 measure of enhanced capability.
10802 4. The methodology for validating performance.
10803 5. The schedule of payments.
10804 6. Sanctions for failure to meet performance conditions,
10805 including any clawback provisions.

10806 (b) Additionally, agreements signed on or after July 1,
10807 2009, must include the following provisions:

- 10808 1. Notwithstanding subsection (4), a requirement that the
10809 jobs created by the recipient of the incentive funds pay an
10810 annual average wage at least equal to the relevant industry's
10811 annual average wage or at least 130 percent of the average
10812 private sector wage, whichever is greater.
10813 2. A reinvestment requirement. Each recipient of an award
10814 shall reinvest up to 15 percent of net royalty revenues,
10815 including revenues from spin-off companies and the revenues from
10816 the sale of stock it receives from the licensing or transfer of
10817 inventions, methods, processes, and other patentable discoveries

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10818 conceived or reduced to practice using its facilities in Florida
10819 or its Florida-based employees, in whole or in part, and to
10820 which the recipient of the grant becomes entitled during the 20
10821 years following the effective date of its agreement with the
10822 office. Each recipient of an award also shall reinvest up to 15
10823 percent of the gross revenues it receives from naming
10824 opportunities associated with any facility it builds in this
10825 state. Reinvestment payments shall commence no later than 6
10826 months after the recipient of the grant has received the final
10827 disbursement under the contract and shall continue until the
10828 maximum reinvestment, as specified in the contract, has been
10829 paid. Reinvestment payments shall be remitted to the office for
10830 deposit in the Biomedical Research Trust Fund for companies
10831 specializing in biomedicine or life sciences, or in the Economic
10832 Development Trust Fund for companies specializing in fields
10833 other than biomedicine or the life sciences. If these trust
10834 funds no longer exist at the time of the reinvestment, the
10835 state's share of reinvestment shall be deposited in their
10836 successor trust funds as determined by law. Each recipient of an
10837 award shall annually submit a schedule of the shares of stock
10838 held by it as payment of the royalty required by this paragraph
10839 and report on any trades or activity concerning such stock. Each
10840 recipient's reinvestment obligations survive the expiration or
10841 termination of its agreement with the state.

10842 3. Requirements for the establishment of internship
10843 programs or other learning opportunities for educators and
10844 secondary, postsecondary, graduate, and doctoral students.

10845 4. A requirement that the recipient submit quarterly
10846 reports and annual reports related to activities and performance

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10847 to Jobs Florida ~~the Office~~, according to standardized reporting
10848 periods.

10849 5. A requirement for an annual accounting to Jobs Florida
10850 ~~the Office~~ of the expenditure of funds disbursed under this
10851 section.

10852 6. A process for amending the agreement.

10853 (9) Jobs Florida, assisted by Enterprise Florida, Inc.,
10854 shall validate ~~assist the Office in validating~~ the performance
10855 of an innovation business, a research and development facility,
10856 or an alternative and renewable energy business that has
10857 received an award. At the conclusion of the innovation incentive
10858 award agreement, or its earlier termination, Enterprise Florida,
10859 Inc., shall, within 90 days, submit a report to the Governor,
10860 the President of the Senate, and the Speaker of the House of
10861 Representatives detailing whether the recipient of the
10862 innovation incentive grant achieved its specified outcomes.

10863 (11)(a) Beginning January 5, 2010, and every year
10864 thereafter, Jobs Florida ~~the Office~~ shall submit to the
10865 Governor, the President of the Senate, and the Speaker of the
10866 House of Representatives a report summarizing the activities and
10867 accomplishments of the recipients of grants from the Innovation
10868 Incentive Program during the previous 12 months and an
10869 evaluation by the department ~~office~~ of whether the recipients
10870 are catalysts for additional direct and indirect economic
10871 development in Florida.

10872 (12) Jobs Florida ~~the Office~~ may seek the assistance of the
10873 Office of Program Policy Analysis and Government Accountability,
10874 the Legislature's Office of Economic and Demographic Research,
10875 and other entities for the purpose of developing performance

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10876 measures or techniques to quantify the synergistic economic
10877 development impacts that awardees of grants are having within
10878 their communities.

10879 Section 197. Section 288.1095, Florida Statutes, is amended
10880 to read:

10881 288.1095 Information concerning the One-Stop Permitting
10882 System.—Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10883 ~~Development~~ shall develop literature that explains the One-Stop
10884 Permitting System and identifies those counties that have been
10885 designated as Quick Permitting Counties. The literature must be
10886 updated at least once each year. To the maximum extent feasible,
10887 state agencies and Enterprise Florida, Inc., shall distribute
10888 such literature and inform the public of the One-Stop Permitting
10889 System and the Quick Permitting Counties. In addition,
10890 Enterprise Florida, Inc., shall provide this information to
10891 prospective, new, expanding, and relocating businesses seeking
10892 to conduct business in this state, municipalities, counties,
10893 economic-development organizations, and chambers of commerce.

10894 Section 198. Subsections (1), (2), (4), (5), (6), (7), and
10895 (8) of section 288.11621, Florida Statutes, are amended, to
10896 read:

10897 288.11621 Spring training baseball franchises.—

10898 (1) DEFINITIONS.—As used in this section, the term:

10899 (a) "Agreement" means a certified, signed lease between an
10900 applicant that applies for certification on or after July 1,
10901 2010, and the spring training franchise for the use of a
10902 facility.

10903 (b) "Applicant" means a unit of local government as defined
10904 in s. 218.369, including local governments located in the same

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10905 county that have partnered with a certified applicant before the
10906 effective date of this section or with an applicant for a new
10907 certification, for purposes of sharing in the responsibilities
10908 of a facility.

10909 (c) "Certified applicant" means a facility for a spring
10910 training franchise that was certified before July 1, 2010, under
10911 s. 288.1162(5), Florida Statutes 2009, or a unit of local
10912 government that is certified under this section.

10913 (d) "Commissioner" means the commissioner of Jobs Florida.

10914 (e)~~(d)~~ "Facility" means a spring training stadium, playing
10915 fields, and appurtenances intended to support spring training
10916 activities.

10917 (f)~~(e)~~ "Local funds" and "local matching funds" mean funds
10918 provided by a county, municipality, or other local government.

10919 ~~(f) "Office" means The Office of Tourism, Trade, and
10920 Economic Development.~~

10921 (2) CERTIFICATION PROCESS.—

10922 (a) Before certifying an applicant to receive state funding
10923 for a facility for a spring training franchise, Jobs Florida ~~the~~
10924 ~~Office~~ must verify that:

10925 1. The applicant is responsible for the acquisition,
10926 construction, management, or operation of the facility for a
10927 spring training franchise or holds title to the property on
10928 which the facility for a spring training franchise is located.

10929 2. The applicant has a certified copy of a signed agreement
10930 with a spring training franchise for the use of the facility for
10931 a term of at least 20 years. The agreement also must require the
10932 franchise to reimburse the state for state funds expended by an
10933 applicant under this section if the franchise relocates before

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10934 the agreement expires. The agreement may be contingent on an
10935 award of funds under this section and other conditions
10936 precedent.

10937 3. The applicant has made a financial commitment to provide
10938 50 percent or more of the funds required by an agreement for the
10939 acquisition, construction, or renovation of the facility for a
10940 spring training franchise. The commitment may be contingent upon
10941 an award of funds under this section and other conditions
10942 precedent.

10943 4. The applicant demonstrates that the facility for a
10944 spring training franchise will attract a paid attendance of at
10945 least 50,000 annually to the spring training games.

10946 5. The facility for a spring training franchise is located
10947 in a county that levies a tourist development tax under s.
10948 125.0104.

10949 (b) Jobs Florida ~~The office~~ shall competitively evaluate
10950 applications for state funding of a facility for a spring
10951 training franchise. The total number of certifications may not
10952 exceed 10 at any time. The evaluation criteria must include,
10953 with priority given in descending order to, the following items:

10954 1. The anticipated effect on the economy of the local
10955 community where the spring training facility is to be built,
10956 including projections on paid attendance, local and state tax
10957 collections generated by spring training games, and direct and
10958 indirect job creation resulting from the spring training
10959 activities. Priority shall be given to applicants who can
10960 demonstrate the largest projected economic impact.

10961 2. The amount of the local matching funds committed to a
10962 facility relative to the amount of state funding sought, with

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10963 priority given to applicants that commit the largest amount of
10964 local matching funds relative to the amount of state funding
10965 sought.

10966 3. The potential for the facility to serve multiple uses.

10967 4. The intended use of the funds by the applicant, with
10968 priority given to the funds being used to acquire a facility,
10969 construct a new facility, or renovate an existing facility.

10970 5. The length of time that a spring training franchise has
10971 been under an agreement to conduct spring training activities
10972 within an applicant's geographic location or jurisdiction, with
10973 priority given to applicants having agreements with the same
10974 franchise for the longest period of time.

10975 6. The length of time that an applicant's facility has been
10976 used by one or more spring training franchises, with priority
10977 given to applicants whose facilities have been in continuous use
10978 as facilities for spring training the longest.

10979 7. The term remaining on a lease between an applicant and a
10980 spring training franchise for a facility, with priority given to
10981 applicants having the shortest lease terms remaining.

10982 8. The length of time that a spring training franchise
10983 agrees to use an applicant's facility if an application is
10984 granted under this section, with priority given to applicants
10985 having agreements for the longest future use.

10986 9. The net increase of total active recreation space owned
10987 by the applicant after an acquisition of land for the facility,
10988 with priority given to applicants having the largest percentage
10989 increase of total active recreation space that will be available
10990 for public use.

10991 10. The location of the facility in a brownfield, an

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10992 enterprise zone, a community redevelopment area, or other area
10993 of targeted development or revitalization included in an urban
10994 infill redevelopment plan, with priority given to applicants
10995 having facilities located in these areas.

10996 (c) Each applicant certified on or after July 1, 2010,
10997 shall enter into an agreement with the office that:

10998 1. Specifies the amount of the state incentive funding to
10999 be distributed.

11000 2. States the criteria that the certified applicant must
11001 meet in order to remain certified.

11002 3. States that the certified applicant is subject to
11003 decertification if the certified applicant fails to comply with
11004 this section or the agreement.

11005 4. States that the Jobs Florida Office may recover state
11006 incentive funds if the certified applicant is decertified.

11007 5. Specifies information that the certified applicant must
11008 report to the Jobs Florida Office.

11009 6. Includes any provision deemed prudent by the Jobs
11010 Florida Office.

11011 (4) ANNUAL REPORTS.—On or before September 1 of each year,
11012 a certified applicant shall submit to Jobs Florida ~~the Office~~ a
11013 report that includes, but is not limited to:

11014 (a) A copy of its most recent annual audit.

11015 (b) A detailed report on all local and state funds expended
11016 to date on the project being financed under this section.

11017 (c) A copy of the contract between the certified local
11018 governmental entity and the spring training team.

11019 (d) A cost-benefit analysis of the team's impact on the
11020 community.

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11021 (e) Evidence that the certified applicant continues to meet
11022 the criteria in effect when the applicant was certified.

11023 (5) DECERTIFICATION.—

11024 (a) Jobs Florida ~~The Office~~ shall decertify a certified
11025 applicant upon the request of the certified applicant.

11026 (b) Jobs Florida ~~The Office~~ shall decertify a certified
11027 applicant if the certified applicant does not:

11028 1. Have a valid agreement with a spring training franchise;
11029 or

11030 2. Satisfy its commitment to provide local matching funds
11031 to the facility.

11032
11033 However, decertification proceedings against a local government
11034 certified before July 1, 2010, shall be delayed until 12 months
11035 after the expiration of the local government's existing
11036 agreement with a spring training franchise, and without a new
11037 agreement being signed, if the certified local government can
11038 demonstrate to the office that it is in active negotiations with
11039 a major league spring training franchise, other than the
11040 franchise that was the basis for the original certification.

11041 (c) A certified applicant has 60 days after it receives a
11042 notice of intent to decertify from Jobs Florida ~~the Office~~ to
11043 petition the commissioner ~~office's director~~ for review of the
11044 decertification. Within 45 days after receipt of the request for
11045 review, the commissioner ~~director~~ must notify a certified
11046 applicant of the outcome of the review.

11047 (d) Jobs Florida ~~the Office~~ shall notify the Department of
11048 Revenue that a certified applicant is decertified within 10 days
11049 after the order of decertification becomes final. The Department

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11050 of Revenue shall immediately stop the payment of any funds under
11051 this section that were not encumbered by the certified applicant
11052 under subparagraph (3)(a)2.

11053 (e) Jobs Florida ~~the Office~~ shall order a decertified
11054 applicant to repay all of the unencumbered state funds that the
11055 local government received under this section and any interest
11056 that accrued on those funds. The repayment must be made within
11057 60 days after the decertification order becomes final. These
11058 funds shall be deposited into the General Revenue Fund.

11059 (f) A local government as defined in s. 218.369 may not be
11060 decertified by Jobs Florida if it has paid or pledged for the
11061 payment of debt service on, or to fund debt service reserve
11062 funds, arbitrage rebate obligations, or other amounts payable
11063 with respect thereto, bonds issued for the acquisition,
11064 construction, reconstruction, or renovation of the facility for
11065 which the local government was certified, or for the
11066 reimbursement of such costs or the refinancing of bonds issued
11067 for the acquisition, construction, reconstruction, or renovation
11068 of the facility for which the local government was certified, or
11069 for the reimbursement of such costs or the refinancing of bonds
11070 issued for such purpose. This subsection does not preclude or
11071 restrict the ability of a certified local government to
11072 refinance, refund, or defease such bonds.

11073 (6) ADDITIONAL CERTIFICATIONS.—If Jobs Florida ~~the Office~~
11074 decertifies a unit of local government, Jobs Florida ~~the Office~~
11075 may accept applications for an additional certification. A unit
11076 of local government may not be certified for more than one
11077 spring training franchise at any time.

11078 (7) STRATEGIC PLANNING.—

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11079 (a) Jobs Florida ~~The Office~~ shall request assistance from
11080 the Florida Sports Foundation and the Florida Grapefruit League
11081 Association to update every 5 years the spring training develop
11082 a comprehensive strategic plan that ~~to~~:

11083 1. Explores alternatives for financing ~~Finance~~ spring
11084 training facilities.

11085 2. Evaluates and monitors ~~Monitor and oversee~~ the use of
11086 state funds awarded to applicants.

11087 3. Identifies ~~Identify~~ the financial impact that spring
11088 training has on the state and ways in which to maintain or
11089 improve that impact.

11090 4. Identifies ~~Identify~~ opportunities to develop public-
11091 private partnerships to engage in marketing activities and
11092 advertise spring training baseball.

11093 5. Identifies ~~Identify~~ efforts made by other states to
11094 maintain or develop partnerships with baseball spring training
11095 teams.

11096 6. Develops ~~Develop~~ recommendations for the Legislature to
11097 sustain or improve this state's spring training tradition.

11098 (b) Jobs Florida ~~The office~~ shall submit a copy of the
11099 updated strategic plan to the Governor, the President of the
11100 Senate, and the Speaker of the House of Representatives by
11101 December 31 of every fifth year, beginning in 2015, ~~2010~~.

11102 (8) RULEMAKING.—Jobs Florida ~~The office~~ shall adopt rules
11103 to implement the certification, decertification, and
11104 decertification review processes required by this section.

11105 Section 199. Section 288.1169, Florida Statutes, is amended
11106 to read:

11107 288.1169 International Game Fish Association World Center

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11108 facility.-

11109 (1) The Division of Business Management of Jobs Florida
11110 ~~Department of Commerce~~ shall serve as the state agency approving
11111 applicants for funding pursuant to s. 212.20 and for certifying
11112 the applicant as the International Game Fish Association World
11113 Center facility. For purposes of this section, "facility" means
11114 the International Game Fish Association World Center, and
11115 "project" means the International Game Fish Association World
11116 Center and new colocated improvements by private sector concerns
11117 who have made cash or in-kind contributions to the facility of
11118 \$1 million or more.

11119 (2) Prior to certifying this facility, the division
11120 ~~department~~ must determine that:

11121 (a) The International Game Fish Association World Center is
11122 the only fishing museum, Hall of Fame, and international
11123 administrative headquarters in the United States recognized by
11124 the International Game Fish Association, and that one or more
11125 private sector concerns have committed to donate to the
11126 International Game Fish Association land upon which the
11127 International Game Fish Association World Center will operate.

11128 (b) International Game Fish Association is a not-for-profit
11129 Florida corporation that has contracted to construct and operate
11130 the facility.

11131 (c) The municipality in which the facility is located, or
11132 the county if the facility is located in an unincorporated area,
11133 has certified by resolution after a public hearing that the
11134 facility serves a public purpose.

11135 (d) There are existing projections that the International
11136 Game Fish Association World Center facility and the colocated

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11137 facilities of private sector concerns will attract an attendance
11138 of more than 1.8 million annually.

11139 (e) There is an independent analysis or study, using
11140 methodology approved by the division ~~department~~, which
11141 demonstrates that the amount of the revenues generated by the
11142 taxes imposed under chapter 212 with respect to the use and
11143 operation of the project will exceed \$1 million annually.

11144 (f) There are existing projections that the project will
11145 attract more than 300,000 persons annually who are not residents
11146 of the state.

11147 (g) The applicant has submitted an agreement to provide
11148 \$500,000 annually in national and international media promotion
11149 of the facility, at the then-current commercial rates, during
11150 the period of time that the facility receives funds pursuant to
11151 s. 212.20. Failure on the part of the applicant to annually
11152 provide the advertising as provided in this paragraph shall
11153 result in the termination of the funding as provided in s.
11154 212.20. The applicant can discharge its obligation under this
11155 paragraph by contracting with other persons, including private
11156 sector concerns who participate in the project.

11157 (h) Documentation exists that demonstrates that the
11158 applicant has provided, and is capable of providing, or has
11159 financial or other commitments to provide, more than one-half of
11160 the cost incurred or related to the improvements and the
11161 development of the facility.

11162 (i) The application is signed by senior officials of the
11163 International Game Fish Association and is notarized according
11164 to Florida law providing for penalties for falsification.

11165 (3) The applicant may use funds provided pursuant to s.

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11166 212.20 for the purpose of paying for the construction,
11167 reconstruction, renovation, promotion, or operation of the
11168 facility, or to pay or pledge for payment of debt service on, or
11169 to fund debt service reserve funds, arbitrage rebate
11170 obligations, or other amounts payable with respect to, bonds
11171 issued for the construction, reconstruction, or renovation of
11172 the facility or for the reimbursement of such costs or by
11173 refinancing of bonds issued for such purposes.

11174 (4) Upon determining that an applicant is or is not
11175 certifiable, the Division of Business Management of Jobs Florida
11176 ~~Department of Commerce~~ shall notify the applicant of its status
11177 by means of an official letter. If certifiable, the division
11178 ~~Department of Commerce~~ shall notify the executive director of
11179 the Department of Revenue and the applicant of such
11180 certification by means of an official letter granting
11181 certification. From the date of such certification, the
11182 applicant shall have 5 years to open the facility to the public
11183 and notify the division ~~Department of Commerce~~ of such opening.
11184 The Department of Revenue shall not begin distributing funds
11185 until 30 days following notice by the division ~~Department of~~
11186 ~~Commerce~~ that the facility is open to the public.

11187 (5) The Department of Revenue may audit as provided in s.
11188 213.34 to verify that the contributions pursuant to this section
11189 have been expended as required by this section.

11190 (6) The Division of Business Management of Jobs Florida
11191 ~~Department of Commerce~~ must recertify every 10 years that the
11192 facility is open, that the International Game Fish Association
11193 World Center continues to be the only international
11194 administrative headquarters, fishing museum, and Hall of Fame in

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11195 the United States recognized by the International Game Fish
11196 Association, and that the project is meeting the minimum
11197 projections for attendance or sales tax revenues as required at
11198 the time of original certification. If the facility is not
11199 recertified during this 10-year review as meeting the minimum
11200 projections, then funding shall be abated until certification
11201 criteria are met. If the project fails to generate \$1 million of
11202 annual revenues pursuant to paragraph (2)(e), the distribution
11203 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to
11204 an amount equal to \$83,333 multiplied by a fraction, the
11205 numerator of which is the actual revenues generated and the
11206 denominator of which is \$1 million. Such reduction remains in
11207 effect until revenues generated by the project in a 12-month
11208 period equal or exceed \$1 million.

11209 Section 200. Paragraph (d) of subsection (1), and
11210 subsections (2), and (3) of section 288.1171, Florida Statutes,
11211 are amended, and present paragraphs (e) through (g) of
11212 subsection (1) are redesignated as paragraphs (d) through (f),
11213 respectively, to read:

11214 288.1171 Motorsports entertainment complex; definitions;
11215 certification; duties.-

11216 (1) As used in this section, the term:

11217 ~~(d) "Office" means The Office of Tourism, Trade, and~~
11218 ~~Economic Development of the Executive Office of the Governor.~~

11219 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11220 ~~Development~~ shall serve as the state agency for screening
11221 applicants for local option funding under s. 218.64(3) and for
11222 certifying an applicant as a motorsports entertainment complex.
11223 Jobs Florida ~~The Office~~ shall develop and adopt rules for the

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11224 receipt and processing of applications for funding under s.
11225 218.64(3). Jobs Florida ~~The Office~~ shall make a determination
11226 regarding any application filed by an applicant not later than
11227 120 days after the application is filed.

11228 (3) Before certifying an applicant as a motorsports
11229 entertainment complex, Jobs Florida ~~the Office~~ must determine
11230 that:

11231 (a) A unit of local government holds title to the land on
11232 which the motorsports entertainment complex is located or holds
11233 title to the motorsports entertainment complex.

11234 (b) The municipality in which the motorsports entertainment
11235 complex is located, or the county if the motorsports
11236 entertainment complex is located in an unincorporated area, has
11237 certified by resolution after a public hearing that the
11238 application serves a public purpose.

11239 Section 201. Section 288.122, Florida Statutes, is amended
11240 to read:

11241 288.122 Tourism Promotional Trust Fund.—There is created
11242 within Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11243 ~~Development of the Executive Office of the Governor~~ the Tourism
11244 Promotional Trust Fund. Moneys deposited in the Tourism
11245 Promotional Trust Fund shall only be used to support the
11246 authorized activities and operations of the Florida Commission
11247 on Tourism, and to support tourism promotion and marketing
11248 activities, services, functions, and programs administered by
11249 the Florida Commission on Tourism through a contract with the
11250 commission's direct-support organization created under s.
11251 288.1226.

11252 Section 202. Subsection (1) of section 288.1223, Florida

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11253 Statutes, is amended to read:

11254 288.1223 Florida Commission on Tourism; creation; purpose;
11255 membership.—

11256 (1) There is created within Jobs Florida ~~The Office of~~
11257 ~~Tourism, Trade, and Economic Development~~ the Florida Commission
11258 on Tourism. The purpose of the commission is to oversee this
11259 state's efforts to increase the positive impact of tourism,
11260 including increased employment for state citizens, to all
11261 sectors of the economy through effective marketing activities;
11262 to continually upgrade the image of Florida as a quality
11263 destination; to promote tourism objectives with all geographic,
11264 socioeconomic, and community sectors considered equitably; and
11265 to judge its efforts by the same standards of accountability and
11266 integrity as those used by successful, respected private sector
11267 businesses.

11268 Section 203. Subsections (1), (2), and (8) of section
11269 288.1224, Florida Statutes, are amended to read:

11270 288.1224 Powers and duties.—The commission:

11271 (1) Notwithstanding the provisions of part I of chapter
11272 287, upon the approval of Jobs Florida ~~The Office of Tourism,~~
11273 ~~Trade, and Economic Development~~, shall contract with a direct-
11274 support organization incorporated as a private, not-for-profit
11275 corporation, as defined in s. 501(c)(6) of the Internal Revenue
11276 Code of 1986, as amended, to execute the tourism marketing and
11277 promotion services, functions, and programs for this state
11278 including, but not limited to, the activities prescribed by the
11279 4-year marketing plan. Jobs Florida ~~The Office of Tourism,~~
11280 ~~Trade, and Economic Development~~ shall review such contract in an
11281 expedient manner and shall timely make any recommendations so as

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11282 to allow for the date of the contract to be met. The commission
11283 shall serve as contract administrator.

11284 (2) Shall advise Jobs Florida ~~The Office of Tourism, Trade,~~
11285 ~~and Economic Development~~ and the direct-support organization
11286 regarding the domestic and international tourism promotion
11287 programs for this state.

11288 (8) Shall develop a budget, in conjunction with Jobs
11289 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
11290 and in keeping with the commission's 4-year marketing plan, for
11291 the operation and activities of the commission and for the
11292 provision of tourism promotion programs, services, and functions
11293 through a contract with a direct-support organization created
11294 for such purposes. The budget shall be submitted to the
11295 Governor.

11296 Section 204. Paragraph (c) of subsection (2) and subsection
11297 (6) of section 288.1226, Florida Statutes, are amended to read:

11298 288.1226 Florida Tourism Industry Marketing Corporation;
11299 use of property; board of directors; duties; audit.—

11300 (2) ESTABLISHMENT.—The Florida Commission on Tourism shall
11301 establish, no later than July 31, 1996, the Florida Tourism
11302 Industry Marketing Corporation as a direct-support organization:

11303 (c) Which the Florida Commission on Tourism and Jobs
11304 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
11305 after review, have certified whether it is operating in a manner
11306 consistent with the policies and goals of the commission and its
11307 long-range marketing plan.

11308 (6) ANNUAL AUDIT.—The corporation shall provide for an
11309 annual financial audit in accordance with s. 215.981. The annual
11310 audit report shall be submitted to the Auditor General; the

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11311 Office of Policy Analysis and Government Accountability; and
11312 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11313 ~~Development~~ for review. The Office of Program Policy Analysis
11314 and Government Accountability, Jobs Florida, ~~The Office of~~
11315 ~~Tourism, Trade, and Economic Development~~; and the Auditor
11316 General have the authority to require and receive from the
11317 corporation or from its independent auditor any detail or
11318 supplemental data relative to the operation of the corporation.
11319 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11320 ~~Development~~ shall annually certify whether the corporation is
11321 operating in a manner and achieving the objectives that are
11322 consistent with the policies and goals of the commission and its
11323 long-range marketing plan. The identity of a donor or
11324 prospective donor to the corporation who desires to remain
11325 anonymous and all information identifying such donor or
11326 prospective donor are confidential and exempt from the
11327 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
11328 Constitution. Such anonymity shall be maintained in the
11329 auditor's report.

11330 Section 205. Subsection (1) of section 288.1227, Florida
11331 Statutes, is amended to read:

11332 288.1227 Annual report of the Florida Commission on
11333 Tourism; audits.—

11334 (1) Prior to December 1 of each year, the Florida
11335 Commission on Tourism shall submit to the Governor; the
11336 commissioner of Jobs Florida ~~director of the Office of Tourism,~~
11337 ~~Trade, and Economic Development~~; the President of the Senate;
11338 the Speaker of the House of Representatives; the Senate Minority
11339 Leader; and the House Minority Leader a complete and detailed

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11340 report setting forth for itself and its direct-support
11341 organization:

11342 (a) Its operations and accomplishments during the fiscal
11343 year.

11344 (b) Its business and operational plan and its tourism-
11345 marketing plan, including recommendations on methods for
11346 implementing and funding the tourism-marketing plan.

11347 (c) The assets and liabilities of the direct-support
11348 organization at the end of its most recent fiscal year.

11349 (d) A copy of the annual financial and compliance audit
11350 conducted under s. 288.1226(6).

11351 Section 206. Subsection (1), paragraph (d) of subsection
11352 (2), subsections (3), (4), (7), (8), and (9) of section
11353 288.1229, Florida Statutes, are amended to read:

11354 288.1229 Promotion and development of sports-related
11355 industries and amateur athletics; direct-support organization;
11356 powers and duties.—

11357 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11358 ~~Development~~ may authorize a direct-support organization to
11359 assist the office in:

11360 (a) The promotion and development of the sports industry
11361 and related industries for the purpose of improving the economic
11362 presence of these industries in Florida.

11363 (b) The promotion of amateur athletic participation for the
11364 citizens of Florida and the promotion of Florida as a host for
11365 national and international amateur athletic competitions for the
11366 purpose of encouraging and increasing the direct and ancillary
11367 economic benefits of amateur athletic events and competitions.

11368 (c) The retention of professional sports franchises,

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11369 including the spring training operations of Major League
11370 Baseball.

11371 (2) To be authorized as a direct-support organization, an
11372 organization must:

11373 (d) Have a prior determination by Jobs Florida ~~The Office~~
11374 ~~of Tourism, Trade, and Economic Development~~ that the
11375 organization will benefit the office and act in the best
11376 interests of the state as a direct-support organization to Jobs
11377 Florida ~~the Office~~.

11378 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11379 ~~Development~~ shall contract with the organization and shall
11380 include in the contract that:

11381 (a) Jobs Florida ~~the Office~~ may review the organization's
11382 articles of incorporation.

11383 (b) The organization shall submit an annual budget proposal
11384 to the office, on a form provided by the office, in accordance
11385 with office procedures for filing budget proposals based upon
11386 the recommendation of the office.

11387 (c) Any funds that the organization holds in trust will
11388 revert to the state upon the expiration or cancellation of the
11389 contract.

11390 (d) The organization is subject to an annual financial and
11391 performance review by the office to determine whether the
11392 organization is complying with the terms of the contract and
11393 whether it is acting in a manner consistent with the goals of
11394 the office and in the best interests of the state.

11395 (e) The fiscal year of the organization will begin July 1
11396 of each year and end June 30 of the next ensuing year.

11397 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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11398 Development may allow the organization to use the property,
11399 facilities, personnel, and services of the office if the
11400 organization provides equal employment opportunities to all
11401 persons regardless of race, color, religion, sex, age, or
11402 national origin, subject to the approval of the director of the
11403 office.

11404 ~~(7) In exercising the power provided in this section, the~~
11405 ~~Office of Tourism, Trade, and Economic Development may authorize~~
11406 ~~and contract with the direct support organization existing on~~
11407 ~~June 30, 1996, and authorized by the former Florida Department~~
11408 ~~of Commerce to promote sports related industries. An appointed~~
11409 ~~member of the board of directors of such direct support~~
11410 ~~organization as of June 30, 1996, may serve the remainder of his~~
11411 ~~or her unexpired term.~~

11412 (7)(8) To promote amateur sports and physical fitness, the
11413 direct-support organization shall:

11414 (a) Develop, foster, and coordinate services and programs
11415 for amateur sports for the people of Florida.

11416 (b) Sponsor amateur sports workshops, clinics, conferences,
11417 and other similar activities.

11418 (c) Give recognition to outstanding developments and
11419 achievements in, and contributions to, amateur sports.

11420 (d) Encourage, support, and assist local governments and
11421 communities in the development of or hosting of local amateur
11422 athletic events and competitions.

11423 (e) Promote Florida as a host for national and
11424 international amateur athletic competitions.

11425 (f) Develop a statewide program of amateur athletic
11426 competition to be known as the "Sunshine State Games."

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11427 (g) Continue the successful amateur sports programs
11428 previously conducted by the Florida Governor's Council on
11429 Physical Fitness and Amateur Sports created under former s.
11430 14.22.

11431 (h) Encourage and continue the use of volunteers in its
11432 amateur sports programs to the maximum extent possible.

11433 (i) Develop, foster, and coordinate services and programs
11434 designed to encourage the participation of Florida's youth in
11435 Olympic sports activities and competitions.

11436 (j) Foster and coordinate services and programs designed to
11437 contribute to the physical fitness of the citizens of Florida.

11438 (8)~~(9)~~(a) The Sunshine State Games shall be patterned after
11439 the Summer Olympics with variations as necessitated by
11440 availability of facilities, equipment, and expertise. The games
11441 shall be designed to encourage the participation of athletes
11442 representing a broad range of age groups, skill levels, and
11443 Florida communities. Participants shall be residents of this
11444 state. Regional competitions shall be held throughout the state,
11445 and the top qualifiers in each sport shall proceed to the final
11446 competitions to be held at a site in the state with the
11447 necessary facilities and equipment for conducting the
11448 competitions.

11449 (b) Jobs Florida ~~The Executive Office of the Governor~~ is
11450 authorized to permit the use of property, facilities, and
11451 personal services of or at any State University System facility
11452 or institution by the direct-support organization operating the
11453 Sunshine State Games. For the purposes of this paragraph,
11454 personal services includes full-time or part-time personnel as
11455 well as payroll processing.

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11456 Section 207. Section 288.124, Florida Statutes, is amended
11457 to read:

11458 288.124 Convention grants program.—The Commission on
11459 Tourism is authorized to establish a convention grants program
11460 and, pursuant thereto, to recommend to Jobs Florida ~~The Office~~
11461 ~~of Tourism, Trade, and Economic Development~~ expenditures and
11462 contracts with local governments and nonprofit corporations or
11463 organizations for the purpose of attracting national conferences
11464 and conventions to Florida. Preference shall be given to local
11465 governments and nonprofit corporations or organizations seeking
11466 to attract minority conventions to Florida. Minority conventions
11467 are events that primarily involve minority persons, as defined
11468 in s. 288.703, who are residents or nonresidents of the state.
11469 The commission shall establish guidelines governing the award of
11470 grants and the administration of this program. Jobs Florida ~~The~~
11471 ~~Office of Tourism, Trade, and Economic Development~~ has final
11472 approval authority for any grants under this section. The total
11473 annual allocation of funds for this program shall not exceed
11474 \$40,000.

11475 Section 208. Subsection (1) of section 288.1251, Florida
11476 Statutes, is amended to read:

11477 288.1251 Promotion and development of entertainment
11478 industry; Office of Film and Entertainment; creation; purpose;
11479 powers and duties.—

11480 (1) CREATION.—

11481 (a) There is hereby created within Jobs Florida ~~The Office~~
11482 ~~of Tourism, Trade, and Economic Development~~ the Office of Film
11483 and Entertainment for the purpose of developing, marketing,
11484 promoting, and providing services to the state's entertainment

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11485 industry.

11486 (b) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11487 ~~Development~~ shall conduct a national search for a qualified
11488 person to fill the position of Commissioner of Film and
11489 Entertainment when the position is vacant. The commissioner of
11490 Jobs Florida ~~Executive Director of the Office of Tourism, Trade,~~
11491 ~~and Economic Development~~ has the responsibility to hire the film
11492 commissioner. Qualifications for the commissioner include, but
11493 are not limited to, the following:

11494 1. A working knowledge of the equipment, personnel,
11495 financial, and day-to-day production operations of the
11496 industries to be served by the Office of Film and Entertainment;

11497 2. Marketing and promotion experience related to the film
11498 and entertainment industries to be served;

11499 3. Experience working with a variety of individuals
11500 representing large and small entertainment-related businesses,
11501 industry associations, local community entertainment industry
11502 liaisons, and labor organizations; and

11503 4. Experience working with a variety of state and local
11504 governmental agencies.

11505 Section 209. Subsections (1) and (2) and paragraphs (d),
11506 (f), (g), and (h) of subsection (5) of section 288.1252, Florida
11507 Statutes, are amended to read:

11508 288.1252 Florida Film and Entertainment Advisory Council;
11509 creation; purpose; membership; powers and duties.—

11510 (1) CREATION.—There is hereby created within Jobs Florida
11511 ~~The Office of Tourism, Trade, and Economic Development of the~~
11512 ~~Executive Office of the Governor~~, for administrative purposes
11513 only, the Florida Film and Entertainment Advisory Council.

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11514 (2) PURPOSE.—The purpose of the council shall be to serve
11515 as an advisory body to Jobs Florida ~~The Office of Tourism,~~
11516 ~~Trade, and Economic Development~~ and to the Office of Film and
11517 Entertainment to provide these offices with industry insight and
11518 expertise related to developing, marketing, promoting, and
11519 providing service to the state's entertainment industry.

11520 (5) POWERS AND DUTIES.—The Florida Film and Entertainment
11521 Advisory Council shall have all the powers necessary or
11522 convenient to carry out and effectuate the purposes and
11523 provisions of this act, including, but not limited to, the power
11524 to:

11525 (d) Consider and study the needs of the entertainment
11526 industry for the purpose of advising the film commissioner and
11527 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11528 ~~Development~~.

11529 (f) Consider all matters submitted to it by the film
11530 commissioner and Jobs Florida ~~the Office of Tourism, Trade, and~~
11531 ~~Economic Development~~.

11532 (g) Advise and consult with the film commissioner and Jobs
11533 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
11534 at their request or upon its own initiative, regarding the
11535 promulgation, administration, and enforcement of all laws and
11536 rules relating to the entertainment industry.

11537 (h) Suggest policies and practices for the conduct of
11538 business by the Office of Film and Entertainment or by Jobs
11539 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11540 that will improve internal operations affecting the
11541 entertainment industry and will enhance the economic development
11542 initiatives of the state for the industry.

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11543 Section 210. Subsections (1), (2), (3), and (4) of section
11544 288.1253, Florida Statutes, are amended to read:

11545 288.1253 Travel and entertainment expenses.—

11546 (1) As used in this section, the term "travel expenses"
11547 means the actual, necessary, and reasonable costs of
11548 transportation, meals, lodging, and incidental expenses normally
11549 incurred by an employee of the Office of Film and Entertainment,
11550 which costs are defined and prescribed by rules adopted by Jobs
11551 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11552 subject to approval by the Chief Financial Officer.

11553 (2) Notwithstanding the provisions of s. 112.061, Jobs
11554 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11555 shall adopt rules by which it may make expenditures by
11556 reimbursement to: the Governor, the Lieutenant Governor,
11557 security staff of the Governor or Lieutenant Governor, the
11558 Commissioner of Film and Entertainment, or staff of the Office
11559 of Film and Entertainment for travel expenses or entertainment
11560 expenses incurred by such individuals solely and exclusively in
11561 connection with the performance of the statutory duties of the
11562 Office of Film and Entertainment. The rules are subject to
11563 approval by the Chief Financial Officer before adoption. The
11564 rules shall require the submission of paid receipts, or other
11565 proof of expenditure prescribed by the Chief Financial Officer,
11566 with any claim for reimbursement.

11567 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11568 ~~Development~~ shall prepare an annual report of the expenditures
11569 of the Office of Film and Entertainment and provide such report
11570 to the Legislature no later than December 30 of each year for
11571 the expenditures of the previous fiscal year. The report shall

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11572 consist of a summary of all travel, entertainment, and
11573 incidental expenses incurred within the United States and all
11574 travel, entertainment, and incidental expenses incurred outside
11575 the United States, as well as a summary of all successful
11576 projects that developed from such travel.

11577 (4) The Office of Film and Entertainment and its employees
11578 and representatives, when authorized, may accept and use
11579 complimentary travel, accommodations, meeting space, meals,
11580 equipment, transportation, and any other goods or services
11581 necessary for or beneficial to the performance of the office's
11582 duties and purposes, so long as such acceptance or use is not in
11583 conflict with part III of chapter 112. Jobs Florida ~~The Office~~
11584 ~~of Tourism, Trade, and Economic Development~~ shall, by rule,
11585 develop internal controls to ensure that such goods or services
11586 accepted or used pursuant to this subsection are limited to
11587 those that will assist solely and exclusively in the furtherance
11588 of the office's goals and are in compliance with part III of
11589 chapter 112.

11590 Section 211. Paragraph (a) of subsection (1), paragraphs
11591 (d) and (f) of subsection (3), paragraphs (c) and (d) of
11592 subsection (4), paragraph (a) of subsection (5), and paragraph
11593 (b) of subsection (9) of section 288.1254, Florida Statutes, are
11594 amended to read:

11595 288.1254 Entertainment industry financial incentive
11596 program.—

11597 (1) DEFINITIONS.—As used in this section, the term:

11598 (a) "Certified production" means a qualified production
11599 that has tax credits allocated to it by Jobs Florida ~~the Office~~
11600 ~~of Tourism, Trade, and Economic Development~~ based on the

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11601 production's estimated qualified expenditures, up to the
11602 production's maximum certified amount of tax credits, by Jobs
11603 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
11604 The term does not include a production if its first day of
11605 principal photography or project start date in this state occurs
11606 before the production is certified by Jobs Florida ~~The Office of~~
11607 ~~Tourism, Trade, and Economic Development~~, unless the production
11608 spans more than 1 fiscal year, was a certified production on its
11609 first day of principal photography or project start date in this
11610 state, and submits an application for continuing the same
11611 production for the subsequent fiscal year.

11612 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

11613 (d) *Certification*.—The Office of Film and Entertainment
11614 shall review the application within 15 business days after
11615 receipt. Upon its determination that the application contains
11616 all the information required by this subsection and meets the
11617 criteria set out in this section, the Office of Film and
11618 Entertainment shall qualify the applicant and recommend to Jobs
11619 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11620 that the applicant be certified for the maximum tax credit award
11621 amount. Within 5 business days after receipt of the
11622 recommendation, Jobs Florida ~~the Office of Tourism, Trade, and~~
11623 ~~Economic Development~~ shall reject the recommendation or certify
11624 the maximum recommended tax credit award, if any, to the
11625 applicant and to the executive director of the Department of
11626 Revenue.

11627 (f) *Verification of actual qualified expenditures*.—

11628 1. The Office of Film and Entertainment shall develop a
11629 process to verify the actual qualified expenditures of a

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11630 certified production. The process must require:

11631 a. A certified production to submit, in a timely manner
11632 after production ends in this state and after making all of its
11633 qualified expenditures in this state, data substantiating each
11634 qualified expenditure, including documentation on the net
11635 expenditure on equipment and other tangible personal property by
11636 the qualified production, to an independent certified public
11637 accountant licensed in this state;

11638 b. Such accountant to conduct a compliance audit, at the
11639 certified production's expense, to substantiate each qualified
11640 expenditure and submit the results as a report, along with the
11641 required substantiating data, to the Office of Film and
11642 Entertainment; and

11643 c. The Office of Film and Entertainment to review the
11644 accountant's submittal and report to Jobs Florida ~~the Office of~~
11645 ~~Tourism, Trade, and Economic Development~~ the final verified
11646 amount of actual qualified expenditures made by the certified
11647 production.

11648 2. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11649 ~~Development~~ shall determine and approve the final tax credit
11650 award amount to each certified applicant based on the final
11651 verified amount of actual qualified expenditures and shall
11652 notify the executive director of the Department of Revenue in
11653 writing that the certified production has met the requirements
11654 of the incentive program and of the final amount of the tax
11655 credit award. The final tax credit award amount may not exceed
11656 the maximum tax credit award amount certified under paragraph
11657 (d).

11658 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;

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11659 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
11660 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
11661 ACQUISITIONS.—

11662 (c) *Withdrawal of tax credit eligibility.*—A qualified or
11663 certified production must continue on a reasonable schedule,
11664 which includes beginning principal photography or the production
11665 project in this state no more than 45 calendar days before or
11666 after the principal photography or project start date provided
11667 in the production's program application. Jobs Florida ~~The Office~~
11668 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the
11669 eligibility of a qualified or certified production that does not
11670 continue on a reasonable schedule.

11671 (d) *Election and distribution of tax credits.*—

11672 1. A certified production company receiving a tax credit
11673 award under this section shall, at the time the credit is
11674 awarded by Jobs Florida ~~the Office of Tourism, Trade, and~~
11675 ~~Economic Development~~ after production is completed and all
11676 requirements to receive a credit award have been met, make an
11677 irrevocable election to apply the credit against taxes due under
11678 chapter 220, against state taxes collected or accrued under
11679 chapter 212, or against a stated combination of the two taxes.
11680 The election is binding upon any distributee, successor,
11681 transferee, or purchaser. Jobs Florida ~~the Office of Tourism,~~
11682 ~~Trade, and Economic Development~~ shall notify the Department of
11683 Revenue of any election made pursuant to this paragraph.

11684 2. A qualified production company is eligible for tax
11685 credits against its sales and use tax liabilities and corporate
11686 income tax liabilities as provided in this section. However, tax
11687 credits awarded under this section may not be claimed against

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11688 sales and use tax liabilities or corporate income tax
11689 liabilities for any tax period beginning before July 1, 2011,
11690 regardless of when the credits are applied for or awarded.

11691 (5) TRANSFER OF TAX CREDITS.—

11692 (a) *Authorization.*—Upon application to the Office of Film
11693 and Entertainment and approval by Jobs Florida ~~the Office of~~
11694 ~~Tourism, Trade, and Economic Development~~, a certified production
11695 company, or a partner or member that has received a distribution
11696 under paragraph (4)(g), may elect to transfer, in whole or in
11697 part, any unused credit amount granted under this section. An
11698 election to transfer any unused tax credit amount under chapter
11699 212 or chapter 220 must be made no later than 5 years after the
11700 date the credit is awarded, after which period the credit
11701 expires and may not be used. Jobs Florida ~~The Office of Tourism,~~
11702 ~~Trade, and Economic Development~~ shall notify the Department of
11703 Revenue of the election and transfer.

11704 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
11705 CREDITS; FRAUDULENT CLAIMS.—

11706 (b) *Revocation of tax credits.*—Jobs Florida ~~The Office of~~
11707 ~~Tourism, Trade, and Economic Development~~ may revoke or modify
11708 any written decision qualifying, certifying, or otherwise
11709 granting eligibility for tax credits under this section if it is
11710 discovered that the tax credit applicant submitted any false
11711 statement, representation, or certification in any application,
11712 record, report, plan, or other document filed in an attempt to
11713 receive tax credits under this section. Jobs Florida ~~The Office~~
11714 ~~of Tourism, Trade, and Economic Development~~ shall immediately
11715 notify the Department of Revenue of any revoked or modified
11716 orders affecting previously granted tax credits. Additionally,

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11717 the applicant must notify the Department of Revenue of any
11718 change in its tax credit claimed.

11719 Section 212. Subsection (3) of section 288.386, Florida
11720 Statutes, is amended to read:

11721 288.386 Florida-Caribbean Basin Trade Initiative.—

11722 (3) STEP shall administer the Florida-Caribbean Basin Trade
11723 Initiative pursuant to a performance-based contract with Jobs
11724 Florida, which the Office of Tourism, Trade, and Economic
11725 Development. The Office of Tourism, Trade, and Economic
11726 Development shall develop performance measures, standards, and
11727 sanctions for the initiative. Performance measures must include,
11728 but are not limited to, the number of businesses assisted; the
11729 number of urban businesses assisted; and the increase in value
11730 of exports to the Caribbean which is attributable to the
11731 initiative.

11732 Section 213. Section 288.7011, Florida Statutes, is amended
11733 to read:

11734 288.7011 Assistance to certified development corporation.—
11735 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11736 ~~Development~~ is authorized to enter into contracts with a
11737 nonprofit, statewide development corporation certified pursuant
11738 to s. 503 of the Small Business Investment Act of 1958, as
11739 amended, to permit such corporation to locate and contract for
11740 administrative and technical staff assistance and support,
11741 including, without limitation, assistance to the development
11742 corporation in the packaging and servicing of loans for the
11743 purpose of stimulating and expanding the availability of private
11744 equity capital and long-term loans to small businesses. Such
11745 assistance and support will cease when the corporation has

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11746 received state support in an amount the equivalent of \$250,000
11747 per year over a 5-year period beginning July 1, 1997. Any
11748 contract between Jobs Florida ~~the Office~~ and such corporation
11749 shall specify that the records of the corporation must be
11750 available for audit by Jobs Florida ~~the Office~~ and by the
11751 Auditor General.

11752 Section 214. Section 288.705, Florida Statutes, is amended
11753 to read:

11754 288.705 Statewide contracts register.—All state agencies
11755 shall in a timely manner provide the Florida Small Business
11756 Development Center Procurement System with all formal
11757 solicitations for contractual services, supplies, and
11758 commodities. The Small Business Development Center shall
11759 coordinate with Minority Business Development Centers to compile
11760 and distribute this information to small and minority businesses
11761 requesting such service for the period of time necessary to
11762 familiarize the business with the market represented by state
11763 agencies. On or before February 1 of each year, the Small
11764 Business Development Center shall report to Jobs Florida ~~the~~
11765 ~~Agency for Workforce Innovation~~ on the use of the statewide
11766 contracts register. The report shall include, but not be limited
11767 to, information relating to:

11768 (1) The total number of solicitations received from state
11769 agencies during the calendar year.

11770 (2) The number of solicitations received from each state
11771 agency during the calendar year.

11772 (3) The method of distributing solicitation information to
11773 businesses requesting such service.

11774 (4) The total number of businesses using the service.

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11775 (5) The percentage of businesses using the service which
11776 are owned and controlled by minorities.

11777 (6) The percentage of service-disabled veteran business
11778 enterprises using the service.

11779 Section 215. Subsection (12) of section 288.706, Florida
11780 Statutes, is amended to read:

11781 288.706 Florida Minority Business Loan Mobilization
11782 Program.—

11783 (12) The Department of Management Services shall
11784 collaborate with the Florida Black Business Investment Board,
11785 Inc., and Jobs Florida ~~the Office of Tourism, Trade, and~~
11786 ~~Economic Development~~ to assist in the development and
11787 enhancement of black business enterprises.

11788 Section 216. Paragraph (a) of subsection (1), paragraph (b)
11789 of subsection (2), and paragraph (f) of subsection (3) of
11790 section 288.707, Florida Statutes, are amended to read:

11791 288.707 Florida Black Business Investment Board, Inc.;
11792 findings; creation; membership; organization; meetings;
11793 disclosure.—

11794 (1) The Legislature finds that the public interest of the
11795 state will be served by the creation of a not-for-profit
11796 corporation, the primary mission of which is to assist in the
11797 development and expansion of black business enterprises by:

11798 (a) Advising Jobs Florida ~~the Office of Tourism, Trade, and~~
11799 ~~Economic Development~~ in its oversight of the Black Business Loan
11800 Program and assisting in the creation of a long-range strategic
11801 policy for the program.

11802 (2)

11803 (b) The board shall contract with Jobs Florida ~~the Office~~

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11804 ~~of Tourism, Trade, and Economic Development~~ to implement the
11805 provisions of ss. 288.707-288.714.

11806 (3) The board shall be governed by a board of directors
11807 chosen as follows:

11808 (f) Four presidents of participating black business
11809 investment corporations who shall be appointed by the
11810 commissioner of Jobs Florida ~~Executive Director of the Office of~~
11811 ~~Tourism, Trade, and Economic Development~~ upon the recommendation
11812 of the Florida Consortium of Black Business Investment
11813 Corporations, Inc., to serve for terms of 3 years each. Each
11814 shall be eligible for reappointment to one additional term of 3
11815 years.

11816 Section 217. Subsection (1) of section 288.7091, Florida
11817 Statutes, is amended to read:

11818 288.7091 Duties of the Florida Black Business Investment
11819 Board, Inc.—The board shall:

11820 (1) Serve as an advisory board to Jobs Florida ~~the Office~~
11821 ~~of Tourism, Trade, and Economic Development~~, through contract
11822 with the office, to assist the office with the implementation of
11823 ss. 288.707-288.714.

11824 Section 218. Subsection (2) of section 288.7094, Florida
11825 Statutes, is amended to read:

11826 288.7094 Black business investment corporations.—

11827 (2) A black business investment corporation that meets the
11828 requirements of s. 288.7102(4) is eligible to participate in the
11829 Black Business Loan Program and shall receive priority
11830 consideration by Jobs Florida ~~the Office of Tourism, Trade, and~~
11831 ~~Economic Development~~ for participation in the program.

11832 Section 219. Subsections (1), (2), (3), (5), (6), (7) and

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11833 (8) of section 288.7102, Florida Statutes, are amended to read:
11834 288.7102 Black Business Loan Program.—

11835 (1) The Black Business Loan Program is established in Jobs
11836 Florida, which ~~the Office of Tourism, Trade, and Economic~~
11837 ~~Development. Under the program, the office~~ shall annually
11838 certify eligible recipients and subsequently disburse funds
11839 appropriated by the Legislature, through such eligible
11840 recipients, to black business enterprises that cannot obtain
11841 capital through conventional lending institutions but that could
11842 otherwise compete successfully in the private sector.

11843 (2) Jobs Florida ~~The office~~ shall establish an application
11844 and annual certification process for entities seeking funds to
11845 participate in providing loans, loan guarantees, or investments
11846 in black business enterprises pursuant to the Florida Black
11847 Business Investment Act. Jobs Florida ~~The office~~ shall process
11848 all applications and recertifications submitted by June 1 on or
11849 before July 31.

11850 (3) If the Black Business Loan Program is appropriated any
11851 funding in a fiscal year, Jobs Florida ~~the Office~~ shall
11852 distribute an equal amount of the appropriation, calculated as
11853 the total annual appropriation divided by the total number of
11854 program recipients certified on or before July 31 of that fiscal
11855 year.

11856 (5) Each eligible recipient must meet the provisions of ss.
11857 288.707-288.714, the terms of the contract between the recipient
11858 and Jobs Florida ~~the Office~~, and any other applicable state or
11859 federal laws. An entity may not receive funds under ss. 288.707-
11860 288.714 unless the entity meets annual certification
11861 requirements.

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11862 (6) Upon approval by Jobs Florida ~~the Office~~ and before
11863 release of the funds as provided in this section, Jobs Florida
11864 ~~the Office~~ shall issue a letter certifying the applicant as
11865 qualified for an award. Jobs Florida ~~the Office~~ and the
11866 applicant shall enter into an agreement that sets forth the
11867 conditions for award of the funds. The agreement must include
11868 the total amount of funds awarded; the performance conditions
11869 that must be met once the funding has been awarded, including,
11870 but not limited to, compliance with all of the requirements of
11871 this section for eligible recipients of funds under this
11872 section; and sanctions for failure to meet performance
11873 conditions, including any provisions to recover awards.

11874 (7) Jobs Florida ~~The Office~~, in consultation with the
11875 board, shall adopt rules pursuant to ss. 120.536(1) and 120.54
11876 to implement this section.

11877 (8) A black business investment corporation certified by
11878 Jobs Florida ~~the Office~~ as an eligible recipient under this
11879 section is authorized to use funds appropriated for the Black
11880 Business Loan Program in any of the following forms:

11881 (a) Purchases of stock, preferred or common, voting or
11882 nonvoting; however, no more than 40 percent of the funds may be
11883 used for direct investments in black business enterprises;

11884 (b) Loans or loan guarantees, with or without recourse, in
11885 either a subordinated or priority position; or

11886 (c) Technical support to black business enterprises, not to
11887 exceed 9 percent of the funds received, and direct
11888 administrative costs, not to exceed 12 percent of the funds
11889 received.

11890 Section 220. Subsections (1), (2), and (3) of section

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11891 288.714, Florida Statutes, are amended to read:

11892 288.714 Quarterly and annual reports.—

11893 (1) Each recipient of state funds under s. 288.7102 shall
11894 provide to Jobs Florida ~~the Office~~ a quarterly report within 15
11895 days after the end of each calendar quarter that includes a
11896 detailed summary of the recipient's performance of the duties
11897 imposed by s. 288.7102, including, but not limited to:

11898 (a) The dollar amount of all loans or loan guarantees made
11899 to black business enterprises, the percentages of the loans
11900 guaranteed, and the names and identification of the types of
11901 businesses served.

11902 (b) Loan performance information.

11903 (c) The amount and nature of all other financial assistance
11904 provided to black business enterprises.

11905 (d) The amount and nature of technical assistance provided
11906 to black business enterprises, including technical assistance
11907 services provided in areas in which such services are otherwise
11908 unavailable.

11909 (e) A balance sheet for the recipient, including an
11910 explanation of all investments and administrative and
11911 operational expenses.

11912 (f) A summary of all services provided to nonblack business
11913 enterprises, including the dollar value and nature of such
11914 services and the names and identification of the types of
11915 businesses served.

11916 (g) Any other information as required by policies adopted
11917 by Jobs Florida ~~the Office~~.

11918 (2) Jobs Florida ~~The Office~~ must compile a summary of all
11919 quarterly reports and provide a copy of the summary to the board

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11920 within 30 days after the end of each calendar quarter that
11921 includes a detailed summary of the recipient's performance of
11922 the duties imposed by s. 288.7102.

11923 (3) By August 31 of each year, Jobs Florida ~~the Office~~
11924 shall provide to the Governor, the President of the Senate, and
11925 the Speaker of the House of Representatives a detailed report of
11926 the performance of the Black Business Loan Program. The report
11927 must include a cumulative summary of quarterly report data
11928 required by subsection (1).

11929 Section 221. Section 288.816, Florida Statutes, is amended
11930 to read:

11931 288.816 Intergovernmental relations.—

11932 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11933 ~~Development~~ shall be responsible for consular operations and the
11934 sister city and sister state program and shall serve as liaison
11935 with foreign, federal, and other state international
11936 organizations and with county and municipal governments in
11937 Florida.

11938 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11939 ~~Development~~ shall be responsible for all consular relations
11940 between the state and all foreign governments doing business in
11941 Florida. The office shall monitor United States laws and
11942 directives to ensure that all federal treaties regarding foreign
11943 privileges and immunities are properly observed. The office
11944 shall promulgate rules which shall:

11945 (a) Establish a viable system of registration for foreign
11946 government officials residing or having jurisdiction in the
11947 state. Emphasis shall be placed on maintaining active
11948 communication between Jobs Florida ~~The Office of Tourism, Trade,~~

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11949 ~~and Economic Development~~ and the United States Department of
11950 State in order to be currently informed regarding foreign
11951 governmental personnel stationed in, or with official
11952 responsibilities for, Florida. Active dialogue shall also be
11953 maintained with foreign countries which historically have had
11954 dealings with Florida in order to keep them informed of the
11955 proper procedure for registering with the state.

11956 (b) Maintain and systematically update a current and
11957 accurate list of all such foreign governmental officials,
11958 consuls, or consulates.

11959 (c) Issue certificates to such foreign governmental
11960 officials after verification pursuant to proper investigations
11961 through United States Department of State sources and the
11962 appropriate foreign government.

11963 (d) Verify entitlement to sales and use tax exemptions
11964 pursuant to United States Department of State guidelines and
11965 identification methods.

11966 (e) Verify entitlement to issuance of special motor vehicle
11967 license plates by the Division of Motor Vehicles of the
11968 Department of Highway Safety and Motor Vehicles to honorary
11969 consuls or such other officials representing foreign governments
11970 who are not entitled to issuance of special Consul Corps license
11971 plates by the United States Government.

11972 (f) Establish a system of communication to provide all
11973 state and local law enforcement agencies with information
11974 regarding proper procedures relating to the arrest or
11975 incarceration of a foreign citizen.

11976 (g) Request the Department of Law Enforcement to provide
11977 transportation and protection services when necessary pursuant

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11978 to s. 943.68.

11979 (h) Coordinate, when necessary, special activities between
11980 foreign governments and Florida state and local governments.
11981 These may include Consular Corps Day, Consular Corps
11982 conferences, and various other social, cultural, or educational
11983 activities.

11984 (i) Notify all newly arrived foreign governmental officials
11985 of the services offered by Jobs Florida ~~The Office of Tourism,~~
11986 ~~Trade, and Economic Development.~~

11987 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11988 ~~Development~~ shall operate the sister city and sister state
11989 program and establish such new programs as needed to further
11990 global understanding through the interchange of people, ideas,
11991 and culture between Florida and the world. To accomplish this
11992 purpose, the office shall have the power and authority to:

11993 (a) Coordinate and carry out activities designed to
11994 encourage the state and its subdivisions to participate in
11995 sister city and sister state affiliations with foreign countries
11996 and their subdivisions. Such activities may include a State of
11997 Florida sister cities conference.

11998 (b) Encourage cooperation with and disseminate information
11999 pertaining to the Sister Cities International Program and any
12000 other program whose object is to promote linkages with foreign
12001 countries and their subdivisions.

12002 (c) Maximize any aid available from all levels of
12003 government, public and private agencies, and other entities to
12004 facilitate such activities.

12005 (d) Establish a viable system of registration for sister
12006 city and sister state affiliations between the state and foreign

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12007 countries and their subdivisions. Such system shall include a
12008 method to determine that sufficient ties are properly
12009 established as well as a method to supervise how these ties are
12010 maintained.

12011 (e) Maintain a current and accurate listing of all such
12012 affiliations. Sister city affiliations shall not be discouraged
12013 between the state and any country specified in s. 620(f)(1) of
12014 the federal Foreign Assistance Act of 1961, as amended, with
12015 whom the United States is currently conducting diplomatic
12016 relations unless a mandate from the United States Government
12017 expressly prohibits such affiliations.

12018 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12019 ~~Development~~ shall serve as a contact for the state with the
12020 Florida Washington Office, the Florida Congressional Delegation,
12021 and United States Government agencies with respect to laws or
12022 policies which may affect the interests of the state in the area
12023 of international relations. All inquiries received regarding
12024 international economic trade development or reverse investment
12025 opportunities shall be referred to Enterprise Florida, Inc. In
12026 addition, Jobs Florida ~~the office~~ shall serve as liaison with
12027 other states with respect to international programs of interest
12028 to Florida. The office shall also investigate and make
12029 suggestions regarding possible areas of joint action or regional
12030 cooperation with these states.

12031 (5) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12032 ~~Development~~ shall have the power and duty to encourage the
12033 relocation to Florida of consular offices and multilateral and
12034 international agencies and organizations.

12035 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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12036 Development, through membership on the board of directors of
12037 Enterprise Florida, Inc., shall help to contribute an
12038 international perspective to the state's development efforts.

12039 Section 222. Paragraph (a) of subsection (1) and subsection
12040 (2) of section 288.809, Florida Statutes, are amended to read:

12041 288.809 Florida Intergovernmental Relations Foundation; use
12042 of property; board of directors; audit.—

12043 (1) DEFINITIONS.—For the purposes of this section, the
12044 term:

12045 (a) "Florida Intergovernmental Relations Foundation" means
12046 a direct-support organization:

12047 1. Which is a corporation not for profit that is
12048 incorporated under the provisions of chapter 617 and approved by
12049 the Department of State;

12050 2. Which is organized and operated exclusively to solicit,
12051 receive, hold, invest, and administer property and, subject to
12052 the approval of Jobs Florida ~~the Office of Tourism, Trade, and~~
12053 ~~Economic Development~~, to make expenditures to or for the
12054 promotion of intergovernmental relations programs; and

12055 3. Which Jobs Florida ~~the Office of Tourism, Trade, and~~
12056 ~~Economic Development~~, after review, has certified to be
12057 operating in a manner consistent with the policies and goals of
12058 the office.

12059 (2) USE OF PROPERTY.—Jobs Florida ~~The Office of Tourism,~~
12060 ~~Trade, and Economic Development:~~

12061 (a) Is authorized to permit the use of property,
12062 facilities, and personal services of Jobs Florida ~~the Office of~~
12063 ~~Tourism, Trade, and Economic Development~~ by the foundation,
12064 subject to the provisions of this section.

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12065 (b) Shall prescribe conditions with which the foundation
12066 must comply in order to use property, facilities, or personal
12067 services of the department. Such conditions shall provide for
12068 budget and audit review and for oversight by the Office of
12069 Tourism, Trade, and Economic Development.

12070 (c) Shall not permit the use of property, facilities, or
12071 personal services of the foundation if the foundation does not
12072 provide equal employment opportunities to all persons,
12073 regardless of race, color, national origin, sex, age, or
12074 religion.

12075 Section 223. Section 288.826, Florida Statutes, is amended
12076 to read:

12077 288.826 Florida International Trade and Promotion Trust
12078 Fund.—There is hereby established in the State Treasury the
12079 Florida International Trade and Promotion Trust Fund. The moneys
12080 deposited into this trust fund shall be administered by Jobs
12081 Florida ~~the Office of Tourism, Trade, and Economic Development~~
12082 for the operation of Enterprise Florida, Inc., and its boards
12083 and for the operation of Florida international ~~foreign~~ offices
12084 under s. 288.012.

12085 Section 224. Subsections (3) and (4) of section 288.9015,
12086 Florida Statutes, are amended to read:

12087 288.9015 Enterprise Florida, Inc.; purpose; duties.—

12088 (3) It shall be the responsibility of Enterprise Florida,
12089 Inc., to assess, on an ongoing basis, Florida's economic
12090 development competitiveness as measured against other business
12091 locations, to identify and regularly reevaluate Florida's
12092 economic development strengths and weaknesses, and to
12093 incorporate such information into the strategic planning process

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12094 under s. 288.904 to be shared with Jobs Florida.

12095 (4) Enterprise Florida, Inc., shall incorporate the needs
12096 of small and minority businesses into the economic-development,
12097 international-trade and reverse-investment, and workforce-
12098 development responsibilities assigned to the organization by
12099 this section. Enterprise Florida, Inc., shall collaborate with
12100 the Florida Black Business Investment Board, Inc., and Jobs
12101 Florida ~~the Office of Tourism, Trade, and Economic Development~~
12102 for the delivery of services in fulfillment of the
12103 responsibilities of Enterprise Florida, Inc., relating to small
12104 and minority businesses.

12105 Section 225. Subsections (1) and (2), paragraph (a) of
12106 subsection (4), and subsections (6) and (7) of section
12107 288.90151, Florida Statutes, are amended to read:

12108 288.90151 Return on investment from activities of
12109 Enterprise Florida, Inc.—

12110 (1) The public funds appropriated each year for the
12111 operation of Enterprise Florida, Inc., are invested in this
12112 public-private partnership to enhance international trade and
12113 economic development, to spur job-creating investments, and to
12114 create new employment opportunities for Floridians. This policy
12115 will be the Legislature's priority consideration when reviewing
12116 the return on the public's investment in ~~return-on-investment~~
12117 ~~for~~ Enterprise Florida, Inc.

12118 (2) It is also the intent of the Legislature that
12119 Enterprise Florida, Inc., coordinate its operations with local
12120 economic-development organizations to maximize the state and
12121 local return on the public's investment ~~return-on-investment~~ to
12122 create jobs for Floridians.

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12123 (4)(a) The state's operating investment in Enterprise
12124 Florida, Inc., is the budget contracted with Jobs Florida ~~by the~~
12125 ~~Office of Tourism, Trade, and Economic Development to Enterprise~~
12126 ~~Florida, Inc.~~, less funding that is directed by the Legislature
12127 to be subcontracted to a specific recipient.

12128 (6) Enterprise Florida, Inc., shall fully comply with the
12129 performance measures, standards, and sanctions in its contracts
12130 with Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12131 ~~Development under s. 14.2015(2)(h) and (7).~~ Jobs Florida ~~The~~
12132 ~~Office of Tourism, Trade, and Economic Development~~ shall ensure,
12133 to the maximum extent possible, that the contract performance
12134 measures are consistent with performance measures that the
12135 office is required to develop and track under performance-based
12136 program budgeting.

12137 (7) As part of the annual report required under s. 288.906,
12138 Enterprise Florida, Inc., shall provide the Legislature with
12139 information quantifying the public's return-on-investment as
12140 described in this section each ~~for~~ fiscal year ~~1997-1998 and~~
12141 ~~each subsequent fiscal year~~. The annual report shall also
12142 include the results of a customer-satisfaction survey of
12143 businesses served, as well as the lead economic development
12144 staff person of each organization that is a primary partner.

12145 Section 226. Subsections (1), (2), and paragraph (a) of
12146 subsection (4) of section 288.905, Florida Statutes, are amended
12147 to read:

12148 288.905 Duties of the board of directors of Enterprise
12149 Florida, Inc.—

12150 (1) In the performance of its functions and duties, the
12151 board of directors may establish, implement, and manage

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12152 policies, strategies, and programs for Enterprise Florida, Inc.,
12153 and its boards. These policies, strategies, and programs shall
12154 promote business formation, expansion, recruitment, and
12155 retention through aggressive marketing and international
12156 development and export assistance, which together lead to more
12157 and better jobs with higher wages for all geographic regions and
12158 communities of the state, including rural areas and urban core
12159 areas, and for all residents, including minorities. In
12160 developing such policies, strategies, and programs, the board of
12161 directors shall solicit advice from and consider the
12162 recommendations of its boards, any advisory committees or
12163 similar groups created by Enterprise Florida, Inc., and local
12164 and regional partners and Jobs Florida.

12165 (2) The board of directors shall, in conjunction with Jobs
12166 Florida ~~the Office of Tourism, Trade, and Economic Development~~,
12167 the Office of Urban Opportunities, and local and regional
12168 economic development partners, develop a strategic plan for
12169 economic development for the State of Florida. Such plan shall
12170 be submitted to the Governor, the President of the Senate, the
12171 Speaker of the House of Representatives, the Senate Minority
12172 Leader, and the House Minority Leader and shall be updated or
12173 modified before January 1 of each year. The plan must be
12174 approved by the board of directors prior to submission to the
12175 Governor and Legislature.

12176 (4)(a) The strategic plan shall also include
12177 recommendations regarding specific performance standards and
12178 measurable outcomes. Enterprise Florida, Inc., in consultation
12179 with Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12180 ~~Development~~ and the Office of Program Policy Analysis and

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12181 Government Accountability, shall establish performance-measure
12182 outcomes for Enterprise Florida, Inc., and its boards and
12183 advisory committees. Enterprise Florida, Inc., in consultation
12184 with Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12185 ~~Development~~ and the Office of Program Policy Analysis and
12186 Government Accountability, shall develop a plan for monitoring
12187 its operations to ensure that performance data are maintained
12188 and supported by records of the organization. On a biennial
12189 basis, Enterprise Florida, Inc., in consultation with Jobs
12190 Florida ~~the Office of Tourism, Trade, and Economic Development~~
12191 and the Office of Program Policy Analysis and Government
12192 Accountability, shall review the performance-measure outcomes
12193 for Enterprise Florida, Inc., and its boards, and make any
12194 appropriate modifications to them. In developing measurable
12195 objectives and performance outcomes, Enterprise Florida, Inc.,
12196 shall consider the effect of its programs, activities, and
12197 services on its client population. Enterprise Florida, Inc.,
12198 shall establish standards such as job growth among client firms,
12199 growth in the number and strength of businesses within targeted
12200 sectors, client satisfaction, including the satisfaction of its
12201 local and regional economic development partners, businesses
12202 retained and recruited statewide and within rural and urban core
12203 communities, employer wage growth, and increased export sales
12204 among client companies to use in evaluating performance toward
12205 accomplishing the mission of Enterprise Florida, Inc.

12206 Section 227. Section 288.9415, Florida Statutes, is amended
12207 to read:

12208 288.9415 International Trade Grants.—

12209 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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12210 ~~Development~~ in the Executive Office of the Governor may accept
12211 and administer moneys appropriated to Jobs Florida ~~the office~~
12212 for providing grants for promotion of international trade.

12213 (2) A county, municipality, economic development council,
12214 Space Florida, or a not-for-profit association of businesses
12215 organized to assist in the promotion of international trade may
12216 apply for a grant of state funds for the promotion of
12217 international trade.

12218 (3) Enterprise Florida, Inc., shall review each application
12219 for a grant to promote international trade and shall submit
12220 annually to Jobs Florida ~~the Office of Tourism, Trade, and~~
12221 ~~Economic Development~~ for approval lists of all recommended
12222 applications for the award of grants, arranged in order of
12223 priority. Jobs Florida ~~The Office of Tourism, Trade, and~~
12224 ~~Economic Development~~ may allocate grants only for projects that
12225 are approved or for which funds are appropriated by the
12226 Legislature. Projects approved and recommended by Enterprise
12227 Florida, Inc., which are not funded by the Legislature shall be
12228 retained on the project list for the following grant cycle only.
12229 All projects that are retained shall be required to submit such
12230 information as may be required by Jobs Florida ~~the Office of~~
12231 ~~Tourism, Trade, and Economic Development~~ as of the established
12232 deadline date of the latest grant cycle in order to adequately
12233 reflect the most current status of the project.

12234 Section 228. Subsection (2) of section 288.95155, Florida
12235 Statutes, is amended to read:

12236 288.95155 Florida Small Business Technology Growth
12237 Program.—

12238 (2)~~(a)~~ Enterprise Florida, Inc., shall establish a separate

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12239 small business technology growth account in the Florida
12240 Technology Research Investment Fund for purposes of this
12241 section. Moneys in the account shall consist of appropriations
12242 by the Legislature, proceeds of any collateral used to secure
12243 such assistance, transfers, fees assessed for providing or
12244 processing such financial assistance, grants, interest earnings,
12245 and earnings on financial assistance.

12246 ~~(b) For the 2009-2010 fiscal year only, Enterprise Florida,~~
12247 ~~Inc., shall advance up to \$600,000 from the account to the~~
12248 ~~Institute for Commercialization of Public Research for its~~
12249 ~~operations. This paragraph expires July 1, 2010.~~

12250 Section 229. Paragraph (e) of subsection (2), paragraph (a)
12251 of subsection (4), subsection (7), paragraph (b) of subsection
12252 (8), subsection (9), paragraph (1) of subsection (10), and
12253 subsection (15) of section 288.955, Florida Statutes, are
12254 amended, and present subsections (16) and (17) of that section
12255 are renumbered as subsections (15) and (16), respectively, to
12256 read:

12257 288.955 Scripps Florida Funding Corporation.—

12258 (2) CREATION.—

12259 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12260 ~~Development~~ shall provide administrative support to the
12261 corporation as requested by the corporation. In the event of the
12262 dissolution of the corporation, Jobs Florida ~~the office~~ shall be
12263 the corporation's successor in interest and shall assume all
12264 rights, duties, and obligations of the corporation under any
12265 contract to which the corporation is then a party and under law.

12266 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
12267 a board of directors.

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12268 (a) The board of directors shall consist of nine voting
12269 members, of whom the Governor shall appoint three, the President
12270 of the Senate shall appoint three, and the Speaker of the House
12271 of Representatives shall appoint three. The commissioner of Jobs
12272 Florida or the commissioner's designee ~~director of the Office of~~
12273 ~~Tourism, Trade, and Economic Development or the director's~~
12274 ~~designee~~ shall serve as an ex-officio, nonvoting member of the
12275 board of directors.

12276 (7) INVESTMENT OF FUNDS.—The corporation must enter into an
12277 agreement with the State Board of Administration under which
12278 funds received by the corporation from Jobs Florida ~~the Office~~
12279 ~~of Tourism, Trade, and Economic Development~~ which are not
12280 disbursed to the grantee shall be invested by the State Board of
12281 Administration on behalf of the corporation. Funds shall be
12282 invested in suitable instruments authorized under s. 215.47 and
12283 specified in investment guidelines established and agreed to by
12284 the State Board of Administration and the corporation.

12285 (8) CONTRACT.—

12286 (b) The contract, at a minimum, must contain provisions:

12287 1. Specifying the procedures and schedules that govern the
12288 disbursement of funds under this section and specifying the
12289 conditions or deliverables that the grantee must satisfy before
12290 the release of each disbursement.

12291 2. Requiring the grantee to submit to the corporation a
12292 business plan in a form and manner prescribed by the
12293 corporation.

12294 3. Prohibiting The Scripps Research Institute or the
12295 grantee from establishing other biomedical science or research
12296 facilities in any state other than this state or California for

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12297 a period of 12 years from the commencement of the contract.
12298 Nothing in this subparagraph shall prohibit the grantee from
12299 establishing or engaging in normal collaborative activities with
12300 other organizations.

12301 4. Governing the ownership of or security interests in real
12302 property and personal property, including, but not limited to,
12303 research equipment, obtained through the financial support of
12304 state or local government, including a provision that in the
12305 event of a breach of the contract or in the event the grantee
12306 ceases operations in this state, such property purchased with
12307 state funds shall revert to the state and such property
12308 purchased with local funds shall revert to the local governing
12309 authority.

12310 5. Requiring the grantee to be an equal opportunity
12311 employer.

12312 6. Requiring the grantee to maintain a policy of awarding
12313 preference in employment to residents of this state, as defined
12314 by law, except for professional scientific staff positions
12315 requiring a doctoral degree, postdoctoral training positions,
12316 and graduate student positions.

12317 7. Requiring the grantee to maintain a policy of making
12318 purchases from vendors in this state, to the extent it is cost-
12319 effective and scientifically sound.

12320 8. Requiring the grantee to use the Internet-based job-
12321 listing system of Jobs Florida ~~the Agency for Workforce~~
12322 ~~Innovation~~ in advertising employment opportunities.

12323 9. Requiring the grantee to establish accredited science
12324 degree programs.

12325 10. Requiring the grantee to establish internship programs

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12326 to create learning opportunities for educators and secondary,
12327 postsecondary, graduate, and doctoral students.

12328 11. Requiring the grantee to submit data to the corporation
12329 on the activities and performance during each fiscal year and to
12330 provide to the corporation an annual accounting of the
12331 expenditure of funds disbursed under this section.

12332 12. Establishing that the corporation shall review the
12333 activities of the grantee to assess the grantee's financial and
12334 operational compliance with the provisions of the contract and
12335 with relevant provisions of law.

12336 13. Authorizing the grantee, when feasible, to use
12337 information submitted by it to the Federal Government or to
12338 other organizations awarding research grants to the grantee to
12339 help meet reporting requirements imposed under this section or
12340 the contract, if the information satisfies the reporting
12341 standards of this section and the contract.

12342 14. Requiring the grantee during the first 7 years of the
12343 contract to create 545 positions and to acquire associated
12344 research equipment for the grantee's facility in this state, and
12345 pay for related maintenance of the equipment, in a total amount
12346 of not less than \$45 million.

12347 15. Requiring the grantee to progress in the creation of
12348 the total number of jobs prescribed in subparagraph 14. on the
12349 following schedule: At least 38 positions in the 1st year, 168
12350 positions in the 2nd year, 280 positions in the 3rd year, 367
12351 positions in the 4th year, 436 positions in the 5th year, 500
12352 positions in the 6th year, and 545 positions in the 7th year.
12353 The board may allow the grantee to deviate downward from such
12354 employee levels by 25 percent in any year, to allow the grantee

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12355 flexibility in achieving the objectives set forth in the
12356 business plan provided to the corporation; however, the grantee
12357 must have no fewer than 545 positions by the end of the 7th
12358 year.

12359 16. Requiring the grantee to allow the corporation to
12360 retain an independent certified public accountant licensed in
12361 this state pursuant to chapter 473 to inspect the records of the
12362 grantee in order to audit the expenditure of funds disbursed to
12363 the grantee. The independent certified public accountant shall
12364 not disclose any confidential or proprietary scientific
12365 information of the grantee.

12366 17. Requiring the grantee to purchase liability insurance
12367 and governing the coverage level of such insurance.

12368 (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
12369 prescribed in subsection (8), the contract between the
12370 corporation and the grantee shall include a provision that the
12371 grantee, in cooperation with Jobs Florida ~~the Office of Tourism,~~
12372 ~~Trade, and Economic Development~~, shall report to the corporation
12373 on performance expectations that reflect the aspirations of the
12374 Governor and the Legislature for the benefits accruing to this
12375 state as a result of the funds appropriated pursuant to this
12376 section. These shall include, but are not limited to,
12377 performance expectations addressing:

12378 (a) The number and dollar value of research grants obtained
12379 from the Federal Government or sources other than this state.

12380 (b) The percentage of total research dollars received by
12381 The Scripps Research Institute from sources other than this
12382 state which is used to conduct research activities by the
12383 grantee in this state.

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12384 (c) The number or value of patents obtained by the grantee.

12385 (d) The number or value of licensing agreements executed by
12386 the grantee.

12387 (e) The extent to which research conducted by the grantee
12388 results in commercial applications.

12389 (f) The number of collaborative agreements reached and
12390 maintained with colleges and universities in this state and with
12391 research institutions in this state, including agreements that
12392 foster participation in research opportunities by public and
12393 private colleges and universities and research institutions in
12394 this state with significant minority populations, including
12395 historically black colleges and universities.

12396 (g) The number of collaborative partnerships established
12397 and maintained with businesses in this state.

12398 (h) The total amount of funding received by the grantee
12399 from sources other than the State of Florida.

12400 (i) The number or value of spin-off businesses created in
12401 this state as a result of commercialization of the research of
12402 the grantee.

12403 (j) The number or value of businesses recruited to this
12404 state by the grantee.

12405 (k) The establishment and implementation of policies to
12406 promote supplier diversity using the guidelines developed by the
12407 Office of Supplier Diversity under s. 287.09451 and to comply
12408 with the ordinances, including any small business ordinances,
12409 enacted by the county and which are applicable to the biomedical
12410 research institution and campus located in this state.

12411 (l) The designation by the grantee of a representative to
12412 coordinate with the Office of Supplier Diversity.

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12413 (m) The establishment and implementation of a program to
12414 conduct workforce recruitment activities at public and private
12415 colleges and universities and community colleges in this state
12416 which request the participation of the grantee.

12417
12418 The contract shall require the grantee to provide information to
12419 the corporation on the progress in meeting these performance
12420 expectations on an annual basis. It is the intent of the
12421 Legislature that, in fulfilling its obligation to work with
12422 Florida's public and private colleges and universities, Scripps
12423 Florida work with such colleges and universities regardless of
12424 size.

12425 (10) DISBURSEMENT CONDITIONS.—In addition to the provisions
12426 prescribed in subsection (8), the contract between the
12427 corporation and the grantee shall include disbursement
12428 conditions that must be satisfied by the grantee as a condition
12429 for the continued disbursement of funds under this section.
12430 These disbursement conditions shall be negotiated between the
12431 corporation and the grantee and shall not be designed to impede
12432 the ability of the grantee to attain full operational status.
12433 The disbursement conditions may be appropriately varied as to
12434 timeframes, numbers, values, and percentages. The disbursement
12435 conditions shall include, but are not limited to, the following
12436 areas:

12437 (1) Beginning June 2004, the grantee shall commence
12438 collaboration efforts with Jobs Florida ~~the Office of Tourism,~~
12439 ~~Trade, and Economic Development~~ by complying with reasonable
12440 requests for cooperation in economic development efforts in the
12441 biomed/biotech industry. No later than July 2004, the grantee

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12442 shall designate a person who shall be charged with assisting in
12443 these collaborative efforts.

12444 ~~(15) PROGRAM EVALUATION.—~~

12445 ~~(a) Before January 1, 2007, the Office of Program Policy~~
12446 ~~Analysis and Government Accountability shall conduct a~~
12447 ~~performance audit of the Office of Tourism, Trade, and Economic~~
12448 ~~Development and the corporation relating to the provisions of~~
12449 ~~this section. The audit shall assess the implementation and~~
12450 ~~outcomes of activities under this section. At a minimum, the~~
12451 ~~audit shall address:~~

12452 ~~1. Performance of the Office of Tourism, Trade, and~~
12453 ~~Economic Development in disbursing funds appropriated under this~~
12454 ~~section.~~

12455 ~~2. Performance of the corporation in managing and enforcing~~
12456 ~~the contract with the grantee.~~

12457 ~~3. Compliance by the corporation with the provisions of~~
12458 ~~this section and the provisions of the contract.~~

12459 ~~4. Economic activity generated through funds disbursed~~
12460 ~~under the contract.~~

12461 ~~(b) Before January 1, 2010, the Office of Program Policy~~
12462 ~~Analysis and Government Accountability shall update the report~~
12463 ~~required under this subsection. In addition to addressing the~~
12464 ~~items prescribed in paragraph (a), the updated report shall~~
12465 ~~include a recommendation on whether the Legislature should~~
12466 ~~retain the statutory authority for the corporation.~~

12467
12468 ~~A report of each audit's findings and recommendations shall be~~
12469 ~~submitted to the Governor, the President of the Senate, and the~~
12470 ~~Speaker of the House of Representatives. In completing the~~

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12471 ~~performance audits required under this subsection, the Office of~~
12472 ~~Program Policy Analysis and Government Accountability shall~~
12473 ~~maximize the use of reports submitted by the grantee to the~~
12474 ~~Federal Government or to other organizations awarding research~~
12475 ~~grants to the grantee.~~

12476 Section 230. Subsections (3), (4), (5), and (6) of section
12477 288.9625, Florida Statutes, are amended to read:

12478 288.9625 Institute for the Commercialization of Public
12479 Research.—There is established the Institute for the
12480 Commercialization of Public Research.

12481 (3) The articles of incorporation of the institute must be
12482 approved in a written agreement with Jobs Florida Enterprise
12483 Florida, Inc. The agreement and the articles of incorporation
12484 shall:

12485 (a) Provide that the institute shall provide equal
12486 employment opportunities for all persons regardless of race,
12487 color, religion, gender, national origin, age, handicap, or
12488 marital status;

12489 (b) Provide that the institute is subject to the public
12490 records and meeting requirements of s. 24, Art. I of the State
12491 Constitution;

12492 (c) Provide that all officers, directors, and employees of
12493 the institute shall be governed by the code of ethics for public
12494 officers and employees as set forth in part III of chapter 112;

12495 (d) Provide that members of the board of directors of the
12496 institute are responsible for the prudent use of all public and
12497 private funds and that they will ensure that the use of funds is
12498 in accordance with all applicable laws, bylaws, and contractual
12499 requirements; and

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12500 (e) Provide that the fiscal year of the institute is from
12501 July 1 to June 30.

12502 (4) The affairs of the institute shall be managed by a
12503 board of directors who shall serve without compensation. Each
12504 director shall have only one vote. The chair of the board of
12505 directors shall be selected by a majority vote of the directors,
12506 a quorum being present. The board of directors shall consist of
12507 the following five members:

12508 (a) The commissioner of Jobs Florida ~~chair of Enterprise~~
12509 ~~Florida, Inc.~~, or the commissioner's ~~chair's~~ designee.

12510 (b) The president of the university where the institute is
12511 located or the president's designee unless multiple universities
12512 jointly sponsor the institute, in which case the presidents of
12513 the sponsoring universities shall agree upon a designee.

12514 (c) Three directors appointed by the Governor to 3-year
12515 staggered terms, to which the directors may be reappointed.

12516 (5) The board of directors shall provide a copy of the
12517 institute's annual report to the Governor, the President of the
12518 Senate, the Speaker of the House of Representatives, ~~Enterprise~~
12519 ~~Florida, Inc.~~, and the president of the university at which the
12520 institute is located.

12521 (6) Jobs Florida ~~Enterprise Florida, Inc.~~, the president
12522 and the board of trustees of the university where the institute
12523 is located, the Auditor General, and the Office of Program
12524 Policy Analysis and Government Accountability may require and
12525 receive from the institute or its independent auditor any detail
12526 or supplemental data relative to the operation of the institute.

12527 Section 231. Subsections (3), (8), and (9) of section
12528 288.975, Florida Statutes, are amended to read:

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12529 288.975 Military base reuse plans.—
12530 (3) No later than 6 months after the designation of a
12531 military base for closure by the Federal Government, each host
12532 local government shall notify the commissioner of Jobs Florida
12533 ~~secretary of the Department of Community Affairs and the~~
12534 ~~director of the Office of Tourism, Trade, and Economic~~
12535 ~~Development~~ in writing, by hand delivery or return receipt
12536 requested, as to whether it intends to use the optional
12537 provisions provided in this act. If a host local government does
12538 not opt to use the provisions of this act, land use planning and
12539 regulation pertaining to base reuse activities within those host
12540 local governments shall be subject to all applicable statutory
12541 requirements, including those contained within chapters 163 and
12542 380.

12543 (8) At the request of a host local government, Jobs Florida
12544 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12545 coordinate a presubmission workshop concerning a military base
12546 reuse plan within the boundaries of the host jurisdiction.
12547 Agencies that shall participate in the workshop shall include
12548 any affected local governments; the Department of Environmental
12549 Protection; Jobs Florida ~~the Office of Tourism, Trade, and~~
12550 ~~Economic Development; the Department of Community Affairs;~~ the
12551 Department of Transportation; the Department of Health; the
12552 Department of Children and Family Services; the Department of
12553 Juvenile Justice; the Department of Agriculture and Consumer
12554 Services; the Department of State; the Fish and Wildlife
12555 Conservation Commission; and any applicable water management
12556 districts and regional planning councils. The purposes of the
12557 workshop shall be to assist the host local government to

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12558 understand issues of concern to the above listed entities
12559 pertaining to the military base site and to identify
12560 opportunities for better coordination of planning and review
12561 efforts with the information and analyses generated by the
12562 federal environmental impact statement process and the federal
12563 community base reuse planning process.

12564 (9) If a host local government elects to use the optional
12565 provisions of this act, it shall, no later than 12 months after
12566 notifying the agencies of its intent pursuant to subsection (3)
12567 either:

12568 (a) Send a copy of the proposed military base reuse plan
12569 for review to any affected local governments; the Department of
12570 Environmental Protection; Jobs Florida ~~the Office of Tourism,~~
12571 ~~Trade, and Economic Development; the Department of Community~~
12572 ~~Affairs;~~ the Department of Transportation; the Department of
12573 Health; the Department of Children and Family Services; the
12574 Department of Juvenile Justice; the Department of Agriculture
12575 and Consumer Services; the Department of State; the Fish and
12576 Wildlife Conservation Commission; and any applicable water
12577 management districts and regional planning councils, or

12578 (b) Petition the commissioner of Jobs Florida ~~secretary of~~
12579 ~~the Department of Community Affairs~~ for an extension of the
12580 deadline for submitting a proposed reuse plan. Such an extension
12581 request must be justified by changes or delays in the closure
12582 process by the federal Department of Defense or for reasons
12583 otherwise deemed to promote the orderly and beneficial planning
12584 of the subject military base reuse. The commissioner of Jobs
12585 Florida ~~secretary of the Department of Community Affairs~~ may
12586 grant extensions to the required submission date of the reuse

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12587 plan.

12588 Section 232. Paragraphs (a) and (c) of subsection (2) and
12589 subsections (3), (4), (5), (6), (7), and (9) of section 288.980,
12590 Florida Statutes, are amended to read:

12591 288.980 Military base retention; legislative intent; grants
12592 program.—

12593 (2)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
12594 ~~Economic Development~~ is authorized to award grants from any
12595 funds available to it to support activities related to the
12596 retention of military installations potentially affected by
12597 federal base closure or realignment.

12598 (c) Except for grants issued pursuant to the Florida
12599 Military Installation Reuse Planning and Marketing Grant Program
12600 as described in paragraph (3)(c), the amount of any grant
12601 provided to an applicant may not exceed \$250,000. Jobs Florida
12602 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12603 require that an applicant:

12604 1. Represent a local government with a military
12605 installation or military installations that could be adversely
12606 affected by federal base realignment or closure.

12607 2. Agree to match at least 30 percent of any grant awarded.

12608 3. Prepare a coordinated program or plan of action
12609 delineating how the eligible project will be administered and
12610 accomplished.

12611 4. Provide documentation describing the potential for
12612 realignment or closure of a military installation located in the
12613 applicant's community and the adverse impacts such realignment
12614 or closure will have on the applicant's community.

12615 (3) The Florida Economic Reinvestment Initiative is

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12616 established to respond to the need for this state and defense-
12617 dependent communities in this state to develop alternative
12618 economic diversification strategies to lessen reliance on
12619 national defense dollars in the wake of base closures and
12620 reduced federal defense expenditures and the need to formulate
12621 specific base reuse plans and identify any specific
12622 infrastructure needed to facilitate reuse. The initiative shall
12623 consist of the following three distinct grant programs to be
12624 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
12625 ~~Economic Development~~:

12626 (a) The Florida Defense Planning Grant Program, through
12627 which funds shall be used to analyze the extent to which the
12628 state is dependent on defense dollars and defense infrastructure
12629 and prepare alternative economic development strategies. The
12630 state shall work in conjunction with defense-dependent
12631 communities in developing strategies and approaches that will
12632 help communities make the transition from a defense economy to a
12633 nondefense economy. Grant awards may not exceed \$250,000 per
12634 applicant and shall be available on a competitive basis.

12635 (b) The Florida Defense Implementation Grant Program,
12636 through which funds shall be made available to defense-dependent
12637 communities to implement the diversification strategies
12638 developed pursuant to paragraph (a). Eligible applicants include
12639 defense-dependent counties and cities, and local economic
12640 development councils located within such communities. Grant
12641 awards may not exceed \$100,000 per applicant and shall be
12642 available on a competitive basis. Awards shall be matched on a
12643 one-to-one basis.

12644

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12645 Applications for grants under this subsection must include a
12646 coordinated program of work or plan of action delineating how
12647 the eligible project will be administered and accomplished,
12648 which must include a plan for ensuring close cooperation between
12649 civilian and military authorities in the conduct of the funded
12650 activities and a plan for public involvement.

12651
12652 (4) The Defense Infrastructure Grant Program is created.
12653 The commissioner of Jobs Florida ~~director of the Office of~~
12654 ~~Tourism, Trade, and Economic Development~~ shall coordinate and
12655 implement this program, the purpose of which is to support local
12656 infrastructure projects deemed to have a positive impact on the
12657 military value of installations within the state. Funds are to
12658 be used for projects that benefit both the local community and
12659 the military installation. It is not the intent, however, to
12660 fund on-base military construction projects. Infrastructure
12661 projects to be funded under this program include, but are not
12662 limited to, those related to encroachment, transportation and
12663 access, utilities, communications, housing, environment, and
12664 security. Grant requests will be accepted only from economic
12665 development applicants serving in the official capacity of a
12666 governing board of a county, municipality, special district, or
12667 state agency that will have the authority to maintain the
12668 project upon completion. An applicant must represent a community
12669 or county in which a military installation is located. There is
12670 no limit as to the amount of any grant awarded to an applicant.
12671 A match by the county or local community may be required. Jobs
12672 Florida ~~The Office of Tourism, Trade, and Economic Development~~
12673 shall establish guidelines to implement the purpose of this

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12674 subsection.

12675 (5)(a) The Defense-Related Business Adjustment Program is
12676 hereby created. The commissioner of Jobs Florida ~~Director of the~~
12677 ~~Office of Tourism, Trade, and Economic Development~~ shall
12678 coordinate the development of the Defense-Related Business
12679 Adjustment Program. Funds shall be available to assist defense-
12680 related companies in the creation of increased commercial
12681 technology development through investments in technology. Such
12682 technology must have a direct impact on critical state needs for
12683 the purpose of generating investment-grade technologies and
12684 encouraging the partnership of the private sector and government
12685 defense-related business adjustment. The following areas shall
12686 receive precedence in consideration for funding commercial
12687 technology development: law enforcement or corrections,
12688 environmental protection, transportation, education, and health
12689 care. Travel and costs incidental thereto, and staff salaries,
12690 are not considered an "activity" for which grant funds may be
12691 awarded.

12692 (b) Jobs Florida ~~The Office~~ shall require that an
12693 applicant:

12694 1. Be a defense-related business that could be adversely
12695 affected by federal base realignment or closure or reduced
12696 defense expenditures.

12697 2. Agree to match at least 50 percent of any funds awarded
12698 by the department in cash or in-kind services. Such match shall
12699 be directly related to activities for which the funds are being
12700 sought.

12701 3. Prepare a coordinated program or plan delineating how
12702 the funds will be administered.

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12703 4. Provide documentation describing how defense-related
12704 realignment or closure will adversely impact defense-related
12705 companies.

12706 (6) The Retention of Military Installations Program is
12707 created. The commissioner of Jobs Florida ~~Director of the Office~~
12708 ~~of Tourism, Trade, and Economic Development~~ shall coordinate and
12709 implement this program. ~~The sum of \$1.2 million is appropriated~~
12710 ~~from the General Revenue Fund for fiscal year 1999-2000 to the~~
12711 ~~Office of Tourism, Trade, and Economic Development to implement~~
12712 ~~this program for military installations located in counties with~~
12713 ~~a population greater than 824,000. The funds shall be used to~~
12714 ~~assist military installations potentially affected by federal~~
12715 ~~base closure or realignment in covering current operating costs~~
12716 ~~in an effort to retain the installation in this state. An~~
12717 ~~eligible military installation for this program shall include a~~
12718 ~~provider of simulation solutions for war fighting~~
12719 ~~experimentation, testing, and training which employs at least~~
12720 ~~500 civilian and military employees and has been operating in~~
12721 ~~the state for a period of more than 10 years.~~

12722 (7) The commissioner of Jobs Florida ~~director~~ may award
12723 nonfederal matching funds specifically appropriated for
12724 construction, maintenance, and analysis of a Florida defense
12725 workforce database. Such funds will be used to create a registry
12726 of worker skills that can be used to match the worker needs of
12727 companies that are relocating to this state or to assist workers
12728 in relocating to other areas within this state where similar or
12729 related employment is available.

12730 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12731 ~~Development~~ shall establish guidelines to implement and carry

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12732 out the purpose and intent of this section.

12733 Section 233. Paragraphs (a), (e), and (f) of subsection (2)
12734 of section 288.984, Florida Statutes, are amended to read:

12735 288.984 Florida Council on Military Base and Mission
12736 Support.—The Florida Council on Military Base and Mission
12737 Support is established. The council shall provide oversight and
12738 direction for initiatives, claims, and actions taken on behalf
12739 of the state, its agencies, and political subdivisions under
12740 this part.

12741 (2) MEMBERSHIP.—

12742 (a) The council shall be composed of nine members. The
12743 President of the Senate, the Speaker of the House of
12744 Representatives, and the Governor shall each appoint three
12745 members as follows:

12746 1. The President of the Senate shall appoint one member of
12747 the Senate, one community representative from a community-based
12748 defense support organization, and one member who is a retired
12749 military general or flag-rank officer residing in this state or
12750 an executive officer of a defense contracting firm doing
12751 significant business in this state.

12752 2. The Speaker of the House of Representatives shall
12753 appoint one member of the House of Representatives, one
12754 community representative from a community-based defense support
12755 organization, and one member who is a retired military general
12756 or flag-rank officer residing in this state or an executive
12757 officer of a defense contracting firm doing significant business
12758 in this state.

12759 3. The Governor shall appoint the commissioner of Jobs
12760 Florida or the commissioner's designee ~~director or designee of~~

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12761 ~~the Office of Tourism, Trade, and Economic Development~~, the vice
12762 chairperson or designee of Enterprise Florida, Inc., and one at-
12763 large member.

12764 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12765 ~~Development~~ shall provide administrative support to the council.

12766 (f) ~~The Secretary of Community Affairs or his or her~~
12767 ~~designee~~, the Secretary of Environmental Protection or his or
12768 her designee, the Secretary of Transportation or his or her
12769 designee, the Adjutant General of the state or his or her
12770 designee, and the executive director of the Department of
12771 Veterans' Affairs or his or her designee shall attend meetings
12772 held by the council and provide assistance, information, and
12773 support as requested by the council.

12774 Section 234. Subsection (5) of section 288.9913, Florida
12775 Statutes, is amended, and present subsections (6) through (10)
12776 of that section are renumbered as subsections (5) through (9) of
12777 that section, to read:

12778 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
12779 term:

12780 (5) ~~"Office" means the Office of Tourism, Trade, and~~
12781 ~~Economic Development.~~

12782 Section 235. Subsections (1), (2), and (3), and paragraphs
12783 (a) and (b) of subsection (4), and subsection (6) of section
12784 288.9914, Florida Statutes, are amended to read:

12785 288.9914 Certification of qualified investments; investment
12786 issuance reporting.—

12787 (1) ELIGIBLE INDUSTRIES.—

12788 (a) Jobs Florida ~~The office~~, in consultation with
12789 Enterprise Florida, Inc., shall designate industries using the

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12790 North American Industry Classification System which are eligible
12791 to receive low-income community investments. The designated
12792 industries must be those industries that have the greatest
12793 potential to create strong positive impacts on or benefits to
12794 the state, regional, and local economies.

12795 (b) A qualified community development entity may not make a
12796 qualified low-income community investment in a business unless
12797 the principal activities of the business are within an eligible
12798 industry. Jobs Florida ~~the Office~~ may waive this limitation if
12799 the office determines that the investment will have a positive
12800 impact on a community.

12801 (2) APPLICATION.—A qualified community development entity
12802 must submit an application to Jobs Florida ~~the Office~~ to approve
12803 a proposed investment as a qualified investment. The application
12804 must include:

12805 (a) The name, address, and tax identification number of the
12806 qualified community development entity.

12807 (b) Proof of certification as a qualified community
12808 development entity under 26 U.S.C. s. 45D.

12809 (c) A copy of an allocation agreement executed by the
12810 entity, or its controlling entity, and the Community Development
12811 Financial Institutions Fund, which authorizes the entity to
12812 serve businesses in this state.

12813 (d) A verified statement by the chief executive officer of
12814 the entity that the allocation agreement remains in effect.

12815 (e) A description of the proposed amount, structure, and
12816 purchaser of an equity investment or long-term debt security.

12817 (f) The name and tax identification number of any person
12818 authorized to claim a tax credit earned as a result of the

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12819 purchase of the proposed qualified investment.

12820 (g) A detailed explanation of the proposed use of the
12821 proceeds from a proposed qualified investment.

12822 (h) A nonrefundable application fee of \$1,000, payable to
12823 Jobs Florida ~~the office~~.

12824 (i) A statement that the entity will invest only in the
12825 industries designated by Jobs Florida ~~the office~~.

12826 (j) The entity's plans for the development of relationships
12827 with community-based organizations, local community development
12828 offices and organizations, and economic development
12829 organizations. The entity must also explain steps it has taken
12830 to implement its plans to develop these relationships.

12831 (k) A statement that the entity will not invest in a
12832 qualified active low-income community business unless the
12833 business will create or retain jobs that pay an average wage of
12834 at least 115 percent of the federal poverty income guidelines
12835 for a family of four.

12836 (3) REVIEW.—

12837 (a) Jobs Florida ~~The office~~ shall review applications to
12838 approve an investment as a qualified investment in the order
12839 received. The office shall approve or deny an application within
12840 30 days after receipt.

12841 (b) If Jobs Florida ~~the office~~ intends to deny the
12842 application, the office shall inform the applicant of the basis
12843 of the proposed denial. The applicant shall have 15 days after
12844 it receives the notice of the intent to deny the application to
12845 submit a revised application to Jobs Florida ~~the office~~. Jobs
12846 Florida ~~the office~~ shall issue a final order approving or
12847 denying the revised application within 30 days after receipt.

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12848 (c) Jobs Florida ~~The office~~ may not approve a cumulative
12849 amount of qualified investments that may result in the claim of
12850 more than \$97.5 million in tax credits during the existence of
12851 the program or more than \$20 million in tax credits in a single
12852 state fiscal year. However, the potential for a taxpayer to
12853 carry forward an unused tax credit may not be considered in
12854 calculating the annual limit.

12855 (4) APPROVAL.—

12856 (a) Jobs Florida ~~The office~~ shall provide a copy of the
12857 final order approving an investment as a qualified investment to
12858 the qualified community development entity and to the
12859 department. The notice shall include the identity of the
12860 taxpayers who are eligible to claim the tax credits and the
12861 amount that may be claimed by each taxpayer.

12862 (b) Jobs Florida ~~The office~~ shall approve an application
12863 for part of the amount of the proposed investment if the amount
12864 of tax credits available is insufficient.

12865 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
12866 qualified community development entity must provide Jobs Florida
12867 ~~the office~~ with evidence of the receipt of the cash in exchange
12868 for the qualified investment within 30 business days after
12869 receipt.

12870 Section 236. Subsection (2) of section 288.9916, Florida
12871 Statutes, is amended to read:

12872 288.9916 New markets tax credit.—

12873 (2) A tax credit earned under this section may not be sold
12874 or transferred, except as provided in this subsection.

12875 (a) A partner, member, or shareholder of a partnership,
12876 limited liability company, S-corporation, or other "pass-

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12877 through" entity may claim the tax credit pursuant to an
12878 agreement among the partners, members, or shareholders. Any
12879 change in the allocation of a tax credit under the agreement
12880 must be reported to Jobs Florida ~~the office~~ and to the
12881 department.

12882 (b) Eligibility to claim a tax credit transfers to
12883 subsequent purchasers of a qualified investment. Such transfers
12884 must be reported to Jobs Florida ~~the office~~ and to the
12885 department along with the identity, tax identification number,
12886 and tax credit amount allocated to a taxpayer pursuant to
12887 paragraph (a). The notice of transfer also must state whether
12888 unused tax credits are being transferred and the amount of
12889 unused tax credits being transferred.

12890 Section 237. Section 288.9917, Florida Statutes, is amended
12891 to read:

12892 288.9917 Community development entity reporting after a
12893 credit allowance date; certification of tax credit amount.—

12894 (1) A qualified community development entity that has
12895 issued a qualified investment shall submit the following to Jobs
12896 Florida ~~the office~~ within 30 days after each credit allowance
12897 date:

12898 (a) A list of all qualified active low-income community
12899 businesses in which a qualified low-income community investment
12900 was made since the last credit allowance date. The list shall
12901 also describe the type and amount of investment in each business
12902 and the address of the principal location of each business. The
12903 list must be verified by the chief executive officer of the
12904 community development entity.

12905 (b) Bank records, wire transfer records, or similar

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12906 documents that provide evidence of the qualified low-income
12907 community investments made since the last credit allowance date.

12908 (c) A verified statement by the chief financial or
12909 accounting officer of the community development entity that no
12910 redemption or principal repayment was made with respect to the
12911 qualified investment since the previous credit allowance date.

12912 (d) Information relating to the recapture of the federal
12913 new markets tax credit since the last credit allowance date.

12914 (2) Jobs Florida ~~The office~~ shall certify in writing to the
12915 qualified community development entity and to the department the
12916 amount of the tax credit authorized for each taxpayer eligible
12917 to claim the tax credit in the tax year containing the last
12918 credit allowance date.

12919 Section 238. Section 288.9918, Florida Statutes, is amended
12920 to read:

12921 288.9918 Annual reporting by a community development
12922 entity.—A community development entity that has issued a
12923 qualified investment shall submit an annual report to Jobs
12924 Florida ~~the office~~ by April 30 after the end of each year which
12925 includes a credit allowance date. The report shall include:

12926 (1) The entity's annual financial statements for the
12927 preceding tax year, audited by an independent certified public
12928 accountant.

12929 (2) The identity of the types of industries, identified by
12930 the North American Industry Classification System Code, in which
12931 qualified low-income community investments were made.

12932 (3) The names of the counties in which the qualified active
12933 low-income businesses are located which received qualified low-
12934 income community investments.

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12935 (4) The number of jobs created and retained by qualified
12936 active low-income community businesses receiving qualified low-
12937 income community investments, including verification that the
12938 average wages paid meet or exceed 115 percent of the federal
12939 poverty income guidelines for a family of four.

12940 (5) A description of the relationships that the entity has
12941 established with community-based organizations and local
12942 community development offices and organizations and a summary of
12943 the outcomes resulting from those relationships.

12944 (6) Other information and documentation required by Jobs
12945 Florida ~~the office~~ to verify continued certification as a
12946 qualified community development entity under 26 U.S.C. s. 45D.

12947 Section 239. Section 288.9919, Florida Statutes, is amended
12948 to read:

12949 288.9919 Audits and examinations; penalties.—

12950 (1) AUDITS.—A community development entity that issues an
12951 investment approved by Jobs Florida ~~the office~~ as a qualified
12952 investment shall be deemed a recipient of state financial
12953 assistance under s. 215.97, the Florida Single Audit Act.
12954 However, an entity that makes a qualified investment or receives
12955 a qualified low-income community investment is not a
12956 subrecipient for the purposes of s. 215.97.

12957 (2) EXAMINATIONS.—Jobs Florida ~~the office~~ may conduct
12958 examinations to verify compliance with the New Markets
12959 Development Program Act.

12960 Section 240. Section 288.9920, Florida Statutes, is amended
12961 to read:

12962 288.9920 Recapture and penalties.—

12963 (1) Notwithstanding s. 95.091, Jobs Florida ~~the office~~

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12964 shall direct the department, at any time before December 31,
12965 2022, to recapture all or a portion of a tax credit authorized
12966 pursuant to the New Markets Development Program Act if one or
12967 more of the following occur:

12968 (a) The Federal Government recaptures any portion of the
12969 federal new markets tax credit. The recapture by the department
12970 shall equal the recapture by the Federal Government.

12971 (b) The qualified community development entity redeems or
12972 makes a principal repayment on a qualified investment before the
12973 final allowance date. The recapture by the department shall
12974 equal the redemption or principal repayment divided by the
12975 purchase price and multiplied by the tax credit authorized to a
12976 taxpayer for the qualified investment.

12977 (c)1. The qualified community development entity fails to
12978 invest at least 85 percent of the purchase price in qualified
12979 low-income community investments within 12 months after the
12980 issuance of a qualified investment; or

12981 2. The qualified community development entity fails to
12982 maintain 85 percent of the purchase price in qualified low-
12983 income community investments until the last credit allowance
12984 date for a qualified investment.

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12986 For the purposes of this paragraph, an investment by a qualified
12987 community development entity includes principal recovered from
12988 an investment for 12 months after its recovery or principal
12989 recovered after the sixth credit allowance date. Principal held
12990 for longer than 12 months or recovered before the sixth credit
12991 allowance date is not an investment unless it is reinvested in a
12992 qualified low-income community investment.

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12993 (d) The qualified community development entity fails to
12994 provide Jobs Florida ~~the office~~ with information, reports, or
12995 documentation required by the New Markets Development Program
12996 Act.

12997 (e) Jobs Florida ~~The office~~ determines that a taxpayer
12998 received tax credits to which the taxpayer was not entitled.

12999 (2) Jobs Florida ~~The office~~ shall provide notice to the
13000 qualified community development entity and the department of a
13001 proposed recapture of a tax credit. The entity shall have 6
13002 months following the receipt of the notice to cure a deficiency
13003 identified in the notice and avoid recapture. Jobs Florida ~~the~~
13004 ~~office~~ shall issue a final order of recapture if the entity
13005 fails to cure a deficiency within the 6-month period. The final
13006 order of recapture shall be provided to the entity, the
13007 department, and a taxpayer otherwise authorized to claim the tax
13008 credit. Only one correction is permitted for each qualified
13009 equity investment during the 7-year credit period. Recaptured
13010 funds shall be deposited into the General Revenue Fund.

13011 (3) An entity that submits fraudulent information to Jobs
13012 Florida ~~the office~~ is liable for the costs associated with the
13013 investigation and prosecution of the fraudulent claim plus a
13014 penalty in an amount equal to double the tax credits claimed by
13015 investors in the entity's qualified investments. This penalty is
13016 in addition to any other penalty that may be imposed by law.

13017 Section 241. Section 288.9921, Florida Statutes, is amended
13018 to read:

13019 288.9921 Rulemaking.—Jobs Florida ~~the Office~~ and the
13020 Department of Revenue may adopt rules pursuant to ss. 120.536(1)
13021 and 120.54 to administer ss. 288.991-288.9920.

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13022 Section 242. Subsection (5) of section 290.004, Florida
13023 Statutes, is amended, and present subsections (6) and (7) of
13024 that subsection are renumbered as subsections (5) and (6),
13025 respectively, to read:

13026 290.004 Definitions relating to Florida Enterprise Zone
13027 Act.—As used in ss. 290.001-290.016:

13028 ~~(5) "Office" means The Office of Tourism, Trade, and~~
13029 ~~Economic Development.~~

13030 Section 243. Subsection (1) and paragraphs (a) and (b) of
13031 subsection (6) of section 290.0055, Florida Statutes, are
13032 amended to read:

13033 290.0055 Local nominating procedure.—

13034 (1) If, pursuant to s. 290.0065, an opportunity exists for
13035 designation of a new enterprise zone, any county or
13036 municipality, or a county and one or more municipalities
13037 together, may apply to Jobs Florida ~~the office~~ for the
13038 designation of an area as an enterprise zone after completion of
13039 the following:

13040 (a) The adoption by the governing body or bodies of a
13041 resolution which:

13042 1. Finds that an area exists in such county or
13043 municipality, or in both the county and one or more
13044 municipalities, which chronically exhibits extreme and
13045 unacceptable levels of poverty, unemployment, physical
13046 deterioration, and economic disinvestment;

13047 2. Determines that the rehabilitation, conservation, or
13048 redevelopment, or a combination thereof, of such area is
13049 necessary in the interest of the public health, safety, and
13050 welfare of the residents of such county or municipality, or such

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13051 county and one or more municipalities; and

13052 3. Determines that the revitalization of such area can
13053 occur only if the private sector can be induced to invest its
13054 own resources in productive enterprises that build or rebuild
13055 the economic viability of the area.

13056 (b) The creation of an enterprise zone development agency
13057 pursuant to s. 290.0056.

13058 (c) The creation and adoption of a strategic plan pursuant
13059 to s. 290.0057.

13060 (6)(a) Jobs Florida ~~The office~~ may approve a change in the
13061 boundary of any enterprise zone which was designated pursuant to
13062 s. 290.0065. A boundary change must continue to satisfy the
13063 requirements of subsections (3), (4), and (5).

13064 (b) Upon a recommendation by the enterprise zone
13065 development agency, the governing body of the jurisdiction which
13066 authorized the application for an enterprise zone may apply to
13067 Jobs Florida ~~the Office~~ for a change in boundary once every 3
13068 years by adopting a resolution that:

13069 1. States with particularity the reasons for the change;
13070 and

13071 2. Describes specifically and, to the extent required by
13072 Jobs Florida ~~the office~~, the boundary change to be made.

13073 Section 244. Subsections (11) and (12) of section 290.0056,
13074 Florida Statutes, are amended to read:

13075 290.0056 Enterprise zone development agency.—

13076 (11) Prior to December 1 of each year, the agency shall
13077 submit to Jobs Florida ~~the Office of Tourism, Trade, and~~
13078 ~~Economic Development~~ a complete and detailed written report
13079 setting forth:

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13080 (a) Its operations and accomplishments during the fiscal
13081 year.

13082 (b) The accomplishments and progress concerning the
13083 implementation of the strategic plan or measurable goals, and
13084 any updates to the strategic plan or measurable goals.

13085 (c) The number and type of businesses assisted by the
13086 agency during the fiscal year.

13087 (d) The number of jobs created within the enterprise zone
13088 during the fiscal year.

13089 (e) The usage and revenue impact of state and local
13090 incentives granted during the calendar year.

13091 (f) Any other information required by Jobs Florida ~~the~~
13092 ~~office~~.

13093 (12) In the event that the nominated area selected by the
13094 governing body is not designated a state enterprise zone, the
13095 governing body may dissolve the agency after receiving
13096 notification from Jobs Florida ~~the office~~ that the area was not
13097 designated as an enterprise zone.

13098 Section 245. Subsections (2) and (4), paragraph (a) of
13099 subsection (6), and subsection (7) of section 290.0065, Florida
13100 Statutes, are amended to read:

13101 290.0065 State designation of enterprise zones.—

13102 (2) If, pursuant to subsection (4), Jobs Florida ~~the office~~
13103 does not redesignate an enterprise zone, a governing body of a
13104 county or municipality or the governing bodies of a county and
13105 one or more municipalities jointly, pursuant to s. 290.0055, may
13106 apply for designation of an enterprise zone to take the place of
13107 the enterprise zone not redesignated and request designation of
13108 an enterprise zone. Jobs Florida ~~the Office~~, in consultation

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13109 with Enterprise Florida, Inc., shall determine which areas
13110 nominated by such governing bodies meet the criteria outlined in
13111 s. 290.0055 and are the most appropriate for designation as
13112 state enterprise zones. Each application made pursuant to s.
13113 290.0055 shall be ranked competitively based on the pervasive
13114 poverty, unemployment, and general distress of the area; the
13115 strategic plan, including local fiscal and regulatory
13116 incentives, prepared pursuant to s. 290.0057; and the prospects
13117 for new investment and economic development in the area.
13118 Pervasive poverty, unemployment, and general distress shall be
13119 weighted 35 percent; strategic plan and local fiscal and
13120 regulatory incentives shall be weighted 40 percent; and
13121 prospects for new investment and economic development in the
13122 area shall be weighted 25 percent.

13123 (4)(a) Notwithstanding s. 290.0055, Jobs Florida ~~the office~~
13124 may redesignate any state enterprise zone having an effective
13125 date on or before January 1, 2005, as a state enterprise zone
13126 upon completion and submittal to the office by the governing
13127 body for an enterprise zone of the following:

13128 1. An updated zone profile for the enterprise zone based on
13129 the most recent census data that complies with s. 290.0055,
13130 except that pervasive poverty criteria may be set aside for
13131 rural enterprise zones.

13132 2. A resolution passed by the governing body for that
13133 enterprise zone requesting redesignation and explaining the
13134 reasons the conditions of the zone merit redesignation.

13135 3. Measurable goals for the enterprise zone developed by
13136 the enterprise zone development agency, which may be the goals
13137 established in the enterprise zone's strategic plan.

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The governing body may also submit a request for a boundary change in an enterprise zone in the same application to Jobs Florida ~~the office~~ as long as the new area complies with the requirements of s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

(b) In consultation with Enterprise Florida, Inc., Jobs Florida ~~the office~~ shall, based on the enterprise zone profile and the grounds for redesignation expressed in the resolution, determine whether the enterprise zone merits redesignation. Jobs Florida ~~the office~~ may also examine and consider the following:

1. Progress made, if any, in the enterprise zone's strategic plan.
2. Use of enterprise zone incentives during the life of the enterprise zone.

If Jobs Florida ~~the office~~ determines that the enterprise zone merits redesignation, Jobs Florida ~~the office~~ shall notify the governing body in writing of its approval of redesignation.

(c) If the enterprise zone is redesignated, Jobs Florida ~~the office~~ shall determine if the measurable goals submitted are reasonable. If Jobs Florida ~~the office~~ determines that the goals are reasonable, it ~~the office~~ shall notify the governing body in writing that the goals have been approved.

(d) If Jobs Florida ~~the office~~ denies redesignation of an enterprise zone, it ~~the Office~~ shall notify the governing body in writing of the denial. Any county or municipality having jurisdiction over an area denied redesignation as a state enterprise zone pursuant to this subsection may not apply for

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13167 designation of that area for 1 year following the date of
13168 denial.

13169 (6)(a) Jobs Florida ~~the office~~, in consultation with
13170 Enterprise Florida, Inc., may develop guidelines necessary for
13171 the approval of areas under this section by the director.

13172 (7) Upon approval by the commissioner of Jobs Florida
13173 ~~director~~ of a resolution authorizing an area to be an enterprise
13174 zone pursuant to this section, Jobs Florida ~~the office~~ shall
13175 assign a unique identifying number to that resolution. Jobs
13176 Florida ~~the office~~ shall provide the Department of Revenue and
13177 Enterprise Florida, Inc., with a copy of each resolution
13178 approved, together with its identifying number.

13179 Section 246. Subsection (1) of section 290.0066, Florida
13180 Statutes, is amended to read:

13181 290.0066 Revocation of enterprise zone designation.—

13182 (1) The commissioner of Jobs Florida ~~director~~ may revoke
13183 the designation of an enterprise zone if the commissioner
13184 ~~director~~ determines that the governing body or bodies:

13185 (a) Have failed to make progress in achieving the
13186 benchmarks set forth in the strategic plan or measurable goals;
13187 or

13188 (b) Have not complied substantially with the strategic plan
13189 or measurable goals.

13190 Section 247. Section 290.00710, Florida Statutes, is
13191 amended to read:

13192 290.00710 Enterprise zone designation for the City of
13193 Lakeland.—The City of Lakeland may apply to Jobs Florida ~~the~~
13194 ~~Office of Tourism, Trade, and Economic Development~~ for
13195 designation of one enterprise zone for an area within the City

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13196 of Lakeland, which zone shall encompass an area up to 10 square
13197 miles. The application must be submitted by December 31, 2005,
13198 and must comply with the requirements of s. 290.0055.

13199 Notwithstanding s. 290.0065, limiting the total number of
13200 enterprise zones designated and the number of enterprise zones
13201 within a population category, Jobs Florida ~~the Office of~~
13202 ~~Tourism, Trade, and Economic Development~~ may designate one
13203 enterprise zone under this section. Jobs Florida ~~The Office of~~
13204 ~~Tourism, Trade, and Economic Development~~ shall establish the
13205 initial effective date of the enterprise zone designated
13206 pursuant to this section.

13207 Section 248. Section 290.0072, Florida Statutes, is amended
13208 to read:

13209 290.0072 Enterprise zone designation for the City of Winter
13210 Haven.—The City of Winter Haven may apply to Jobs Florida ~~the~~
13211 ~~Office of Tourism, Trade, and Economic Development~~ for
13212 designation of one enterprise zone for an area within the City
13213 of Winter Haven, which zone shall encompass an area up to 5
13214 square miles. Notwithstanding s. 290.0065 limiting the total
13215 number of enterprise zones designated and the number of
13216 enterprise zones within a population category, Jobs Florida ~~the~~
13217 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13218 one enterprise zone under this section. Jobs Florida ~~The Office~~
13219 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13220 initial effective date of the enterprise zone designated
13221 pursuant to this section.

13222 Section 249. Section 290.00725, Florida Statutes, is
13223 amended to read:

13224 290.00725 Enterprise zone designation for the City of

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13225 Ocala.—The City of Ocala may apply to Jobs Florida ~~the Office of~~
13226 ~~Tourism, Trade, and Economic Development~~ for designation of one
13227 enterprise zone for an area within the western portion of the
13228 city, which zone shall encompass an area up to 5 square miles.
13229 The application must be submitted by December 31, 2009, and must
13230 comply with the requirements of s. 290.0055. Notwithstanding s.
13231 290.0065 limiting the total number of enterprise zones
13232 designated and the number of enterprise zones within a
13233 population category, Jobs Florida ~~the Office of Tourism, Trade,~~
13234 ~~and Economic Development~~ may designate one enterprise zone under
13235 this section. Jobs Florida ~~The Office of Tourism, Trade, and~~
13236 ~~Economic Development~~ shall establish the initial effective date
13237 of the enterprise zone designated under this section.

13238 Section 250. Section 290.0073, Florida Statutes, is amended
13239 to read:

13240 290.0073 Enterprise zone designation for Indian River
13241 County, the City of Vero Beach, and the City of Sebastian.—
13242 Indian River County, the City of Vero Beach, and the City of
13243 Sebastian may jointly apply to Jobs Florida ~~the Office of~~
13244 ~~Tourism, Trade, and Economic Development~~ for designation of one
13245 enterprise zone encompassing an area not to exceed 10 square
13246 miles. The application must be submitted by December 31, 2005,
13247 and must comply with the requirements of s. 290.0055.
13248 Notwithstanding the provisions of s. 290.0065 limiting the total
13249 number of enterprise zones designated and the number of
13250 enterprise zones within a population category, Jobs Florida ~~the~~
13251 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13252 one enterprise zone under this section. Jobs Florida ~~The Office~~
13253 ~~of Tourism, Trade, and Economic Development~~ shall establish the

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13254 initial effective date of the enterprise zone designated
13255 pursuant to this section.

13256 Section 251. Section 290.0074, Florida Statutes, is amended
13257 to read:

13258 290.0074 Enterprise zone designation for Sumter County.—
13259 Sumter County may apply to Jobs Florida ~~the Office of Tourism,~~
13260 ~~Trade, and Economic Development~~ for designation of one
13261 enterprise zone encompassing an area not to exceed 10 square
13262 miles. The application must be submitted by December 31, 2005.
13263 Notwithstanding the provisions of s. 290.0065 limiting the total
13264 number of enterprise zones designated and the number of
13265 enterprise zones within a population category, Jobs Florida ~~the~~
13266 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13267 one enterprise zone under this section. Jobs Florida ~~The Office~~
13268 ~~of Tourism, Trade and Economic Development~~ shall establish the
13269 initial effective date of the enterprise zone designated
13270 pursuant to this section.

13271 Section 252. Section 290.0077, Florida Statutes, is amended
13272 to read:

13273 290.0077 Enterprise zone designation for Orange County and
13274 the municipality of Apopka.—Orange County and the municipality
13275 of Apopka may jointly apply to Jobs Florida ~~the Office of~~
13276 ~~Tourism, Trade, and Economic Development~~ for designation of one
13277 enterprise zone. The application must be submitted by December
13278 31, 2005, and must comply with the requirements of s. 290.0055.
13279 Notwithstanding the provisions of s. 290.0065 limiting the total
13280 number of enterprise zones designated and the number of
13281 enterprise zones within a population category, Jobs Florida ~~the~~
13282 ~~Office of Tourism, Trade, and Economic Development~~ may designate

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13283 one enterprise zone under this section. Jobs Florida ~~The Office~~
13284 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13285 initial effective date of the enterprise zone designated
13286 pursuant to this section.

13287 Section 253. Section 290.014, Florida Statutes, is amended
13288 to read:

13289 290.014 Annual reports on enterprise zones.—

13290 (1) By February 1 of each year, the Department of Revenue
13291 shall submit an annual report to Jobs Florida ~~the Office of~~
13292 ~~Tourism, Trade, and Economic Development~~ detailing the usage and
13293 revenue impact by county of the state incentives listed in s.
13294 290.007.

13295 (2) By March 1 of each year, Jobs Florida ~~the office~~ shall
13296 submit an annual report to the Governor, the Speaker of the
13297 House of Representatives, and the President of the Senate. The
13298 report shall include the information provided by the Department
13299 of Revenue pursuant to subsection (1) and the information
13300 provided by enterprise zone development agencies pursuant to s.
13301 290.0056. In addition, the report shall include an analysis of
13302 the activities and accomplishments of each enterprise zone.

13303 Section 254. Subsections (3), (5), (8), (9), (10), and (11)
13304 of section 311.09, Florida Statutes, are amended to read:

13305 311.09 Florida Seaport Transportation and Economic
13306 Development Council.—

13307 (3) The council shall prepare a 5-year Florida Seaport
13308 Mission Plan defining the goals and objectives of the council
13309 concerning the development of port facilities and an intermodal
13310 transportation system consistent with the goals of the Florida
13311 Transportation Plan developed pursuant to s. 339.155. The

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13312 Florida Seaport Mission Plan shall include specific
 13313 recommendations for the construction of transportation
 13314 facilities connecting any port to another transportation mode
 13315 and for the efficient, cost-effective development of
 13316 transportation facilities or port facilities for the purpose of
 13317 enhancing international trade, promoting cargo flow, increasing
 13318 cruise passenger movements, increasing port revenues, and
 13319 providing economic benefits to the state. The council shall
 13320 update the 5-year Florida Seaport Mission Plan annually and
 13321 shall submit the plan no later than February 1 of each year to
 13322 the President of the Senate, + the Speaker of the House of
 13323 Representatives, + Jobs Florida, ~~the Office of Tourism, Trade,~~
 13324 ~~and Economic Development;~~ and the Department of Transportation~~+~~
 13325 ~~and the Department of Community Affairs~~. The council shall
 13326 develop programs, based on an examination of existing programs
 13327 in Florida and other states, for the training of minorities and
 13328 secondary school students in job skills associated with
 13329 employment opportunities in the maritime industry, and report on
 13330 progress and recommendations for further action to the President
 13331 of the Senate and the Speaker of the House of Representatives
 13332 annually.

13333 (5) The council shall review and approve or disapprove each
 13334 project eligible to be funded pursuant to the Florida Seaport
 13335 Transportation and Economic Development Program. The council
 13336 shall annually submit to the Secretary of Transportation and
 13337 the commissioner of Jobs Florida ~~director of the Office of~~
 13338 ~~Tourism, Trade, and Economic Development;~~ and the Secretary of
 13339 ~~Community Affairs~~ a list of projects which have been approved by
 13340 the council. The list shall specify the recommended funding

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13341 level for each project; and, if staged implementation of the
13342 project is appropriate, the funding requirements for each stage
13343 shall be specified.

13344 (8) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13345 ~~Development~~, in consultation with Enterprise Florida, Inc.,
13346 shall review the list of projects approved by the council to
13347 evaluate the economic benefit of the project and to determine
13348 whether the project is consistent with the Florida Seaport
13349 Mission Plan. Jobs Florida ~~The Office of Tourism, Trade, and~~
13350 ~~Economic Development~~ shall review the economic benefits of each
13351 project based upon the rules adopted pursuant to subsection (4).
13352 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13353 ~~Development~~ shall identify those projects which it has
13354 determined do not offer an economic benefit to the state or are
13355 not consistent with the Florida Seaport Mission Plan and shall
13356 notify the council of its findings.

13357 (9) The council shall review the findings of Jobs Florida
13358 ~~the Department of Community Affairs; the Office of Tourism,~~
13359 ~~Trade, and Economic Development;~~ and the Department of
13360 Transportation. Projects found to be inconsistent pursuant to
13361 subsections (6), (7), and (8) and projects which have been
13362 determined not to offer an economic benefit to the state
13363 pursuant to subsection (8) shall not be included in the list of
13364 projects to be funded.

13365 (10) The Department of Transportation shall include in its
13366 annual legislative budget request a Florida Seaport
13367 Transportation and Economic Development grant program for
13368 expenditure of funds of not less than \$8 million per year. Such
13369 budget shall include funding for projects approved by the

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13370 council which have been determined by each agency to be
13371 consistent and which have been determined by Jobs Florida ~~the~~
13372 ~~Office of Tourism, Trade, and Economic Development~~ to be
13373 economically beneficial. The department shall include the
13374 specific approved seaport projects to be funded under this
13375 section during the ensuing fiscal year in the tentative work
13376 program developed pursuant to s. 339.135(4). The total amount of
13377 funding to be allocated to seaport projects under s. 311.07
13378 during the successive 4 fiscal years shall also be included in
13379 the tentative work program developed pursuant to s. 339.135(4).
13380 The council may submit to the department a list of approved
13381 projects that could be made production-ready within the next 2
13382 years. The list shall be submitted by the department as part of
13383 the needs and project list prepared pursuant to s.
13384 339.135(2)(b). However, the department shall, upon written
13385 request of the Florida Seaport Transportation and Economic
13386 Development Council, submit work program amendments pursuant to
13387 s. 339.135(7) to the Governor within 10 days after the later of
13388 the date the request is received by the department or the
13389 effective date of the amendment, termination, or closure of the
13390 applicable funding agreement between the department and the
13391 affected seaport, as required to release the funds from the
13392 existing commitment. Notwithstanding s. 339.135(7)(c), any work
13393 program amendment to transfer prior year funds from one approved
13394 seaport project to another seaport project is subject to the
13395 procedures in s. 339.135(7)(d). Notwithstanding any provision of
13396 law to the contrary, the department may transfer unexpended
13397 budget between the seaport projects as identified in the
13398 approved work program amendments.

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13399 (11) The council shall meet at the call of its chairperson,
13400 at the request of a majority of its membership, or at such times
13401 as may be prescribed in its bylaws. However, the council must
13402 meet at least semiannually. A majority of voting members of the
13403 council constitutes a quorum for the purpose of transacting the
13404 business of the council. All members of the council are voting
13405 members. A vote of the majority of the voting members present is
13406 sufficient for any action of the council, except that a member
13407 representing the Department of Transportation, ~~the Department of~~
13408 ~~Community Affairs,~~ or Jobs Florida ~~the Office of Tourism, Trade,~~
13409 ~~and Economic Development~~ may vote to overrule any action of the
13410 council approving a project pursuant to subsection (5). The
13411 bylaws of the council may require a greater vote for a
13412 particular action.

13413 Section 255. Section 311.11, Florida Statutes, is amended
13414 to read:

13415 311.11 Seaport Employment Training Grant Program.—

13416 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13417 ~~Development~~, in cooperation with the Florida Seaport
13418 Transportation and Economic Development Council, shall establish
13419 a Seaport Employment Training Grant Program within Jobs Florida
13420 ~~the Office~~. Jobs Florida ~~the office~~ shall grant funds
13421 appropriated by the Legislature to the program for the purpose
13422 of stimulating and supporting seaport training and employment
13423 programs which will seek to match state and local training
13424 programs with identified job skills associated with employment
13425 opportunities in the port, maritime, and transportation
13426 industries, and for the purpose of providing such other
13427 training, educational, and information services as required to

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13428 stimulate jobs in the described industries. Funds may be used
13429 for the purchase of equipment to be used for training purposes,
13430 hiring instructors, and any other purpose associated with the
13431 training program. The ~~office's~~ contribution of Jobs Florida to
13432 any specific training program may not exceed 50 percent of the
13433 total cost of the program. Matching contributions may include
13434 services in kind, including, but not limited to, training
13435 instructors, equipment usage, and training facilities.

13436 (2) Jobs Florida ~~The Office~~ shall adopt criteria to
13437 implement this section.

13438 Section 256. Paragraphs (i) and (l) of subsection (1) of
13439 section 311.115, Florida Statutes, are amended to read:

13440 311.115 Seaport Security Standards Advisory Council.—The
13441 Seaport Security Standards Advisory Council is created under the
13442 Office of Drug Control. The council shall serve as an advisory
13443 council as provided in s. 20.03(7).

13444 (1) The members of the council shall be appointed by the
13445 Governor and consist of the following:

13446 (i) One representative of Jobs Florida ~~member from the~~
13447 ~~Office of Tourism, Trade, and Economic Development.~~

13448 (1) The Director of the Office ~~Division~~ of Emergency
13449 Management, or his or her designee.

13450 Section 257. Subsection (2) of section 311.22, Florida
13451 Statutes, is amended to read:

13452 311.22 Additional authorization for funding certain
13453 dredging projects.—

13454 (2) The council shall adopt rules for evaluating the
13455 projects that may be funded pursuant to this section. The rules
13456 must provide criteria for evaluating the economic benefit of the

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13457 project. The rules must include the creation of an
13458 administrative review process by the council which is similar to
13459 the process described in s. 311.09(5)-(12), and provide for a
13460 review by ~~the Department of Community Affairs,~~ the Department of
13461 Transportation, and Jobs Florida ~~the Office of Tourism, Trade,~~
13462 ~~and Economic Development~~ of all projects submitted for funding
13463 under this section.

13464 Section 258. Subsections (2), (3), and (6), of section
13465 331.3051, Florida Statutes, are amended to read:

13466 331.3051 Duties of Space Florida.—Space Florida shall:

13467 (2) Enter into agreement with Jobs Florida, the Department
13468 of Education, the Department of Transportation, Enterprise
13469 Florida, Inc., and Workforce Florida, Inc., for the purpose of
13470 implementing this act.

13471 (3) In cooperation with Jobs Florida and Enterprise
13472 Florida, Inc., develop a plan to retain, expand, attract, and
13473 create aerospace industry entities, public or private, which
13474 results in the creation of high-value-added businesses and jobs
13475 in this state.

13476 (6) Develop, in cooperation with Jobs Florida and
13477 Enterprise Florida, Inc., a plan to provide financing assistance
13478 to aerospace businesses. The plan may include the following
13479 activities:

13480 (a) Assembling, publishing, and disseminating information
13481 concerning financing opportunities and techniques for aerospace
13482 projects, programs, and activities; sources of public and
13483 private aerospace financing assistance; and sources of
13484 aerospace-related financing.

13485 (b) Organizing, hosting, and participating in seminars and

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13486 other forums designed to disseminate information and technical
13487 assistance regarding aerospace-related financing.

13488 (c) Coordinating with programs and goals of the Department
13489 of Defense, the National Aeronautics and Space Administration,
13490 the Export-Import Bank of the United States, the International
13491 Trade Administration of the United States Department of
13492 Commerce, the Foreign Credit Insurance Association, and other
13493 private and public programs and organizations, domestic and
13494 foreign.

13495 (d) Establishing a network of contacts among those domestic
13496 and foreign public and private organizations that provide
13497 information, technical assistance, and financial support to the
13498 aerospace industry.

13499 (e) Financing aerospace business development projects or
13500 initiatives using funds provided by the Legislature.

13501 Section 259. Subsections (2), (4), and (5) of section
13502 331.369, Florida Statutes, are amended to read:

13503 331.369 Space Industry Workforce Initiative.—

13504 (2) Workforce Florida, Inc., ~~The Workforce Development~~
13505 ~~Board of Enterprise Florida, Inc.~~, or its successor entity,
13506 shall coordinate development of a Space Industry Workforce
13507 Initiative in partnership with Space Florida, public and private
13508 universities, community colleges, and other training providers
13509 approved by the board. The purpose of the initiative is to use
13510 or revise existing programs and to develop innovative new
13511 programs to address the workforce needs of the aerospace
13512 industry.

13513 (4) Workforce Florida, Inc., ~~The Workforce Development~~
13514 ~~Board of Enterprise Florida, Inc.~~, or its successor entity, with

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13515 the assistance of Space Florida, shall convene representatives
13516 from the aerospace industry to identify the priority training
13517 and education needs of the industry and to appoint a team to
13518 design programs to meet the priority needs.

13519 (5) Workforce Florida, Inc., ~~The Workforce Development~~
13520 ~~Board of Enterprise Florida, Inc.~~, or its successor entity, as
13521 part of its statutorily prescribed annual report to the
13522 Legislature, shall provide recommendations for policies,
13523 programs, and funding to enhance the workforce needs of the
13524 aerospace industry.

13525 Section 260. Paragraph (f) of subsection (4) and paragraph
13526 (g) of subsection (7) of section 339.135, Florida Statutes, is
13527 amended to read:

13528 339.135 Work program; legislative budget request;
13529 definitions; preparation, adoption, execution, and amendment.—

13530 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

13531 (f) The central office shall submit a preliminary copy of
13532 the tentative work program to the Executive Office of the
13533 Governor, the legislative appropriations committees, the Florida
13534 Transportation Commission, and Jobs Florida ~~the Department of~~
13535 ~~Community Affairs~~ at least 14 days prior to the convening of the
13536 regular legislative session. Prior to the statewide public
13537 hearing required by paragraph (g), Jobs Florida ~~the Department~~
13538 ~~of Community Affairs~~ shall transmit to the Florida
13539 Transportation Commission a list of those projects and project
13540 phases contained in the tentative work program which are
13541 identified as being inconsistent with approved local government
13542 comprehensive plans. For urbanized areas of metropolitan
13543 planning organizations, the list may not contain any project or

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13544 project phase that is scheduled in a transportation improvement
13545 program unless such inconsistency has been previously reported
13546 to the affected metropolitan planning organization.

13547 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

13548 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
13549 (g) and ss. 216.177(2) and 216.351, the secretary may request
13550 the Executive Office of the Governor to amend the adopted work
13551 program when an emergency exists, as defined in s. 252.34~~(3)~~,
13552 and the emergency relates to the repair or rehabilitation of any
13553 state transportation facility. The Executive Office of the
13554 Governor may approve the amendment to the adopted work program
13555 and amend that portion of the department's approved budget if a
13556 ~~in the event that the~~ delay incident to the notification
13557 requirements in paragraph (d) would be detrimental to the
13558 interests of the state. However, the department shall
13559 immediately notify the parties specified in paragraph (d) and
13560 ~~shall~~ provide such parties written justification for the
13561 emergency action within 7 days after ~~of the~~ approval by the
13562 Executive Office of the Governor of the amendment to the adopted
13563 work program and the department's budget. ~~In no event may~~ The
13564 adopted work program may not be amended under ~~the provisions of~~
13565 this subsection without ~~the~~ certification by the comptroller of
13566 the department that there are sufficient funds available
13567 pursuant to the 36-month cash forecast and applicable statutes.

13568 Section 261. Paragraph (h) of subsection (5) of section
13569 377.711, Florida Statutes, is amended to read:

13570 377.711 Florida party to Southern States Energy Compact.—
13571 The Southern States Energy Compact is enacted into law and
13572 entered into by the state as a party, and is of full force and

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13573 effect between the state and any other states joining therein in
13574 accordance with the terms of the compact, which compact is
13575 substantially as follows:

13576 (5) POWERS.—The board shall have the power to:

13577 (h) Recommend such changes in, or amendments or additions
13578 to, the laws, codes, rules, regulations, administrative
13579 procedures and practices, or ordinances of the party states in
13580 any of the fields of its interest and competence as in its
13581 judgment may be appropriate. Any such recommendation shall be
13582 made through the appropriate state agency with due consideration
13583 of the desirability of uniformity and appropriate weight to any
13584 special circumstances that may justify variations to meet local
13585 conditions. ~~Any such recommendation shall be made, in the case~~
13586 ~~of Florida, through the Department of Commerce.~~

13587 Section 262. Subsection (3) of section 377.712, Florida
13588 Statutes, is amended to read:

13589 377.712 Florida participation.—

13590 (3) Departments ~~The department~~, agencies, and officers of
13591 this state, and its subdivisions are authorized to cooperate
13592 with the board in the furtherance of any of its activities
13593 pursuant to the compact, provided such proposed activities have
13594 been made known to, and have the approval of, either the
13595 Governor or the Department of Health.

13596 Section 263. Section 380.285, Florida Statutes, is amended
13597 to read:

13598 380.285 Lighthouses; study; preservation; funding.—The
13599 ~~Department of Community Affairs and the~~ Division of Historical
13600 Resources of the Department of State shall undertake a study of
13601 the lighthouses in the state. The study must determine the

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13602 location, ownership, condition, and historical significance of
13603 all lighthouses in the state and ensure that all historically
13604 significant lighthouses are nominated for inclusion on the
13605 National Register of Historic Places. The study must assess the
13606 condition and restoration needs of historic lighthouses and
13607 develop plans for appropriate future public access and use. The
13608 Division of Historical Resources shall take a leadership role in
13609 implementing plans to stabilize lighthouses and associated
13610 structures and to preserve and protect them from future
13611 deterioration. When possible, the lighthouses and associated
13612 buildings should be made available to the public for educational
13613 and recreational purposes. The Department of State shall request
13614 in its annual legislative budget requests funding necessary to
13615 carry out the duties and responsibilities specified in this act.
13616 Funds for the rehabilitation of lighthouses should be allocated
13617 through matching grants-in-aid to state and local government
13618 agencies and to nonprofit organizations. The Department of
13619 Environmental Protection may assist the Division of Historical
13620 Resources in projects to accomplish the goals and activities
13621 described in this section.

13622 Section 264. Subsection (6) of section 381.0086, Florida
13623 Statutes, is amended to read:

13624 381.0086 Rules; variances; penalties.—

13625 (6) For the purposes of filing an interstate clearance
13626 order with Jobs Florida ~~the Agency for Workforce Innovation~~, if
13627 the housing is covered by 20 C.F.R. part 654, subpart E, no
13628 permanent structural variance referred to in subsection (2) is
13629 allowed.

13630 Section 265. Subsection (3) of section 381.7354, Florida

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13631 Statutes, is amended to read:

13632 381.7354 Eligibility.—

13633 (3) In addition to the grants awarded under subsections (1)
13634 and (2), up to 20 percent of the funding for the Reducing Racial
13635 and Ethnic Health Disparities: Closing the Gap grant program
13636 shall be dedicated to projects that address improving racial and
13637 ethnic health status within specific Front Porch Florida
13638 Communities, ~~as designated pursuant to s. 20.18(6).~~

13639 Section 266. Paragraph (b) of subsection (1) and subsection
13640 (2) of section 383.14, Florida Statutes, are amended to read:

13641 383.14 Screening for metabolic disorders, other hereditary
13642 and congenital disorders, and environmental risk factors.—

13643 (1) SCREENING REQUIREMENTS.—To help ensure access to the
13644 maternal and child health care system, the Department of Health
13645 shall promote the screening of all newborns born in Florida for
13646 metabolic, hereditary, and congenital disorders known to result
13647 in significant impairment of health or intellect, as screening
13648 programs accepted by current medical practice become available
13649 and practical in the judgment of the department. The department
13650 shall also promote the identification and screening of all
13651 newborns in this state and their families for environmental risk
13652 factors such as low income, poor education, maternal and family
13653 stress, emotional instability, substance abuse, and other high-
13654 risk conditions associated with increased risk of infant
13655 mortality and morbidity to provide early intervention,
13656 remediation, and prevention services, including, but not limited
13657 to, parent support and training programs, home visitation, and
13658 case management. Identification, perinatal screening, and
13659 intervention efforts shall begin prior to and immediately

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13660 following the birth of the child by the attending health care
 13661 provider. Such efforts shall be conducted in hospitals,
 13662 perinatal centers, county health departments, school health
 13663 programs that provide prenatal care, and birthing centers, and
 13664 reported to the Office of Vital Statistics.

13665 (b) *Postnatal screening.*—A risk factor analysis using the
 13666 department's designated risk assessment instrument shall also be
 13667 conducted as part of the medical screening process upon the
 13668 birth of a child and submitted to the department's Office of
 13669 Vital Statistics for recording and other purposes provided for
 13670 in this chapter. The department's screening process for risk
 13671 assessment shall include a scoring mechanism and procedures that
 13672 establish thresholds for notification, further assessment,
 13673 referral, and eligibility for services by professionals or
 13674 paraprofessionals consistent with the level of risk. Procedures
 13675 for developing and using the screening instrument, notification,
 13676 referral, and care coordination services, reporting
 13677 requirements, management information, and maintenance of a
 13678 computer-driven registry in the Office of Vital Statistics which
 13679 ensures privacy safeguards must be consistent with the
 13680 provisions and plans established under chapter 411, Pub. L. No.
 13681 99-457, and this chapter. Procedures established for reporting
 13682 information and maintaining a confidential registry must include
 13683 a mechanism for a centralized information depository at the
 13684 state and county levels. The department shall coordinate with
 13685 existing risk assessment systems and information registries. The
 13686 department must ensure, to the maximum extent possible, that the
 13687 screening information registry is integrated with the
 13688 department's automated data systems, including the Florida On-

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13689 line Recipient Integrated Data Access (FLORIDA) system. Tests
13690 and screenings must be performed by the State Public Health
13691 Laboratory, in coordination with Children's Medical Services, at
13692 such times and in such manner as is prescribed by the department
13693 after consultation with the Genetics and Newborn Infant
13694 Screening Advisory Council and the Department of Education
13695 ~~Agency for Workforce Innovation~~.

13696 (2) RULES.—After consultation with the Genetics and Newborn
13697 Screening Advisory Council, the department shall adopt and
13698 enforce rules requiring that every newborn in this state shall,
13699 prior to becoming 1 week of age, be subjected to a test for
13700 phenylketonuria and, at the appropriate age, be tested for such
13701 other metabolic diseases and hereditary or congenital disorders
13702 as the department may deem necessary from time to time. After
13703 consultation with the Department of Education ~~Agency for~~
13704 ~~Workforce Innovation~~, the department shall also adopt and
13705 enforce rules requiring every newborn in this state to be
13706 screened for environmental risk factors that place children and
13707 their families at risk for increased morbidity, mortality, and
13708 other negative outcomes. The department shall adopt such
13709 additional rules as are found necessary for the administration
13710 of this section and s. 383.145, including rules providing
13711 definitions of terms, rules relating to the methods used and
13712 time or times for testing as accepted medical practice
13713 indicates, rules relating to charging and collecting fees for
13714 the administration of the newborn screening program authorized
13715 by this section, rules for processing requests and releasing
13716 test and screening results, and rules requiring mandatory
13717 reporting of the results of tests and screenings for these

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13718 conditions to the department.

13719 Section 267. Paragraph (b) of subsection (3) of section
13720 402.281, Florida Statutes, is amended to read:

13721 402.281 Gold Seal Quality Care program.—

13722 (3)

13723 (b) In approving accrediting associations, the department
13724 shall consult with the Department of Education, ~~the Agency for~~
13725 ~~Workforce Innovation~~, the Florida Head Start Directors
13726 Association, the Florida Association of Child Care Management,
13727 the Florida Family Day Care Association, the Florida Children's
13728 Forum, the Early Childhood Association of Florida, the Child
13729 Development Education Alliance, providers receiving exemptions
13730 under s. 402.316, and parents.

13731 Section 268. Subsection (6) of section 402.45, Florida
13732 Statutes, is amended to read:

13733 402.45 Community resource mother or father program.—

13734 (6) Individuals under contract to provide community
13735 resource mother or father services shall participate in
13736 preservice and ongoing training as determined by the Department
13737 of Health in consultation with the Department of Education
13738 ~~Agency for Workforce Innovation~~. A community resource mother or
13739 father shall not be assigned a client caseload until all
13740 preservice training requirements are completed.

13741 Section 269. Paragraph (a) of subsection (4) of section
13742 402.56, Florida Statutes, is amended to read:

13743 402.56 Children's cabinet; organization; responsibilities;
13744 annual report.—

13745 (4) MEMBERS.—The cabinet shall consist of 15 members
13746 including the Governor and the following persons:

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- 13747 (a)1. The Secretary of Children and Family Services;
13748 2. The Secretary of Juvenile Justice;
13749 3. The director of the Agency for Persons with
13750 Disabilities;
13751 ~~4. The director of the Agency for Workforce Innovation;~~
13752 4.5. The State Surgeon General;
13753 ~~5.6.~~ The Secretary of Health Care Administration;
13754 ~~6.7.~~ The Commissioner of Education;
13755 ~~7.8.~~ The director of the Statewide Guardian Ad Litem
13756 Office;
13757 ~~8.9.~~ The director of the Office of Child Abuse Prevention;
13758 and
13759 ~~9.10.~~ Five members representing children and youth advocacy
13760 organizations, who are not service providers and who are
13761 appointed by the Governor.

13762 Section 270. Paragraph (m) of subsection (5) of section
13763 403.7032, Florida Statutes, is amended to read:

13764 403.7032 Recycling.—

13765 (5) The Department of Environmental Protection shall create
13766 the Recycling Business Assistance Center by December 1, 2010. In
13767 carrying out its duties under this subsection, the department
13768 shall consult with state agency personnel appointed to serve as
13769 economic development liaisons under s. 288.021 and seek
13770 technical assistance from Enterprise Florida, Inc., to ensure
13771 the Recycling Business Assistance Center is positioned to
13772 succeed. The purpose of the center shall be to serve as the
13773 mechanism for coordination among state agencies and the private
13774 sector in order to coordinate policy and overall strategic
13775 planning for developing new markets and expanding and enhancing

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13776 existing markets for recyclable materials in this state, other
13777 states, and foreign countries. The duties of the center must
13778 include, at a minimum:

13779 (m) Coordinating with Jobs Florida ~~the Agency for Workforce~~
13780 ~~Innovation~~ and its partners to provide job placement and job
13781 training services to job seekers through the state's workforce
13782 services programs.

13783 Section 271. Paragraph (a) of subsection (3) of section
13784 409.017, Florida Statutes, is amended to read:

13785 409.017 Revenue Maximization Act; legislative intent;
13786 revenue maximization program.—

13787 (3) REVENUE MAXIMIZATION PROGRAM.—

13788 (a) For purposes of this section, the term "agency" means
13789 any state agency or department that is involved in providing
13790 health, social, or human services, including, but not limited
13791 to, the Agency for Health Care Administration, ~~the Agency for~~
13792 ~~Workforce Innovation~~, the Department of Children and Family
13793 Services, the Department of Elderly Affairs, the Department of
13794 Juvenile Justice, the Department of Education, and the State
13795 Board of Education.

13796 Section 272. Paragraph (c) of subsection (7) of section
13797 409.1451, Florida Statutes, is amended to read:

13798 409.1451 Independent living transition services.—

13799 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
13800 Secretary of Children and Family Services shall establish the
13801 Independent Living Services Advisory Council for the purpose of
13802 reviewing and making recommendations concerning the
13803 implementation and operation of the independent living
13804 transition services. This advisory council shall continue to

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13805 function as specified in this subsection until the Legislature
13806 determines that the advisory council can no longer provide a
13807 valuable contribution to the department's efforts to achieve the
13808 goals of the independent living transition services.

13809 (c) Members of the advisory council shall be appointed by
13810 the secretary of the department. The membership of the advisory
13811 council must include, at a minimum, representatives from the
13812 headquarters and district offices of the Department of Children
13813 and Family Services, community-based care lead agencies, ~~the~~
13814 ~~Agency for Workforce Innovation~~, the Department of Education,
13815 the Agency for Health Care Administration, the State Youth
13816 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
13817 Ad Litem Office, foster parents, recipients of Road-to-
13818 Independence Program funding, and advocates for foster children.
13819 The secretary shall determine the length of the term to be
13820 served by each member appointed to the advisory council, which
13821 may not exceed 4 years.

13822 Section 273. Paragraph (s) of subsection (24) of section
13823 380.06, Florida Statutes, is amended to read:

13824 380.06 Developments of regional impact.—

13825 (24) STATUTORY EXEMPTIONS.—

13826 (s) Any development in a detailed specific area plan which
13827 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
13828 ~~the comprehensive plan~~ is exempt from this section.

13829
13830 If a use is exempt from review as a development of regional
13831 impact under paragraphs (a)-(s), but will be part of a larger
13832 project that is subject to review as a development of regional
13833 impact, the impact of the exempt use must be included in the

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13834 review of the larger project, unless such exempt use involves a
13835 development of regional impact that includes a landowner,
13836 tenant, or user that has entered into a funding agreement with
13837 the Office of Tourism, Trade, and Economic Development under the
13838 Innovation Incentive Program and the agreement contemplates a
13839 state award of at least \$50 million.

13840 Section 274. Subsection (3) of section 380.115, Florida
13841 Statutes, is amended to read:

13842 380.115 Vested rights and duties; effect of size reduction,
13843 changes in guidelines and standards.—

13844 (3) A landowner that has filed an application for a
13845 development-of-regional-impact review prior to the adoption of a
13846 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
13847 have the application reviewed pursuant to s. 380.06,
13848 comprehensive plan provisions in force prior to adoption of the
13849 sector plan, and any requested comprehensive plan amendments
13850 that accompany the application.

13851 Section 275. Subsection (1), paragraph (b) of subsection
13852 (3), and subsection (8) of section 409.2576, Florida Statutes,
13853 are amended to read:

13854 409.2576 State Directory of New Hires.—

13855 (1) DIRECTORY CREATED.—The State Directory of New Hires is
13856 hereby created and shall be administered by the Department of
13857 Revenue or its agent. ~~The Department of Labor and Employment~~
13858 ~~Security will act as the agent until a date not later than~~
13859 ~~October 1, 1998.~~ All employers in the state shall furnish a
13860 report consistent with subsection (3) for each newly hired or
13861 rehired employee unless the employee is employed by a federal or
13862 state agency performing intelligence or counterintelligence

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13863 functions and the head of such agency has determined that
13864 reporting pursuant to this section could endanger the safety of
13865 the employee or compromise an ongoing investigation or
13866 intelligence mission.

13867 (3) EMPLOYERS TO FURNISH REPORTS.—

13868 (b) ~~Upon termination of the contract with the Department of~~
13869 ~~Labor and Employment Security, but not later than October 1,~~
13870 ~~1998,~~ all employers shall furnish a report to the State
13871 Directory of New Hires of the state in which the newly hired or
13872 rehired employee works. The report required in this section
13873 shall be made on a W-4 form or, at the option of the employer,
13874 an equivalent form, and can be transmitted magnetically,
13875 electronically, by first-class mail, or other methods which may
13876 be prescribed by the State Directory. Each report shall include
13877 the name, address, date of hire, and social security number of
13878 every new and rehired employee and the name, address, and
13879 federal employer identification number of the reporting
13880 employer. If available, the employer may also include the
13881 employee's date of birth in the report. Multistate employers
13882 that report new hire information electronically or magnetically
13883 may designate a single state to which it will transmit the above
13884 noted report, provided the employer has employees in that state
13885 and the employer notifies the Secretary of Health and Human
13886 Services in writing to which state the information will be
13887 provided. Agencies of the United States Government shall report
13888 directly to the National Directory of New Hires.

13889 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—~~Not later~~
13890 ~~than October 1, 1997,~~ the State Directory of New Hires must
13891 furnish information regarding newly hired or rehired employees

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13892 to the National Directory of New Hires for matching with the
13893 records of other state case registries within 3 business days of
13894 entering such information from the employer into the State
13895 Directory of New Hires. The State Directory of New Hires shall
13896 enter into an agreement with Jobs Florida or its tax collection
13897 service provider ~~the Florida Department of Labor and Employment~~
13898 ~~Security~~ for the quarterly reporting to the National Directory
13899 of New Hires information on wages and unemployment compensation
13900 taken from the quarterly report to the Secretary of Labor, now
13901 required by Title III of the Social Security Act, except that no
13902 report shall be filed with respect to an employee of a state or
13903 local agency performing intelligence or counterintelligence
13904 functions, if the head of such agency has determined that filing
13905 such a report could endanger the safety of the employee or
13906 compromise an ongoing investigation or intelligence mission.

13907 Section 276. Section 409.944, Florida Statutes, is amended
13908 to read:

13909 409.944 Inner City Redevelopment Assistance Grants
13910 Program.—There is created an Inner City Redevelopment Assistance
13911 Grants Program to be administered by Jobs Florida ~~the Office of~~
13912 ~~Tourism, Trade, and Economic Development~~. Jobs Florida ~~The~~
13913 ~~Office~~ shall develop criteria for awarding these grants which
13914 give weighted consideration to urban high-crime areas as
13915 identified by the Florida Department of Law Enforcement. These
13916 criteria shall also be weighted to immediate creation of jobs
13917 for residents in the targeted areas.

13918 Section 277. Section 409.946, Florida Statutes, are amended
13919 to read:

13920 409.946 Inner City Redevelopment Review Panel.—In order to

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13921 enhance public participation and involvement in the
13922 redevelopment of inner-city areas, there is created within Jobs
13923 Florida ~~the Office of Tourism, Trade, and Economic Development~~
13924 the Inner City Redevelopment Review Panel.

13925 (1) The review panel shall consist of six ~~seven~~ members who
13926 represent different areas of the state, who are appointed by the
13927 commissioner of Jobs Florida ~~Director of the Office of Tourism,~~
13928 ~~Trade, and Economic Development~~, and who are qualified, through
13929 the demonstration of special interest, experience, or education,
13930 in the redevelopment of the state's inner-city areas, as
13931 follows:

13932 (a) One member must be affiliated with the Black Business
13933 Investment Board;

13934 (b) One member must be affiliated with the Institute on
13935 Urban Policy and Commerce at Florida Agricultural and Mechanical
13936 University;

13937 (c) One member must be affiliated with a local economic
13938 development agency ~~the Office of Tourism, Trade, and Economic~~
13939 ~~Development~~;

13940 (d) One member must be the president of Enterprise Florida,
13941 Inc., or the president's designee;

13942 ~~(e) One member must be the Secretary of Community Affairs~~
13943 ~~or the secretary's designee;~~

13944 (e)(f) One member must be affiliated with the Better
13945 Jobs/Better Wages Council of Workforce Florida, Inc.; and

13946 (f)(g) One member must be affiliated with the First
13947 Jobs/First Wages Council of Workforce Florida, Inc.

13948 (2) The importance of minority and gender representation
13949 must be considered when making appointments to the panel, and

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13950 the geographic representation of panel members must also be
13951 considered.

13952 (3) Members of the review panel shall be appointed for 4-
13953 year terms. A person may not serve more than two consecutive
13954 terms on the panel.

13955 (4) Members shall elect a chairperson annually. A member
13956 may not be elected to consecutive terms as chairperson.

13957 (5) All action taken by the review panel shall be by
13958 majority vote of those present. The commissioner of Jobs Florida
13959 ~~director of the Office of Tourism, Trade, and Economic~~
13960 ~~Development~~ or the commissioner's ~~director's~~ designee shall
13961 serve without voting rights as secretary to the panel. Jobs
13962 Florida ~~The Office of Tourism, Trade, and Economic Development~~
13963 shall provide necessary staff assistance to the panel.

13964 (6) It is the responsibility of the panel to evaluate
13965 proposals for awards of inner-city redevelopment grants
13966 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
13967 ~~Economic Development~~. The panel shall review and evaluate all
13968 proposals for grants and shall make recommendations, including a
13969 priority ranking, reflecting such evaluation.

13970 Section 278. Paragraph (d) of subsection (2), subsection
13971 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),
13972 paragraph (e) of subsection (7), subsection (8), and paragraphs
13973 (b), (c), (d), and (e) of subsection (9) of section 411.01,
13974 Florida Statutes, are amended to read:

13975 411.01 School readiness programs; early learning
13976 coalitions.—

13977 (2) LEGISLATIVE INTENT.—

13978 (d) It is the intent of the Legislature that the

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13979 administrative staff for school readiness programs be kept to
13980 the minimum necessary to administer the duties of the Department
13981 of Education ~~Agency for Workforce Innovation~~ and early learning
13982 coalitions. The Department of Education ~~Agency for Workforce~~
13983 ~~Innovation~~ shall adopt system support services at the state
13984 level to build a comprehensive early learning system. Each early
13985 learning coalition shall implement and maintain direct
13986 enhancement services at the local level, as approved in its
13987 school readiness plan by the Department of Education ~~Agency for~~
13988 ~~Workforce Innovation~~, and ensure access to such services in all
13989 67 counties.

13990 (4) DEPARTMENT OF EDUCATION ~~AGENCY FOR WORKFORCE~~
13991 ~~INNOVATION~~.—

13992 (a) The Department of Education ~~Agency for Workforce~~
13993 ~~Innovation~~ shall administer school readiness programs at the
13994 state level and shall coordinate with the early learning
13995 coalitions in providing school readiness services on a full-day,
13996 full-year, full-choice basis to the extent possible in order to
13997 enable parents to work and be financially self-sufficient.

13998 (b) The Department of Education ~~Agency for Workforce~~
13999 ~~Innovation~~ shall:

14000 1. Coordinate the birth-to-kindergarten services for
14001 children who are eligible under subsection (6) and the
14002 programmatic, administrative, and fiscal standards under this
14003 section for all public providers of school readiness programs.

14004 2. Focus on improving the educational quality of all
14005 program providers participating in publicly funded school
14006 readiness programs.

14007 (c) The Governor shall designate the Department of

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14008 Education Agency for Workforce Innovation as the lead agency for
14009 administration of the federal Child Care and Development Fund,
14010 45 C.F.R. parts 98 and 99, and the department agency shall
14011 comply with the lead agency responsibilities under federal law.

14012 (d) The Department of Education Agency for Workforce
14013 Innovation shall:

14014 1. Be responsible for the prudent use of all public and
14015 private funds in accordance with all legal and contractual
14016 requirements.

14017 2. Provide final approval and every 2 years review early
14018 learning coalitions and school readiness plans.

14019 3. Establish a unified approach to the state's efforts
14020 toward enhancement of school readiness. In support of this
14021 effort, the Department of Education Agency for Workforce
14022 Innovation shall adopt specific system support services that
14023 address the state's school readiness programs. An early learning
14024 coalition shall amend its school readiness plan to conform to
14025 the specific system support services adopted by the Department
14026 of Education Agency for Workforce Innovation. System support
14027 services shall include, but are not limited to:

14028 a. Child care resource and referral services;

14029 b. Warm-Line services;

14030 c. Eligibility determinations;

14031 d. Child performance standards;

14032 e. Child screening and assessment;

14033 f. Developmentally appropriate curricula;

14034 g. Health and safety requirements;

14035 h. Statewide data system requirements; and

14036 i. Rating and improvement systems.

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14037 4. Safeguard the effective use of federal, state, local,
14038 and private resources to achieve the highest possible level of
14039 school readiness for the children in this state.

14040 5. Adopt a rule establishing criteria for the expenditure
14041 of funds designated for the purpose of funding activities to
14042 improve the quality of child care within the state in accordance
14043 with s. 658G of the federal Child Care and Development Block
14044 Grant Act.

14045 6. Provide technical assistance to early learning
14046 coalitions in a manner determined by the Department of Education
14047 ~~Agency for Workforce Innovation~~ based upon information obtained
14048 by the department ~~agency~~ from various sources, including, but
14049 not limited to, public input, government reports, private
14050 interest group reports, department ~~agency~~ monitoring visits, and
14051 coalition requests for service.

14052 7. In cooperation with the ~~Department of Education and~~
14053 early learning coalitions, coordinate with the Child Care
14054 Services Program Office of the Department of Children and Family
14055 Services to minimize duplicating interagency activities, health
14056 and safety monitoring, and acquiring and composing data
14057 pertaining to child care training and credentialing.

14058 8. Develop and adopt performance standards and outcome
14059 measures for school readiness programs. The performance
14060 standards must address the age-appropriate progress of children
14061 in the development of school readiness skills. The performance
14062 standards for children from birth to 5 years of age in school
14063 readiness programs must be integrated with the performance
14064 standards adopted by the Department of Education for children in
14065 the Voluntary Prekindergarten Education Program under s.

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14066 1002.67.

14067 9. Adopt a standard contract that must be used by the
14068 coalitions when contracting with school readiness providers.

14069 (e) The Department of Education ~~Agency for Workforce~~
14070 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to
14071 administer the provisions of law conferring duties upon the
14072 department ~~agency~~, including, but not limited to, rules
14073 governing the administration of system support services of
14074 school readiness programs, the collection of data, the approval
14075 of early learning coalitions and school readiness plans, the
14076 provision of a method whereby an early learning coalition may
14077 serve two or more counties, the award of incentives to early
14078 learning coalitions, child performance standards, child outcome
14079 measures, the issuance of waivers, and the implementation of the
14080 state's Child Care and Development Fund Plan as approved by the
14081 federal Administration for Children and Families.

14082 (f) The Department of Education ~~Agency for Workforce~~
14083 ~~Innovation~~ shall have all powers necessary to administer this
14084 section, including, but not limited to, the power to receive and
14085 accept grants, loans, or advances of funds from any public or
14086 private agency and to receive and accept from any source
14087 contributions of money, property, labor, or any other thing of
14088 value, to be held, used, and applied for purposes of this
14089 section.

14090 (g) Except as provided by law, the Department of Education
14091 ~~Agency for Workforce Innovation~~ may not impose requirements on a
14092 child care or early childhood education provider that does not
14093 deliver services under the school readiness programs or receive
14094 state or federal funds under this section.

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14095 (h) The Department of Education ~~Agency for Workforce~~
14096 ~~Innovation~~ shall have a budget for school readiness programs,
14097 which shall be financed through an annual appropriation made for
14098 purposes of this section in the General Appropriations Act.

14099 (i) The Department of Education ~~Agency for Workforce~~
14100 ~~Innovation~~ shall coordinate the efforts toward school readiness
14101 in this state and provide independent policy analyses, data
14102 analyses, and recommendations to the Governor, the State Board
14103 of Education, and the Legislature.

14104 (j) The Department of Education ~~Agency for Workforce~~
14105 ~~Innovation~~ shall require that school readiness programs, at a
14106 minimum, enhance the age-appropriate progress of each child in
14107 attaining the performance standards adopted under subparagraph
14108 (d)8. and in the development of the following school readiness
14109 skills:

- 14110 1. Compliance with rules, limitations, and routines.
- 14111 2. Ability to perform tasks.
- 14112 3. Interactions with adults.
- 14113 4. Interactions with peers.
- 14114 5. Ability to cope with challenges.
- 14115 6. Self-help skills.
- 14116 7. Ability to express the child's needs.
- 14117 8. Verbal communication skills.
- 14118 9. Problem-solving skills.
- 14119 10. Following of verbal directions.
- 14120 11. Demonstration of curiosity, persistence, and
14121 exploratory behavior.
- 14122 12. Interest in books and other printed materials.
- 14123 13. Paying attention to stories.

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14124 14. Participation in art and music activities.

14125 15. Ability to identify colors, geometric shapes, letters
14126 of the alphabet, numbers, and spatial and temporal
14127 relationships.

14128
14129 Within 30 days after enrollment in the school readiness program,
14130 the early learning coalition must ensure that the program
14131 provider obtains information regarding the child's
14132 immunizations, physical development, and other health
14133 requirements as necessary, including appropriate vision and
14134 hearing screening and examinations. For a program provider
14135 licensed by the Department of Children and Family Services, the
14136 provider's compliance with s. 402.305(9), as verified pursuant
14137 to s. 402.311, shall satisfy this requirement.

14138 (k) The Department of Education ~~Agency for Workforce~~
14139 ~~Innovation~~ shall conduct studies and planning activities related
14140 to the overall improvement and effectiveness of the outcome
14141 measures adopted by the department ~~agency~~ for school readiness
14142 programs and the specific system support services to address the
14143 state's school readiness programs adopted by the Department of
14144 Education ~~Agency for Workforce Innovation~~ in accordance with
14145 subparagraph (d)3.

14146 (l) The Department of Education ~~Agency for Workforce~~
14147 ~~Innovation~~ shall monitor and evaluate the performance of each
14148 early learning coalition in administering the school readiness
14149 program, implementing the coalition's school readiness plan, and
14150 administering the Voluntary Prekindergarten Education Program.
14151 These monitoring and performance evaluations must include, at a
14152 minimum, onsite monitoring of each coalition's finances,

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14153 management, operations, and programs.

14154 (m) The Department of Education ~~Agency for Workforce~~
14155 ~~Innovation~~ shall submit an annual report of its activities
14156 conducted under this section to the Governor, the President of
14157 the Senate, the Speaker of the House of Representatives, and the
14158 minority leaders of both houses of the Legislature. In addition,
14159 the Department of Education's ~~Agency for Workforce Innovation's~~
14160 reports and recommendations shall be made available to the
14161 Florida Early Learning Advisory Council and other appropriate
14162 state agencies and entities. The annual report must provide an
14163 analysis of school readiness activities across the state,
14164 including the number of children who were served in the
14165 programs.

14166 (n) The Department of Education ~~Agency for Workforce~~
14167 ~~Innovation~~ shall work with the early learning coalitions to
14168 ensure availability of training and support for parental
14169 involvement in children's early education and to provide family
14170 literacy activities and services.

14171 (5) CREATION OF EARLY LEARNING COALITIONS.—

14172 (a) *Early learning coalitions.*—

14173 1. Each early learning coalition shall maintain direct
14174 enhancement services at the local level and ensure access to
14175 such services in all 67 counties.

14176 2. The Department of Education ~~Agency for Workforce~~
14177 ~~Innovation~~ shall establish the minimum number of children to be
14178 served by each early learning coalition through the coalition's
14179 school readiness program. The Department of Education ~~Agency for~~
14180 ~~Workforce Innovation~~ may only approve school readiness plans in
14181 accordance with this minimum number. The minimum number must be

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14182 uniform for every early learning coalition and must:

14183 a. Permit 31 or fewer coalitions to be established; and

14184 b. Require each coalition to serve at least 2,000 children
14185 based upon the average number of all children served per month
14186 through the coalition's school readiness program during the
14187 previous 12 months.

14188 3. If an early learning coalition would serve fewer
14189 children than the minimum number established under subparagraph
14190 2., the coalition must merge with another county to form a
14191 multicounty coalition. The Department of Education ~~Agency for~~
14192 ~~Workforce Innovation~~ shall adopt procedures for merging early
14193 learning coalitions, including procedures for the consolidation
14194 of merging coalitions, and for the early termination of the
14195 terms of coalition members which are necessary to accomplish the
14196 mergers. However, the Department of Education ~~Agency for~~
14197 ~~Workforce Innovation~~ shall grant a waiver to an early learning
14198 coalition to serve fewer children than the minimum number
14199 established under subparagraph 2., if:

14200 a. The Department of Education ~~Agency for Workforce~~
14201 ~~Innovation~~ has determined during the most recent review of the
14202 coalition's school readiness plan, or through monitoring and
14203 performance evaluations conducted under paragraph (4)(1), that
14204 the coalition has substantially implemented its plan;

14205 b. The coalition demonstrates to the Department of
14206 Education ~~Agency for Workforce Innovation~~ the coalition's
14207 ability to effectively and efficiently implement the Voluntary
14208 Prekindergarten Education Program; and

14209 c. The coalition demonstrates to the Department of
14210 Education ~~Agency for Workforce Innovation~~ that the coalition can

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14211 perform its duties in accordance with law.

14212

14213 If an early learning coalition fails or refuses to merge as
14214 required by this subparagraph, the Department of Education
14215 ~~Agency for Workforce Innovation~~ may dissolve the coalition and
14216 temporarily contract with a qualified entity to continue school
14217 readiness and prekindergarten services in the coalition's county
14218 or multicounty region until the department ~~agency~~ reestablishes
14219 the coalition and a new school readiness plan is approved by the
14220 department ~~agency~~.

14221 4. Each early learning coalition shall be composed of at
14222 least 15 members but not more than 30 members. The Department of
14223 Education ~~Agency for Workforce Innovation~~ shall adopt standards
14224 establishing within this range the minimum and maximum number of
14225 members that may be appointed to an early learning coalition and
14226 procedures for identifying which members have voting privileges
14227 under subparagraph 6. These standards must include variations
14228 for a coalition serving a multicounty region. Each early
14229 learning coalition must comply with these standards.

14230 5. The Governor shall appoint the chair and two other
14231 members of each early learning coalition, who must each meet the
14232 same qualifications as private sector business members appointed
14233 by the coalition under subparagraph 7.

14234 6. Each early learning coalition must include the following
14235 member positions; however, in a multicounty coalition, each ex
14236 officio member position may be filled by multiple nonvoting
14237 members but no more than one voting member shall be seated per
14238 member position. If an early learning coalition has more than
14239 one member representing the same entity, only one of such

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14240 members may serve as a voting member:

14241 a. A Department of Children and Family Services circuit
14242 administrator or his or her designee who is authorized to make
14243 decisions on behalf of the department.

14244 b. A district superintendent of schools or his or her
14245 designee who is authorized to make decisions on behalf of the
14246 district.

14247 c. A regional workforce board executive director or his or
14248 her designee.

14249 d. A county health department director or his or her
14250 designee.

14251 e. A children's services council or juvenile welfare board
14252 chair or executive director, if applicable.

14253 f. An agency head of a local licensing agency as defined in
14254 s. 402.302, where applicable.

14255 g. A president of a community college or his or her
14256 designee.

14257 h. One member appointed by a board of county commissioners
14258 or the governing board of a municipality.

14259 i. A central agency administrator, where applicable.

14260 j. A Head Start director.

14261 k. A representative of private for-profit child care
14262 providers, including private for-profit family day care homes.

14263 l. A representative of faith-based child care providers.

14264 m. A representative of programs for children with
14265 disabilities under the federal Individuals with Disabilities
14266 Education Act.

14267 7. Including the members appointed by the Governor under
14268 subparagraph 5., more than one-third of the members of each

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14269 early learning coalition must be private sector business members
14270 who do not have, and none of whose relatives as defined in s.
14271 112.3143 has, a substantial financial interest in the design or
14272 delivery of the Voluntary Prekindergarten Education Program
14273 created under part V of chapter 1002 or the coalition's school
14274 readiness program. To meet this requirement an early learning
14275 coalition must appoint additional members. The Department of
14276 Education ~~Agency for Workforce Innovation~~ shall establish
14277 criteria for appointing private sector business members. These
14278 criteria must include standards for determining whether a member
14279 or relative has a substantial financial interest in the design
14280 or delivery of the Voluntary Prekindergarten Education Program
14281 or the coalition's school readiness program.

14282 8. A majority of the voting membership of an early learning
14283 coalition constitutes a quorum required to conduct the business
14284 of the coalition. An early learning coalition board may use any
14285 method of telecommunications to conduct meetings, including
14286 establishing a quorum through telecommunications, provided that
14287 the public is given proper notice of a telecommunications
14288 meeting and reasonable access to observe and, when appropriate,
14289 participate.

14290 9. A voting member of an early learning coalition may not
14291 appoint a designee to act in his or her place, except as
14292 otherwise provided in this paragraph. A voting member may send a
14293 representative to coalition meetings, but that representative
14294 does not have voting privileges. When a district administrator
14295 for the Department of Children and Family Services appoints a
14296 designee to an early learning coalition, the designee is the
14297 voting member of the coalition, and any individual attending in

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14298 the designee's place, including the district administrator, does
14299 not have voting privileges.

14300 10. Each member of an early learning coalition is subject
14301 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
14302 112.3143(3)(a), each voting member is a local public officer who
14303 must abstain from voting when a voting conflict exists.

14304 11. For purposes of tort liability, each member or employee
14305 of an early learning coalition shall be governed by s. 768.28.

14306 12. An early learning coalition serving a multicounty
14307 region must include representation from each county.

14308 13. Each early learning coalition shall establish terms for
14309 all appointed members of the coalition. The terms must be
14310 staggered and must be a uniform length that does not exceed 4
14311 years per term. Coalition chairs shall be appointed for 4 years
14312 in conjunction with their membership on the Early Learning
14313 Advisory Council under s. 20.052. Appointed members may serve a
14314 maximum of two consecutive terms. When a vacancy occurs in an
14315 appointed position, the coalition must advertise the vacancy.

14316 (c) *Program expectations.*—

14317 1. The school readiness program must meet the following
14318 expectations:

14319 a. The program must, at a minimum, enhance the age-
14320 appropriate progress of each child in attaining the performance
14321 standards and outcome measures adopted by the Agency for
14322 Workforce Innovation.

14323 b. The program must provide extended-day and extended-year
14324 services to the maximum extent possible without compromising the
14325 quality of the program to meet the needs of parents who work.

14326 c. The program must provide a coordinated professional

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14327 development system that supports the achievement and maintenance
14328 of core competencies by school readiness instructors in helping
14329 children attain the performance standards and outcome measures
14330 adopted by the Department of Education ~~Agency for Workforce~~
14331 ~~Innovation~~.

14332 d. There must be expanded access to community services and
14333 resources for families to help achieve economic self-
14334 sufficiency.

14335 e. There must be a single point of entry and unified
14336 waiting list. As used in this sub-subparagraph, the term "single
14337 point of entry" means an integrated information system that
14338 allows a parent to enroll his or her child in the school
14339 readiness program at various locations throughout a county, that
14340 may allow a parent to enroll his or her child by telephone or
14341 through an Internet website, and that uses a unified waiting
14342 list to track eligible children waiting for enrollment in the
14343 school readiness program. The Department of Education ~~Agency for~~
14344 ~~Workforce Innovation~~ shall establish through technology a single
14345 statewide information system that each coalition must use for
14346 the purposes of managing the single point of entry, tracking
14347 children's progress, coordinating services among stakeholders,
14348 determining eligibility, tracking child attendance, and
14349 streamlining administrative processes for providers and early
14350 learning coalitions.

14351 f. The Department of Education ~~Agency for Workforce~~
14352 ~~Innovation~~ must consider the access of eligible children to the
14353 school readiness program, as demonstrated in part by waiting
14354 lists, before approving a proposed increase in payment rates
14355 submitted by an early learning coalition. In addition, early

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14356 learning coalitions shall use school readiness funds made
14357 available due to enrollment shifts from school readiness
14358 programs to the Voluntary Prekindergarten Education Program for
14359 increasing the number of children served in school readiness
14360 programs before increasing payment rates.

14361 g. The program must meet all state licensing guidelines,
14362 where applicable.

14363 h. The program must ensure that minimum standards for child
14364 discipline practices are age-appropriate. Such standards must
14365 provide that children not be subjected to discipline that is
14366 severe, humiliating, or frightening or discipline that is
14367 associated with food, rest, or toileting. Spanking or any other
14368 form of physical punishment is prohibited.

14369 2. Each early learning coalition must implement a
14370 comprehensive program of school readiness services in accordance
14371 with the rules adopted by the department ~~agency~~ which enhance
14372 the cognitive, social, and physical development of children to
14373 achieve the performance standards and outcome measures. At a
14374 minimum, these programs must contain the following system
14375 support service elements:

14376 a. Developmentally appropriate curriculum designed to
14377 enhance the age-appropriate progress of children in attaining
14378 the performance standards adopted by the Department of Education
14379 ~~Agency for Workforce Innovation~~ under subparagraph (4)(d)8.

14380 b. A character development program to develop basic values.

14381 c. An age-appropriate screening of each child's
14382 development.

14383 d. An age-appropriate assessment administered to children
14384 when they enter a program and an age-appropriate assessment

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14385 administered to children when they leave the program.

14386 e. An appropriate staff-to-children ratio, pursuant to s.
14387 402.305(4) or s. 402.302(7) or (8), as applicable, and as
14388 verified pursuant to s. 402.311.

14389 f. A healthy and safe environment pursuant to s.
14390 401.305(5), (6), and (7), as applicable, and as verified
14391 pursuant to s. 402.311.

14392 g. A resource and referral network established under s.
14393 411.0101 to assist parents in making an informed choice and a
14394 regional Warm-Line under s. 411.01015.

14395

14396 The ~~Agency for Workforce Innovation~~, the Department of
14397 Education, and early learning coalitions shall coordinate with
14398 the Child Care Services Program Office of the Department of
14399 Children and Family Services to minimize duplicating interagency
14400 activities pertaining to acquiring and composing data for child
14401 care training and credentialing.

14402 (d) *Implementation.*—

14403 1. An early learning coalition may not implement the school
14404 readiness program until the coalition's school readiness plan is
14405 approved by the Department of Education ~~Agency for Workforce~~
14406 ~~Innovation~~.

14407 2. Each early learning coalition shall coordinate with one
14408 another to implement a comprehensive program of school readiness
14409 services which enhances the cognitive, social, physical, and
14410 moral character of the children to achieve the performance
14411 standards and outcome measures and which helps families achieve
14412 economic self-sufficiency. Such program must contain, at a
14413 minimum, the following elements:

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14414 a. Implement the school readiness program to meet the
14415 requirements of this section and the system support services,
14416 performance standards, and outcome measures adopted by the
14417 Department of Education ~~Agency for Workforce Innovation~~.

14418 b. Demonstrate how the program will ensure that each child
14419 from birth through 5 years of age in a publicly funded school
14420 readiness program receives scheduled activities and instruction
14421 designed to enhance the age-appropriate progress of the children
14422 in attaining the performance standards adopted by the department
14423 ~~agency~~ under subparagraph (4)(d)8.

14424 c. Ensure that the coalition has solicited and considered
14425 comments regarding the proposed school readiness plan from the
14426 local community.

14427
14428 Before implementing the school readiness program, the early
14429 learning coalition must submit the plan to the department ~~agency~~
14430 for approval. The department ~~agency~~ may approve the plan, reject
14431 the plan, or approve the plan with conditions. The department
14432 ~~agency~~ shall review school readiness plans at least every 2
14433 years.

14434 3. If the Department of Education ~~Agency for Workforce~~
14435 ~~Innovation~~ determines during the review of school readiness
14436 plans, or through monitoring and performance evaluations
14437 conducted under paragraph (4)(1), that an early learning
14438 coalition has not substantially implemented its plan, has not
14439 substantially met the performance standards and outcome measures
14440 adopted by the department ~~agency~~, or has not effectively
14441 administered the school readiness program or Voluntary
14442 Prekindergarten Education Program, the department ~~agency~~ may

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14443 dissolve the coalition and temporarily contract with a qualified
14444 entity to continue school readiness and prekindergarten services
14445 in the coalition's county or multicounty region until the
14446 department ~~agency~~ reestablishes the coalition and a new school
14447 readiness plan is approved in accordance with the rules adopted
14448 by the department ~~agency~~.

14449 4. The Department of Education ~~Agency for Workforce~~
14450 ~~Innovation~~ shall adopt rules establishing criteria for the
14451 approval of school readiness plans. The criteria must be
14452 consistent with the system support services, performance
14453 standards, and outcome measures adopted by the department ~~agency~~
14454 and must require each approved plan to include the following
14455 minimum standards for the school readiness program:

14456 a. A community plan that addresses the needs of all
14457 children and providers within the coalition's county or
14458 multicounty region.

14459 b. A sliding fee scale establishing a copayment for parents
14460 based upon their ability to pay, which is the same for all
14461 program providers.

14462 c. A choice of settings and locations in licensed,
14463 registered, religious-exempt, or school-based programs to be
14464 provided to parents.

14465 d. Specific eligibility priorities for children in
14466 accordance with subsection (6).

14467 e. Performance standards and outcome measures adopted by
14468 the department ~~agency~~.

14469 f. Payment rates adopted by the early learning coalitions
14470 and approved by the department ~~agency~~. Payment rates may not
14471 have the effect of limiting parental choice or creating

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14472 standards or levels of services that have not been expressly
14473 established by the Legislature, unless the creation of such
14474 standards or levels of service, which must be uniform throughout
14475 the state, has been approved by the Federal Government and
14476 result in the state being eligible to receive additional federal
14477 funds available for early learning on a statewide basis.

14478 g. Direct enhancement services for families and children.
14479 System support and direct enhancement services shall be in
14480 addition to payments for the placement of children in school
14481 readiness programs. Direct enhancement services for families may
14482 include parent training and involvement activities and
14483 strategies to meet the needs of unique populations and local
14484 eligibility priorities. Enhancement services for children may
14485 include provider supports and professional development approved
14486 in the plan by the Department of Education ~~Agency for Workforce~~
14487 ~~Innovation~~.

14488 h. The business organization of the early learning
14489 coalition, which must include the coalition's articles of
14490 incorporation and bylaws if the coalition is organized as a
14491 corporation. If the coalition is not organized as a corporation
14492 or other business entity, the plan must include the contract
14493 with a fiscal agent. An early learning coalition may contract
14494 with other coalitions to achieve efficiency in multicounty
14495 services, and these contracts may be part of the coalition's
14496 school readiness plan.

14497 i. The implementation of locally developed quality programs
14498 in accordance with the requirements adopted by the department
14499 ~~agency~~ under subparagraph (4)(d)5.

14500

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14501 The Department of Education ~~Agency for Workforce Innovation~~ may
14502 request the Governor to apply for a waiver to allow the
14503 coalition to administer the Head Start Program to accomplish the
14504 purposes of the school readiness program.

14505 5. Persons with an early childhood teaching certificate may
14506 provide support and supervision to other staff in the school
14507 readiness program.

14508 6. An early learning coalition may not implement its school
14509 readiness plan until it submits the plan to and receives
14510 approval from the Department of Education ~~Agency for Workforce~~
14511 ~~Innovation~~. Once the plan is approved, the plan and the services
14512 provided under the plan shall be controlled by the early
14513 learning coalition. The plan shall be reviewed and revised as
14514 necessary, but at least biennially. An early learning coalition
14515 may not implement the revisions until the coalition submits the
14516 revised plan to and receives approval from the department
14517 ~~agency~~. If the department ~~agency~~ rejects a revised plan, the
14518 coalition must continue to operate under its prior approved
14519 plan.

14520 7. Section 125.901(2)(a)3. does not apply to school
14521 readiness programs. The Department of Education ~~Agency for~~
14522 ~~Workforce Innovation~~ may apply to the Governor and Cabinet for a
14523 waiver of, and the Governor and Cabinet may waive, any of the
14524 provisions of ss. 411.223 and 1003.54, if the waiver is
14525 necessary for implementation of school readiness programs.

14526 8. Two or more early learning coalitions may join for
14527 purposes of planning and implementing a school readiness
14528 program.

14529 (e) *Requests for proposals; payment schedule.*—

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14530 1. Each early learning coalition must comply with the
14531 procurement and expenditure procedures adopted by the Department
14532 of Education ~~Agency for Workforce Innovation~~, including, but not
14533 limited to, applying the procurement and expenditure procedures
14534 required by federal law for the expenditure of federal funds.

14535 2. Each early learning coalition shall adopt a payment
14536 schedule that encompasses all programs funded under this
14537 section. The payment schedule must take into consideration the
14538 prevailing market rate, must include the projected number of
14539 children to be served, and must be submitted for approval by the
14540 Department of Education ~~Agency for Workforce Innovation~~.

14541 Informal child care arrangements shall be reimbursed at not more
14542 than 50 percent of the rate adopted for a family day care home.

14543 (f) *Evaluation and annual report.*—Each early learning
14544 coalition shall conduct an evaluation of its implementation of
14545 the school readiness program, including system support services,
14546 performance standards, and outcome measures, and shall provide
14547 an annual report and fiscal statement to the Department of
14548 Education ~~Agency for Workforce Innovation~~. This report must also
14549 include an evaluation of the effectiveness of its direct
14550 enhancement services and conform to the content and format
14551 specifications adopted by the Department of Education ~~Agency for~~
14552 ~~Workforce Innovation~~. The Department of Education ~~Agency for~~
14553 ~~Workforce Innovation~~ must include an analysis of the early
14554 learning coalitions' reports in the department's ~~agency's~~ annual
14555 report.

14556 (7) PARENTAL CHOICE.—

14557 (e) The office of the Chief Financial Officer shall
14558 establish an electronic transfer system for the disbursement of

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14559 funds in accordance with this subsection. Each early learning
14560 coalition shall fully implement the electronic funds transfer
14561 system within 2 years after approval of the coalition's school
14562 readiness plan, unless a waiver is obtained from the Department
14563 of Education ~~Agency for Workforce Innovation~~.

14564 (8) STANDARDS; OUTCOME MEASURES.—A program provider
14565 participating in the school readiness program must meet the
14566 performance standards and outcome measures adopted by the
14567 Department of Education ~~Agency for Workforce Innovation~~.

14568 (9) FUNDING; SCHOOL READINESS PROGRAM.—

14569 (b)1. The Department of Education ~~Agency for Workforce~~
14570 ~~Innovation~~ shall administer school readiness funds, plans, and
14571 policies and shall prepare and submit a unified budget request
14572 for the school readiness system in accordance with chapter 216.

14573 2. All instructions to early learning coalitions for
14574 administering this section shall emanate from the Department of
14575 Education ~~Agency for Workforce Innovation~~ in accordance with the
14576 policies of the Legislature.

14577 (c) The Department of Education ~~Agency for Workforce~~
14578 ~~Innovation~~, subject to legislative notice and review under s.
14579 216.177, shall establish a formula for the allocation of all
14580 state and federal school readiness funds provided for children
14581 participating in the school readiness program, whether served by
14582 a public or private provider, based upon equity for each county.
14583 The allocation formula must be submitted to the Governor, the
14584 chair of the Senate Ways and Means Committee or its successor,
14585 and the chair of the House of Representatives Fiscal Council or
14586 its successor no later than January 1 of each year. If the
14587 Legislature specifies changes to the allocation formula, the

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14588 Department of Education ~~Agency for Workforce Innovation~~ shall
14589 allocate funds as specified in the General Appropriations Act.

14590 (d) All state, federal, and required local maintenance-of-
14591 effort or matching funds provided to an early learning coalition
14592 for purposes of this section shall be used for implementation of
14593 its approved school readiness plan, including the hiring of
14594 staff to effectively operate the coalition's school readiness
14595 program. As part of plan approval and periodic plan review, the
14596 Department of Education ~~Agency for Workforce Innovation~~ shall
14597 require that administrative costs be kept to the minimum
14598 necessary for efficient and effective administration of the
14599 school readiness plan, but total administrative expenditures
14600 must not exceed 5 percent unless specifically waived by the
14601 Department of Education ~~Agency for Workforce Innovation~~. The
14602 Department of Education ~~Agency for Workforce Innovation~~ shall
14603 annually report to the Legislature any problems relating to
14604 administrative costs.

14605 (e) The Department of Education ~~Agency for Workforce~~
14606 ~~Innovation~~ shall annually distribute, to a maximum extent
14607 practicable, all eligible funds provided under this section as
14608 block grants to the early learning coalitions in accordance with
14609 the terms and conditions specified by the department ~~agency~~.

14610 Section 279. Subsections (1) and (2), paragraph (a) of
14611 subsection (3), and subsection (4) of section 411.0101, Florida
14612 Statutes, are amended to read:

14613 411.0101 Child care and early childhood resource and
14614 referral.—

14615 (1) As a part of the school readiness programs, the
14616 Department of Education ~~Agency for Workforce Innovation~~ shall

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14617 establish a statewide child care resource and referral network
14618 that is unbiased and provides referrals to families for child
14619 care. Preference shall be given to using the already established
14620 early learning coalitions as the child care resource and
14621 referral agencies. If an early learning coalition cannot comply
14622 with the requirements to offer the resource information
14623 component or does not want to offer that service, the early
14624 learning coalition shall select the resource and referral agency
14625 for its county or multicounty region based upon a request for
14626 proposal pursuant to s. 411.01(5)(e)1.

14627 (2) At least one child care resource and referral agency
14628 must be established in each early learning coalition's county or
14629 multicounty region. The Department of Education ~~Agency for~~
14630 ~~Workforce Innovation~~ shall adopt rules regarding accessibility
14631 of child care resource and referral services offered through
14632 child care resource and referral agencies in each county or
14633 multicounty region which include, at a minimum, required hours
14634 of operation, methods by which parents may request services, and
14635 child care resource and referral staff training requirements.

14636 (3) Child care resource and referral agencies shall provide
14637 the following services:

14638 (a) Identification of existing public and private child
14639 care and early childhood education services, including child
14640 care services by public and private employers, and the
14641 development of a resource file of those services through the
14642 single statewide information system developed by the Department
14643 of Education ~~Agency for Workforce Innovation~~ under s.
14644 411.01(5)(c)1.e. These services may include family day care,
14645 public and private child care programs, the Voluntary

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14646 Prekindergarten Education Program, Head Start, the school
14647 readiness program, special education programs for
14648 prekindergarten children with disabilities, services for
14649 children with developmental disabilities, full-time and part-
14650 time programs, before-school and after-school programs, vacation
14651 care programs, parent education, the Temporary Cash Assistance
14652 Program, and related family support services. The resource file
14653 shall include, but not be limited to:

- 14654 1. Type of program.
- 14655 2. Hours of service.
- 14656 3. Ages of children served.
- 14657 4. Number of children served.
- 14658 5. Significant program information.
- 14659 6. Fees and eligibility for services.
- 14660 7. Availability of transportation.

14661 (4) The Department of Education ~~Agency for Workforce~~
14662 ~~Innovation~~ shall adopt any rules necessary for the
14663 implementation and administration of this section.

14664 Section 280. Subsections (2), (6), and (7) of section
14665 411.01013, Florida Statutes, are amended to read:

14666 411.01013 Prevailing market rate schedule.—

14667 (2) The Department of Education ~~Agency for Workforce~~
14668 ~~Innovation~~ shall establish procedures for the adoption of a
14669 prevailing market rate schedule. The schedule must include, at a
14670 minimum, county-by-county rates:

14671 (a) At the prevailing market rate, plus the maximum rate,
14672 for child care providers that hold a Gold Seal Quality Care
14673 designation under s. 402.281.

14674 (b) At the prevailing market rate for child care providers

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14675 that do not hold a Gold Seal Quality Care designation.

14676 (6) The Department of Education ~~Agency for Workforce~~
14677 ~~Innovation~~ may contract with one or more qualified entities to
14678 administer this section and provide support and technical
14679 assistance for child care providers.

14680 (7) The Department of Education ~~Agency for Workforce~~
14681 ~~Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54
14682 for establishing procedures for the collection of child care
14683 providers' market rate, the calculation of a reasonable
14684 frequency distribution of the market rate, and the publication
14685 of a prevailing market rate schedule.

14686 Section 281. Subsection (1) of section 411.01014, Florida
14687 Statutes, is amended to read:

14688 411.01014 School readiness transportation services.—

14689 (1) The Department of Education ~~Agency for Workforce~~
14690 ~~Innovation~~, pursuant to chapter 427, may authorize an early
14691 learning coalition to establish school readiness transportation
14692 services for children at risk of abuse or neglect participating
14693 in the school readiness program. The early learning coalitions
14694 may contract for the provision of transportation services as
14695 required by this section.

14696 Section 282. Subsections (1), (3), and (4) of section
14697 411.01015, Florida Statutes, are amended to read:

14698 411.01015 Consultation to child care centers and family day
14699 care homes regarding health, developmental, disability, and
14700 special needs issues.—

14701 (1) Contingent upon specific appropriations, the Department
14702 of Education ~~Agency for Workforce Innovation~~ shall administer a
14703 statewide toll-free Warm-Line for the purpose of providing

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14704 assistance and consultation to child care centers and family day
14705 care homes regarding health, developmental, disability, and
14706 special needs issues of the children they are serving,
14707 particularly children with disabilities and other special needs.

14708 (3) The Department of Education ~~Agency for Workforce~~
14709 ~~Innovation~~ shall annually inform child care centers and family
14710 day care homes of the availability of this service through the
14711 child care resource and referral network under s. 411.0101.

14712 (4) Contingent upon specific appropriations, the Department
14713 of Education ~~Agency for Workforce Innovation~~ shall expand, or
14714 contract for the expansion of, the Warm-Line to maintain at
14715 least one Warm-Line site in each early learning coalition
14716 service area.

14717 Section 283. Section 411.0102, Florida Statutes, is amended
14718 to read:

14719 411.0102 Child Care Executive Partnership Act; findings and
14720 intent; grant; limitation; rules.—

14721 (1) This section may be cited as the "Child Care Executive
14722 Partnership Act."

14723 (2)(a) The Legislature finds that when private employers
14724 provide onsite child care or provide other child care benefits,
14725 they benefit by improved recruitment and higher retention rates
14726 for employees, lower absenteeism, and improved employee morale.
14727 The Legislature also finds that there are many ways in which
14728 private employers can provide child care assistance to
14729 employees: information and referral, vouchering, employer
14730 contribution to child care programs, and onsite care. Private
14731 employers can offer child care as part of a menu of employee
14732 benefits. The Legislature recognizes that flexible compensation

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14733 programs providing a child care option are beneficial to the
14734 private employer through increased productivity, to the private
14735 employee in knowing that his or her children are being cared for
14736 in a safe and nurturing environment, and to the state in more
14737 dollars being available for purchasing power and investment.

14738 (b) It is the intent of the Legislature to promote
14739 public/private partnerships to ensure that the children of the
14740 state be provided safe and enriching child care at any time, but
14741 especially while parents work to remain self-sufficient. It is
14742 the intent of the Legislature that private employers be
14743 encouraged to participate in the future of this state by
14744 providing employee child care benefits. Further, it is the
14745 intent of the Legislature to encourage private employers to
14746 explore innovative ways to assist employees to obtain quality
14747 child care.

14748 (c) The Legislature further recognizes that many parents
14749 need assistance in paying the full costs of quality child care.
14750 The public and private sectors, by working in partnership, can
14751 promote and improve access to quality child care and early
14752 education for children of working families who need it.
14753 Therefore, a more formal mechanism is necessary to stimulate the
14754 establishment of public-private partnerships. It is the intent
14755 of the Legislature to expand the availability of scholarship
14756 options for working families by providing incentives for
14757 employers to contribute to meeting the needs of their employees'
14758 families through matching public dollars available for child
14759 care.

14760 (3) There is created a body politic and corporate known as
14761 the Child Care Executive Partnership which shall establish and

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14762 govern the Child Care Executive Partnership Program. The purpose
14763 of the Child Care Executive Partnership Program is to utilize
14764 state and federal funds as incentives for matching local funds
14765 derived from local governments, employers, charitable
14766 foundations, and other sources so that Florida communities may
14767 create local flexible partnerships with employers. The Child
14768 Care Executive Partnership Program funds shall be used at the
14769 discretion of local communities to meet the needs of working
14770 parents. A child care purchasing pool shall be developed with
14771 the state, federal, and local funds to provide subsidies to low-
14772 income working parents whose family income does not exceed the
14773 allowable income for any federally subsidized child care program
14774 with a dollar-for-dollar match from employers, local government,
14775 and other matching contributions. The funds used from the child
14776 care purchasing pool must be used to supplement or extend the
14777 use of existing public or private funds.

14778 (4) The Child Care Executive Partnership, staffed by the
14779 Department of Education ~~Agency for Workforce Innovation~~, shall
14780 consist of a representative of the Executive Office of the
14781 Governor, a representative of Jobs Florida, and nine members of
14782 the corporate or child care community, appointed by the
14783 Governor.

14784 (a) Members shall serve for a period of 4 years, except
14785 that the representative of the Executive Office of the Governor
14786 shall serve at the pleasure of the Governor, and the
14787 representative of Jobs Florida shall serve at the pleasure of
14788 the commissioner of Jobs Florida.

14789 (b) The Child Care Executive Partnership shall be chaired
14790 by a member chosen by a majority vote and shall meet at least

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14791 quarterly and at other times upon the call of the chair. The
14792 Child Care Executive Partnership may use any method of
14793 telecommunications to conduct meetings, including establishing a
14794 quorum through telecommunications, only if the public is given
14795 proper notice of a telecommunications meeting and reasonable
14796 access to observe and, when appropriate, participate.

14797 (c) Members shall serve without compensation, but may be
14798 reimbursed for per diem and travel expenses in accordance with
14799 s. 112.061.

14800 (d) The Child Care Executive Partnership shall have all the
14801 powers and authority, not explicitly prohibited by statute,
14802 necessary to carry out and effectuate the purposes of this
14803 section, as well as the functions, duties, and responsibilities
14804 of the partnership, including, but not limited to, the
14805 following:

14806 1. Assisting in the formulation and coordination of the
14807 state's child care policy.

14808 2. Adopting an official seal.

14809 3. Soliciting, accepting, receiving, investing, and
14810 expending funds from public or private sources.

14811 4. Contracting with public or private entities as
14812 necessary.

14813 5. Approving an annual budget.

14814 6. Carrying forward any unexpended state appropriations
14815 into succeeding fiscal years.

14816 7. Providing a report to the Governor, the Speaker of the
14817 House of Representatives, and the President of the Senate, on or
14818 before December 1 of each year.

14819 (5)(a) The Legislature shall annually determine the amount

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14820 of state or federal low-income child care moneys which shall be
14821 used to create Child Care Executive Partnership Program child
14822 care purchasing pools in counties chosen by the Child Care
14823 Executive Partnership, provided that at least two of the
14824 counties have populations of no more than 300,000. The
14825 Legislature shall annually review the effectiveness of the child
14826 care purchasing pool program and reevaluate the percentage of
14827 additional state or federal funds, if any, that can be used for
14828 the program's expansion.

14829 (b) To ensure a seamless service delivery and ease of
14830 access for families, an early learning coalition or the
14831 Department of Education ~~Agency for Workforce Innovation~~ shall
14832 administer the child care purchasing pool funds.

14833 (c) The Department of Education ~~Agency for Workforce~~
14834 ~~Innovation~~, in conjunction with the Child Care Executive
14835 Partnership, shall develop procedures for disbursement of funds
14836 through the child care purchasing pools. In order to be
14837 considered for funding, an early learning coalition or the
14838 Department of Education ~~Agency for Workforce Innovation~~ must
14839 commit to:

14840 1. Matching the state purchasing pool funds on a dollar-
14841 for-dollar basis; and

14842 2. Expending only those public funds which are matched by
14843 employers, local government, and other matching contributors who
14844 contribute to the purchasing pool. Parents shall also pay a fee,
14845 which may not be less than the amount identified in the early
14846 learning coalition's school readiness program sliding fee scale.

14847 (d) Each early learning coalition shall establish a
14848 community child care task force for each child care purchasing

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14849 pool. The task force must be composed of employers, parents,
14850 private child care providers, and one representative from the
14851 local children's services council, if one exists in the area of
14852 the purchasing pool. The early learning coalition is expected to
14853 recruit the task force members from existing child care
14854 councils, commissions, or task forces already operating in the
14855 area of a purchasing pool. A majority of the task force shall
14856 consist of employers.

14857 (e) Each early learning coalition board shall develop a
14858 plan for the use of child care purchasing pool funds. The plan
14859 must show how many children will be served by the purchasing
14860 pool, how many will be new to receiving child care services, and
14861 how the early learning coalition intends to attract new
14862 employers and their employees to the program.

14863 (6) The Department of Education ~~Agency for Workforce~~
14864 ~~Innovation~~ shall adopt any rules necessary for the
14865 implementation and administration of this section.

14866 Section 284. Subsections (2) and (3) of section 411.0103,
14867 Florida Statutes, are amended to read:

14868 411.0103 Teacher Education and Compensation Helps (TEACH)
14869 scholarship program.—

14870 (2) The Department of Education ~~Agency for Workforce~~
14871 ~~Innovation~~ may contract for the administration of the Teacher
14872 Education and Compensation Helps (TEACH) scholarship program,
14873 which provides educational scholarships to caregivers and
14874 administrators of early childhood programs, family day care
14875 homes, and large family child care homes.

14876 (3) The department ~~agency~~ shall adopt rules under ss.
14877 120.536(1) and 120.54 as necessary to administer this section.

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14878 Section 285. Subsections (1) and (3) of section 411.0104,
14879 Florida Statutes, are amended to read:

14880 411.0104 Early Head Start collaboration grants.—

14881 (1) Contingent upon specific appropriations, the Department
14882 of Education ~~Agency for Workforce Innovation~~ shall establish a
14883 program to award collaboration grants to assist local agencies
14884 in securing Early Head Start programs through Early Head Start
14885 program federal grants. The collaboration grants shall provide
14886 the required matching funds for public and private nonprofit
14887 agencies that have been approved for Early Head Start program
14888 federal grants.

14889 (3) The Department of Education ~~Agency for Workforce~~
14890 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as
14891 necessary for the award of collaboration grants to competing
14892 agencies and the administration of the collaboration grants
14893 program under this section.

14894 Section 286. Section 411.0106, Florida Statutes, is amended
14895 to read:

14896 411.0106 Infants and toddlers in state-funded education and
14897 care programs; brain development activities.—Each state-funded
14898 education and care program for children from birth to 5 years of
14899 age must provide activities to foster brain development in
14900 infants and toddlers. A program must provide an environment that
14901 helps children attain the performance standards adopted by the
14902 Department of Education ~~Agency for Workforce Innovation~~ under s.
14903 411.01(4)(d)8. and must be rich in language and music and filled
14904 with objects of various colors, shapes, textures, and sizes to
14905 stimulate visual, tactile, auditory, and linguistic senses in
14906 the children and must include classical music and at least 30

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14907 minutes of reading to the children each day. A program may be
14908 offered through an existing early childhood program such as
14909 Healthy Start, the Title I program, the school readiness
14910 program, the Head Start program, or a private child care
14911 program. A program must provide training for the infants' and
14912 toddlers' parents including direct dialogue and interaction
14913 between teachers and parents demonstrating the urgency of brain
14914 development in the first year of a child's life. Family day care
14915 centers are encouraged, but not required, to comply with this
14916 section.

14917 Section 287. Subsection (1) and paragraph (g) of subsection
14918 (3) of section 411.011, Florida Statutes, are amended to read:

14919 411.011 Records of children in school readiness programs.—

14920 (1) The individual records of children enrolled in school
14921 readiness programs provided under s. 411.01, held by an early
14922 learning coalition or the Department of Education ~~Agency for~~
14923 ~~Workforce Innovation~~, are confidential and exempt from s.
14924 119.07(1) and s. 24(a), Art. I of the State Constitution. For
14925 purposes of this section, records include assessment data,
14926 health data, records of teacher observations, and personal
14927 identifying information.

14928 (3) School readiness records may be released to:

14929 (g) Parties to an interagency agreement among early
14930 learning coalitions, local governmental agencies, providers of
14931 school readiness programs, state agencies, and the Department of
14932 Education ~~Agency for Workforce Innovation~~ for the purpose of
14933 implementing the school readiness program.

14934
14935 Agencies, organizations, or individuals that receive school

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14936 readiness records in order to carry out their official functions
14937 must protect the data in a manner that does not permit the
14938 personal identification of a child enrolled in a school
14939 readiness program and his or her parents by persons other than
14940 those authorized to receive the records.

14941 Section 288. Paragraph (e) of subsection (2) of section
14942 411.226, Florida Statutes, is amended to read:

14943 411.226 Learning Gateway.—

14944 (2) LEARNING GATEWAY STEERING COMMITTEE.—

14945 (e) To support and facilitate system improvements, the
14946 steering committee must consult with representatives from the
14947 Department of Education, the Department of Health, ~~the Agency~~
14948 ~~for Workforce Innovation~~, the Department of Children and Family
14949 Services, the Agency for Health Care Administration, the
14950 Department of Juvenile Justice, and the Department of
14951 Corrections and with the director of the Learning Development
14952 and Evaluation Center of Florida Agricultural and Mechanical
14953 University.

14954 Section 289. Paragraph (d) of subsection (1), paragraph (a)
14955 of subsection (2), and paragraph (c) of subsection (3) of
14956 section 411.227, Florida Statutes, are amended to read:

14957 411.227 Components of the Learning Gateway.—The Learning
14958 Gateway system consists of the following components:

14959 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
14960 ACCESS.—

14961 (d) In collaboration with other local resources, the
14962 demonstration projects shall develop public awareness strategies
14963 to disseminate information about developmental milestones,
14964 precursors of learning problems and other developmental delays,

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14965 and the service system that is available. The information should
14966 target parents of children from birth through age 9 and should
14967 be distributed to parents, health care providers, and caregivers
14968 of children from birth through age 9. A variety of media should
14969 be used as appropriate, such as print, television, radio, and a
14970 community-based Internet website, as well as opportunities such
14971 as those presented by parent visits to physicians for well-child
14972 checkups. The Learning Gateway Steering Committee shall provide
14973 technical assistance to the local demonstration projects in
14974 developing and distributing educational materials and
14975 information.

14976 1. Public awareness strategies targeting parents of
14977 children from birth through age 5 shall be designed to provide
14978 information to public and private preschool programs, child care
14979 providers, pediatricians, parents, and local businesses and
14980 organizations. These strategies should include information on
14981 the school readiness performance standards adopted by the
14982 Department of Education ~~Agency for Workforce Innovation~~.

14983 2. Public awareness strategies targeting parents of
14984 children from ages 6 through 9 must be designed to disseminate
14985 training materials and brochures to parents and public and
14986 private school personnel, and must be coordinated with the local
14987 school board and the appropriate school advisory committees in
14988 the demonstration projects. The materials should contain
14989 information on state and district proficiency levels for grades
14990 K-3.

14991 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

14992 (a) In coordination with ~~the Agency for Workforce~~
14993 ~~Innovation~~, the Department of Education, and the Florida

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14994 Pediatric Society, and using information learned from the local
14995 demonstration projects, the Learning Gateway Steering Committee
14996 shall establish guidelines for screening children from birth
14997 through age 9. The guidelines should incorporate recent research
14998 on the indicators most likely to predict early learning
14999 problems, mild developmental delays, child-specific precursors
15000 of school failure, and other related developmental indicators in
15001 the domains of cognition; communication; attention; perception;
15002 behavior; and social, emotional, sensory, and motor functioning.

15003 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

15004 (c) The steering committee, in cooperation with the
15005 Department of Children and Family Services and, the Department
15006 of Education, ~~and the Agency for Workforce Innovation~~, shall
15007 identify the elements of an effective research-based curriculum
15008 for early care and education programs.

15009 Section 290. Section 414.24, Florida Statutes, is amended
15010 to read:

15011 414.24 Integrated welfare reform and child welfare
15012 services.—The department shall develop integrated service
15013 delivery strategies to better meet the needs of families subject
15014 to work activity requirements who are involved in the child
15015 welfare system or are at high risk of involvement in the child
15016 welfare system. To the extent that resources are available, the
15017 department and Jobs Florida ~~the Department of Labor and~~
15018 ~~Employment Security~~ shall provide funds to one or more service
15019 districts to promote development of integrated, nonduplicative
15020 case management within the department, Jobs Florida ~~the~~
15021 ~~Department of Labor and Employment Security~~, other participating
15022 government agencies, and community partners. Alternative

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15023 delivery systems shall be encouraged which include well-defined,
15024 pertinent outcome measures. Other factors to be considered shall
15025 include innovation regarding training, enhancement of existing
15026 resources, and increased private sector and business sector
15027 participation.

15028 Section 291. Section 414.40, Florida Statutes, is amended
15029 to read:

15030 414.40 Stop Inmate Fraud Program established; guidelines.-

15031 (1) There is created within the Department of Financial
15032 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud
15033 Program.

15034 (2) The Department of Financial Services ~~Department of Law~~
15035 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud
15036 Program in accordance with the following guidelines:

15037 (a) The program shall establish procedures for sharing
15038 public records not exempt from the public records law among
15039 social services agencies regarding the identities of persons
15040 incarcerated in state correctional institutions, as defined in
15041 s. 944.02, or in county, municipal, or regional jails or other
15042 detention facilities of local governments under chapter 950 or
15043 chapter 951 who are wrongfully receiving public assistance
15044 benefits or entitlement benefits.

15045 (b) Pursuant to these procedures, the program shall have
15046 access to records containing correctional information not exempt
15047 from the public records law on incarcerated persons which have
15048 been generated as criminal justice information. As used in this
15049 paragraph, the term "record" is defined as provided in s.
15050 943.045(7), and the term "criminal justice information" is
15051 defined as provided in s. 943.045(3).

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15052 (c) Database searches shall be conducted of the inmate
15053 population at each correctional institution or other detention
15054 facility. A correctional institution or a detention facility
15055 shall provide the Stop Inmate Fraud Program with the information
15056 necessary to identify persons wrongfully receiving benefits in
15057 the medium requested by the Stop Inmate Fraud Program if the
15058 correctional institution or detention facility maintains the
15059 information in that medium.

15060 (d) Data obtained from correctional institutions or other
15061 detention facilities shall be compared with the client files of
15062 the Department of Children and Family Services, the Agency for
15063 Workforce Innovation ~~Department of Labor and Employment~~
15064 ~~Security~~, and other state or local agencies as needed to
15065 identify persons wrongfully obtaining benefits. Data comparisons
15066 shall be accomplished during periods of low information demand
15067 by agency personnel to minimize inconvenience to the agency.

15068 (e) Results of data comparisons shall be furnished to the
15069 appropriate office for use in the county in which the data
15070 originated. The program may provide reports of the data it
15071 obtains to appropriate state, federal, and local government
15072 agencies or governmental entities, including, but not limited
15073 to:

15074 1. The Child Support Enforcement Program of the Department
15075 of Revenue, so that the data may be used as locator information
15076 on persons being sought for purposes of child support.

15077 2. The Social Security Administration, so that the data may
15078 be used to reduce federal entitlement fraud within the state.

15079 (f) Reports by the program to another agency or entity
15080 shall be generated bimonthly, or as otherwise directed, and

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15081 shall be designed to accommodate that agency's or entity's
15082 particular needs for data.

15083 (g) Only those persons with active cases, or with cases
15084 that were active during the incarceration period, shall be
15085 reported, in order that the funding agency or entity, upon
15086 verification of the data, may take whatever action is deemed
15087 appropriate.

15088 (h) For purposes of program review and analysis, each
15089 agency or entity receiving data from the program shall submit
15090 reports to the program which indicate the results of how the
15091 data was used.

15092 Section 292. Subsection (1) of section 414.295, Florida
15093 Statutes, is amended to read:

15094 414.295 Temporary cash assistance programs; public records
15095 exemption.—

15096 (1) Personal identifying information of a temporary cash
15097 assistance program participant, a participant's family, or a
15098 participant's family or household member, except for information
15099 identifying a parent who does not live in the same home as the
15100 child, held by the department, Jobs Florida ~~the Agency for~~
15101 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15102 Health, the Department of Revenue, the Department of Education,
15103 or a regional workforce board or local committee created
15104 pursuant to s. 445.007 is confidential and exempt from s.
15105 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
15106 confidential and exempt information may be released for purposes
15107 directly connected with:

15108 (a) The administration of the temporary assistance for
15109 needy families plan under Title IV-A of the Social Security Act,

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15110 as amended, by the department, Jobs Florida ~~the Agency for~~
15111 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15112 Military Affairs, the Department of Health, the Department of
15113 Revenue, the Department of Education, a regional workforce board
15114 or local committee created pursuant to s. 445.007, or a school
15115 district.

15116 (b) The administration of the state's plan or program
15117 approved under Title IV-B, Title IV-D, or Title IV-E of the
15118 Social Security Act, as amended, or under Title I, Title X,
15119 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
15120 Social Security Act, as amended.

15121 (c) Any investigation, prosecution, or any criminal, civil,
15122 or administrative proceeding conducted in connection with the
15123 administration of any of the plans or programs specified in
15124 paragraph (a) or paragraph (b) by a federal, state, or local
15125 governmental entity, upon request by that entity, when such
15126 request is made pursuant to the proper exercise of that entity's
15127 duties and responsibilities.

15128 (d) The administration of any other state, federal, or
15129 federally assisted program that provides assistance or services
15130 on the basis of need, in cash or in kind, directly to a
15131 participant.

15132 (e) Any audit or similar activity, such as a review of
15133 expenditure reports or financial review, conducted in connection
15134 with the administration of any of the plans or programs
15135 specified in paragraph (a) or paragraph (b) by a governmental
15136 entity authorized by law to conduct such audit or activity.

15137 (f) The administration of the unemployment compensation
15138 program.

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15139 (g) The reporting to the appropriate agency or official of
15140 information about known or suspected instances of physical or
15141 mental injury, sexual abuse or exploitation, or negligent
15142 treatment or maltreatment of a child or elderly person receiving
15143 assistance, if circumstances indicate that the health or welfare
15144 of the child or elderly person is threatened.

15145 (h) The administration of services to elderly persons under
15146 ss. 430.601-430.606.

15147 Section 293. Subsections (1) and (3) of section 414.411,
15148 Florida Statutes, are amended to read:

15149 414.411 Public assistance fraud.—

15150 (1) The Department of Financial Services shall investigate
15151 all public assistance provided to residents of the state or
15152 provided to others by the state. In the course of such
15153 investigation the department shall examine all records,
15154 including electronic benefits transfer records and make inquiry
15155 of all persons who may have knowledge as to any irregularity
15156 incidental to the disbursement of public moneys, food
15157 assistance, or other items or benefits authorizations to
15158 recipients. All public assistance recipients, as a condition
15159 precedent to qualification for public assistance under chapter
15160 409, chapter 411, or this chapter, must first give in writing,
15161 to the Agency for Health Care Administration, the Department of
15162 Health, Jobs Florida ~~the Agency for Workforce Innovation~~, and
15163 the Department of Children and Family Services, as appropriate,
15164 and to the Department of Financial Services, consent to make
15165 inquiry of past or present employers and records, financial or
15166 otherwise.

15167 (3) The results of such investigation shall be reported by

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15168 the Department of Financial Services to the appropriate
15169 legislative committees, the Agency for Health Care
15170 Administration, the Department of Health, Jobs Florida ~~the~~
15171 ~~Agency for Workforce Innovation~~, and the Department of Children
15172 and Family Services, and to such others as the department may
15173 determine.

15174 Section 294. Paragraph (b) of subsection (2) of section
15175 429.907, Florida Statutes, is amended to read:

15176 429.907 License requirement; fee; exemption; display.—

15177 (2)

15178 (b) If ~~In the event~~ a licensed center becomes wholly or
15179 substantially unusable due to a disaster ~~as defined in s.~~
15180 ~~252.34(1)~~ or due to an emergency as those terms are defined in
15181 s. 252.34(3):

15182 1. The licensee may continue to operate under its current
15183 license in ~~a premise or~~ premises separate from that authorized
15184 under the license if the licensee has:

15185 a. Specified the location of the ~~premise or~~ premises in its
15186 comprehensive emergency management plan submitted to and
15187 approved by the applicable county emergency management
15188 authority; and

15189 b. Notified the agency and the county emergency management
15190 authority within 24 hours of operating in the separate ~~premise~~
15191 ~~or~~ premises.

15192 2. The licensee shall operate the separate ~~premise or~~
15193 premises only while the licensed center's original location is
15194 substantially unusable and for up to no longer than 180 days.
15195 The agency may extend use of the alternate ~~premise or~~ premises
15196 beyond the initial 180 days. The agency may also review the

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15197 operation of the disaster ~~premise or~~ premises quarterly.

15198 Section 295. Subsection (2) of section 440.12, Florida
15199 Statutes, is amended to read:

15200 440.12 Time for commencement and limits on weekly rate of
15201 compensation.—

15202 (2) Compensation for disability resulting from injuries
15203 which occur after December 31, 1974, shall not be less than \$20
15204 per week. However, if the employee's wages at the time of injury
15205 are less than \$20 per week, he or she shall receive his or her
15206 full weekly wages. If the employee's wages at the time of the
15207 injury exceed \$20 per week, compensation shall not exceed an
15208 amount per week which is:

15209 (a) Equal to 100 percent of the statewide average weekly
15210 wage, determined as hereinafter provided for the year in which
15211 the injury occurred; however, the increase to 100 percent from
15212 66 2/3 percent of the statewide average weekly wage shall apply
15213 only to injuries occurring on or after August 1, 1979; and

15214 (b) Adjusted to the nearest dollar.

15215
15216 For the purpose of this subsection, the "statewide average
15217 weekly wage" means the average weekly wage paid by employers
15218 subject to the Florida Unemployment Compensation Law as reported
15219 to Jobs Florida ~~the Agency for Workforce Innovation~~ for the four
15220 calendar quarters ending each June 30, which average weekly wage
15221 shall be determined by Jobs Florida ~~the Agency for Workforce~~
15222 ~~Innovation~~ on or before November 30 of each year and shall be
15223 used in determining the maximum weekly compensation rate with
15224 respect to injuries occurring in the calendar year immediately
15225 following. The statewide average weekly wage determined by Jobs

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15226 Florida ~~the Agency for Workforce Innovation~~ shall be reported
15227 annually to the Legislature.

15228 Section 296. Paragraph (c) of subsection (9) of section
15229 440.15, Florida Statutes, is amended to read:

15230 440.15 Compensation for disability.—Compensation for
15231 disability shall be paid to the employee, subject to the limits
15232 provided in s. 440.12(2), as follows:

15233 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
15234 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

15235 (c) Disability compensation benefits payable for any week,
15236 including those benefits provided by paragraph (1)(f), may not
15237 be reduced pursuant to this subsection until the Social Security
15238 Administration determines the amount otherwise payable to the
15239 employee under 42 U.S.C. ss. 402 and 423 and the employee has
15240 begun receiving such social security benefit payments. The
15241 employee shall, upon demand by the department, the employer, or
15242 the carrier, authorize the Social Security Administration to
15243 release disability information relating to her or him and
15244 authorize Jobs Florida ~~the Agency for Workforce Innovation~~ to
15245 release unemployment compensation information relating to her or
15246 him, in accordance with rules to be adopted by the department
15247 prescribing the procedure and manner for requesting the
15248 authorization and for compliance by the employee. The department
15249 or the employer or carrier may not make any payment of benefits
15250 for total disability or those additional benefits provided by
15251 paragraph (1)(f) for any period during which the employee
15252 willfully fails or refuses to authorize the release of
15253 information in the manner and within the time prescribed by such
15254 rules. The authority for release of disability information

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15255 granted by an employee under this paragraph is effective for a
15256 period not to exceed 12 months and such authority may be
15257 renewed, as the department prescribes by rule.

15258 Section 297. Subsections (4) and (7) of section 440.381,
15259 Florida Statutes, are amended to read:

15260 440.381 Application for coverage; reporting payroll;
15261 payroll audit procedures; penalties.—

15262 (4) Each employer must submit a copy of the quarterly
15263 earnings ~~earning~~ report required by chapter 443 at the end of
15264 each quarter to the carrier and submit self-audits supported by
15265 the quarterly earnings reports required by chapter 443 and the
15266 rules adopted by Jobs Florida ~~the Agency for Workforce~~
15267 Innovation or by the state agency providing unemployment tax
15268 collection services under contract with Jobs Florida ~~the Agency~~
15269 ~~for Workforce Innovation~~ through an interagency agreement
15270 pursuant to s. 443.1316. The reports must include a sworn
15271 statement by an officer or principal of the employer attesting
15272 to the accuracy of the information contained in the report.

15273 (7) If an employee suffering a compensable injury was not
15274 reported as earning wages on the last quarterly earnings report
15275 filed with Jobs Florida ~~the Agency for Workforce Innovation~~ or
15276 the state agency providing unemployment tax collection services
15277 under contract with Jobs Florida ~~the Agency for Workforce~~
15278 ~~Innovation~~ through an interagency agreement pursuant to s.
15279 443.1316 before the accident, the employer shall indemnify the
15280 carrier for all workers' compensation benefits paid to or on
15281 behalf of the employee unless the employer establishes that the
15282 employee was hired after the filing of the quarterly report, in
15283 which case the employer and employee shall attest to the fact

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15284 that the employee was employed by the employer at the time of
15285 the injury. Failure of the employer to indemnify the insurer
15286 within 21 days after demand by the insurer is grounds for the
15287 insurer to immediately cancel coverage. Any action for
15288 indemnification brought by the carrier is cognizable in the
15289 circuit court having jurisdiction where the employer or carrier
15290 resides or transacts business. The insurer is entitled to a
15291 reasonable attorney's fee if it recovers any portion of the
15292 benefits paid in the action.

15293 Section 298. Subsection (5) of section 440.385, Florida
15294 Statutes, is amended to read:

15295 440.385 Florida Self-Insurers Guaranty Association,
15296 Incorporated.—

15297 (5) PLAN OF OPERATION.—The association shall operate
15298 pursuant to a plan of operation approved by the board of
15299 directors. The plan of operation must be in effect on January 1,
15300 2002, and approved by the Department of Financial Services and
15301 Department of Labor and Employment Security shall remain in
15302 effect. However, any amendments to the plan shall not become
15303 effective until approved by the department ~~of Financial~~
15304 ~~Services.~~

15305 (a) The purpose of the plan of operation shall be to
15306 provide the association and the board of directors with the
15307 authority and responsibility to establish the necessary programs
15308 and to take the necessary actions to protect against the
15309 insolvency of a member of the association. In addition, the plan
15310 shall provide that the members of the association shall be
15311 responsible for maintaining an adequate Insolvency Fund to meet
15312 the obligations of insolvent members provided for under this act

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15313 and shall authorize the board of directors to contract and
15314 employ those persons with the necessary expertise to carry out
15315 this stated purpose. ~~By January 1, 2003,~~ The board of directors
15316 shall submit to the department a proposed plan of operation for
15317 the administration of the association. The department shall
15318 approve the plan by order, consistent with this section. The
15319 department shall approve any amendments to the plan, consistent
15320 with this section, which are determined appropriate to carry out
15321 the duties and responsibilities of the association.

15322 (b) All member employers shall comply with the plan of
15323 operation.

15324 (c) The plan of operation shall:

15325 1. Establish the procedures whereby all the powers and
15326 duties of the association under subsection (3) will be
15327 performed.

15328 2. Establish procedures for handling assets of the
15329 association.

15330 3. Establish the amount and method of reimbursing members
15331 of the board of directors under subsection (2).

15332 4. Establish procedures by which claims may be filed with
15333 the association and establish acceptable forms of proof of
15334 covered claims. Notice of claims to the receiver or liquidator
15335 of the insolvent employer shall be deemed notice to the
15336 association or its agent, and a list of such claims shall be
15337 submitted periodically to the association or similar
15338 organization in another state by the receiver or liquidator.

15339 5. Establish regular places and times for meetings of the
15340 board of directors.

15341 6. Establish procedures for records to be kept of all

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15342 financial transactions of the association and its agents and the
15343 board of directors.

15344 7. Provide that any member employer aggrieved by any final
15345 action or decision of the association may appeal to the
15346 department within 30 days after the action or decision.

15347 8. Establish the procedures whereby recommendations of
15348 candidates for the board of directors shall be submitted to the
15349 department.

15350 9. Contain additional provisions necessary or proper for
15351 the execution of the powers and duties of the association.

15352 (d) The plan of operation may provide that any or all of
15353 the powers and duties of the association, except those specified
15354 under subparagraphs (c)1. and 2., be delegated to a corporation,
15355 association, or other organization which performs or will
15356 perform functions similar to those of this association or its
15357 equivalent in two or more states. Such a corporation,
15358 association, or organization shall be reimbursed as a servicing
15359 facility would be reimbursed and shall be paid for its
15360 performance of any other functions of the association. A
15361 delegation of powers or duties under this subsection shall take
15362 effect only with the approval of both the board of directors and
15363 the department and may be made only to a corporation,
15364 association, or organization which extends protection which is
15365 not substantially less favorable and effective than the
15366 protection provided by this section.

15367 Section 299. Paragraph (b) of subsection (9) of section
15368 440.49, Florida Statutes, is amended to read:

15369 440.49 Limitation of liability for subsequent injury
15370 through Special Disability Trust Fund.—

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15371 (9) SPECIAL DISABILITY TRUST FUND.—

15372 (b)1. The Special Disability Trust Fund shall be maintained
15373 by annual assessments upon the insurance companies writing
15374 compensation insurance in the state, the commercial self-
15375 insurers under ss. 624.462 and 624.4621, the assessable mutuals
15376 as defined in s. 628.6011, and the self-insurers under this
15377 chapter, which assessments shall become due and be paid
15378 quarterly at the same time and in addition to the assessments
15379 provided in s. 440.51. The department shall estimate annually in
15380 advance the amount necessary for the administration of this
15381 subsection and the maintenance of this fund and shall make such
15382 assessment in the manner hereinafter provided.

15383 2. The annual assessment shall be calculated to produce
15384 during the ensuing fiscal year an amount which, when combined
15385 with that part of the balance in the fund on June 30 of the
15386 current fiscal year which is in excess of \$100,000, is equal to
15387 the average of:

15388 a. The sum of disbursements from the fund during the
15389 immediate past 3 calendar years, and

15390 b. Two times the disbursements of the most recent calendar
15391 year.

15392
15393 Such amount shall be prorated among the insurance companies
15394 writing compensation insurance in the state and the self-
15395 insurers. ~~Provided however, for those carriers that have~~
15396 ~~excluded ceded reinsurance premiums from their assessments on or~~
15397 ~~before January 1, 2000, no assessments on ceded reinsurance~~
15398 ~~premiums shall be paid by those carriers until such time as the~~
15399 ~~former Division of Workers' Compensation of the Department of~~

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15400 ~~Labor and Employment Security or the department advises each of~~
15401 ~~those carriers of the impact that the inclusion of ceded~~
15402 ~~reinsurance premiums has on their assessment. The department may~~
15403 ~~not recover any past underpayments of assessments levied against~~
15404 ~~any carrier that on or before January 1, 2000, excluded ceded~~
15405 ~~reinsurance premiums from their assessment prior to the point~~
15406 ~~that the former Division of Workers' Compensation of the~~
15407 ~~Department of Labor and Employment Security or the department~~
15408 ~~advises of the appropriate assessment that should have been~~
15409 ~~paid.~~

15410 3. The net premiums written by the companies for workers'
15411 compensation in this state and the net premium written
15412 applicable to the self-insurers in this state are the basis for
15413 computing the amount to be assessed as a percentage of net
15414 premiums. Such payments shall be made by each carrier and self-
15415 insurer to the department for the Special Disability Trust Fund
15416 in accordance with such regulations as the department
15417 prescribes.

15418 4. The Chief Financial Officer is authorized to receive and
15419 credit to such Special Disability Trust Fund any sum or sums
15420 that may at any time be contributed to the state by the United
15421 States under any Act of Congress, or otherwise, to which the
15422 state may be or become entitled by reason of any payments made
15423 out of such fund.

15424 Section 300. Subsections (1), (4), and (5) of section
15425 443.012, Florida Statutes, are amended to read:

15426 443.012 Unemployment Appeals Commission.—

15427 (1) There is created within the Division of Unemployment
15428 Services of Jobs Florida ~~the Agency for Workforce Innovation an~~

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15429 Unemployment Appeals Commission. The commission is composed of a
15430 chair and two other members appointed by the Governor, subject
15431 to confirmation by the Senate. Only one appointee may be a
15432 representative of employers, as demonstrated by his or her
15433 previous vocation, employment, or affiliation; and only one
15434 appointee may be a representative of employees, as demonstrated
15435 by his or her previous vocation, employment, or affiliation.

15436 (a) The chair shall devote his or her entire time to
15437 commission duties and is responsible for the administrative
15438 functions of the commission.

15439 (b) The chair has authority to appoint a general counsel
15440 and other personnel to carry out the duties and responsibilities
15441 of the commission.

15442 (c) The chair must have the qualifications required by law
15443 for a judge of the circuit court and may not engage in any other
15444 business vocation or employment. Notwithstanding any other law,
15445 the chair shall be paid a salary equal to that paid under state
15446 law to a judge of the circuit court.

15447 (d) The remaining members shall be paid a stipend of \$100
15448 for each day they are engaged in the work of the commission. The
15449 chair and other members are entitled to be reimbursed for travel
15450 expenses, as provided in s. 112.061.

15451 (e) The total salary and travel expenses of each member of
15452 the commission shall be paid from the Employment Security
15453 Administration Trust Fund.

15454 (4) The property, personnel, and appropriations relating to
15455 the specified authority, powers, duties, and responsibilities of
15456 the commission shall be provided to the commission by Jobs
15457 Florida ~~the Agency for Workforce Innovation~~.

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15458 (5) The commission is not subject to control, supervision,
15459 or direction by Jobs Florida ~~the Agency for Workforce Innovation~~
15460 in performing its powers or duties under this chapter.

15461 Section 301. Subsections (9), (41), (43), and (45) of
15462 section 443.036, Florida Statutes, are amended to read:

15463 443.036 Definitions.—As used in this chapter, the term:

15464 (9) "Benefit year" means, for an individual, the 1-year
15465 period beginning with the first day of the first week for which
15466 the individual first files a valid claim for benefits and,
15467 thereafter, the 1-year period beginning with the first day of
15468 the first week for which the individual next files a valid claim
15469 for benefits after the termination of his or her last preceding
15470 benefit year. Each claim for benefits made in accordance with s.
15471 443.151(2) is a valid claim under this subsection if the
15472 individual was paid wages for insured work in accordance with s.
15473 443.091(1)(g) and is unemployed as defined in subsection (43) at
15474 the time of filing the claim. However, Jobs Florida ~~the Agency~~
15475 ~~for Workforce Innovation~~ may adopt rules providing for the
15476 establishment of a uniform benefit year for all workers in one
15477 or more groups or classes of service or within a particular
15478 industry if Jobs Florida ~~the agency~~ determines, after notice to
15479 the industry and to the workers in the industry and an
15480 opportunity to be heard in the matter, that those groups or
15481 classes of workers in a particular industry periodically
15482 experience unemployment resulting from layoffs or shutdowns for
15483 limited periods of time.

15484 (41) "Tax collection service provider" or "service
15485 provider" means the state agency providing unemployment tax
15486 collection services under contract with Jobs Florida ~~the Agency~~

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15487 for ~~Workforce Innovation~~ through an interagency agreement
15488 pursuant to s. 443.1316.

15489 (43) "Unemployment" means:

15490 (a) An individual is "totally unemployed" in any week
15491 during which he or she does not perform any services and for
15492 which earned income is not payable to him or her. An individual
15493 is "partially unemployed" in any week of less than full-time
15494 work if the earned income payable to him or her for that week is
15495 less than his or her weekly benefit amount. Jobs Florida ~~The~~
15496 ~~Agency for Workforce Innovation~~ may adopt rules prescribing
15497 distinctions in the procedures for unemployed individuals based
15498 on total unemployment, part-time unemployment, partial
15499 unemployment of individuals attached to their regular jobs, and
15500 other forms of short-time work.

15501 (b) An individual's week of unemployment commences only
15502 after his or her registration with Jobs Florida ~~the Agency for~~
15503 ~~Workforce Innovation~~ as required in s. 443.091, except as the
15504 agency may otherwise prescribe by rule.

15505 (45) "Week" means a period of 7 consecutive days as defined
15506 in the rules of Jobs Florida ~~the Agency for Workforce~~
15507 ~~Innovation~~. Jobs Florida ~~The Agency for Workforce Innovation~~ may
15508 by rule prescribe that a week is deemed to be "in," "within," or
15509 "during" the benefit year that contains the greater part of the
15510 week.

15511 Section 302. Subsections (2) and (3) of section 443.041,
15512 Florida Statutes, are amended to read:

15513 443.041 Waiver of rights; fees; privileged communications.—

15514 (2) FEES.—

15515 (a) Except as otherwise provided in this chapter, an

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15516 individual claiming benefits may not be charged fees of any kind
15517 in any proceeding under this chapter by the commission or Jobs
15518 Florida ~~the Agency for Workforce Innovation~~, or their
15519 representatives, or by any court or any officer of the court. An
15520 individual claiming benefits in any proceeding before the
15521 commission or Jobs Florida ~~the Agency for Workforce Innovation~~,
15522 or representatives of either, or a court may be represented by
15523 counsel or an authorized representative, but the counsel or
15524 representative may not charge or receive for those services more
15525 than an amount approved by the commission, Jobs Florida ~~the~~
15526 ~~Agency for Workforce Innovation~~, or the court.

15527 (b) An attorney at law representing a claimant for benefits
15528 in any district court of appeal of this state or in the Supreme
15529 Court of Florida is entitled to counsel fees payable by Jobs
15530 Florida ~~the Agency for Workforce Innovation~~ as set by the court
15531 if the petition for review or appeal is initiated by the
15532 claimant and results in a decision awarding more benefits than
15533 provided in the decision from which appeal was taken. The amount
15534 of the fee may not exceed 50 percent of the total amount of
15535 regular benefits permitted under s. 443.111(5)(a) during the
15536 benefit year.

15537 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
15538 pay attorneys' fees awarded under this section from the
15539 Employment Security Administration Trust Fund as part of the
15540 costs of administration of this chapter and may pay these fees
15541 directly to the attorney for the claimant in a lump sum. Jobs
15542 Florida ~~The Agency for Workforce Innovation~~ or the commission
15543 may not pay any other fees or costs in connection with an
15544 appeal.

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15545 (d) Any person, firm, or corporation who or which seeks or
15546 receives any remuneration or gratuity for any services rendered
15547 on behalf of a claimant, except as allowed by this section and
15548 in an amount approved by Jobs Florida ~~the Agency for Workforce~~
15549 ~~Innovation~~, the commission, or a court, commits a misdemeanor of
15550 the second degree, punishable as provided in s. 775.082 or s.
15551 775.083.

15552 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
15553 communications, or any other matters, either oral or written,
15554 between an employer and an employee or between Jobs Florida ~~the~~
15555 ~~Agency for Workforce Innovation~~ or its tax collection service
15556 provider and any of their agents, representatives, or employees
15557 which are written, sent, delivered, or made in connection with
15558 this chapter, are privileged and may not be the subject matter
15559 or basis for any suit for slander or libel in any court of the
15560 state.

15561 Section 303. Subsection (3) of section 443.051, Florida
15562 Statutes, is amended to read:

15563 443.051 Benefits not alienable; exception, child support
15564 intercept.—

15565 (3) EXCEPTION, SUPPORT INTERCEPT.—

15566 (a) The Department of Revenue shall, at least biweekly,
15567 provide Jobs Florida ~~the Agency for Workforce Innovation~~ with a
15568 magnetic tape or other electronic data file disclosing the
15569 individuals who owe support obligations and the amount of any
15570 legally required deductions.

15571 (b) For support obligations established on or after July 1,
15572 2006, and for support obligations established before July 1,
15573 2006, when the support order does not address the withholding of

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15574 unemployment compensation, Jobs Florida ~~the Agency for Workforce~~
15575 ~~Innovation~~ shall deduct and withhold 40 percent of the
15576 unemployment compensation otherwise payable to an individual
15577 disclosed under paragraph (a). If delinquencies, arrearages, or
15578 retroactive support are owed and repayment has not been ordered,
15579 the unpaid amounts are included in the support obligation and
15580 are subject to withholding. If the amount deducted exceeds the
15581 support obligation, the Department of Revenue shall promptly
15582 refund the amount of the excess deduction to the obligor. For
15583 support obligations in effect before July 1, 2006, if the
15584 support order addresses the withholding of unemployment
15585 compensation, Jobs Florida ~~the Agency for Workforce Innovation~~
15586 shall deduct and withhold the amount ordered by the court or
15587 administrative agency that issued the support order as disclosed
15588 by the Department of Revenue.

15589 (c) Jobs Florida ~~the Agency for Workforce Innovation~~ shall
15590 pay any amount deducted and withheld under paragraph (b) to the
15591 Department of Revenue.

15592 (d) Any amount deducted and withheld under this subsection
15593 shall for all purposes be treated as if it were paid to the
15594 individual as unemployment compensation and paid by the
15595 individual to the Department of Revenue for support obligations.

15596 (e) The Department of Revenue shall reimburse Jobs Florida
15597 ~~the Agency for Workforce Innovation~~ for the administrative costs
15598 incurred by Jobs Florida ~~the agency~~ under this subsection which
15599 are attributable to support obligations being enforced by the
15600 department.

15601 Section 304. Subsections (3) and (4), paragraph (b) of
15602 subsection (5), and subsections (6) and (8) of section 443.071,

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15603 Florida Statutes, are amended to read:

15604 443.071 Penalties.—

15605 (3) Any employing unit or any officer or agent of any
15606 employing unit or any other person who fails to furnish any
15607 reports required under this chapter or to produce or permit the
15608 inspection of or copying of records as required under this
15609 chapter, who fails or refuses, within 6 months after written
15610 demand by Jobs Florida ~~the Agency for Workforce Innovation~~ or
15611 its tax collection service provider, to keep and maintain the
15612 payroll records required by this chapter or by rule of Jobs
15613 Florida ~~the Agency for Workforce Innovation~~ or the state agency
15614 providing tax collection services, or who willfully fails or
15615 refuses to make any contribution, reimbursement, or other
15616 payment required from an employer under this chapter commits a
15617 misdemeanor of the second degree, punishable as provided in s.
15618 775.082 or s. 775.083.

15619 (4) Any person who establishes a fictitious employing unit
15620 by submitting to Jobs Florida ~~the Agency for Workforce~~
15621 ~~Innovation~~ or its tax collection service provider fraudulent
15622 employing unit records or tax or wage reports by the
15623 introduction of fraudulent records into a computer system, the
15624 intentional or deliberate alteration or destruction of
15625 computerized information or files, or the theft of financial
15626 instruments, data, and other assets, for the purpose of enabling
15627 herself or himself or any other person to receive benefits under
15628 this chapter to which such person is not entitled, commits a
15629 felony of the third degree, punishable as provided in s.
15630 775.082, s. 775.083, or s. 775.084.

15631 (5) In any prosecution or action under this section, the

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15632 entry into evidence of the signature of a person on a document,
15633 letter, or other writing constitutes prima facie evidence of the
15634 person's identity if the following conditions exist:

15635 (b) The signature of the person is witnessed by an agent or
15636 employee of Jobs Florida ~~the Agency for Workforce Innovation~~ or
15637 its tax collection service provider at the time the document,
15638 letter, or other writing is filed.

15639 (6) The entry into evidence of an application for
15640 unemployment benefits initiated by the use of the Internet
15641 claims program or the interactive voice response system
15642 telephone claims program of Jobs Florida ~~the Agency for~~
15643 ~~Workforce Innovation~~ constitutes prima facie evidence of the
15644 establishment of a personal benefit account by or for an
15645 individual if the following information is provided: the
15646 applicant's name, residence address, date of birth, social
15647 security number, and present or former place of work.

15648 (8) All records relating to investigations of unemployment
15649 compensation fraud in the custody of Jobs Florida ~~the Agency for~~
15650 ~~Workforce Innovation~~ or its tax collection service provider are
15651 available for examination by the Department of Law Enforcement,
15652 the state attorneys, or the Office of the Statewide Prosecutor
15653 in the prosecution of offenses under s. 817.568 or in
15654 proceedings brought under this chapter.

15655 Section 305. Subsection (1) and subsection (4) of section
15656 443.091, Florida Statutes, are amended to read:

15657 443.091 Benefit eligibility conditions.—

15658 (1) An unemployed individual is eligible to receive
15659 benefits for any week only if Jobs Florida ~~the Agency for~~
15660 ~~Workforce Innovation~~ finds that:

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15661 (a) She or he has made a claim for benefits for that week
15662 in accordance with the rules adopted by Jobs Florida ~~the Agency~~
15663 ~~for Workforce Innovation~~.

15664 (b) She or he has registered with Jobs Florida ~~the agency~~
15665 for work and subsequently reports to the one-stop career center
15666 as directed by the regional workforce board for reemployment
15667 services. This requirement does not apply to persons who are:

- 15668 1. Non-Florida residents;
- 15669 2. On a temporary layoff, ~~as defined in s. 443.036(42)~~;
- 15670 3. Union members who customarily obtain employment through
15671 a union hiring hall; or
- 15672 4. Claiming benefits under an approved short-time
15673 compensation plan as provided in s. 443.1116.

15674 (c) To make continued claims for benefits, she or he is
15675 reporting to Jobs Florida ~~the agency~~ in accordance with its
15676 rules. These rules may not conflict with s. 443.111(1)(b),
15677 including the requirement that each claimant continue to report
15678 regardless of any pending appeal relating to her or his
15679 eligibility or disqualification for benefits.

15680 (d) She or he is able to work and is available for work. In
15681 order to assess eligibility for a claimed week of unemployment,
15682 Jobs Florida ~~the agency~~ shall develop criteria to determine a
15683 claimant's ability to work and availability for work. However:

- 15684 1. Notwithstanding any other provision of this paragraph or
15685 paragraphs (b) and (e), an otherwise eligible individual may not
15686 be denied benefits for any week because she or he is in training
15687 with the approval of Jobs Florida ~~the agency~~, or by reason of s.
15688 443.101(2) relating to failure to apply for, or refusal to
15689 accept, suitable work. Training may be approved by Jobs Florida

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15690 ~~the agency~~ in accordance with criteria prescribed by rule. A
15691 claimant's eligibility during approved training is contingent
15692 upon satisfying eligibility conditions prescribed by rule.

15693 2. Notwithstanding any other provision of this chapter, an
15694 otherwise eligible individual who is in training approved under
15695 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
15696 determined ineligible or disqualified for benefits due to her or
15697 his enrollment in such training or because of leaving work that
15698 is not suitable employment to enter such training. As used in
15699 this subparagraph, the term "suitable employment" means work of
15700 a substantially equal or higher skill level than the worker's
15701 past adversely affected employment, as defined for purposes of
15702 the Trade Act of 1974, as amended, the wages for which are at
15703 least 80 percent of the worker's average weekly wage as
15704 determined for purposes of the Trade Act of 1974, as amended.

15705 3. Notwithstanding any other provision of this section, an
15706 otherwise eligible individual may not be denied benefits for any
15707 week because she or he is before any state or federal court
15708 pursuant to a lawfully issued summons to appear for jury duty.

15709 (e) She or he participates in reemployment services, such
15710 as job search assistance services, whenever the individual has
15711 been determined, by a profiling system established by the rules
15712 of Jobs Florida ~~agency rule~~, to be likely to exhaust regular
15713 benefits and to be in need of reemployment services.

15714 (f) She or he has been unemployed for a waiting period of 1
15715 week. A week may not be counted as a week of unemployment under
15716 this subsection:

15717 1. Unless it occurs within the benefit year that includes
15718 the week for which she or he claims payment of benefits.

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15719 2. If benefits have been paid for that week.

15720 3. Unless the individual was eligible for benefits for that
15721 week as provided in this section and s. 443.101, except for the
15722 requirements of this subsection and of s. 443.101(5).

15723 (g) She or he has been paid wages for insured work equal to
15724 1.5 times her or his high quarter wages during her or his base
15725 period, except that an unemployed individual is not eligible to
15726 receive benefits if the base period wages are less than \$3,400.

15727 (h) She or he submitted to Jobs Florida ~~the agency~~ a valid
15728 social security number assigned to her or him. Jobs Florida ~~The~~
15729 ~~agency~~ may verify the social security number with the United
15730 States Social Security Administration and may deny benefits if
15731 Jobs Florida ~~the agency~~ is unable to verify the individual's
15732 social security number, the social security number is invalid,
15733 or the social security number is not assigned to the individual.

15734 (4) In the event of national emergency, in the course of
15735 which the Federal Emergency Unemployment Payment Plan is, at the
15736 request of the Governor, invoked for all or any part of the
15737 state, the emergency plan shall supersede the procedures
15738 prescribed by this chapter, and by rules adopted under this
15739 chapter, and Jobs Florida ~~the Agency for Workforce Innovation~~
15740 shall act as the Florida agency for the United States Department
15741 of Labor in the administration of the plan.

15742 Section 306. Subsections (1), (2), (4), (6), (7), and (9)
15743 of section 443.101, Florida Statutes, are amended to read:

15744 443.101 Disqualification for benefits.—An individual shall
15745 be disqualified for benefits:

15746 (1)(a) For the week in which he or she has voluntarily left
15747 work without good cause attributable to his or her employing

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15748 unit or in which the individual has been discharged by the
15749 employing unit for misconduct connected with his or her work,
15750 based on a finding by Jobs Florida ~~the Agency for Workforce~~
15751 ~~Innovation~~. As used in this paragraph, the term "work" means any
15752 work, whether full-time, part-time, or temporary.

15753 1. Disqualification for voluntarily quitting continues for
15754 the full period of unemployment next ensuing after the
15755 individual has left his or her full-time, part-time, or
15756 temporary work voluntarily without good cause and until the
15757 individual has earned income equal to or in excess of 17 times
15758 his or her weekly benefit amount. As used in this subsection,
15759 the term "good cause" includes only that cause attributable to
15760 the employing unit or which consists of the individual's illness
15761 or disability requiring separation from his or her work. Any
15762 other disqualification may not be imposed. An individual is not
15763 disqualified under this subsection for voluntarily leaving
15764 temporary work to return immediately when called to work by the
15765 permanent employing unit that temporarily terminated his or her
15766 work within the previous 6 calendar months. An individual is not
15767 disqualified under this subsection for voluntarily leaving work
15768 to relocate as a result of his or her military-connected
15769 spouse's permanent change of station orders, activation orders,
15770 or unit deployment orders.

15771 2. Disqualification for being discharged for misconduct
15772 connected with his or her work continues for the full period of
15773 unemployment next ensuing after having been discharged and until
15774 the individual is reemployed and has earned income of at least
15775 17 times his or her weekly benefit amount and for not more than
15776 52 weeks that immediately follow that week, as determined by

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15777 Jobs Florida ~~the agency~~ in each case according to the
15778 circumstances in each case or the seriousness of the misconduct,
15779 under Jobs Florida ~~the agency's~~ rules adopted for determinations
15780 of disqualification for benefits for misconduct.

15781 3. If an individual has provided notification to the
15782 employing unit of his or her intent to voluntarily leave work
15783 and the employing unit discharges the individual for reasons
15784 other than misconduct before the date the voluntary quit was to
15785 take effect, the individual, if otherwise entitled, shall
15786 receive benefits from the date of the employer's discharge until
15787 the effective date of his or her voluntary quit.

15788 4. If an individual is notified by the employing unit of
15789 the employer's intent to discharge the individual for reasons
15790 other than misconduct and the individual quits without good
15791 cause, as defined in this section, before the date the discharge
15792 was to take effect, the claimant is ineligible for benefits
15793 pursuant to s. 443.091(1)(d) for failing to be available for
15794 work for the week or weeks of unemployment occurring before the
15795 effective date of the discharge.

15796 (b) For any week with respect to which Jobs Florida ~~the~~
15797 ~~Agency for Workforce Innovation~~ finds that his or her
15798 unemployment is due to a suspension for misconduct connected
15799 with the individual's work.

15800 (c) For any week with respect to which Jobs Florida ~~the~~
15801 ~~Agency for Workforce Innovation~~ finds that his or her
15802 unemployment is due to a leave of absence, if the leave was
15803 voluntarily initiated by the individual.

15804 (d) For any week with respect to which Jobs Florida ~~the~~
15805 ~~Agency for Workforce Innovation~~ finds that his or her

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15806 unemployment is due to a discharge for misconduct connected with
15807 the individual's work, consisting of drug use, as evidenced by a
15808 positive, confirmed drug test.

15809 (2) If Jobs Florida ~~the Agency for Workforce Innovation~~
15810 finds that the individual has failed without good cause to apply
15811 for available suitable work when directed by Jobs Florida ~~the~~
15812 ~~agency~~ or the one-stop career center, to accept suitable work
15813 when offered to him or her, or to return to the individual's
15814 customary self-employment when directed by Jobs Florida ~~the~~
15815 ~~agency~~, the disqualification continues for the full period of
15816 unemployment next ensuing after he or she failed without good
15817 cause to apply for available suitable work, to accept suitable
15818 work, or to return to his or her customary self-employment,
15819 under this subsection, and until the individual has earned
15820 income at least 17 times his or her weekly benefit amount. Jobs
15821 Florida ~~The Agency for Workforce Innovation~~ shall by rule adopt
15822 criteria for determining the "suitability of work," as used in
15823 this section. Jobs Florida ~~The Agency for Workforce Innovation~~
15824 in developing these rules shall consider the duration of a
15825 claimant's unemployment in determining the suitability of work
15826 and the suitability of proposed rates of compensation for
15827 available work. Further, after an individual has received 25
15828 weeks of benefits in a single year, suitable work is a job that
15829 pays the minimum wage and is 120 percent or more of the weekly
15830 benefit amount the individual is drawing.

15831 (a) In determining whether or not any work is suitable for
15832 an individual, Jobs Florida ~~the Agency for Workforce Innovation~~
15833 shall consider the degree of risk involved to his or her health,
15834 safety, and morals; his or her physical fitness and prior

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15835 training; the individual's experience and prior earnings; his or
15836 her length of unemployment and prospects for securing local work
15837 in his or her customary occupation; and the distance of the
15838 available work from his or her residence.

15839 (b) Notwithstanding any other provisions of this chapter,
15840 work is not deemed suitable and benefits may not be denied under
15841 this chapter to any otherwise eligible individual for refusing
15842 to accept new work under any of the following conditions:

15843 1. If the position offered is vacant due directly to a
15844 strike, lockout, or other labor dispute.

15845 2. If the wages, hours, or other conditions of the work
15846 offered are substantially less favorable to the individual than
15847 those prevailing for similar work in the locality.

15848 3. If as a condition of being employed, the individual
15849 would be required to join a company union or to resign from or
15850 refrain from joining any bona fide labor organization.

15851 (c) If Jobs Florida ~~the Agency for Workforce Innovation~~
15852 finds that an individual was rejected for offered employment as
15853 the direct result of a positive, confirmed drug test required as
15854 a condition of employment, the individual is disqualified for
15855 refusing to accept an offer of suitable work.

15856 (4) For any week with respect to which Jobs Florida ~~the~~
15857 ~~Agency for Workforce Innovation~~ finds that his or her total or
15858 partial unemployment is due to a labor dispute in active
15859 progress which exists at the factory, establishment, or other
15860 premises at which he or she is or was last employed; except that
15861 this subsection does not apply if it is shown to the
15862 satisfaction of Jobs Florida ~~the Agency for Workforce Innovation~~
15863 that:

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15864 (a)1. He or she is not participating in, financing, or
15865 directly interested in the labor dispute that is in active
15866 progress; however, the payment of regular union dues may not be
15867 construed as financing a labor dispute within the meaning of
15868 this section; and

15869 2. He or she does not belong to a grade or class of workers
15870 of which immediately before the commencement of the labor
15871 dispute there were members employed at the premises at which the
15872 labor dispute occurs any of whom are participating in,
15873 financing, or directly interested in the dispute; if in any case
15874 separate branches of work are commonly conducted as separate
15875 businesses in separate premises, or are conducted in separate
15876 departments of the same premises, each department, for the
15877 purpose of this subsection, is deemed to be a separate factory,
15878 establishment, or other premise.

15879 (b) His or her total or partial unemployment results from a
15880 lockout by his or her employer. As used in this section, the
15881 term "lockout" means a situation in which employees have not
15882 gone on strike, nor have employees notified the employer of a
15883 date certain for a strike, but in which employees have been
15884 denied entry to the factory, establishment, or other premises of
15885 employment by the employer. However, benefits are not payable
15886 under this paragraph if the lockout action was taken in response
15887 to threats, actions, or other indications of impending damage to
15888 property and equipment or possible physical violence by
15889 employees or in response to actual damage or violence or a
15890 substantial reduction in production instigated or perpetrated by
15891 employees.

15892 (6) For a period not to exceed 1 year from the date of the

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15893 discovery by Jobs Florida ~~the Agency for Workforce Innovation~~ of
15894 the making of any false or fraudulent representation for the
15895 purpose of obtaining benefits contrary to this chapter,
15896 constituting a violation under s. 443.071. This disqualification
15897 may be appealed in the same manner as any other disqualification
15898 imposed under this section. A conviction by any court of
15899 competent jurisdiction in this state of the offense prohibited
15900 or punished by s. 443.071 is conclusive upon the appeals referee
15901 and the commission of the making of the false or fraudulent
15902 representation for which disqualification is imposed under this
15903 section.

15904 (7) If Jobs Florida ~~the Agency for Workforce Innovation~~
15905 finds that the individual is an alien, unless the alien is an
15906 individual who has been lawfully admitted for permanent
15907 residence or otherwise is permanently residing in the United
15908 States under color of law, including an alien who is lawfully
15909 present in the United States as a result of the application of
15910 s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality
15911 Act, if any modifications to s. 3304(a)(14) of the Federal
15912 Unemployment Tax Act, as provided by Pub. L. No. 94-566, which
15913 specify other conditions or other effective dates than those
15914 stated under federal law for the denial of benefits based on
15915 services performed by aliens, and which modifications are
15916 required to be implemented under state law as a condition for
15917 full tax credit against the tax imposed by the Federal
15918 Unemployment Tax Act, are deemed applicable under this section,
15919 if:

15920 (a) Any data or information required of individuals
15921 applying for benefits to determine whether benefits are not

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15922 payable to them because of their alien status is uniformly
15923 required from all applicants for benefits; and

15924 (b) In the case of an individual whose application for
15925 benefits would otherwise be approved, a determination that
15926 benefits to such individual are not payable because of his or
15927 her alien status may not be made except by a preponderance of
15928 the evidence.

15929
15930 If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that
15931 the individual has refused without good cause an offer of
15932 resettlement or relocation, which offer provides for suitable
15933 employment for the individual notwithstanding the distance of
15934 relocation, resettlement, or employment from the current
15935 location of the individual in this state, this disqualification
15936 continues for the week in which the failure occurred and for not
15937 more than 17 weeks immediately after that week, or a reduction
15938 by not more than 5 weeks from the duration of benefits, as
15939 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
15940 in each case.

15941 (9) If the individual was terminated from his or her work
15942 for violation of any criminal law punishable by imprisonment, or
15943 for any dishonest act, in connection with his or her work, as
15944 follows:

15945 (a) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
15946 the Unemployment Appeals Commission finds that the individual
15947 was terminated from his or her work for violation of any
15948 criminal law punishable by imprisonment in connection with his
15949 or her work, and the individual was found guilty of the offense,
15950 made an admission of guilt in a court of law, or entered a plea

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15951 of no contest, the individual is not entitled to unemployment
15952 benefits for up to 52 weeks, under rules adopted by Jobs Florida
15953 ~~the Agency for Workforce Innovation~~, and until he or she has
15954 earned income of at least 17 times his or her weekly benefit
15955 amount. If, before an adjudication of guilt, an admission of
15956 guilt, or a plea of no contest, the employer shows Jobs Florida
15957 ~~the Agency for Workforce Innovation~~ that the arrest was due to a
15958 crime against the employer or the employer's business and, after
15959 considering all the evidence, Jobs Florida ~~the Agency for~~
15960 ~~Workforce Innovation~~ finds misconduct in connection with the
15961 individual's work, the individual is not entitled to
15962 unemployment benefits.

15963 (b) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
15964 the Unemployment Appeals Commission finds that the individual
15965 was terminated from work for any dishonest act in connection
15966 with his or her work, the individual is not entitled to
15967 unemployment benefits for up to 52 weeks, under rules adopted by
15968 Jobs Florida ~~the Agency for Workforce Innovation~~, and until he
15969 or she has earned income of at least 17 times his or her weekly
15970 benefit amount. In addition, if the employer terminates an
15971 individual as a result of a dishonest act in connection with his
15972 or her work and Jobs Florida ~~the Agency for Workforce Innovation~~
15973 finds misconduct in connection with his or her work, the
15974 individual is not entitled to unemployment benefits.

15975
15976 With respect to an individual disqualified for benefits, the
15977 account of the terminating employer, if the employer is in the
15978 base period, is noncharged at the time the disqualification is
15979 imposed.

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15980 Section 307. Subsection (1) of section 443.111, Florida
15981 Statutes, is amended to read:

15982 443.111 Payment of benefits.—

15983 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
15984 in accordance with rules adopted by Jobs Florida ~~the Agency for~~
15985 ~~Workforce Innovation~~, subject to the following requirements:

15986 (a) Benefits are payable by mail or electronically.

15987 Notwithstanding s. 409.942(4), Jobs Florida ~~the agency~~ may
15988 develop a system for the payment of benefits by electronic funds
15989 transfer, including, but not limited to, debit cards, electronic
15990 payment cards, or any other means of electronic payment that
15991 Jobs Florida ~~the agency~~ deems to be commercially viable or cost-
15992 effective. Commodities or services related to the development of
15993 such a system shall be procured by competitive solicitation,
15994 unless they are purchased from a state term contract pursuant to
15995 s. 287.056. Jobs Florida ~~The agency~~ shall adopt rules necessary
15996 to administer the system.

15997 (b) Each claimant must report in the manner prescribed by
15998 Jobs Florida ~~the Agency for Workforce Innovation~~ to certify for
15999 benefits that are paid and must continue to report at least
16000 biweekly to receive unemployment benefits and to attest to the
16001 fact that she or he is able and available for work, has not
16002 refused suitable work, is seeking work, and, if she or he has
16003 worked, to report earnings from that work. Each claimant must
16004 continue to report regardless of any appeal or pending appeal
16005 relating to her or his eligibility or disqualification for
16006 benefits.

16007 Section 308. Subsections (1), (4), and (5) of section
16008 443.1113, Florida Statutes, are amended to read:

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16009 443.1113 Unemployment Compensation Claims and Benefits
16010 Information System.—

16011 (1) To the extent that funds are appropriated for each
16012 phase of the Unemployment Compensation Claims and Benefits
16013 Information System by the Legislature, Jobs Florida ~~the Agency~~
16014 ~~for Workforce Innovation~~ shall replace and enhance the
16015 functionality provided in the following systems with an
16016 integrated Internet-based system that is known as the
16017 "Unemployment Compensation Claims and Benefits Information
16018 System":

16019 (a) Claims and benefit mainframe system.

16020 (b) Florida unemployment Internet direct.

16021 (c) Florida continued claim Internet directory.

16022 (d) Call center interactive voice response system.

16023 (e) Benefit overpayment screening system.

16024 (f) Internet and Intranet appeals system.

16025 ~~(4) The project to implement the Unemployment Compensation~~
16026 ~~Claims and Benefits Information System shall be comprised of the~~
16027 ~~following phases and corresponding implementation timeframes:~~

16028 ~~(a) No later than the end of fiscal year 2009-2010~~
16029 ~~completion of the business re-engineering analysis and~~
16030 ~~documentation of both the detailed system requirements and the~~
16031 ~~overall system architecture.~~

16032 ~~(b) The new Unemployment Claims and Benefits Internet~~
16033 ~~portal that replaces the Florida Unemployment Internet Direct~~
16034 ~~and the Florida Continued Claims Internet Directory systems and~~
16035 ~~shall be deployed to full production operational status no later~~
16036 ~~than the end of fiscal year 2010-2011.~~

16037 ~~(c) The new Call Center Interactive Voice Response System~~

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16038 ~~and the Benefit Overpayment Screening System shall be deployed~~
16039 ~~to full production operational status no later than the end of~~
16040 ~~fiscal year 2011-2012.~~

16041 ~~(d) The new Internet and Intranet Appeals System and the~~
16042 ~~Claims and Benefits Mainframe System shall be deployed to full~~
16043 ~~operational status no later than the end of fiscal year 2012-~~
16044 ~~2013.~~

16045 ~~(4)(5) Jobs Florida~~ The Agency for Workforce Innovation
16046 shall implement the following project governance structure until
16047 such time as the project is completed, suspended, or terminated:

16048 (a) The project sponsor for the Unemployment Compensation
16049 Claims and Benefits Information System project is the
16050 commissioner of Jobs Florida ~~executive director of the Agency~~
16051 ~~for Workforce Innovation.~~

16052 (b) The project shall be governed by an executive steering
16053 committee composed of the following voting members or their
16054 designees:

16055 1. The commissioner of Jobs Florida ~~executive director of~~
16056 ~~the Agency for Workforce Innovation.~~

16057 2. The executive director of the Department of Revenue.

16058 3. The director of the Division of Unemployment Services
16059 within Jobs Florida ~~Office of Unemployment Compensation within~~
16060 ~~the Agency for Workforce Innovation.~~

16061 4. The program director of the General Tax Administration
16062 Program Office within the Department of Revenue.

16063 5. The chief information officer of Jobs Florida ~~the Agency~~
16064 ~~for Workforce Innovation.~~

16065 (c) The executive steering committee has the overall
16066 responsibility for ensuring that the project meets its primary

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16067 objectives and is specifically responsible for:

16068 1. Providing management direction and support to the
16069 project management team.

16070 2. Assessing the project's alignment with the strategic
16071 goals of Jobs Florida ~~the Agency for Workforce Innovation~~ for
16072 administering the unemployment compensation program.

16073 3. Reviewing and approving or disapproving any changes to
16074 the project's scope, schedule, and costs.

16075 4. Reviewing, approving or disapproving, and determining
16076 whether to proceed with any major project deliverables.

16077 5. Recommending suspension or termination of the project to
16078 the Governor, the President of the Senate, and the Speaker of
16079 the House of Representatives if it determines that the primary
16080 objectives cannot be achieved.

16081 (d) The project management team shall work under the
16082 direction of the executive steering committee and shall be
16083 minimally comprised of senior managers and stakeholders from
16084 Jobs Florida ~~the Agency for Workforce Innovation~~ and the
16085 Department of Revenue. The project management team is
16086 responsible for:

16087 1. Providing daily planning, management, and oversight of
16088 the project.

16089 2. Submitting an operational work plan and providing
16090 quarterly updates to that plan to the executive steering
16091 committee. The plan must specify project milestones,
16092 deliverables, and expenditures.

16093 3. Submitting written monthly project status reports to the
16094 executive steering committee which include:

16095 a. Planned versus actual project costs;

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16096 b. An assessment of the status of major milestones and
16097 deliverables;

16098 c. Identification of any issues requiring resolution, the
16099 proposed resolution for these issues, and information regarding
16100 the status of the resolution;

16101 d. Identification of risks that must be managed; and

16102 e. Identification of and recommendations regarding
16103 necessary changes in the project's scope, schedule, or costs.
16104 All recommendations must be reviewed by project stakeholders
16105 before submission to the executive steering committee in order
16106 to ensure that the recommendations meet required acceptance
16107 criteria.

16108 Section 309. Paragraph (d) of subsection (1), subsection
16109 (2), paragraphs (a) and (c) of subsection (3), and subsection
16110 (6) of section 443.1115, Florida Statutes, are amended to read:

16111 443.1115 Extended benefits.—

16112 (1) DEFINITIONS.—As used in this section, the term:

16113 (d) "Rate of insured unemployment" means the percentage
16114 derived by dividing the average weekly number of individuals
16115 filing claims for regular compensation in this state, excluding
16116 extended-benefit claimants for weeks of unemployment with
16117 respect to the most recent 13-consecutive-week period, as
16118 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16119 on the basis of its reports to the United States Secretary of
16120 Labor, by the average monthly employment covered under this
16121 chapter for the first four of the most recent six completed
16122 calendar quarters ending before the end of that 13-week period.

16123 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,
16124 EXTENDED BENEFITS.—Except when the result is inconsistent with

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16125 the other provisions of this section and as provided in the
16126 rules of Jobs Florida ~~the Agency for Workforce Innovation~~, the
16127 provisions of this chapter applying to claims for, or the
16128 payment of, regular benefits apply to claims for, and the
16129 payment of, extended benefits. These extended benefits are
16130 charged to the employment records of employers to the extent
16131 that the share of those extended benefits paid from this state's
16132 Unemployment Compensation Trust Fund is not eligible to be
16133 reimbursed from federal sources.

16134 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

16135 (a) An individual is eligible to receive extended benefits
16136 for any week of unemployment in her or his eligibility period
16137 only if Jobs Florida ~~the Agency for Workforce Innovation~~ finds
16138 that, for that week:

16139 1. She or he is an exhaustee as defined in subsection (1).

16140 2. She or he satisfies the requirements of this chapter for
16141 the receipt of regular benefits applicable to individuals
16142 claiming extended benefits, including not being subject to
16143 disqualification from the receipt of benefits. An individual
16144 disqualified from receiving regular benefits may not receive
16145 extended benefits after the disqualification period terminates
16146 if he or she was disqualified for voluntarily leaving work,
16147 being discharged from work for misconduct, or refusing suitable
16148 work. However, if the disqualification period for regular
16149 benefits terminates because the individual received the required
16150 amount of remuneration for services rendered as a common-law
16151 employee, she or he may receive extended benefits.

16152 3. The individual was paid wages for insured work for the
16153 applicable benefit year equal to 1.5 times the high quarter

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16154 earnings during the base period.

16155 (c)1. An individual is disqualified from receiving extended
16156 benefits if Jobs Florida ~~the Agency for Workforce Innovation~~
16157 finds that, during any week of unemployment in her or his
16158 eligibility period:

16159 a. She or he failed to apply for suitable work or, if
16160 offered, failed to accept suitable work, unless the individual
16161 can furnish to Jobs Florida ~~the agency~~ satisfactory evidence
16162 that her or his prospects for obtaining work in her or his
16163 customary occupation within a reasonably short period are good.
16164 If this evidence is deemed satisfactory for this purpose, the
16165 determination of whether any work is suitable for the individual
16166 shall be made in accordance with the definition of suitable work
16167 in s. 443.101(2). This disqualification begins with the week the
16168 failure occurred and continues until she or he is employed for
16169 at least 4 weeks and receives earned income of at least 17 times
16170 her or his weekly benefit amount.

16171 b. She or he failed to furnish tangible evidence that she
16172 or he actively engaged in a systematic and sustained effort to
16173 find work. This disqualification begins with the week the
16174 failure occurred and continues until she or he is employed for
16175 at least 4 weeks and receives earned income of at least 4 times
16176 her or his weekly benefit amount.

16177 2. Except as otherwise provided in sub-subparagraph 1.a.,
16178 as used in this paragraph, the term "suitable work" means any
16179 work within the individual's capabilities to perform, if:

16180 a. The gross average weekly remuneration payable for the
16181 work exceeds the sum of the individual's weekly benefit amount
16182 plus the amount, if any, of supplemental unemployment benefits,

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16183 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
16184 1954, as amended, payable to the individual for that week;

16185 b. The wages payable for the work equal the higher of the
16186 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
16187 Act of 1938, without regard to any exemption, or the state or
16188 local minimum wage; and

16189 c. The work otherwise meets the definition of suitable work
16190 in s. 443.101(2) to the extent that the criteria for suitability
16191 are not inconsistent with this paragraph.

16192 (6) COMPUTATIONS.—Jobs Florida ~~The Agency for Workforce~~
16193 ~~Innovation~~ shall perform the computations required under
16194 paragraph (1)(d) in accordance with regulations of the United
16195 States Secretary of Labor.

16196 Section 310. Subsection (2) and paragraphs (a) and (b) of
16197 subsection (5) of section 443.1116, Florida Statutes, are
16198 amended to read:

16199 443.1116 Short-time compensation.—

16200 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
16201 wishing to participate in the short-time compensation program
16202 must submit a signed, written, short-time plan to the
16203 commissioner of Jobs Florida ~~director of the Agency for~~
16204 ~~Workforce Innovation~~ for approval. The commissioner ~~director~~ or
16205 his or her designee shall approve the plan if:

16206 (a) The plan applies to and identifies each specific
16207 affected unit;

16208 (b) The individuals in the affected unit are identified by
16209 name and social security number;

16210 (c) The normal weekly hours of work for individuals in the
16211 affected unit are reduced by at least 10 percent and by not more

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16212 than 40 percent;

16213 (d) The plan includes a certified statement by the employer
16214 that the aggregate reduction in work hours is in lieu of
16215 temporary layoffs that would affect at least 10 percent of the
16216 employees in the affected unit and that would have resulted in
16217 an equivalent reduction in work hours;

16218 (e) The plan applies to at least 10 percent of the
16219 employees in the affected unit;

16220 (f) The plan is approved in writing by the collective
16221 bargaining agent for each collective bargaining agreement
16222 covering any individual in the affected unit;

16223 (g) The plan does not serve as a subsidy to seasonal
16224 employers during the off-season or as a subsidy to employers who
16225 traditionally use part-time employees; and

16226 (h) The plan certifies the manner in which the employer
16227 will treat fringe benefits of the individuals in the affected
16228 unit if the hours of the individuals are reduced to less than
16229 their normal weekly hours of work. As used in this paragraph,
16230 the term "fringe benefits" includes, but is not limited to,
16231 health insurance, retirement benefits under defined benefit
16232 pension plans as defined in subsection 35 of s. 1002 of the
16233 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid
16234 vacation and holidays, and sick leave.

16235 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
16236 BENEFITS.—

16237 (a) Except as provided in this subsection, an individual is
16238 eligible to receive short-time compensation benefits for any
16239 week only if she or he complies with this chapter and Jobs
16240 Florida ~~the Agency for Workforce Innovation~~ finds that:

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16241 1. The individual is employed as a member of an affected
16242 unit in an approved plan that was approved before the week and
16243 is in effect for the week;

16244 2. The individual is able to work and is available for
16245 additional hours of work or for full-time work with the short-
16246 time employer; and

16247 3. The normal weekly hours of work of the individual are
16248 reduced by at least 10 percent but not by more than 40 percent,
16249 with a corresponding reduction in wages.

16250 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
16251 not deny short-time compensation benefits to an individual who
16252 is otherwise eligible for these benefits for any week by reason
16253 of the application of any provision of this chapter relating to
16254 availability for work, active search for work, or refusal to
16255 apply for or accept work from other than the short-time
16256 compensation employer of that individual.

16257 Section 311. Subsection (3) of section 443.1215, Florida
16258 Statutes, is amended to read:

16259 443.1215 Employers.—

16260 (3) An employing unit that fails to keep the records of
16261 employment required by this chapter and by the rules of Jobs
16262 Florida ~~the Agency for Workforce Innovation~~ and the state agency
16263 providing unemployment tax collection services is presumed to be
16264 an employer liable for the payment of contributions under this
16265 chapter, regardless of the number of individuals employed by the
16266 employing unit. However, the tax collection service provider
16267 shall make written demand that the employing unit keep and
16268 maintain required payroll records. The demand must be made at
16269 least 6 months before assessing contributions against an

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16270 employing unit determined to be an employer that is subject to
16271 this chapter solely by reason of this subsection.

16272 Section 312. Paragraphs (a) and (d) of subsection (1),
16273 subsection (12), and paragraph (p) of subsection (13) of section
16274 443.1216, Florida Statutes, are amended to read:

16275 443.1216 Employment.—Employment, as defined in s. 443.036,
16276 is subject to this chapter under the following conditions:

16277 (1)(a) The employment subject to this chapter includes a
16278 service performed, including a service performed in interstate
16279 commerce, by:

16280 1. An officer of a corporation.

16281 2. An individual who, under the usual common-law rules
16282 applicable in determining the employer-employee relationship, is
16283 an employee. However, whenever a client, as defined in s.
16284 443.036(18), which would otherwise be designated as an employing
16285 unit has contracted with an employee leasing company to supply
16286 it with workers, those workers are considered employees of the
16287 employee leasing company. An employee leasing company may lease
16288 corporate officers of the client to the client and other workers
16289 to the client, except as prohibited by regulations of the
16290 Internal Revenue Service. Employees of an employee leasing
16291 company must be reported under the employee leasing company's
16292 tax identification number and contribution rate for work
16293 performed for the employee leasing company.

16294 a. In addition to any other report required to be filed by
16295 law, an employee leasing company shall submit a report to the
16296 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16297 ~~for Workforce Innovation~~ which includes each client
16298 establishment and each establishment of the employee leasing

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16299 company, or as otherwise directed by Jobs Florida ~~the agency~~.

16300 The report must include the following information for each

16301 establishment:

16302 (I) The trade or establishment name;

16303 (II) The former unemployment compensation account number,

16304 if available;

16305 (III) The former federal employer's identification number

16306 (FEIN), if available;

16307 (IV) The industry code recognized and published by the

16308 United States Office of Management and Budget, if available;

16309 (V) A description of the client's primary business activity

16310 in order to verify or assign an industry code;

16311 (VI) The address of the physical location;

16312 (VII) The number of full-time and part-time employees who

16313 worked during, or received pay that was subject to unemployment

16314 compensation taxes for, the pay period including the 12th of the

16315 month for each month of the quarter;

16316 (VIII) The total wages subject to unemployment compensation

16317 taxes paid during the calendar quarter;

16318 (IX) An internal identification code to uniquely identify

16319 each establishment of each client;

16320 (X) The month and year that the client entered into the

16321 contract for services; and

16322 (XI) The month and year that the client terminated the

16323 contract for services.

16324 b. The report shall be submitted electronically or in a

16325 manner otherwise prescribed by Jobs Florida ~~the Agency for~~

16326 ~~Workforce Innovation~~ in the format specified by the Bureau of

16327 Labor Statistics of the United States Department of Labor for

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16328 its Multiple Worksite Report for Professional Employer
16329 Organizations. The report must be provided quarterly to the
16330 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16331 ~~for Workforce Innovation~~, or as otherwise directed by Jobs
16332 Florida ~~the agency~~, and must be filed by the last day of the
16333 month immediately following the end of the calendar quarter. The
16334 information required in sub-sub-subparagraphs a.(X) and (XI)
16335 need be provided only in the quarter in which the contract to
16336 which it relates was entered into or terminated. The sum of the
16337 employment data and the sum of the wage data in this report must
16338 match the employment and wages reported in the unemployment
16339 compensation quarterly tax and wage report. A report is not
16340 required for any calendar quarter preceding the third calendar
16341 quarter of 2010.

16342 c. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16343 adopt rules as necessary to administer this subparagraph, and
16344 may administer, collect, enforce, and waive the penalty imposed
16345 by s. 443.141(1)(b) for the report required by this
16346 subparagraph.

16347 d. For the purposes of this subparagraph, the term
16348 "establishment" means any location where business is conducted
16349 or where services or industrial operations are performed.

16350 3. An individual other than an individual who is an
16351 employee under subparagraph 1. or subparagraph 2., who performs
16352 services for remuneration for any person:

16353 a. As an agent-driver or commission-driver engaged in
16354 distributing meat products, vegetable products, fruit products,
16355 bakery products, beverages other than milk, or laundry or
16356 drycleaning services for his or her principal.

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16357 b. As a traveling or city salesperson engaged on a full-
16358 time basis in the solicitation on behalf of, and the
16359 transmission to, his or her principal of orders from
16360 wholesalers, retailers, contractors, or operators of hotels,
16361 restaurants, or other similar establishments for merchandise for
16362 resale or supplies for use in their business operations. This
16363 sub-subparagraph does not apply to an agent-driver or a
16364 commission-driver and does not apply to sideline sales
16365 activities performed on behalf of a person other than the
16366 salesperson's principal.

16367 4. The services described in subparagraph 3. are employment
16368 subject to this chapter only if:

16369 a. The contract of service contemplates that substantially
16370 all of the services are to be performed personally by the
16371 individual;

16372 b. The individual does not have a substantial investment in
16373 facilities used in connection with the services, other than
16374 facilities used for transportation; and

16375 c. The services are not in the nature of a single
16376 transaction that is not part of a continuing relationship with
16377 the person for whom the services are performed.

16378 (d) If two or more related corporations concurrently employ
16379 the same individual and compensate the individual through a
16380 common paymaster, each related corporation is considered to have
16381 paid wages to the individual only in the amounts actually
16382 disbursed by that corporation to the individual and is not
16383 considered to have paid the wages actually disbursed to the
16384 individual by another of the related corporations. Jobs Florida
16385 ~~The Agency for Workforce Innovation~~ and the state agency

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16386 providing unemployment tax collection services may adopt rules
16387 necessary to administer this paragraph.

16388 1. As used in this paragraph, the term "common paymaster"
16389 means a member of a group of related corporations that disburses
16390 wages to concurrent employees on behalf of the related
16391 corporations and that is responsible for keeping payroll records
16392 for those concurrent employees. A common paymaster is not
16393 required to disburse wages to all the employees of the related
16394 corporations; however, this subparagraph does not apply to wages
16395 of concurrent employees which are not disbursed through a common
16396 paymaster. A common paymaster must pay concurrently employed
16397 individuals under this subparagraph by one combined paycheck.

16398 2. As used in this paragraph, the term "concurrent
16399 employment" means the existence of simultaneous employment
16400 relationships between an individual and related corporations.
16401 Those relationships require the performance of services by the
16402 employee for the benefit of the related corporations, including
16403 the common paymaster, in exchange for wages that, if deductible
16404 for the purposes of federal income tax, are deductible by the
16405 related corporations.

16406 3. Corporations are considered related corporations for an
16407 entire calendar quarter if they satisfy any one of the following
16408 tests at any time during the calendar quarter:

16409 a. The corporations are members of a "controlled group of
16410 corporations" as defined in s. 1563 of the Internal Revenue Code
16411 of 1986 or would be members if s. 1563(a)(4) and (b) did not
16412 apply.

16413 b. In the case of a corporation that does not issue stock,
16414 at least 50 percent of the members of the board of directors or

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16415 other governing body of one corporation are members of the board
16416 of directors or other governing body of the other corporation or
16417 the holders of at least 50 percent of the voting power to select
16418 those members are concurrently the holders of at least 50
16419 percent of the voting power to select those members of the other
16420 corporation.

16421 c. At least 50 percent of the officers of one corporation
16422 are concurrently officers of the other corporation.

16423 d. At least 30 percent of the employees of one corporation
16424 are concurrently employees of the other corporation.

16425 4. The common paymaster must report to the tax collection
16426 service provider, as part of the unemployment compensation
16427 quarterly tax and wage report, the state unemployment
16428 compensation account number and name of each related corporation
16429 for which concurrent employees are being reported. Failure to
16430 timely report this information shall result in the related
16431 corporations being denied common paymaster status for that
16432 calendar quarter.

16433 5. The common paymaster also has the primary responsibility
16434 for remitting contributions due under this chapter for the wages
16435 it disburses as the common paymaster. The common paymaster must
16436 compute these contributions as though it were the sole employer
16437 of the concurrently employed individuals. If a common paymaster
16438 fails to timely remit these contributions or reports, in whole
16439 or in part, the common paymaster remains liable for the full
16440 amount of the unpaid portion of these contributions. In
16441 addition, each of the other related corporations using the
16442 common paymaster is jointly and severally liable for its
16443 appropriate share of these contributions. Each related

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16444 corporation's share equals the greater of:

16445 a. The liability of the common paymaster under this
16446 chapter, after taking into account any contributions made.

16447 b. The liability under this chapter which, notwithstanding
16448 this section, would have existed for the wages from the other
16449 related corporations, reduced by an allocable portion of any
16450 contributions previously paid by the common paymaster for those
16451 wages.

16452 (12) The employment subject to this chapter includes
16453 services covered by a reciprocal arrangement under s. 443.221
16454 between Jobs Florida ~~the Agency for Workforce Innovation~~ or its
16455 tax collection service provider and the agency charged with the
16456 administration of another state unemployment compensation law or
16457 a federal unemployment compensation law, under which all
16458 services performed by an individual for an employing unit are
16459 deemed to be performed entirely within this state, if Jobs
16460 Florida ~~the Agency for Workforce Innovation~~ or its tax
16461 collection service provider approved an election of the
16462 employing unit in which all of the services performed by the
16463 individual during the period covered by the election are deemed
16464 to be insured work.

16465 (13) The following are exempt from coverage under this
16466 chapter:

16467 (p) Service covered by an arrangement between Jobs Florida
16468 ~~the Agency for Workforce Innovation~~, or its tax collection
16469 service provider, and the agency charged with the administration
16470 of another state or federal unemployment compensation law under
16471 which all services performed by an individual for an employing
16472 unit during the period covered by the employing unit's duly

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16473 approved election is deemed to be performed entirely within the
16474 other agency's state or under the federal law.

16475 Section 313. Subsection (1) of section 443.1217, Florida
16476 Statutes, is amended to read:

16477 443.1217 Wages.—

16478 (1) The wages subject to this chapter include all
16479 remuneration for employment, including commissions, bonuses,
16480 back pay awards, and the cash value of all remuneration paid in
16481 any medium other than cash. The reasonable cash value of
16482 remuneration in any medium other than cash must be estimated and
16483 determined in accordance with rules adopted by Jobs Florida ~~the~~
16484 ~~Agency for Workforce Innovation~~ or the state agency providing
16485 tax collection services. The wages subject to this chapter
16486 include tips or gratuities received while performing services
16487 that constitute employment and are included in a written
16488 statement furnished to the employer under s. 6053(a) of the
16489 Internal Revenue Code of 1954. As used in this section only, the
16490 term "employment" includes services constituting employment
16491 under any employment security law of another state or of the
16492 Federal Government.

16493 Section 314. Subsection (1) and paragraphs (a), (g), and
16494 (i) of subsection (3) of section 443.131, Florida Statutes, are
16495 amended to read:

16496 443.131 Contributions.—

16497 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
16498 payable by each employer for each calendar quarter he or she is
16499 subject to this chapter for wages paid during each calendar
16500 quarter for employment. Contributions are due and payable by
16501 each employer to the tax collection service provider, in

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16502 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
16503 ~~Workforce Innovation~~ or the state agency providing tax
16504 collection services. This subsection does not prohibit the tax
16505 collection service provider from allowing, at the request of the
16506 employer, employers of employees performing domestic services,
16507 as defined in s. 443.1216(6), to pay contributions or report
16508 wages at intervals other than quarterly when the nonquarterly
16509 payment or reporting assists the service provider and when
16510 nonquarterly payment and reporting is authorized under federal
16511 law. Employers of employees performing domestic services may
16512 report wages and pay contributions annually, with a due date of
16513 January 1 and a delinquency date of February 1. To qualify for
16514 this election, the employer must employ only employees
16515 performing domestic services, be eligible for a variation from
16516 the standard rate computed under subsection (3), apply to this
16517 program no later than December 1 of the preceding calendar year,
16518 and agree to provide Jobs Florida ~~the Agency for Workforce~~
16519 ~~Innovation~~ or its tax collection service provider with any
16520 special reports that are requested, including copies of all
16521 federal employment tax forms. An employer who fails to timely
16522 furnish any wage information required by Jobs Florida ~~the Agency~~
16523 ~~for Workforce Innovation~~ or its tax collection service provider
16524 loses the privilege to participate in this program, effective
16525 the calendar quarter immediately after the calendar quarter the
16526 failure occurred. The employer may reapply for annual reporting
16527 when a complete calendar year elapses after the employer's
16528 disqualification if the employer timely furnished any requested
16529 wage information during the period in which annual reporting was
16530 denied. An employer may not deduct contributions, interests,

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16531 penalties, fines, or fees required under this chapter from any
16532 part of the wages of his or her employees. A fractional part of
16533 a cent less than one-half cent shall be disregarded from the
16534 payment of contributions, but a fractional part of at least one-
16535 half cent shall be increased to 1 cent.

16536 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
16537 EXPERIENCE.—

16538 (a) *Employment records.*—The regular and short-time
16539 compensation benefits paid to an eligible individual shall be
16540 charged to the employment record of each employer who paid the
16541 individual wages of at least \$100 during the individual's base
16542 period in proportion to the total wages paid by all employers
16543 who paid the individual wages during the individual's base
16544 period. Benefits may not be charged to the employment record of
16545 an employer who furnishes part-time work to an individual who,
16546 because of loss of employment with one or more other employers,
16547 is eligible for partial benefits while being furnished part-time
16548 work by the employer on substantially the same basis and in
16549 substantially the same amount as the individual's employment
16550 during his or her base period, regardless of whether this part-
16551 time work is simultaneous or successive to the individual's lost
16552 employment. Further, as provided in s. 443.151(3), benefits may
16553 not be charged to the employment record of an employer who
16554 furnishes Jobs Florida ~~the Agency for Workforce Innovation~~ with
16555 notice, as prescribed in ~~agency~~ rules of Jobs Florida, that any
16556 of the following apply:

16557 1. If an individual leaves his or her work without good
16558 cause attributable to the employer or is discharged by the
16559 employer for misconduct connected with his or her work, benefits

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16560 subsequently paid to the individual based on wages paid by the
16561 employer before the separation may not be charged to the
16562 employment record of the employer.

16563 2. If an individual is discharged by the employer for
16564 unsatisfactory performance during an initial employment
16565 probationary period, benefits subsequently paid to the
16566 individual based on wages paid during the probationary period by
16567 the employer before the separation may not be charged to the
16568 employer's employment record. As used in this subparagraph, the
16569 term "initial employment probationary period" means an
16570 established probationary plan that applies to all employees or a
16571 specific group of employees and that does not exceed 90 calendar
16572 days following the first day a new employee begins work. The
16573 employee must be informed of the probationary period within the
16574 first 7 days of work. The employer must demonstrate by
16575 conclusive evidence that the individual was separated because of
16576 unsatisfactory work performance and not because of lack of work
16577 due to temporary, seasonal, casual, or other similar employment
16578 that is not of a regular, permanent, and year-round nature.

16579 3. Benefits subsequently paid to an individual after his or
16580 her refusal without good cause to accept suitable work from an
16581 employer may not be charged to the employment record of the
16582 employer if any part of those benefits are based on wages paid
16583 by the employer before the individual's refusal to accept
16584 suitable work. As used in this subparagraph, the term "good
16585 cause" does not include distance to employment caused by a
16586 change of residence by the individual. Jobs Florida ~~The Agency~~
16587 ~~for Workforce Innovation~~ shall adopt rules prescribing for the
16588 payment of all benefits whether this subparagraph applies

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16589 regardless of whether a disqualification under s. 443.101
16590 applies to the claim.

16591 4. If an individual is separated from work as a direct
16592 result of a natural disaster declared under the Robert T.
16593 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
16594 ss. 5121 et seq., benefits subsequently paid to the individual
16595 based on wages paid by the employer before the separation may
16596 not be charged to the employment record of the employer.

16597 (g) *Transfer of unemployment experience upon transfer or*
16598 *acquisition of a business.*—Notwithstanding any other provision
16599 of law, upon transfer or acquisition of a business, the
16600 following conditions apply to the assignment of rates and to
16601 transfers of unemployment experience:

16602 1.a. If an employer transfers its trade or business, or a
16603 portion thereof, to another employer and, at the time of the
16604 transfer, there is any common ownership, management, or control
16605 of the two employers, the unemployment experience attributable
16606 to the transferred trade or business shall be transferred to the
16607 employer to whom the business is so transferred. The rates of
16608 both employers shall be recalculated and made effective as of
16609 the beginning of the calendar quarter immediately following the
16610 date of the transfer of the trade or business unless the
16611 transfer occurred on the first day of a calendar quarter, in
16612 which case the rate shall be recalculated as of that date.

16613 b. If, following a transfer of experience under sub-
16614 subparagraph a., Jobs Florida ~~the Agency for Workforce~~
16615 ~~Innovation~~ or the tax collection service provider determines
16616 that a substantial purpose of the transfer of trade or business
16617 was to obtain a reduced liability for contributions, the

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16618 experience rating account of the employers involved shall be
16619 combined into a single account and a single rate assigned to the
16620 account.

16621 2. Whenever a person who is not an employer under this
16622 chapter at the time it acquires the trade or business of an
16623 employer, the unemployment experience of the acquired business
16624 shall not be transferred to the person if Jobs Florida the
16625 ~~Agency for Workforce Innovation~~ or the tax collection service
16626 provider finds that such person acquired the business solely or
16627 primarily for the purpose of obtaining a lower rate of
16628 contributions. Instead, such person shall be assigned the new
16629 employer rate under paragraph (2)(a). In determining whether the
16630 business was acquired solely or primarily for the purpose of
16631 obtaining a lower rate of contributions, the tax collection
16632 service provider shall consider, but not be limited to, the
16633 following factors:

16634 a. Whether the person continued the business enterprise of
16635 the acquired business;

16636 b. How long such business enterprise was continued; or

16637 c. Whether a substantial number of new employees was hired
16638 for performance of duties unrelated to the business activity
16639 conducted before the acquisition.

16640 3. If a person knowingly violates or attempts to violate
16641 subparagraph 1. or subparagraph 2. or any other provision of
16642 this chapter related to determining the assignment of a
16643 contribution rate, or if a person knowingly advises another
16644 person to violate the law, the person shall be subject to the
16645 following penalties:

16646 a. If the person is an employer, the employer shall be

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16647 assigned the highest rate assignable under this chapter for the
16648 rate year during which such violation or attempted violation
16649 occurred and for the 3 rate years immediately following this
16650 rate year. However, if the person's business is already at the
16651 highest rate for any year, or if the amount of increase in the
16652 person's rate would be less than 2 percent for such year, then a
16653 penalty rate of contribution of 2 percent of taxable wages shall
16654 be imposed for such year and the following 3 rate years.

16655 b. If the person is not an employer, such person shall be
16656 subject to a civil money penalty of not more than \$5,000. The
16657 procedures for the assessment of a penalty shall be in
16658 accordance with the procedures set forth in s. 443.141(2), and
16659 the provisions of s. 443.141(3) shall apply to the collection of
16660 the penalty. Any such penalty shall be deposited in the penalty
16661 and interest account established under s. 443.211(2).

16662 4. For purposes of this paragraph, the term:

16663 a. "Knowingly" means having actual knowledge of or acting
16664 with deliberate ignorance or reckless disregard for the
16665 prohibition involved.

16666 b. "Violates or attempts to violate" includes, but is not
16667 limited to, intent to evade, misrepresent, or willfully
16668 nondisclose.

16669 5. In addition to the penalty imposed by subparagraph 3.,
16670 any person who violates this paragraph commits a felony of the
16671 third degree, punishable as provided in s. 775.082, s. 775.083,
16672 or s. 775.084.

16673 6. Jobs Florida ~~The Agency for Workforce Innovation~~ and the
16674 tax collection service provider shall establish procedures to
16675 identify the transfer or acquisition of a business for the

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16676 purposes of this paragraph and shall adopt any rules necessary
16677 to administer this paragraph.

16678 7. For purposes of this paragraph:

16679 a. "Person" has the meaning given to the term by s.
16680 7701(a)(1) of the Internal Revenue Code of 1986.

16681 b. "Trade or business" shall include the employer's
16682 workforce.

16683 8. This paragraph shall be interpreted and applied in such
16684 a manner as to meet the minimum requirements contained in any
16685 guidance or regulations issued by the United States Department
16686 of Labor.

16687 (i) *Notice of determinations of contribution rates;*
16688 *redeterminations.*—The state agency providing tax collection
16689 services:

16690 1. Shall promptly notify each employer of his or her
16691 contribution rate as determined for any calendar year under this
16692 section. The determination is conclusive and binding on the
16693 employer unless within 20 days after mailing the notice of
16694 determination to the employer's last known address, or, in the
16695 absence of mailing, within 20 days after delivery of the notice,
16696 the employer files an application for review and redetermination
16697 setting forth the grounds for review. An employer may not, in
16698 any proceeding involving his or her contribution rate or
16699 liability for contributions, contest the chargeability to his or
16700 her employment record of any benefits paid in accordance with a
16701 determination, redetermination, or decision under s. 443.151,
16702 except on the ground that the benefits charged were not based on
16703 services performed in employment for him or her and then only if
16704 the employer was not a party to the determination,

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16705 redetermination, or decision, or to any other proceeding under
16706 this chapter, in which the character of those services was
16707 determined.

16708 2. Shall, upon discovery of an error in computation,
16709 reconsider any prior determination or redetermination of a
16710 contribution rate after the 20-day period has expired and issue
16711 a revised notice of contribution rate as redetermined. A
16712 redetermination is subject to review, and is conclusive and
16713 binding if review is not sought, in the same manner as review of
16714 a determination under subparagraph 1. A reconsideration may not
16715 be made after March 31 of the calendar year immediately after
16716 the calendar year for which the contribution rate is applicable,
16717 and interest may not accrue on any additional contributions
16718 found to be due until 30 days after the employer is mailed
16719 notice of his or her revised contribution rate.

16720 3. May adopt rules providing for periodic notification to
16721 employers of benefits paid and charged to their employment
16722 records or of the status of those employment records. A
16723 notification, unless an application for redetermination is filed
16724 in the manner and within the time limits prescribed by Jobs
16725 Florida ~~the Agency for Workforce Innovation~~, is conclusive and
16726 binding on the employer under this chapter. The redetermination,
16727 and Jobs Florida's ~~the Agency for Workforce Innovation's~~ finding
16728 of fact in connection with the redetermination, may be
16729 introduced in any subsequent administrative or judicial
16730 proceeding involving the determination of the contribution rate
16731 of an employer for any calendar year. A redetermination becomes
16732 final in the same manner provided in this subsection for
16733 findings of fact made by Jobs Florida ~~the Agency for Workforce~~

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16734 ~~Innovation~~ in proceedings to redetermine the contribution rate
16735 of an employer. Pending a redetermination or an administrative
16736 or judicial proceeding, the employer must file reports and pay
16737 contributions in accordance with this section.

16738 Section 315. Paragraph (d) of subsection (2) and paragraph
16739 (d) of subsection (3) of section 443.1312, Florida Statutes, are
16740 amended to read:

16741 443.1312 Reimbursements; nonprofit organizations.—Benefits
16742 paid to employees of nonprofit organizations shall be financed
16743 in accordance with this section.

16744 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
16745 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
16746 subject to this chapter under s. 443.1215(1)(c) or s.
16747 443.121(3)(a) must pay contributions under s. 443.131 unless it
16748 elects, in accordance with this subsection, to reimburse the
16749 Unemployment Compensation Trust Fund for all of the regular
16750 benefits, short-time compensation benefits, and one-half of the
16751 extended benefits paid, which are attributable to service in the
16752 employ of the nonprofit organization, to individuals for weeks
16753 of unemployment which begin during the effective period of the
16754 election.

16755 (d) In accordance with rules adopted by Jobs Florida ~~the~~
16756 ~~Agency for Workforce Innovation~~ or the state agency providing
16757 unemployment tax collection services, the tax collection service
16758 provider shall notify each nonprofit organization of any
16759 determination of the organization's status as an employer, the
16760 effective date of any election the organization makes, and the
16761 effective date of any termination of the election. Each
16762 determination is subject to reconsideration, appeal, and review

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16763 under s. 443.141(2)(c).

16764 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
16765 contributions must be paid in accordance with this subsection.

16766 (d) The amount due, as specified in any bill from the tax
16767 collection service provider, is conclusive, and the nonprofit
16768 organization is liable for payment of that amount unless, within
16769 20 days after the bill is mailed to the organization's last
16770 known address or otherwise delivered to the organization, the
16771 organization files an application for redetermination by Jobs
16772 Florida ~~the Agency for Workforce Innovation~~, setting forth the
16773 grounds for the application. Jobs Florida ~~The Agency for~~
16774 ~~Workforce Innovation~~ shall promptly review and reconsider the
16775 amount due, as specified in the bill, and shall issue a
16776 redetermination in each case in which an application for
16777 redetermination is filed. The redetermination is conclusive and
16778 the nonprofit organization is liable for payment of the amount
16779 due, as specified in the redetermination, unless, within 20 days
16780 after the redetermination is mailed to the organization's last
16781 known address or otherwise delivered to the organization, the
16782 organization files a protest, setting forth the grounds for the
16783 appeal. Proceedings on the protest shall be conducted in
16784 accordance with s. 443.141(2).

16785 Section 316. Paragraph (b) of subsection (1) of section
16786 443.1313, Florida Statutes, is amended to read:

16787 443.1313 Public employers; reimbursements; election to pay
16788 contributions.—Benefits paid to employees of a public employer,
16789 as defined in s. 443.036, based on service described in s.
16790 443.1216(2) shall be financed in accordance with this section.

16791 (1) PAYMENT OF REIMBURSEMENTS.—

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16792 (b) If a state agency is more than 120 days delinquent on
16793 reimbursements due to the Unemployment Compensation Trust Fund,
16794 the tax collection service provider shall certify to the Chief
16795 Financial Officer the amount due and the Chief Financial Officer
16796 shall transfer the amount due to the Unemployment Compensation
16797 Trust Fund from the funds of the agency which legally may be
16798 used for that purpose. If a public employer other than a state
16799 agency is more than 120 days delinquent on reimbursements due to
16800 the Unemployment Compensation Trust Fund, upon request by the
16801 tax collection service provider after a hearing, the Department
16802 of Revenue or the Department of Financial Services, as
16803 applicable, shall deduct the amount owed by the public employer
16804 from any funds to be distributed by the applicable department to
16805 the public employer for further distribution to the trust fund
16806 in accordance with this chapter. If an employer for whom the
16807 municipal or county tax collector collects taxes fails to make
16808 the reimbursements to the Unemployment Compensation Trust Fund
16809 required by this chapter, the tax collector after a hearing, at
16810 the request of the tax collection service provider and upon
16811 receipt of a certificate showing the amount owed by the
16812 employer, shall deduct the certified amount from any taxes
16813 collected for the employer and remit that amount to the tax
16814 collection service provider for further distribution to the
16815 trust fund in accordance with this chapter. This paragraph does
16816 not apply to amounts owed by a political subdivision of the
16817 state for benefits erroneously paid in which the claimant must
16818 repay to Jobs Florida ~~the Agency for Workforce Innovation~~ under
16819 s. 443.151(6)(a) or (b) any sum as benefits received.

16820 Section 317. Paragraphs (b) and (c) of subsection (4) and

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16821 subsection (7) of section 443.1315, Florida Statutes, are
16822 amended to read:

16823 443.1315 Treatment of Indian tribes.—

16824 (4)

16825 (b)1. Services performed for an Indian tribe or tribal unit
16826 that fails to make required reimbursements, including
16827 assessments of interest and penalty, after all collection
16828 activities deemed necessary by the tax collection service
16829 provider, subject to approval by Jobs Florida ~~the Agency for~~
16830 ~~Workforce Innovation~~, are exhausted may not be treated as
16831 employment for purposes of paragraph (1)(b).

16832 2. The tax collection service provider may determine that
16833 any Indian tribe that loses coverage under subparagraph 1. may
16834 have services performed for the tribe subsequently included as
16835 employment for purposes of paragraph (1)(b) if all
16836 contributions, reimbursements, penalties, and interest are paid.

16837 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
16838 tax collection service provider shall immediately notify the
16839 United States Internal Revenue Service and the United States
16840 Department of Labor when an Indian tribe fails to make
16841 reimbursements required under this section, including
16842 assessments of interest and penalty, within 90 days after a
16843 final notice of delinquency.

16844 (7) Jobs Florida ~~The Agency for Workforce Innovation~~ and
16845 the state agency providing unemployment tax collection services
16846 shall adopt rules necessary to administer this section.

16847 Section 318. Section 443.1316, Florida Statutes, is amended
16848 to read:

16849 443.1316 Unemployment tax collection services; interagency

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16850 agreement.—

16851 (1) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16852 contract with the Department of Revenue, through an interagency
16853 agreement, to perform the duties of the tax collection service
16854 provider and provide other unemployment tax collection services
16855 under this chapter. Under the interagency agreement, the tax
16856 collection service provider may only implement:

16857 (a) The provisions of this chapter conferring duties upon
16858 the tax collection service provider.

16859 (b) The provisions of law conferring duties upon Jobs
16860 Florida ~~the Agency for Workforce Innovation~~ which are
16861 specifically delegated to the tax collection service provider in
16862 the interagency agreement.

16863 (2)(a) The Department of Revenue is considered to be
16864 administering a revenue law of this state when the department
16865 implements this chapter, or otherwise provides unemployment tax
16866 collection services, under contract with Jobs Florida ~~the Agency~~
16867 ~~for Workforce Innovation~~ through the interagency agreement.

16868 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
16869 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
16870 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
16871 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
16872 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
16873 213.757 apply to the collection of unemployment contributions
16874 and reimbursements by the Department of Revenue unless
16875 prohibited by federal law.

16876 Section 319. Section 443.1317, Florida Statutes, is amended
16877 to read:

16878 443.1317 Rulemaking authority; enforcement of rules.—

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16879 (1) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION.~~—

16880 (a) Except as otherwise provided in s. 443.012, Jobs
16881 Florida ~~the Agency for Workforce Innovation~~ has ultimate
16882 authority over the administration of the Unemployment
16883 Compensation Program.

16884 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
16885 adopt rules under ss. 120.536(1) and 120.54 to administer the
16886 provisions of this chapter conferring duties upon either Jobs
16887 Florida ~~the agency~~ or its tax collection service provider.

16888 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
16889 providing unemployment tax collection services under contract
16890 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
16891 interagency agreement pursuant to s. 443.1316 may adopt rules
16892 under ss. 120.536(1) and 120.54, subject to approval by Jobs
16893 Florida ~~the Agency for Workforce Innovation~~, to administer the
16894 provisions of law described in s. 443.1316(1)(a) and (b) which
16895 are within this chapter. These rules must not conflict with the
16896 rules adopted by Jobs Florida ~~the Agency for Workforce~~
16897 ~~Innovation~~ or with the interagency agreement.

16898 (3) ENFORCEMENT OF RULES.—Jobs Florida ~~The Agency for~~
16899 ~~Workforce Innovation~~ may enforce any rule adopted by the state
16900 agency providing unemployment tax collection services to
16901 administer this chapter. The tax collection service provider may
16902 enforce any rule adopted by Jobs Florida ~~the Agency for~~
16903 ~~Workforce Innovation~~ to administer the provisions of law
16904 described in s. 443.1316(1)(a) and (b).

16905 Section 320. Paragraphs (b), (c), and (f) of subsection
16906 (1), subsection (2), paragraphs (f) and (g) of subsection (3),
16907 and paragraph (c) of subsection (4) of section 443.141, Florida

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16908 Statutes, are amended to read:

16909 443.141 Collection of contributions and reimbursements.—

16910 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
16911 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

16912 (b) *Penalty for delinquent, erroneous, incomplete, or*
16913 *insufficient reports.*—

16914 1. An employing unit that fails to file any report required
16915 by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
16916 collection service provider, in accordance with rules for
16917 administering this chapter, shall pay to the service provider
16918 for each delinquent report the sum of \$25 for each 30 days or
16919 fraction thereof that the employing unit is delinquent, unless
16920 the agency or its service provider, whichever required the
16921 report, finds that the employing unit has good reason for
16922 failing to file the report. Jobs Florida ~~The agency~~ or its
16923 service provider may assess penalties only through the date of
16924 the issuance of the final assessment notice. However, additional
16925 penalties accrue if the delinquent report is subsequently filed.

16926 2.a. An employing unit that files an erroneous, incomplete,
16927 or insufficient report with Jobs Florida ~~the Agency for~~
16928 ~~Workforce Innovation~~ or its tax collection service provider
16929 shall pay a penalty. The amount of the penalty is \$50 or 10
16930 percent of any tax due, whichever is greater, but no more than
16931 \$300 per report. The penalty shall be added to any tax, penalty,
16932 or interest otherwise due.

16933 b. Jobs Florida ~~The agency~~ or its tax collection service
16934 provider shall waive the penalty if the employing unit files an
16935 accurate, complete, and sufficient report within 30 days after a
16936 penalty notice is issued to the employing unit. The penalty may

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16937 not be waived pursuant to this subparagraph more than one time
16938 during a 12-month period.

16939 c. As used in this subsection, the term "erroneous,
16940 incomplete, or insufficient report" means a report so lacking in
16941 information, completeness, or arrangement that the report cannot
16942 be readily understood, verified, or reviewed. Such reports
16943 include, but are not limited to, reports having missing wage or
16944 employee information, missing or incorrect social security
16945 numbers, or illegible entries; reports submitted in a format
16946 that is not approved by Jobs Florida ~~the agency~~ or its tax
16947 collection service provider; and reports showing gross wages
16948 that do not equal the total of the wages of each employee.
16949 However, the term does not include a report that merely contains
16950 inaccurate data that was supplied to the employer by the
16951 employee, if the employer was unaware of the inaccuracy.

16952 3. Penalties imposed pursuant to this paragraph shall be
16953 deposited in the Special Employment Security Administration
16954 Trust Fund.

16955 4. The penalty and interest for a delinquent, erroneous,
16956 incomplete, or insufficient report may be waived if the penalty
16957 or interest is inequitable. The provisions of s. 213.24(1) apply
16958 to any penalty or interest that is imposed under this section.

16959 (c) *Application of partial payments.*—If a delinquency
16960 exists in the employment record of an employer not in
16961 bankruptcy, a partial payment less than the total delinquency
16962 amount shall be applied to the employment record as the payor
16963 directs. In the absence of specific direction, the partial
16964 payment shall be applied to the payor's employment record as
16965 prescribed in the rules of Jobs Florida ~~the Agency for Workforce~~

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16966 ~~Innovation~~ or the state agency providing tax collection
16967 services.

16968 (f) *Adoption of rules.*—Jobs Florida ~~The Agency for~~
16969 ~~Workforce Innovation~~ and the state agency providing unemployment
16970 tax collection services may adopt rules to administer this
16971 subsection.

16972 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

16973 (a) *Failure to make reports and pay contributions.*—If an
16974 employing unit determined by the tax collection service provider
16975 to be an employer subject to this chapter fails to make and file
16976 any report as and when required by this chapter or by any rule
16977 of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state
16978 agency providing tax collection services, for the purpose of
16979 determining the amount of contributions due by the employer
16980 under this chapter, or if any filed report is found by the
16981 service provider to be incorrect or insufficient, and the
16982 employer, after being notified in writing by the service
16983 provider to file the report, or a corrected or sufficient
16984 report, as applicable, fails to file the report within 15 days
16985 after the date of the mailing of the notice, the tax collection
16986 service provider may:

16987 1. Determine the amount of contributions due from the
16988 employer based on the information readily available to it, which
16989 determination is deemed to be prima facie correct;

16990 2. Assess the employer the amount of contributions
16991 determined to be due; and

16992 3. Immediately notify the employer by mail of the
16993 determination and assessment including penalties as provided in
16994 this chapter, if any, added and assessed, and demand payment

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16995 together with interest on the amount of contributions from the
16996 date that amount was due and payable.

16997 (b) *Hearings.*—The determination and assessment are final 15
16998 days after the date the assessment is mailed unless the employer
16999 files with the tax collection service provider within the 15
17000 days a written protest and petition for hearing specifying the
17001 objections thereto. The tax collection service provider shall
17002 promptly review each petition and may reconsider its
17003 determination and assessment in order to resolve the
17004 petitioner's objections. The tax collection service provider
17005 shall forward each petition remaining unresolved to Jobs Florida
17006 ~~the Agency for Workforce Innovation~~ for a hearing on the
17007 objections. Upon receipt of a petition, Jobs Florida ~~the Agency~~
17008 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
17009 petitioner of the time and place of the hearing. Jobs Florida
17010 ~~The Agency for Workforce Innovation~~ may appoint special deputies
17011 to conduct hearings and to submit their findings together with a
17012 transcript of the proceedings before them and their
17013 recommendations to Jobs Florida ~~the agency~~ for its final order.
17014 Special deputies are subject to the prohibition against ex parte
17015 communications in s. 120.66. At any hearing conducted by Jobs
17016 Florida ~~the Agency for Workforce Innovation~~ or its special
17017 deputy, evidence may be offered to support the determination and
17018 assessment or to prove it is incorrect. In order to prevail,
17019 however, the petitioner must either prove that the determination
17020 and assessment are incorrect or file full and complete corrected
17021 reports. Evidence may also be submitted at the hearing to rebut
17022 the determination by the tax collection service provider that
17023 the petitioner is an employer under this chapter. Upon evidence

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17024 taken before it or upon the transcript submitted to it with the
17025 findings and recommendation of its special deputy, Jobs Florida
17026 ~~the Agency for Workforce Innovation~~ shall either set aside the
17027 tax collection service provider's determination that the
17028 petitioner is an employer under this chapter or reaffirm the
17029 determination. The amounts assessed under the final order,
17030 together with interest and penalties, must be paid within 15
17031 days after notice of the final order is mailed to the employer,
17032 unless judicial review is instituted in a case of status
17033 determination. Amounts due when the status of the employer is in
17034 dispute are payable within 15 days after the entry of an order
17035 by the court affirming the determination. However, any
17036 determination that an employing unit is not an employer under
17037 this chapter does not affect the benefit rights of any
17038 individual as determined by an appeals referee or the commission
17039 unless:

17040 1. The individual is made a party to the proceedings before
17041 the special deputy; or

17042 2. The decision of the appeals referee or the commission
17043 has not become final or the employing unit and Jobs Florida ~~the~~
17044 ~~Agency for Workforce Innovation~~ were not made parties to the
17045 proceedings before the appeals referee or the commission.

17046 (c) Appeals. ~~Jobs Florida~~ ~~The Agency for Workforce~~
17047 ~~Innovation~~ and the state agency providing unemployment tax
17048 collection services shall adopt rules prescribing the procedures
17049 for an employing unit determined to be an employer to file an
17050 appeal and be afforded an opportunity for a hearing on the
17051 determination. Pending a hearing, the employing unit must file
17052 reports and pay contributions in accordance with s. 443.131.

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17053 (3) COLLECTION PROCEEDINGS.—

17054 (f) *Reproductions.*—In any proceedings in any court under
17055 this chapter, reproductions of the original records of Jobs
17056 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17057 service provider, the former Agency for Workforce Innovation,
17058 the former Department of Labor and Employment Security, or the
17059 commission, including, but not limited to, photocopies or
17060 microfilm, are primary evidence in lieu of the original records
17061 or of the documents that were transcribed into those records.

17062 (g) *Jeopardy assessment and warrant.*—If the tax collection
17063 service provider reasonably believes that the collection of
17064 contributions or reimbursements from an employer will be
17065 jeopardized by delay, the service provider may assess the
17066 contributions or reimbursements immediately, together with
17067 interest or penalties when due, regardless of whether the
17068 contributions or reimbursements accrued are due, and may
17069 immediately issue a notice of lien and jeopardy warrant upon
17070 which proceedings may be conducted as provided in this section
17071 for notice of lien and warrant of the service provider. Within
17072 15 days after mailing the notice of lien by registered mail, the
17073 employer may protest the issuance of the lien in the same manner
17074 provided in paragraph (2)(a). The protest does not operate as a
17075 supersedeas or stay of enforcement unless the employer files
17076 with the sheriff seeking to enforce the warrant a good and
17077 sufficient surety bond in twice the amount demanded by the
17078 notice of lien or warrant. The bond must be conditioned upon
17079 payment of the amount subsequently found to be due from the
17080 employer to the tax collection service provider in the final
17081 order of Jobs Florida ~~the Agency for Workforce Innovation~~ upon

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17082 protest of assessment. The jeopardy warrant and notice of lien
17083 are satisfied in the manner provided in this section upon
17084 payment of the amount finally determined to be due from the
17085 employer. If enforcement of the jeopardy warrant is not
17086 superseded as provided in this section, the employer is entitled
17087 to a refund from the fund of all amounts paid as contributions
17088 or reimbursements in excess of the amount finally determined to
17089 be due by the employer upon application being made as provided
17090 in this chapter.

17091 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
17092 CONTRIBUTIONS AND REIMBURSEMENTS.—

17093 (c) Any agent or employee designated by Jobs Florida ~~the~~
17094 ~~Agency for Workforce Innovation~~ or its tax collection service
17095 provider may administer an oath to any person for any return or
17096 report required by this chapter or by the rules of Jobs Florida
17097 ~~the Agency for Workforce Innovation~~ or the state agency
17098 providing unemployment tax collection services, and an oath made
17099 before Jobs Florida ~~the agency~~ or its service provider or any
17100 authorized agent or employee has the same effect as an oath made
17101 before any judicial officer or notary public of the state.

17102 Section 321. Section 443.151, Florida Statutes, is amended
17103 to read:

17104 443.151 Procedure concerning claims.—

17105 (1) POSTING OF INFORMATION.—

17106 (a) Each employer must post and maintain in places readily
17107 accessible to individuals in her or his employ printed
17108 statements concerning benefit rights, claims for benefits, and
17109 other matters relating to the administration of this chapter as
17110 Jobs Florida ~~the Agency for Workforce Innovation~~ may by rule

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17111 prescribe. Each employer must supply to individuals copies of
17112 printed statements or other materials relating to claims for
17113 benefits as directed by the ~~agency's~~ rules of Jobs Florida. Jobs
17114 Florida ~~The Agency for Workforce Innovation~~ shall supply these
17115 printed statements and other materials to each employer without
17116 cost to the employer.

17117 (b)1. Jobs Florida ~~The Agency for Workforce Innovation~~
17118 shall advise each individual filing a new claim for unemployment
17119 compensation, at the time of filing the claim, that:

17120 a. Unemployment compensation is subject to federal income
17121 tax.

17122 b. Requirements exist pertaining to estimated tax payments.

17123 c. The individual may elect to have federal income tax
17124 deducted and withheld from the individual's payment of
17125 unemployment compensation at the amount specified in the federal
17126 Internal Revenue Code.

17127 d. The individual is not permitted to change a previously
17128 elected withholding status more than twice per calendar year.

17129 2. Amounts deducted and withheld from unemployment
17130 compensation must remain in the Unemployment Compensation Trust
17131 Fund until transferred to the federal taxing authority as
17132 payment of income tax.

17133 3. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17134 follow all procedures specified by the United States Department
17135 of Labor and the federal Internal Revenue Service pertaining to
17136 the deducting and withholding of income tax.

17137 4. If more than one authorized request for deduction and
17138 withholding is made, amounts must be deducted and withheld in
17139 accordance with the following priorities:

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- 17140 a. Unemployment overpayments have first priority;
17141 b. Child support payments have second priority; and
17142 c. Withholding under this subsection has third priority.

17143 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
17144 CLAIMANTS AND EMPLOYERS.—

17145 (a) *In general.*—Claims for benefits must be made in
17146 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
17147 ~~Workforce Innovation~~. Jobs Florida ~~The agency~~ must notify
17148 claimants and employers regarding monetary and nonmonetary
17149 determinations of eligibility. Investigations of issues raised
17150 in connection with a claimant which may affect a claimant's
17151 eligibility for benefits or charges to an employer's employment
17152 record shall be conducted by Jobs Florida ~~the agency~~ through
17153 written, telephonic, or electronic means as prescribed by rule.

17154 (b) *Process.*—When the Unemployment Compensation Claims and
17155 Benefits Information System described in s. 443.1113 is fully
17156 operational, the process for filing claims must incorporate the
17157 process for registering for work with the workforce information
17158 systems established pursuant to s. 445.011. A claim for benefits
17159 may not be processed until the work registration requirement is
17160 satisfied. Jobs Florida ~~The Agency for Workforce~~
17161 ~~Innovation~~ may adopt rules as necessary to administer the work registration
17162 requirement set forth in this paragraph.

17163 (3) DETERMINATION OF ELIGIBILITY.—

17164 (a) *Notices of claim.*—Jobs Florida ~~The Agency for Workforce~~
17165 ~~Innovation~~ shall promptly provide a notice of claim to the
17166 claimant's most recent employing unit and all employers whose
17167 employment records are liable for benefits under the monetary
17168 determination. The employer must respond to the notice of claim

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17169 within 20 days after the mailing date of the notice, or in lieu
17170 of mailing, within 20 days after the delivery of the notice. If
17171 a contributing employer fails to timely respond to the notice of
17172 claim, the employer's account may not be relieved of benefit
17173 charges as provided in s. 443.131(3)(a), notwithstanding
17174 paragraph (5)(b). Jobs Florida ~~The agency~~ may adopt rules as
17175 necessary to implement the processes described in this paragraph
17176 relating to notices of claim.

17177 (b) *Monetary determinations.*—In addition to the notice of
17178 claim, Jobs Florida ~~the agency~~ shall also promptly provide an
17179 initial monetary determination to the claimant and each base
17180 period employer whose account is subject to being charged for
17181 its respective share of benefits on the claim. The monetary
17182 determination must include a statement of whether and in what
17183 amount the claimant is entitled to benefits, and, in the event
17184 of a denial, must state the reasons for the denial. A monetary
17185 determination for the first week of a benefit year must also
17186 include a statement of whether the claimant was paid the wages
17187 required under s. 443.091(1)(g) and, if so, the first day of the
17188 benefit year, the claimant's weekly benefit amount, and the
17189 maximum total amount of benefits payable to the claimant for a
17190 benefit year. The monetary determination is final unless within
17191 20 days after the mailing of the notices to the parties' last
17192 known addresses, or in lieu of mailing, within 20 days after the
17193 delivery of the notices, an appeal or written request for
17194 reconsideration is filed by the claimant or other party entitled
17195 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17196 to implement the processes described in this paragraph relating
17197 to notices of monetary determinations and the appeals or

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17198 reconsideration requests filed in response to such notices.

17199 (c) *Nonmonetary determinations.*—If Jobs Florida ~~the agency~~
17200 receives information that may result in a denial of benefits,
17201 Jobs Florida ~~the agency~~ must complete an investigation of the
17202 claim required by subsection (2) and provide notice of a
17203 nonmonetary determination to the claimant and the employer from
17204 whom the claimant's reason for separation affects his or her
17205 entitlement to benefits. The determination must state the reason
17206 for the determination and whether the unemployment tax account
17207 of the contributing employer is charged for benefits paid on the
17208 claim. The nonmonetary determination is final unless within 20
17209 days after the mailing of the notices to the parties' last known
17210 addresses, or in lieu of mailing, within 20 days after the
17211 delivery of the notices, an appeal or written request for
17212 reconsideration is filed by the claimant or other party entitled
17213 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17214 to implement the processes described in this paragraph relating
17215 to notices of nonmonetary determination and the appeals or
17216 reconsideration requests filed in response to such notices, and
17217 may adopt rules prescribing the manner and procedure by which
17218 employers within the base period of a claimant become entitled
17219 to notice of nonmonetary determination.

17220 (d) *Determinations in labor dispute cases.*—Whenever any
17221 claim involves a labor dispute described in s. 443.101(4), Jobs
17222 Florida ~~the Agency for Workforce Innovation~~ shall promptly
17223 assign the claim to a special examiner who shall make a
17224 determination on the issues involving unemployment due to the
17225 labor dispute. The special examiner shall make the determination
17226 after an investigation, as necessary. The claimant or another

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17227 party entitled to notice of the determination may appeal a
17228 determination under subsection (4).

17229 (e) *Redeterminations.*—

17230 1. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17231 reconsider a determination if it finds an error or if new
17232 evidence or information pertinent to the determination is
17233 discovered after a prior determination or redetermination. A
17234 redetermination may not be made more than 1 year after the last
17235 day of the benefit year unless the disqualification for making a
17236 false or fraudulent representation under s. 443.101(6) is
17237 applicable, in which case the redetermination may be made within
17238 2 years after the false or fraudulent representation. Jobs
17239 Florida ~~The agency~~ must promptly give notice of redetermination
17240 to the claimant and to any employers entitled to notice in the
17241 manner prescribed in this section for the notice of an initial
17242 determination.

17243 2. If the amount of benefits is increased by the
17244 redetermination, an appeal of the redetermination based solely
17245 on the increase may be filed as provided in subsection (4). If
17246 the amount of benefits is decreased by the redetermination, the
17247 redetermination may be appealed by the claimant if a subsequent
17248 claim for benefits is affected in amount or duration by the
17249 redetermination. If the final decision on the determination or
17250 redetermination to be reconsidered was made by an appeals
17251 referee, the commission, or a court, Jobs Florida ~~the Agency for~~
17252 ~~Workforce Innovation~~ may apply for a revised decision from the
17253 body or court that made the final decision.

17254 3. If an appeal of an original determination is pending
17255 when a redetermination is issued, the appeal unless withdrawn is

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17256 treated as an appeal from the redetermination.

17257 (4) APPEALS.—

17258 (a) *Appeals referees.*—Jobs Florida ~~The Agency for Workforce~~
17259 ~~Innovation~~ shall appoint one or more impartial salaried appeals
17260 referees in accordance with s. 443.171(3) to hear and decide
17261 appealed claims. A person may not participate on behalf of Jobs
17262 Florida ~~the Agency for Workforce Innovation~~ as an appeals
17263 referee in any case in which she or he is an interested party.
17264 Jobs Florida ~~The Agency for Workforce Innovation~~ may designate
17265 alternates to serve in the absence or disqualification of any
17266 appeals referee on a temporary basis. These alternates must have
17267 the same qualifications required of appeals referees. Jobs
17268 Florida ~~The Agency for Workforce Innovation~~ shall provide the
17269 commission and the appeals referees with proper facilities and
17270 assistance for the execution of their functions.

17271 (b) *Filing and hearing.*—

17272 1. The claimant or any other party entitled to notice of a
17273 determination may appeal an adverse determination to an appeals
17274 referee within 20 days after the date of mailing of the notice
17275 to her or his last known address or, if the notice is not
17276 mailed, within 20 days after the date of delivery of the notice.

17277 2. Unless the appeal is untimely or withdrawn or review is
17278 initiated by the commission, the appeals referee, after mailing
17279 all parties and attorneys of record a notice of hearing at least
17280 10 days before the date of hearing, notwithstanding the 14-day
17281 notice requirement in s. 120.569(2)(b), may only affirm, modify,
17282 or reverse the determination. An appeal may not be withdrawn
17283 without the permission of the appeals referee.

17284 3. However, when an appeal appears to have been filed after

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17285 the permissible time limit, the Office of Appeals may issue an
17286 order to show cause to the appellant, requiring the appellant to
17287 show why the appeal should not be dismissed as untimely. If the
17288 appellant does not, within 15 days after the mailing date of the
17289 order to show cause, provide written evidence of timely filing
17290 or good cause for failure to appeal timely, the appeal shall be
17291 dismissed.

17292 4. When an appeal involves a question of whether services
17293 were performed by a claimant in employment or for an employer,
17294 the referee must give special notice of the question and of the
17295 pendency of the appeal to the employing unit and to Jobs Florida
17296 ~~the Agency for Workforce Innovation~~, both of which become
17297 parties to the proceeding.

17298 5. The parties must be notified promptly of the referee's
17299 decision. The referee's decision is final unless further review
17300 is initiated under paragraph (c) within 20 days after the date
17301 of mailing notice of the decision to the party's last known
17302 address or, in lieu of mailing, within 20 days after the
17303 delivery of the notice.

17304 (c) *Review by commission.*—The commission may, on its own
17305 motion, within the time limit in paragraph (b), initiate a
17306 review of the decision of an appeals referee. The commission may
17307 also allow Jobs Florida ~~the Agency for Workforce Innovation~~ or
17308 any adversely affected party entitled to notice of the decision
17309 to appeal the decision by filing an application within the time
17310 limit in paragraph (b). An adversely affected party has the
17311 right to appeal the decision if Jobs Florida's ~~the Agency for~~
17312 ~~Workforce Innovation's~~ determination is not affirmed by the
17313 appeals referee. The commission may affirm, modify, or reverse

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17314 the findings and conclusions of the appeals referee based on
17315 evidence previously submitted in the case or based on additional
17316 evidence taken at the direction of the commission. The
17317 commission may assume jurisdiction of or transfer to another
17318 appeals referee the proceedings on any claim pending before an
17319 appeals referee. Any proceeding in which the commission assumes
17320 jurisdiction before completion must be heard by the commission
17321 in accordance with the requirement of this subsection for
17322 proceedings before an appeals referee. When the commission
17323 denies an application to hear an appeal of an appeals referee's
17324 decision, the decision of the appeals referee is the decision of
17325 the commission for purposes of this paragraph and is subject to
17326 judicial review within the same time and manner as decisions of
17327 the commission, except that the time for initiating review runs
17328 from the date of notice of the commission's order denying the
17329 application to hear an appeal.

17330 (d) *Procedure.*—The manner that appealed claims are
17331 presented must comply with the commission's rules. Witnesses
17332 subpoenaed under this section are allowed fees at the rate
17333 established by s. 92.142, and fees of witnesses subpoenaed on
17334 behalf of Jobs Florida ~~the Agency for Workforce Innovation~~ or
17335 any claimant are deemed part of the expense of administering
17336 this chapter.

17337 (e) *Judicial review.*—Orders of the commission entered under
17338 paragraph (c) are subject to review only by notice of appeal in
17339 the district court of appeal in the appellate district in which
17340 the issues involved were decided by an appeals referee.
17341 Notwithstanding chapter 120, the commission is a party
17342 respondent to every such proceeding. Jobs Florida ~~The Agency for~~

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17343 ~~Workforce Innovation~~ may initiate judicial review of orders in
17344 the same manner and to the same extent as any other party.

17345 (5) PAYMENT OF BENEFITS.—

17346 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17347 promptly pay benefits in accordance with a determination or
17348 redetermination regardless of any appeal or pending appeal.
17349 Before payment of benefits to the claimant, however, each
17350 employer who is liable for reimbursements in lieu of
17351 contributions for payment of the benefits must be notified, at
17352 the address on file with Jobs Florida ~~the Agency for Workforce~~
17353 ~~Innovation~~ or its tax collection service provider, of the
17354 initial determination of the claim and must be given 10 days to
17355 respond.

17356 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17357 promptly pay benefits, regardless of whether a determination is
17358 under appeal if the determination allowing benefits is affirmed
17359 in any amount by an appeals referee or is affirmed by the
17360 commission, or if a decision of an appeals referee allowing
17361 benefits is affirmed in any amount by the commission. In these
17362 instances, a court may not issue an injunction, supersedeas,
17363 stay, or other writ or process suspending payment of benefits. A
17364 contributing employer that responded to the notice of claim
17365 within the time limit provided in subsection (3) may not,
17366 however, be charged with benefits paid under an erroneous
17367 determination if the decision is ultimately reversed. Benefits
17368 are not paid for any subsequent weeks of unemployment involved
17369 in a reversal.

17370 (c) The provisions of paragraph (b) relating to charging an
17371 employer liable for contributions do not apply to reimbursing

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17372 employers.

17373 (6) RECOVERY AND RECOUPMENT.—

17374 (a) Any person who, by reason of her or his fraud, receives
17375 benefits under this chapter to which she or he is not entitled
17376 is liable for repaying those benefits to Jobs Florida ~~the Agency~~
17377 ~~for Workforce Innovation~~ on behalf of the trust fund or, in the
17378 ~~agency's~~ discretion of Jobs Florida, to have those benefits
17379 deducted from future benefits payable to her or him under this
17380 chapter. To enforce this paragraph, Jobs Florida ~~the agency~~ must
17381 find the existence of fraud through a redetermination or
17382 decision under this section within 2 years after the fraud was
17383 committed. Any recovery or recoupment of benefits must be
17384 effected within 5 years after the redetermination or decision.

17385 (b) Any person who, by reason other than her or his fraud,
17386 receives benefits under this chapter to which, under a
17387 redetermination or decision pursuant to this section, she or he
17388 is not entitled, is liable for repaying those benefits to Jobs
17389 Florida ~~the Agency for Workforce Innovation~~ on behalf of the
17390 trust fund or, in the ~~agency's~~ discretion of Jobs Florida, to
17391 have those benefits deducted from any future benefits payable to
17392 her or him under this chapter. Any recovery or recoupment of
17393 benefits must be effected within 3 years after the
17394 redetermination or decision.

17395 (c) Any person who, by reason other than fraud, receives
17396 benefits under this chapter to which she or he is not entitled
17397 as a result of an employer's failure to respond to a claim
17398 within the timeframe provided in subsection (3) is not liable
17399 for repaying those benefits to Jobs Florida ~~the Agency for~~
17400 ~~Workforce Innovation~~ on behalf of the trust fund or to have

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17401 those benefits deducted from any future benefits payable to her
17402 or him under this chapter.

17403 (d) Recoupment from future benefits is not permitted if the
17404 benefits are received by any person without fault on the
17405 person's part and recoupment would defeat the purpose of this
17406 chapter or would be inequitable and against good conscience.

17407 (e) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17408 collect the repayment of benefits without interest by the
17409 deduction of benefits through a redetermination or by a civil
17410 action.

17411 (f) Notwithstanding any other provision of this chapter,
17412 any person who is determined by this state, a cooperating state
17413 agency, the United States Secretary of Labor, or a court to have
17414 received any payments under the Trade Act of 1974, as amended,
17415 to which the person was not entitled shall have those payments
17416 deducted from any regular benefits, as defined in s.
17417 443.1115(1)(e), payable to her or him under this chapter. Each
17418 such deduction may not exceed 50 percent of the amount otherwise
17419 payable. The payments deducted shall be remitted to the agency
17420 that issued the payments under the Trade Act of 1974, as
17421 amended, for return to the United States Treasury. Except for
17422 overpayments determined by a court, a deduction may not be made
17423 under this paragraph until a determination by the state agency
17424 or the United States Secretary of Labor is final.

17425 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any
17426 administrative proceeding conducted under this chapter, an
17427 employer or a claimant has the right, at his or her own expense,
17428 to be represented by counsel or by an authorized representative.
17429 Notwithstanding s. 120.62(2), the authorized representative need

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17430 not be a qualified representative.

17431 (8) BILINGUAL REQUIREMENTS.—

17432 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17433 provide printed bilingual instructional and educational
17434 materials in the appropriate language in those counties in which
17435 5 percent or more of the households in the county are classified
17436 as a single-language minority.

17437 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17438 ensure that one-stop career centers and appeals offices located
17439 in counties subject to the requirements of paragraph (c)
17440 prominently post notices in the appropriate languages and that
17441 translators are available in those centers and offices.

17442 (c) As used in this subsection, the term "single-language
17443 minority" means households that speak the same non-English
17444 language and that do not contain an adult fluent in English.
17445 Jobs Florida ~~The Agency for Workforce Innovation~~ shall develop
17446 estimates of the percentages of single-language minority
17447 households for each county by using data from the United States
17448 Bureau of the Census.

17449 Section 322. Subsection (1), paragraphs (a) and (c) of
17450 subsection (3), and subsection (4) of section 443.163, Florida
17451 Statutes, are amended to read:

17452 443.163 Electronic reporting and remitting of contributions
17453 and reimbursements.—

17454 (1) An employer may file any report and remit any
17455 contributions or reimbursements required under this chapter by
17456 electronic means. Jobs Florida ~~The Agency for Workforce~~
17457 ~~Innovation~~ or the state agency providing unemployment tax
17458 collection services shall adopt rules prescribing the format and

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17459 instructions necessary for electronically filing reports and
17460 remitting contributions and reimbursements to ensure a full
17461 collection of contributions and reimbursements due. The
17462 acceptable method of transfer, the method, form, and content of
17463 the electronic means, and the method, if any, by which the
17464 employer will be provided with an acknowledgment shall be
17465 prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~
17466 or its tax collection service provider. However, any employer
17467 who employed 10 or more employees in any quarter during the
17468 preceding state fiscal year must file the Employers Quarterly
17469 Reports (UCT-6) for the current calendar year and remit the
17470 contributions and reimbursements due by electronic means
17471 approved by the tax collection service provider. A person who
17472 prepared and reported for 100 or more employers in any quarter
17473 during the preceding state fiscal year must file the Employers
17474 Quarterly Reports (UCT-6) for each calendar quarter in the
17475 current calendar year, beginning with reports due for the second
17476 calendar quarter of 2003, by electronic means approved by the
17477 tax collection service provider.

17478 (3) The tax collection service provider may waive the
17479 requirement to file an Employers Quarterly Report (UCT-6) by
17480 electronic means for employers that are unable to comply despite
17481 good faith efforts or due to circumstances beyond the employer's
17482 reasonable control.

17483 (a) As prescribed by Jobs Florida ~~the Agency for Workforce~~
17484 ~~Innovation~~ or its tax collection service provider, grounds for
17485 approving the waiver include, but are not limited to,
17486 circumstances in which the employer does not:

17487 1. Currently file information or data electronically with

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17488 any business or government agency; or

17489 2. Have a compatible computer that meets or exceeds the
17490 standards prescribed by Jobs Florida ~~the Agency for Workforce~~
17491 ~~Innovation~~ or its tax collection service provider.

17492 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or the
17493 state agency providing unemployment tax collection services may
17494 establish by rule the length of time a waiver is valid and may
17495 determine whether subsequent waivers will be authorized, based
17496 on this subsection.

17497 (4) As used in this section, the term "electronic means"
17498 includes, but is not limited to, electronic data interchange;
17499 electronic funds transfer; and use of the Internet, telephone,
17500 or other technology specified by Jobs Florida ~~the Agency for~~
17501 ~~Workforce Innovation~~ or its tax collection service provider.

17502 Section 323. Section 443.171, Florida Statutes, is amended
17503 to read:

17504 443.171 Jobs Florida ~~Agency for Workforce Innovation~~ and
17505 commission; powers and duties; records and reports; proceedings;
17506 state-federal cooperation.—

17507 (1) POWERS AND DUTIES.—Jobs Florida ~~The Agency for~~
17508 ~~Workforce Innovation~~ shall administer this chapter. Jobs Florida
17509 ~~The agency~~ may employ those persons, make expenditures, require
17510 reports, conduct investigations, and take other action necessary
17511 or suitable to administer this chapter. Jobs Florida ~~the Agency~~
17512 ~~for Workforce Innovation~~ shall annually submit information to
17513 Workforce Florida, Inc., covering the administration and
17514 operation of this chapter during the preceding calendar year for
17515 inclusion in the strategic plan under s. 445.006 and may make
17516 recommendations for amendment to this chapter.

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17517 (2) PUBLICATION OF ACTS AND RULES.—Jobs Florida ~~the Agency~~
17518 ~~for Workforce Innovation~~ shall cause to be printed and
17519 distributed to the public, or otherwise distributed to the
17520 public through the Internet or similar electronic means, the
17521 text of this chapter and of the rules for administering this
17522 chapter adopted by Jobs Florida ~~the agency~~ or the state agency
17523 providing unemployment tax collection services and any other
17524 matter relevant and suitable. Jobs Florida ~~The Agency for~~
17525 ~~Workforce Innovation~~ shall furnish this information to any
17526 person upon request. However, any pamphlet, rules, circulars, or
17527 reports required by this chapter may not contain any matter
17528 except the actual data necessary to complete them or the actual
17529 language of the rule, together with the proper notices.

17530 (3) PERSONNEL.—Subject to chapter 110 and the other
17531 provisions of this chapter, Jobs Florida ~~the Agency for~~
17532 ~~Workforce Innovation~~ may appoint, set the compensation of, and
17533 prescribe the duties and powers of employees, accountants,
17534 attorneys, experts, and other persons as necessary for the
17535 performance of the ~~agency's~~ duties of Jobs Florida under this
17536 chapter. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17537 delegate to any person its power and authority under this
17538 chapter as necessary for the effective administration of this
17539 chapter and may bond any person handling moneys or signing
17540 checks under this chapter. The cost of these bonds must be paid
17541 from the Employment Security Administration Trust Fund.

17542 (4) EMPLOYMENT STABILIZATION.—Jobs Florida ~~The Agency for~~
17543 ~~Workforce Innovation~~, under the direction of Workforce Florida,
17544 Inc., shall take all appropriate steps to reduce and prevent
17545 unemployment; to encourage and assist in the adoption of

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17546 practical methods of career training, retraining, and career
17547 guidance; to investigate, recommend, advise, and assist in the
17548 establishment and operation, by municipalities, counties, school
17549 districts, and the state, of reserves for public works to be
17550 used in times of business depression and unemployment; to
17551 promote the reemployment of the unemployed workers throughout
17552 the state in every other way that may be feasible; to refer any
17553 claimant entitled to extended benefits to suitable work which
17554 meets the criteria of this chapter; and, to these ends, to carry
17555 on and publish the results of investigations and research
17556 studies.

17557 (5) RECORDS AND REPORTS.—Each employing unit shall keep
17558 true and accurate work records, containing the information
17559 required by Jobs Florida ~~the Agency for Workforce Innovation~~ or
17560 its tax collection service provider. These records must be open
17561 to inspection and are subject to being copied by Jobs Florida
17562 ~~the Agency for Workforce Innovation~~ or its tax collection
17563 service provider at any reasonable time and as often as
17564 necessary. Jobs Florida ~~The Agency for Workforce Innovation~~ or
17565 its tax collection service provider may require from any
17566 employing unit any sworn or unsworn reports, for persons
17567 employed by the employing unit, necessary for the effective
17568 administration of this chapter. However, a state or local
17569 governmental agency performing intelligence or
17570 counterintelligence functions need not report an employee if the
17571 head of that agency determines that reporting the employee could
17572 endanger the safety of the employee or compromise an ongoing
17573 investigation or intelligence mission. Information revealing the
17574 employing unit's or individual's identity obtained from the

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17575 employing unit or from any individual through the administration
17576 of this chapter, is, except to the extent necessary for the
17577 proper presentation of a claim or upon written authorization of
17578 the claimant who has a workers' compensation claim pending,
17579 confidential and exempt from s. 119.07(1). This confidential
17580 information is available only to public employees in the
17581 performance of their public duties. Any claimant, or the
17582 claimant's legal representative, at a hearing before an appeals
17583 referee or the commission must be supplied with information from
17584 these records to the extent necessary for the proper
17585 presentation of her or his claim. Any employee or member of the
17586 commission, any employee of Jobs Florida ~~the Agency for~~
17587 ~~Workforce Innovation~~ or its tax collection service provider, or
17588 any other person receiving confidential information who violates
17589 this subsection commits a misdemeanor of the second degree,
17590 punishable as provided in s. 775.082 or s. 775.083. However,
17591 Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17592 collection service provider may furnish to any employer copies
17593 of any report previously submitted by that employer, upon the
17594 request of the employer. Jobs Florida ~~The Agency for Workforce~~
17595 ~~Innovation~~ or its tax collection service provider may charge a
17596 reasonable fee for copies of reports, which may not exceed the
17597 actual reasonable cost of the preparation of the copies as
17598 prescribed by rules adopted by Jobs Florida ~~the Agency for~~
17599 ~~Workforce Innovation~~ or the state agency providing tax
17600 collection services. Fees received by Jobs Florida ~~the Agency~~
17601 ~~for Workforce Innovation~~ or its tax collection service provider
17602 for copies furnished under this subsection must be deposited in
17603 the Employment Security Administration Trust Fund.

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17604 (6) OATHS AND WITNESSES.—In the discharge of the duties
17605 imposed by this chapter, Jobs Florida ~~the Agency for Workforce~~
17606 ~~Innovation~~, its tax collection service provider, the members of
17607 the commission, and any authorized representative of any of
17608 these entities may administer oaths and affirmations, take
17609 depositions, certify to official acts, and issue subpoenas to
17610 compel the attendance of witnesses and the production of books,
17611 papers, correspondence, memoranda, and other records deemed
17612 necessary as evidence in connection with the administration of
17613 this chapter.

17614 (7) SUBPOENAS.—If a person refuses to obey a subpoena
17615 issued to that person, any court of this state within the
17616 jurisdiction of which the inquiry is carried on, or within the
17617 jurisdiction of which the person is found, resides, or transacts
17618 business, upon application by Jobs Florida ~~the Agency for~~
17619 ~~Workforce Innovation~~, its tax collection service provider, the
17620 commission, or any authorized representative of any of these
17621 entities has jurisdiction to order the person to appear before
17622 the entity to produce evidence or give testimony on the matter
17623 under investigation or in question. Failure to obey the order of
17624 the court may be punished by the court as contempt. Any person
17625 who fails or refuses without just cause to appear or testify; to
17626 answer any lawful inquiry; or to produce books, papers,
17627 correspondence, memoranda, and other records within her or his
17628 control as commanded in a subpoena of Jobs Florida ~~the Agency~~
17629 ~~for Workforce Innovation~~, its tax collection service provider,
17630 the commission, or any authorized representative of any of these
17631 entities commits a misdemeanor of the second degree, punishable
17632 as provided in s. 775.082 or s. 775.083. Each day that a

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17633 violation continues is a separate offense.

17634 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
17635 excused from appearing or testifying, or from producing books,
17636 papers, correspondence, memoranda, or other records, before Jobs
17637 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17638 service provider, the commission, or any authorized
17639 representative of any of these entities or as commanded in a
17640 subpoena of any of these entities in any proceeding before Jobs
17641 Florida ~~the Agency for Workforce Innovation~~, the commission, an
17642 appeals referee, or a special deputy on the ground that the
17643 testimony or evidence, documentary or otherwise, required of the
17644 person may incriminate her or him or subject her or him to a
17645 penalty or forfeiture. That person may not be prosecuted or
17646 subjected to any penalty or forfeiture for or on account of any
17647 transaction, matter, or thing concerning which she or he is
17648 compelled, after having claimed her or his privilege against
17649 self-incrimination, to testify or produce evidence, documentary
17650 or otherwise, except that the person testifying is not exempt
17651 from prosecution and punishment for perjury committed while
17652 testifying.

17653 (9) STATE-FEDERAL COOPERATION.—

17654 (a)1. In the administration of this chapter, Jobs Florida
17655 ~~the Agency for Workforce Innovation~~ and its tax collection
17656 service provider shall cooperate with the United States
17657 Department of Labor to the fullest extent consistent with this
17658 chapter and shall take those actions, through the adoption of
17659 appropriate rules, administrative methods, and standards,
17660 necessary to secure for this state all advantages available
17661 under the provisions of federal law relating to unemployment

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17662 compensation.

17663 2. In the administration of the provisions in s. 443.1115,
17664 which are enacted to conform with the Federal-State Extended
17665 Unemployment Compensation Act of 1970, Jobs Florida ~~the Agency~~
17666 ~~for Workforce Innovation~~ shall take those actions necessary to
17667 ensure that those provisions are interpreted and applied to meet
17668 the requirements of the federal act as interpreted by the United
17669 States Department of Labor and to secure for this state the full
17670 reimbursement of the federal share of extended benefits paid
17671 under this chapter which is reimbursable under the federal act.

17672 3. Jobs Florida ~~The Agency for Workforce Innovation~~ and its
17673 tax collection service provider shall comply with the
17674 regulations of the United States Department of Labor relating to
17675 the receipt or expenditure by this state of funds granted under
17676 federal law; shall submit the reports in the form and containing
17677 the information the United States Department of Labor requires;
17678 and shall comply with directions of the United States Department
17679 of Labor necessary to assure the correctness and verification of
17680 these reports.

17681 (b) Jobs Florida ~~the Agency for Workforce Innovation~~ and
17682 its tax collection service provider may cooperate with every
17683 agency of the United States charged with administration of any
17684 unemployment insurance law.

17685 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17686 its tax collection service provider shall cooperate with the
17687 agencies of other states, and shall make every proper effort
17688 within their means, to oppose and prevent any further action
17689 leading to the complete or substantial federalization of state
17690 unemployment compensation funds or state employment security

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17691 programs. Jobs Florida ~~The Agency for Workforce Innovation~~ and
17692 its tax collection service provider may make, and may cooperate
17693 with other appropriate agencies in making, studies as to the
17694 practicability and probable cost of possible new state-
17695 administered social security programs and the relative
17696 desirability of state, rather than federal, action in that field
17697 of study.

17698 Section 324. Subsections (1) and (2) of section 443.1715,
17699 Florida Statutes, are amended to read:

17700 443.1715 Disclosure of information; confidentiality.—

17701 (1) RECORDS AND REPORTS.—Information revealing an employing
17702 unit's or individual's identity obtained from the employing unit
17703 or any individual under the administration of this chapter, and
17704 any determination revealing that information, except to the
17705 extent necessary for the proper presentation of a claim or upon
17706 written authorization of the claimant who has a workers'
17707 compensation claim pending or is receiving compensation
17708 benefits, is confidential and exempt from s. 119.07(1) and s.
17709 24(a), Art. I of the State Constitution. This confidential
17710 information may be released only to public employees in the
17711 performance of their public duties. Except as otherwise provided
17712 by law, public employees receiving this confidential information
17713 must maintain the confidentiality of the information. Any
17714 claimant, or the claimant's legal representative, at a hearing
17715 before an appeals referee or the commission is entitled to
17716 information from these records to the extent necessary for the
17717 proper presentation of her or his claim. A person receiving
17718 confidential information who violates this subsection commits a
17719 misdemeanor of the second degree, punishable as provided in s.

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17720 775.082 or s. 775.083. Jobs Florida ~~The Agency for Workforce~~
17721 ~~Innovation~~ or its tax collection service provider may, however,
17722 furnish to any employer copies of any report submitted by that
17723 employer upon the request of the employer and may furnish to any
17724 claimant copies of any report submitted by that claimant upon
17725 the request of the claimant. Jobs Florida ~~The Agency for~~
17726 ~~Workforce Innovation~~ or its tax collection service provider may
17727 charge a reasonable fee for copies of these reports as
17728 prescribed by rule, which may not exceed the actual reasonable
17729 cost of the preparation of the copies. Fees received for copies
17730 under this subsection must be deposited in the Employment
17731 Security Administration Trust Fund.

17732 (2) DISCLOSURE OF INFORMATION.—

17733 (a) Subject to restrictions Jobs Florida ~~the Agency for~~
17734 ~~Workforce Innovation~~ or the state agency providing unemployment
17735 tax collection services adopts by rule, information declared
17736 confidential under this section is available to any agency of
17737 this or any other state, or any federal agency, charged with the
17738 administration of any unemployment compensation law or the
17739 maintenance of the one-stop delivery system, or the Bureau of
17740 Internal Revenue of the United States Department of the
17741 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~
17742 ~~Development~~, or the Florida Department of Revenue. Information
17743 obtained in connection with the administration of the one-stop
17744 delivery system may be made available to persons or agencies for
17745 purposes appropriate to the operation of a public employment
17746 service or a job-preparatory or career education or training
17747 program. Jobs Florida ~~The Agency for Workforce Innovation~~ shall,
17748 on a quarterly basis, furnish the National Directory of New

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17749 Hires with information concerning the wages and unemployment
17750 benefits paid to individuals, by the dates, in the format, and
17751 containing the information specified in the regulations of the
17752 United States Secretary of Health and Human Services. Upon
17753 request, Jobs Florida ~~the Agency for Workforce Innovation~~ shall
17754 furnish any agency of the United States charged with the
17755 administration of public works or assistance through public
17756 employment, and may furnish to any state agency similarly
17757 charged, the name, address, ordinary occupation, and employment
17758 status of each recipient of benefits and the recipient's rights
17759 to further benefits under this chapter. Except as otherwise
17760 provided by law, the receiving agency must retain the
17761 confidentiality of this information as provided in this section.
17762 The tax collection service provider may request the Comptroller
17763 of the Currency of the United States to examine the correctness
17764 of any return or report of any national banking association
17765 rendered under this chapter and may in connection with that
17766 request transmit any report or return for examination to the
17767 Comptroller of the Currency of the United States as provided in
17768 s. 3305(c) of the federal Internal Revenue Code.

17769 (b) The employer or the employer's workers' compensation
17770 carrier against whom a claim for benefits under chapter 440 has
17771 been made, or a representative of either, may request from Jobs
17772 Florida ~~the Agency for Workforce Innovation~~ records of wages of
17773 the employee reported to Jobs Florida ~~the agency~~ by any employer
17774 for the quarter that includes the date of the accident that is
17775 the subject of such claim and for subsequent quarters.

17776 1. The request must be made with the authorization or
17777 consent of the employee or any employer who paid wages to the

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17778 employee after the date of the accident.

17779 2. The employer or carrier shall make the request on a form
17780 prescribed by rule for such purpose by the agency. Such form
17781 shall contain a certification by the requesting party that it is
17782 a party entitled to the information requested.

17783 3. Jobs Florida ~~The agency~~ shall provide the most current
17784 information readily available within 15 days after receiving the
17785 request.

17786 Section 325. Section 443.181, Florida Statutes, is amended
17787 to read:

17788 443.181 Public employment service.—

17789 (1) The one-stop delivery system established under s.
17790 445.009 is this state's public employment service as part of the
17791 national system of public employment offices under 29 U.S.C. s.
17792 49. Jobs Florida ~~The Agency for Workforce Innovation~~, under
17793 policy direction from Workforce Florida, Inc., shall cooperate
17794 with any official or agency of the United States having power or
17795 duties under 29 U.S.C. ss. 49-491-1 and shall perform those
17796 duties necessary to secure to this state the funds provided
17797 under federal law for the promotion and maintenance of the
17798 state's public employment service. In accordance with 29 U.S.C.
17799 s. 49c, this state accepts 29 U.S.C. ss. 49-491-1. Jobs Florida
17800 ~~The Agency for Workforce Innovation~~ is designated the state
17801 agency responsible for cooperating with the United States
17802 Secretary of Labor under 29 U.S.C. s. 49c. Jobs Florida ~~The~~
17803 ~~Agency for Workforce Innovation~~ shall appoint sufficient
17804 employees to administer this section. Jobs Florida ~~The Agency~~
17805 ~~for Workforce Innovation~~ may cooperate with or enter into
17806 agreements with the Railroad Retirement Board for the

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17807 establishment, maintenance, and use of one-stop career centers.

17808 (2) All funds received by this state under 29 U.S.C. ss.
17809 49-491-1 must be paid into the Employment Security
17810 Administration Trust Fund, and these funds are available to Jobs
17811 Florida ~~the Agency for Workforce Innovation~~ for expenditure as
17812 provided by this chapter or by federal law. For the purpose of
17813 establishing and maintaining one-stop career centers, Jobs
17814 Florida ~~the Agency for Workforce Innovation~~ may enter into
17815 agreements with the Railroad Retirement Board or any other
17816 agency of the United States charged with the administration of
17817 an unemployment compensation law, with any political subdivision
17818 of this state, or with any private, nonprofit organization. As a
17819 part of any such agreement, Jobs Florida ~~the Agency for~~
17820 ~~Workforce Innovation~~ may accept moneys, services, or quarters as
17821 a contribution to the Employment Security Administration Trust
17822 Fund.

17823 Section 326. Subsections (1), (2), (3), and (4) of section
17824 443.191, Florida Statutes, are amended to read:

17825 443.191 Unemployment Compensation Trust Fund; establishment
17826 and control.—

17827 (1) There is established, as a separate trust fund apart
17828 from all other public funds of this state, an Unemployment
17829 Compensation Trust Fund, which shall be administered by Jobs
17830 Florida ~~the Agency for Workforce Innovation~~ exclusively for the
17831 purposes of this chapter. The fund shall consist of:

- 17832 (a) All contributions and reimbursements collected under
17833 this chapter;
- 17834 (b) Interest earned on any moneys in the fund;
- 17835 (c) Any property or securities acquired through the use of

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17836 moneys belonging to the fund;

17837 (d) All earnings of these properties or securities;

17838 (e) All money credited to this state's account in the
17839 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
17840 1103; and

17841 (f) Advances on the amount in the federal Unemployment
17842 Compensation Trust Fund credited to the state under 42 U.S.C. s.
17843 1321, as requested by the Governor or the Governor's designee.

17844

17845 Except as otherwise provided in s. 443.1313(4), all moneys in
17846 the fund shall be mingled and undivided.

17847 (2) The Chief Financial Officer is the ex officio treasurer
17848 and custodian of the fund and shall administer the fund in
17849 accordance with the directions of Jobs Florida ~~the Agency for~~
17850 ~~Workforce Innovation~~. All payments from the fund must be
17851 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ or
17852 by an authorized agent. The Chief Financial Officer shall
17853 maintain within the fund three separate accounts:

17854 (a) A clearing account;

17855 (b) An Unemployment Compensation Trust Fund account; and

17856 (c) A benefit account.

17857

17858 All moneys payable to the fund, including moneys received from
17859 the United States as reimbursement for extended benefits paid by
17860 Jobs Florida ~~the Agency for Workforce Innovation~~, must be
17861 forwarded to the Chief Financial Officer, who shall immediately
17862 deposit them in the clearing account. Refunds payable under s.
17863 443.141 may be paid from the clearing account. After clearance,
17864 all other moneys in the clearing account must be immediately

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17865 deposited with the Secretary of the Treasury of the United
 17866 States to the credit of this state's account in the federal
 17867 Unemployment Compensation Trust Fund notwithstanding any state
 17868 law relating to the deposit, administration, release, or
 17869 disbursement of moneys in the possession or custody of this
 17870 state. The benefit account consists of all moneys requisitioned
 17871 from this state's account in the federal Unemployment
 17872 Compensation Trust Fund. Except as otherwise provided by law,
 17873 moneys in the clearing and benefit accounts may be deposited by
 17874 the Chief Financial Officer, under the direction of Jobs Florida
 17875 ~~the Agency for Workforce Innovation~~, in any bank or public
 17876 depository in which general funds of the state are deposited,
 17877 but a public deposit insurance charge or premium may not be paid
 17878 out of the fund. If any warrant issued against the clearing
 17879 account or the benefit account is not presented for payment
 17880 within 1 year after issuance, the Chief Financial Officer must
 17881 cancel the warrant and credit without restriction the amount of
 17882 the warrant to the account upon which it is drawn. When the
 17883 payee or person entitled to a canceled warrant requests payment
 17884 of the warrant, the Chief Financial Officer, upon direction of
 17885 Jobs Florida ~~the Agency for Workforce Innovation~~, must issue a
 17886 new warrant, payable from the account against which the canceled
 17887 warrant was drawn.

17888 (3) Moneys may only be requisitioned from the state's
 17889 account in the federal Unemployment Compensation Trust Fund
 17890 solely for the payment of benefits and extended benefits and for
 17891 payment in accordance with rules prescribed by Jobs Florida ~~the~~
 17892 ~~Agency for Workforce Innovation~~, or for the repayment of
 17893 advances made pursuant to 42 U.S.C. s. 1321, as authorized by

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17894 the Governor or the Governor's designee, except that money
17895 credited to this state's account under 42 U.S.C. s. 1103 may
17896 only be used exclusively as provided in subsection (5). Jobs
17897 Florida ~~The Agency for Workforce Innovation~~, through the Chief
17898 Financial Officer, shall requisition from the federal
17899 Unemployment Compensation Trust Fund amounts, not exceeding the
17900 amounts credited to this state's account in the fund, as
17901 necessary for the payment of benefits and extended benefits for
17902 a reasonable future period. Upon receipt of these amounts, the
17903 Chief Financial Officer shall deposit the moneys in the benefit
17904 account in the State Treasury and warrants for the payment of
17905 benefits and extended benefits shall be drawn upon the order of
17906 Jobs Florida ~~the Agency for Workforce Innovation~~ against the
17907 account. All warrants for benefits and extended benefits are
17908 payable directly to the ultimate beneficiary. Expenditures of
17909 these moneys in the benefit account and refunds from the
17910 clearing account are not subject to any law requiring specific
17911 appropriations or other formal release by state officers of
17912 money in their custody. All warrants issued for the payment of
17913 benefits and refunds must bear the signature of the Chief
17914 Financial Officer. Any balance of moneys requisitioned from this
17915 state's account in the federal Unemployment Compensation Trust
17916 Fund which remains unclaimed or unpaid in the benefit account
17917 after the period for which the moneys were requisitioned shall
17918 be deducted from estimates for, and may be used for the payment
17919 of, benefits and extended benefits during succeeding periods,
17920 or, in the discretion of Jobs Florida ~~the Agency for Workforce~~
17921 ~~Innovation~~, shall be redeposited with the Secretary of the
17922 Treasury of the United States, to the credit of this state's

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17923 account in the federal Unemployment Compensation Trust Fund, as
17924 provided in subsection (2).

17925 (4) Subsections (1), (2), and (3), to the extent they
17926 relate to the federal Unemployment Compensation Trust Fund,
17927 apply only while the fund continues to exist and while the
17928 Secretary of the Treasury of the United States continues to
17929 maintain for this state a separate account of all funds
17930 deposited by this state for the payment of benefits, together
17931 with this state's proportionate share of the earnings of the
17932 federal Unemployment Compensation Trust Fund, from which no
17933 other state is permitted to make withdrawals. If the federal
17934 Unemployment Compensation Trust Fund ceases to exist, or the
17935 separate account is no longer maintained, all moneys,
17936 properties, or securities belonging to this state's account in
17937 the federal Unemployment Compensation Trust Fund must be
17938 transferred to the treasurer of the Unemployment Compensation
17939 Trust Fund, who must hold, invest, transfer, sell, deposit, and
17940 release those moneys, properties, or securities in a manner
17941 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ in
17942 accordance with this chapter. These moneys must, however, be
17943 invested in the following readily marketable classes of
17944 securities: bonds or other interest-bearing obligations of the
17945 United States or of the state. Further, the investment must at
17946 all times be made in a manner that allows all the assets of the
17947 fund to always be readily convertible into cash when needed for
17948 the payment of benefits. The treasurer may only dispose of
17949 securities or other properties belonging to the Unemployment
17950 Compensation Trust Fund under the direction of Jobs Florida ~~the~~
17951 ~~Agency for Workforce Innovation~~.

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17952 Section 327. Subsection (10) of section 161.54, Florida
17953 Statutes, is amended to read:

17954 161.54 Definitions.—In construing ss. 161.52-161.58:

17955 (10) "State land planning agency" means Jobs Florida ~~the~~
17956 ~~Department of Community Affairs.~~

17957 Section 328. Subsection (14) of section 163.3221, Florida
17958 Statutes, is amended to read:

17959 163.3221 Florida Local Government Development Agreement
17960 Act; definitions.—As used in ss. 163.3220-163.3243:

17961 (14) "State land planning agency" means Jobs Florida ~~the~~
17962 ~~Department of Community Affairs.~~

17963 Section 329. Subsection (18) of section 380.031, Florida
17964 Statutes, is amended to read:

17965 380.031 Definitions.—As used in this chapter:

17966 (18) "State land planning agency" means Jobs Florida ~~the~~
17967 ~~Department of Community Affairs~~ and may be referred to in this
17968 part as the "department."

17969 Section 330. Section 20.505, Florida Statutes, is
17970 transferred, renumbered as section 20.605, Florida Statutes, and
17971 amended to read:

17972 20.605 ~~20.505~~ Administrative Trust Fund of Jobs Florida ~~the~~
17973 ~~Agency for Workforce Innovation.~~

17974 (1) The Administrative Trust Fund is created within Jobs
17975 Florida ~~the Agency for Workforce Innovation.~~

17976 (2) Funds shall be used for the purpose of supporting the
17977 administrative functions of Jobs Florida ~~the agency~~ as required
17978 by law, pursuant to legislative appropriation or an approved
17979 amendment to Jobs Florida ~~the agency's~~ operating budget pursuant
17980 to the provisions of chapter 216.

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17981 (3) Notwithstanding the provisions of s. 216.301 and
17982 pursuant to s. 216.351, any balance in the trust fund at the end
17983 of any fiscal year shall remain in the trust fund at the end of
17984 the year and shall be available for carrying out the purposes of
17985 the trust fund.

17986 Section 331. Section 1004.99, Florida Statutes, is
17987 transferred, renumbered as section 445.06, Florida Statutes, and
17988 amended to read:

17989 445.06 ~~1004.99~~ Florida Ready to Work Certification
17990 Program.—

17991 (1) There is created the Florida Ready to Work
17992 Certification Program to enhance the workplace skills of
17993 Floridians ~~Florida's students~~ to better prepare them for
17994 successful employment in specific occupations.

17995 (2) The Florida Ready to Work Certification Program may be
17996 conducted in public middle and high schools, community colleges,
17997 technical centers, one-stop career centers, vocational
17998 rehabilitation centers, and Department of Juvenile Justice
17999 educational facilities. The program may be made available to
18000 other entities that provide job training. Jobs Florida, in
18001 coordination with the Department of Education, shall establish
18002 institutional readiness criteria for program implementation.

18003 (3) The Florida Ready to Work Certification Program shall
18004 be composed of:

18005 (a) A comprehensive identification of workplace skills for
18006 each occupation identified for inclusion in the program by Jobs
18007 Florida ~~the Agency for Workforce Innovation~~ and the Department
18008 of Education.

18009 (b) A preinstructional assessment that delineates an

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18010 individual's ~~the student's~~ mastery level on the specific
18011 workplace skills identified for that occupation.

18012 (c) A targeted instructional program limited to those
18013 identified workplace skills in which the individual ~~student~~ is
18014 not proficient as measured by the preinstructional assessment.
18015 Instruction must utilize a web-based program and be customized
18016 to meet identified specific needs of local employers.

18017 (d) A Florida Ready to Work Credential and portfolio
18018 awarded to individuals ~~students~~ upon successful completion of
18019 the instruction. Each portfolio must delineate the skills
18020 demonstrated by the individuals ~~student~~ as evidence of the
18021 individual's ~~student's~~ preparation for employment.

18022 (4) A Florida Ready to Work Credential shall be awarded to
18023 an individual ~~a student~~ who successfully passes assessments in
18024 Reading for Information, Applied Mathematics, and Locating
18025 Information or any other assessments of comparable rigor. Each
18026 assessment shall be scored on a scale of 3 to 7. The level of
18027 the credential each individual ~~student~~ receives is based on the
18028 following:

18029 (a) A bronze-level credential requires a minimum score of 3
18030 or above on each of the assessments.

18031 (b) A silver-level credential requires a minimum score of 4
18032 or above on each of the assessments.

18033 (c) A gold-level credential requires a minimum score of 5
18034 or above on each of the assessments.

18035 (5) Jobs Florida ~~The State Board of Education~~, in
18036 consultation with the Department of Education ~~Agency for~~
18037 ~~Workforce Innovation~~, may adopt rules pursuant to ss. 120.536(1)
18038 and 120.54 to implement the provisions of this section.

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18039 Section 332. Section 14.2015, Florida Statutes, is
18040 repealed.

18041 Section 333. Section 20.18, Florida Statutes, is repealed.

18042 Section 334. Section 20.50, Florida Statutes, is repealed.

18043 Section 335. Sections 255.551, 255.552, 255.553, 255.5535,
18044 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56,
18045 255.561, 255.562, and 255.563, Florida Statutes, are repealed.

18046 Section 336. Section 287.115, Florida Statutes, is
18047 repealed.

18048 Section 337. Section 288.038, Florida Statutes, is
18049 repealed.

18050 Section 338. Section 288.1162, Florida Statutes, is
18051 repealed.

18052 Section 339. Section 288.1168, Florida Statutes, is
18053 repealed.

18054 Section 340. Section 288.9618, Florida Statutes, is
18055 repealed.

18056 Section 341. Section 288.982, Florida Statutes, is
18057 repealed.

18058 Section 342. Section 288.99, Florida Statutes, is repealed.

18059 Section 343. Section 411.0105, Florida Statutes, is
18060 repealed.

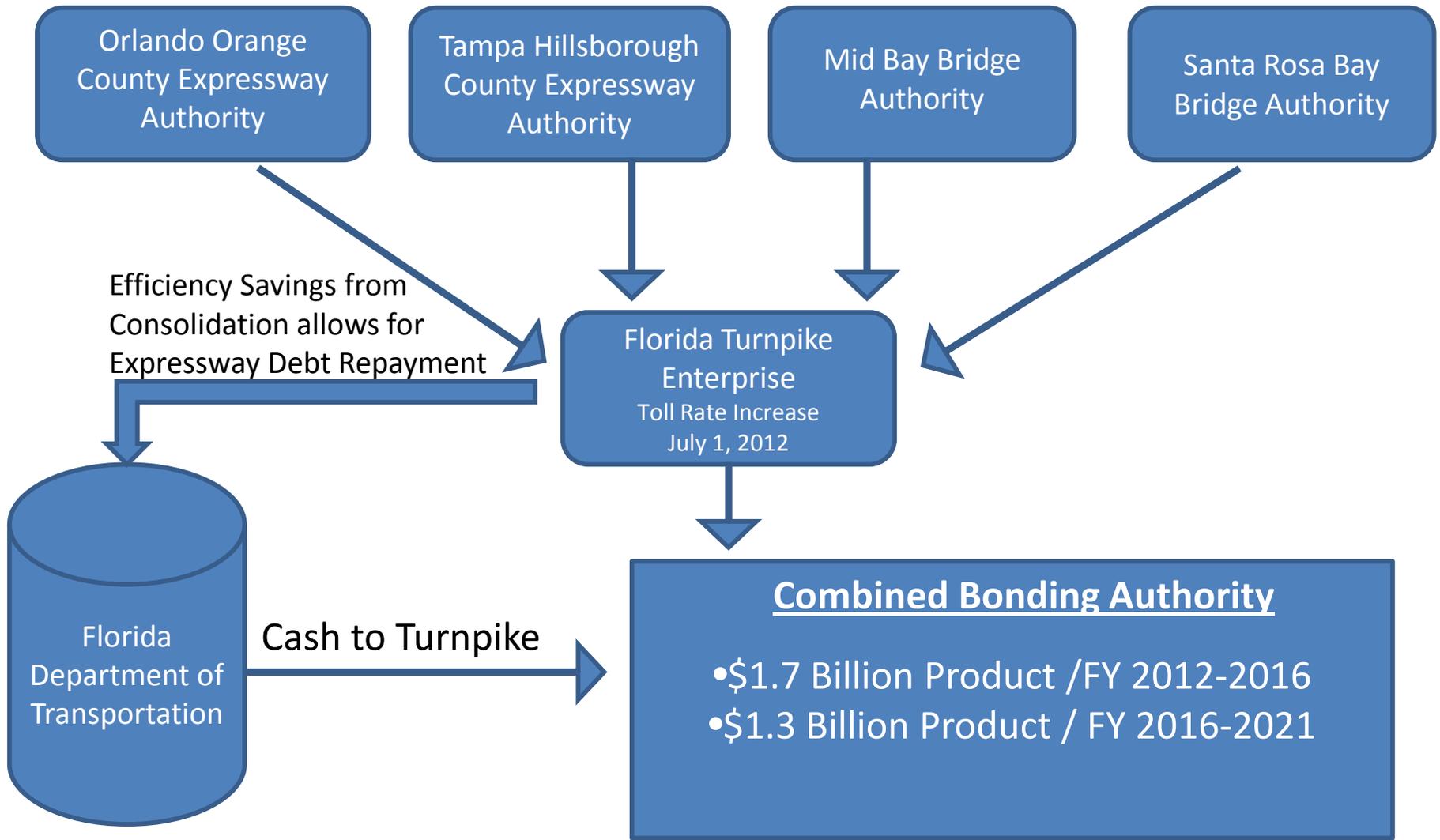
18061 Section 344. Section 446.60, Florida Statutes, is repealed.

18062 Section 345. Section 1002.75, Florida Statutes, is
18063 repealed.

18064 Section 346. This act shall take effect July 1, 2011.

18065

Tolling Authority Consolidations



Summary of Draft Legislation Regarding

Tolling Authority Consolidations to Promote Florida's Economic Development

Section 1 transfers \$5,000,000 from the Highway Safety Operating Trust Fund annually to the Turnpike Revenue Fund administered by the State Board of Administration. The funds transferred will be deemed as turnpike revenues upon deposit.

Section 2 eliminates the Sunpass user discount on July 1, 2011.

Section 3 transfers the Tampa-Hillsborough County Expressway Authority (THEA), the Orlando-Orange County Expressway Authority (OOCEA), the Santa Rosa Bay Bridge Authority and the Mid-Bay Bridge Authority to the Florida Turnpike Enterprise.

- Governance and control of each expressway or bridge authority, including all assets and liabilities are transferred to the Turnpike Enterprise;
- Revenues collected on expressway and bridge systems are considered turnpike revenues;
- Turnpike Enterprise assumes liabilities for bonds of expressway authorities;
- All transfers are subject to the terms and covenants of lease-purchase agreements and resolutions adopted in connection with the issuance of bonds for the authorities;
- The transfers do not modify or eliminate any prior obligation of the Department of Transportation to pay certain costs of the expressway systems from sources other than system revenues.

This section also authorizes the Turnpike Enterprise to make annual payments to the State Transportation Trust Fund until all authority long term debt has been repaid.

Section 4 specifies that the Turnpike Enterprise consists of Florida's Turnpike System, Beachline Expressway (SR 528), Mid-Bay Bridge (SR 293), Garcon Point Bridge (SR 281), Selmon Expressway (SR 618), East-West Expressway (SR 408), Central Florida GreeneWay (SR 417), John Land Apopka Expressway (SR 414), and Daniel Webster Western Beltway (SR 429).

Section 5 republishes existing law.

Section 6 provides for bonding authority for turnpike projects and specifies that no more than \$13.5 billion of bonds may be outstanding.

Section 7 repeals the Toll Facilities Revolving Trust Fund and transfers the fund balance, including future obligations, to the Turnpike General Reserve Trust Fund.

Section 8 through 13 repeals the definition of lease-purchase agreements regarding the Northwest Florida Transportation Corridor Authority (NWFTCA) and the authority for NWFTCA to enter into lease-purchase agreements with FDOT.

Sections 14 through 18 deletes references to lease-purchase agreements as it relates to the Tampa Bay Area Regional Transportation Authority and FDOT.

Sections 19 through 22 deletes the references to lease-purchase agreements as it relates to express authorities and FDOT within the Florida Expressway Act.

Section 23 repeals the creation and operation of the Brevard County Expressway Authority.

Section 24 repeals the creation and operation of the Broward County Expressway Authority.

Section 25 repeals the creation and operation of the Tampa-Hillsborough County Expressway Authority.

Section 26 repeals the creation and operation of the Orlando-Orange County Expressway Authority.

Section 27 repeals the creation and operation of the Pasco County Expressway Authority.

Section 28 repeals the creation and operation of the St. Lucie County Expressway and Bridge Authority.

Section 29 the creation and operation of the Seminole County Expressway Authority.

Section 30 repeals the creation and operation of the Santa Rosa Bay Bridge Authority.

Section 31 repeals creation and operation of the Southwest Florida Expressway Authority.

Section 32 deletes the authority for Osceola County Expressway Authority to enter into lease purchase agreements with FDOT.

Sections 33 through 39 deletes the authority for the Jacksonville Transportation Authority to enter into lease-purchase agreements with FDOT.

Section 40 repeals the creation and operation of the Mid Bay Bridge Authority.

Section 41 corrects a statutory cross reference.

Section 42 provides an effective date of July 1, 2011.

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 320.204, F.S.; providing for the annual transfer of
4 certain funds to the Turnpike Revenue Fund; amending
5 s. 338.161, F.S.; discontinuing Sunpass user
6 discounts; transferring control of the Tampa-
7 Hillsborough County Expressway Authority, the Orlando-
8 Orange County Expressway Authority, the Mid-Bay Bridge
9 Authority, and the Santa Rosa Bay Bridge Authority
10 systems to the Florida Turnpike Enterprise;
11 transferring all assets, rights, powers, duties, and
12 bond liabilities of the authorities to the turnpike
13 enterprise; transferring all provisions that protect
14 the rights of certain bondholders from the authorities
15 to the turnpike enterprise; providing for the
16 enterprise to annually transfer funds from the
17 activities of each of the transferred authorities to
18 the State Transportation Trust Fund to repay certain
19 long-term debt; amending s. 338.2215; adding certain
20 expressway and bridge systems to the Florida Turnpike
21 Enterprise; amending s. 338.2275; increasing the
22 maximum amount of bonds that may be outstanding for
23 approved turnpike projects; repealing s. 338.251,
24 F.S., relating to the Toll Facilities Revolving Trust
25 Fund; transferring all funds in the trust fund and
26 future payments of obligated funds to the Turnpike
27 General Reserve Trust Fund; amending s. 343.805, F.S.;
28 deleting the definition of the term "lease-purchase
29 agreement" as it relates to the Northwest Florida

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30 Transportation Corridor Authority and the Department
31 of Transportation; amending s. 343.836, F.S.; deleting
32 references to lease-purchase agreements in remedies to
33 bondholders as they relate to the U.S.98 Corridor
34 System; repealing s. 343.837, F.S., relating to lease-
35 purchase agreements that provide for the leasing of
36 the U.S. 98 Corridor System to the Department of
37 Transportation; repealing s. 343.885, F.S.; amending
38 s. 343.91, F.S.; deleting the definition of the term
39 "lease-purchase agreement" as it relates to the Tampa
40 Bay Area Regional Transportation Authority and the
41 Department of Transportation; amending s. 343.944,
42 F.S.; deleting references to lease-purchase agreements
43 in remedies to bondholders as they relate to the Tampa
44 Bay Area Regional Transportation Authority; repealing
45 s. 343.945, F.S.; relating to the enforceability of
46 pledges to the Tampa Bay Area Regional Transportation
47 Authority; repealing s. 343.946, F.S., relating to
48 lease-purchase agreements that provide for the leasing
49 of projects of the Tampa Bay Area Regional
50 Transportation Authority to the Department of
51 Transportation; amending s. 348.0002, F.S.; deleting
52 the definition of the term "lease-purchase agreement"
53 as it relates to expressway authorities and the
54 Department of Transportation; amending s. 348.0004,
55 F.S.; authorizing authorities created pursuant to the
56 Florida Expressway Authority Act to own expressway
57 systems; deleting the power of such authorities to
58 lease such systems; conforming cross-references to

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59 changes made by the act; amending s. 348.0005, F.S.;
60 deleting a reference to the Department of
61 Transportation; repealing s. 348.0006, F.S.; which
62 provides for lease-purchase agreements in the Florida
63 Expressway Act; repealing part II of ch. 348, F.S.,
64 which provides for the creation and operation of the
65 Brevard County Expressway Authority; repealing part
66 III of ch. 348, F.S., which provides for the creation
67 and operation of the Broward County Expressway
68 Authority; repealing part IV of ch 348, F.S., which
69 provides for the creation and operation of the Tampa-
70 Hillsborough County Expressway Authority; repealing
71 part V of ch. 348, F.S., which provides for the
72 creation and operation of the Orlando-Orange County
73 Expressway Authority; repealing part VI of ch. 348,
74 F.S., which provides for the creation and operation of
75 the Pasco County Expressway Authority; repealing part
76 VII of ch. 348, F.S., which provides for the creation
77 and operation of the St. Lucie County Expressway and
78 Bridge Authority; repealing part VIII of ch. 348,
79 F.S., which provides for the creation and operation of
80 the Seminole County Expressway Authority;; repealing
81 part IX of ch. 348, F.S., which provides for the
82 creation and operation of the Santa Rosa Bay Bridge
83 Authority; repealing part X of ch. 348, F.S., which
84 provides for the creation and operation of the
85 Southwest Florida Expressway Authority;; repealing s.
86 348.9955, F.S., relating to the power of the Osceola
87 Expressway Authority to enter into lease-purchase

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88 agreements with the Department of Transportation;
89 amending s. 349.02, F.S.; deleting the definition of
90 the term "lease-purchase agreement" as it relates to
91 the Jacksonville Transportation Authority and the
92 Department of Transportation; amending s. 339.04,
93 F.S.; repealing the Jacksonville Transportation
94 Authority's ability to enter lease-purchase
95 agreements; repealing s. 349.05, F.S., relating to
96 lease-purchase agreements in bond agreement of the
97 Jacksonville Transportation Authority; repealing s.
98 349.07, F.S., relating to lease-purchase agreements
99 that provide for the leasing of the Jacksonville
100 Expressway System to the Department of Transportation;
101 repealing ch. 2000-411, Laws of Florida, relating to
102 the Mid-Bay Bridge Authority; amending s. 212.08,
103 F.S.; conforming cross-references to changes made by
104 the act; providing an effective date.

105

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

107

108 Section 1. Section 320.204, Florida Statutes, is amended to
109 read:

110 320.204 Turnpike Revenue Fund Transportation
111 ~~disadvantaged.~~—Of the funds collected in this chapter which are
112 deposited into the Highway Safety Operating Trust Fund,
113 beginning July 1, 2011, and annually thereafter, the department
114 shall transfer \$5 million to the Turnpike Revenue Fund
115 ~~Transportation Disadvantaged Trust Fund in the Department of~~
116 ~~Transportation.~~ These funds shall be transferred on a quarterly

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117 basis and shall be deemed turnpike revenues upon deposit.

118 Section 2. Subsection (4) is added to section 338.161,
119 Florida Statutes, to read:

120 338.161 Authority of department or toll agencies to
121 advertise and promote electronic toll collection; expanded uses
122 of electronic toll collection system; studies authorized.—

123 (4) Notwithstanding subsection (1), the Sunpass user
124 discount shall cease on July 1, 2011.

125 Section 3. Transfers to the Florida Turnpike Enterprise.—
126 The following are transferred to the Florida Turnpike
127 Enterprise:

128 (1)(a) The governance and control of the Tampa-Hillsborough
129 County Expressway Authority. The assets, facilities, tangible
130 and intangible property and any rights in such property, and any
131 other legal rights of the authority, including the expressway
132 system operated by the authority, are transferred to the
133 turnpike enterprise. The turnpike enterprise succeeds to all
134 powers of the authority, and the operations and maintenance of
135 the expressway system shall be under the control of the turnpike
136 enterprise. Revenues collected on the expressway system shall be
137 considered turnpike revenues. The turnpike enterprise also
138 assumes all liability for bonds of the expressway authority,
139 pursuant to the provisions of paragraph (b). The turnpike
140 enterprise is authorized to review other contracts, financial
141 obligations, and contractual obligations and liabilities of the
142 authority, and to assume legal liability for the obligations
143 that are determined to be necessary or desirable for the
144 continued operation of the expressway system.

145 (b) The transfer pursuant to this subsection is subject to

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146 all terms and covenants provided for the protection of the
147 holders of the Tampa-Hillsborough County Expressway Authority
148 bonds in the lease-purchase agreement and the resolutions
149 adopted in connection with the issuance of the bonds. Further,
150 the transfer does not impair the terms of the contract between
151 the authority and the bondholders, does not act to the detriment
152 of the bondholders, and does not diminish the security for the
153 bonds. After the transfer, the turnpike enterprise shall operate
154 and maintain the expressway system and any other facilities of
155 the authority in accordance with the terms, conditions, and
156 covenants contained in the bond resolutions and lease-purchase
157 agreement securing the bonds of the authority. The turnpike
158 enterprise shall collect toll revenues and apply them to the
159 payment of debt service as provided in the bond resolution
160 securing the bonds and expressly assumes all obligations
161 relating to the bonds to ensure that the transfer will have no
162 adverse impact on the security for the bonds of the authority.
163 The transfer does not modify or eliminate any prior obligation
164 of the department to pay certain costs of the expressway system
165 from sources other than revenues of the expressway system. With
166 regard to the authority's current long-term debt due to the
167 department of \$120 million as of June 30, 2010, and to the
168 extent permitted by the bond resolutions and lease-purchase
169 agreement securing the bonds, the turnpike enterprise shall make
170 payment annually to the State Transportation Trust Fund for the
171 purpose of repaying the authority's long-term debt due to the
172 department, from any system expressway revenues obtained under
173 this subsection remaining after paying the costs of operations,
174 maintenance, renewal, and replacement of the expressway system,

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175 and the payment of current debt service or other payments
176 required in relation to the bonds. The turnpike enterprise will
177 make such annual payments to the State Transportation Trust Fund
178 until all remaining authority long-term debt due to the
179 department has been repaid, not to exceed \$8 million per year.

180 (2)(a) The governance and control of the Orlando-Orange
181 County Expressway Authority system. The assets, facilities,
182 tangible and intangible property and any rights in such
183 property, and any other legal rights of the authority, including
184 the expressway system operated by the authority, are transferred
185 to the turnpike enterprise. The turnpike enterprise succeeds to
186 all powers of the authority, and the operations and maintenance
187 of the expressway system shall be under the control of the
188 turnpike enterprise, pursuant to this subsection. Revenues
189 collected on the expressway system shall be considered turnpike
190 revenues. The turnpike enterprise also assumes all liability for
191 bonds of the expressway authority, pursuant to the provisions of
192 paragraph (b). The turnpike enterprise is authorized to review
193 other contracts, financial obligations, and contractual
194 obligations and liabilities of the authority, and to assume
195 legal liability for obligations that are determined to be
196 necessary or desirable for the continued operation of the
197 expressway system.

198 (b) The transfer pursuant to this subsection is subject to
199 all terms and covenants provided for the protection of the
200 holders of the Orlando-Orange County Expressway Authority bonds
201 in the lease-purchase agreement and the resolutions adopted in
202 connection with the issuance of the bonds. Further, the transfer
203 does not impair the terms of the contract between the authority

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204 and the bondholders, does not act to the detriment of the
205 bondholders, and does not diminish the security for the bonds.
206 After the transfer, the turnpike enterprise shall operate and
207 maintain the expressway system and any other facilities of the
208 authority in accordance with the terms, conditions, and
209 covenants contained in the bond resolutions and lease-purchase
210 agreement securing the bonds of the authority. The turnpike
211 enterprise shall collect toll revenues and apply them to the
212 payment of debt service as provided in the bond resolution
213 securing the bonds and expressly assumes all obligations
214 relating to the bonds to ensure that the transfer will have no
215 adverse impact on the security for the bonds of the authority.
216 The transfer does not modify or eliminate any prior obligation
217 of the department to pay certain costs of the expressway system
218 from sources other than revenues of the expressway system. With
219 regard to the authority's current long-term debt due to the
220 department of \$228 million as of June 30, 2010, and to the
221 extent permitted by the bond resolutions and lease-purchase
222 agreement securing the bonds, the turnpike enterprise shall make
223 payment annually to the State Transportation Trust Fund for the
224 purpose of repaying the authority's long-term debt due to the
225 department, from any expressway system revenues obtained under
226 this subsection remaining after paying the costs of operations,
227 maintenance, renewal, and replacement of the expressway system,
228 and the payment of current debt service or other payments
229 required in relation to the bonds. The turnpike enterprise will
230 make such annual payments to the State Transportation Trust Fund
231 until all remaining authority long-term debt due to the
232 department has been repaid, not to exceed \$16 million per year.

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233 (3)(a) The governance and control of the Santa Rosa Bay
234 Bridge Authority system. The assets, facilities, tangible and
235 intangible property and any rights in such property, and any
236 other legal rights of the authority, including the bridge system
237 operated by the authority, are transferred to the turnpike
238 enterprise. The turnpike enterprise succeeds to all powers of
239 the authority, and the operations and maintenance of the bridge
240 system shall be under the control of the turnpike enterprise,
241 pursuant to this subsection. Revenues collected on the bridge
242 system shall be considered turnpike revenues. The turnpike
243 enterprise also assumes all liability for bonds of the bridge
244 authority, pursuant to the provisions of paragraph (b). The
245 turnpike enterprise is authorized to review other contracts,
246 financial obligations, and contractual obligations and
247 liabilities of the authority, and to assume legal liability for
248 such obligations that are determined to be necessary or
249 desirable for the continued operation of the bridge system.

250 (b) The transfer pursuant to this subsection is subject to
251 all terms and covenants provided for the protection of the
252 holders of the Santa Rosa Bay Bridge Authority bonds in the
253 lease-purchase agreement and the resolutions adopted in
254 connection with the issuance of the bonds. Further, the transfer
255 does not impair the terms of the contract between the authority
256 and the bondholders, does not act to the detriment of the
257 bondholders, and does not diminish the security for the bonds.
258 After the transfer, the turnpike enterprise shall operate and
259 maintain the bridge system and any other facilities of the
260 authority in accordance with the terms, conditions, and
261 covenants contained in the bond resolutions and lease-purchase

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262 agreement securing the bonds of the authority. The turnpike
263 enterprise shall collect toll revenues and apply them to the
264 payment of debt service as provided in the bond resolution
265 securing such bonds and expressly assumes all obligations
266 relating to the bonds to ensure that the transfer will have no
267 adverse impact on the security for the bonds of the authority.
268 The transfer does not modify or eliminate any prior obligation
269 of the department to pay certain costs of the bridge system from
270 sources other than revenues of the bridge system. To the extent
271 permitted by the bond resolutions and lease-purchase agreement
272 securing the bonds, the turnpike enterprise shall make payment
273 annually to the State Transportation Trust Fund for the purpose
274 of repaying the authority's long-term debt due to the
275 department, from any bridge system revenues obtained under this
276 subsection remaining after paying the costs of operations,
277 maintenance, renewal, and replacement of the bridge system, and
278 the payment of current debt service or other payments required
279 in relation to the bonds.

280 (4)(a) The governance and control of the Mid-Bay Bridge
281 Authority system. The assets, facilities, tangible and
282 intangible property and any rights in such property, and any
283 other legal rights of the authority, including the bridge system
284 operated by the authority, are transferred to the Florida
285 Turnpike Enterprise. The turnpike enterprise succeeds to all
286 powers of the authority, and the operations and maintenance of
287 the bridge system shall be under the control of the turnpike
288 enterprise, pursuant to this subsection. Revenues collected on
289 the bridge system shall be considered turnpike revenues. The
290 turnpike enterprise also assumes all liability for bonds of the

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291 bridge authority, pursuant to the provisions of paragraph (b).
292 The turnpike enterprise is authorized to review other contracts,
293 financial obligations, and contractual obligations and
294 liabilities of the authority, and to assume legal liability for
295 such obligations that are determined to be necessary or
296 desirable for the continued operation of the bridge system.

297 (b) The transfer pursuant to this subsection is subject to
298 all terms and covenants provided for the protection of the
299 holders of the Mid-Bay Bridge Authority bonds in the lease-
300 purchase agreement and the resolutions adopted in connection
301 with the issuance of the bonds. Further, the transfer does not
302 impair the terms of the contract between the authority and the
303 bondholders, does not act to the detriment of the bondholders,
304 and does not diminish the security for the bonds. After the
305 transfer, the turnpike enterprise shall operate and maintain the
306 bridge system and any other facilities of the authority in
307 accordance with the terms, conditions, and covenants contained
308 in the bond resolutions and lease-purchase agreement securing
309 the bonds of the authority. The turnpike enterprise shall
310 collect toll revenues and apply them to the payment of debt
311 service as provided in the bond resolution securing the bonds
312 and expressly assumes all obligations relating to the bonds to
313 ensure that the transfer will have no adverse impact on the
314 security for the bonds of the authority. The transfer does not
315 modify or eliminate any prior obligation of the Department of
316 Transportation to pay certain costs of the bridge system from
317 sources other than revenues of the bridge system. With regard to
318 the authority's current long-term debt due to the department of
319 \$16 million as of June 30, 2010, and to the extent permitted by

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320 the bond resolutions and lease-purchase agreement securing the
321 bonds, the turnpike enterprise shall make payment annually to
322 the State Transportation Trust Fund for the purpose of repaying
323 the authority's long-term debt due to the department, from any
324 bridge system revenues obtained under this subsection remaining
325 after paying the costs of operations, maintenance, renewal, and
326 replacement of the bridge system, and the payment of current
327 debt service or other payments required in relation to the
328 bonds. The turnpike enterprise will make such annual payments to
329 the State Transportation Trust Fund until all remaining
330 authority long-term debt due to the department has been repaid,
331 not to exceed \$1 million per year.

332 Section 4. Section 338.2215, Florida Statutes, is amended
333 to read:

334 338.2215 Florida Turnpike Enterprise; legislative findings,
335 policy, purpose, and intent.— The Florida Turnpike Enterprise
336 consists of the following toll facilities: Florida's Turnpike
337 System, Beachline Expressway (SR 528), Mid-Bay Bridge (SR 293),
338 Garcon Point Bridge (SR 281), Selmon Expressway (SR 618), East-
339 West Expressway (SR 408), Central Florida GreeneWay (SR 417),
340 John Land Apopka Expressway (SR 414), and Daniel Webster Western
341 Beltway (SR 429). It is the intent of the Legislature that the
342 turnpike enterprise be provided additional powers and authority
343 in order to maximize the advantages obtainable through fully
344 leveraging the Florida Turnpike System asset. The additional
345 powers and authority will provide the Florida Turnpike
346 Enterprise ~~turnpike enterprise~~ with the autonomy and flexibility
347 to enable it to more easily pursue innovations as well as best
348 practices found in the private sector in management, finance,

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349 organization, and operations. The additional powers and
350 authority are intended to improve cost-effectiveness and
351 timeliness of project delivery, increase revenues, expand the
352 Florida Turnpike Enterprise's ~~turnpike system's~~ capital program
353 capability, and improve the quality of service to its patrons,
354 while continuing to protect the turnpike system's bondholders of
355 the Florida Turnpike Enterprise and further preserve, expand,
356 and improve the Florida Turnpike Enterprise System.

357 Section 5. Section 338.2216, Florida Statutes, to read:

358 338.2216 Florida Turnpike Enterprise; powers and
359 authority.—

360 (1)(a) In addition to the powers granted to the department,
361 the Florida Turnpike Enterprise has full authority to exercise
362 all powers granted to it under this chapter. Powers shall
363 include, but are not limited to, the ability to plan, construct,
364 maintain, repair, and operate the Florida Turnpike System.

365 (b) It is the express intention of the Florida Turnpike Law
366 that the Florida Turnpike Enterprise be authorized to plan,
367 develop, own, purchase, lease, or otherwise acquire, demolish,
368 construct, improve, relocate, equip, repair, maintain, operate,
369 and manage the Florida Turnpike System; to expend funds to
370 publicize, advertise, and promote the advantages of using the
371 turnpike system and its facilities; and to cooperate,
372 coordinate, partner, and contract with other entities, public
373 and private, to accomplish these purposes.

374 (c) The executive director of the turnpike enterprise shall
375 appoint a staff, which shall be exempt from part II of chapter
376 110. Among the staff shall be a chief financial officer, who
377 must be a proven, effective administrator with demonstrated

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378 experience in financial management of a large bonded capital
379 program and must hold an active license to practice public
380 accounting in Florida pursuant to chapter 473. The turnpike
381 enterprise staff shall also include the Office of Toll
382 Operations.

383 (d) The Florida Turnpike Enterprise shall pursue and
384 implement new technologies and processes in its operations and
385 collection of tolls and the collection of other amounts
386 associated with road and infrastructure usage. Such technologies
387 and processes must include, without limitation, video billing
388 and variable pricing.

389 (2) The department shall have the authority to employ
390 procurement methods available to the Department of Management
391 Services under chapters 255 and 287 and under any rule adopted
392 under such chapters solely for the benefit of the turnpike
393 enterprise.

394 (3)(a) The turnpike enterprise shall be a single budget
395 entity and shall develop a budget pursuant to chapter 216. The
396 turnpike enterprise's budget shall be submitted to the
397 Legislature along with the department's budget.

398 (b) Notwithstanding the provisions of s. 216.301 to the
399 contrary and in accordance with s. 216.351, the Executive Office
400 of the Governor shall, on July 1 of each year, certify forward
401 all unexpended funds appropriated or provided pursuant to this
402 section for the turnpike enterprise. Of the unexpended funds
403 certified forward, any unencumbered amounts shall be carried
404 forward. Such funds carried forward shall not exceed 5 percent
405 of the original approved operating budget as defined in s.
406 216.181(1) of the turnpike enterprise. Funds carried forward

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407 pursuant to this section may be used for any lawful purpose,
408 including, but not limited to, promotional and market
409 activities, technology, and training. Any certified forward
410 funds remaining undisbursed on September 30 of each year shall
411 be carried forward.

412 (4) The powers conferred upon the turnpike enterprise under
413 ss. 338.22-338.241 shall be in addition and supplemental to the
414 existing powers of the department and the turnpike enterprise,
415 and these powers shall not be construed as repealing any
416 provision of any other law, general or local, but shall
417 supersede such other laws that are inconsistent with the
418 exercise of the powers provided under ss. 338.22-338.241 and
419 provide a complete method for the exercise of such powers
420 granted.

421 Section 6. Subsection (1) of section 338.2275, Florida
422 Statutes, is amended to read:

423 338.2275 Approved turnpike projects.—

424 (1) Legislative approval of the department's tentative work
425 program that contains the turnpike project constitutes approval
426 to issue bonds as required by s. 11(f), Art. VII of the State
427 Constitution. No more than ~~\$13.5~~^{\$10} billion of bonds may be
428 outstanding to fund approved turnpike projects.

429 Section 7. Section 338.251, Florida Statutes, is repealed
430 and all funds in the Toll Facilities Revolving Trust Fund and
431 all future payments of obligated funds shall be deposited into
432 the Turnpike General Reserve Trust Fund to be expended for
433 purposes set forth in the Florida Turnpike Law.

434 Section 8. Subsection (6) of section 343.805, Florida
435 Statutes, is repealed.

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436 Section 9. Paragraph (b) of subsection (2) of section
437 343.835, Florida Statutes, is amended to read:

438 343.835 Bonds of the authority.—

439 (2) Any such resolution or resolutions authorizing any
440 bonds hereunder may contain provisions that are part of the
441 contract with the holders of such bonds, as to:

442 (b) The completion, improvement, operation, extension,
443 maintenance, repair, or lease, ~~or lease purchase agreement~~ of
444 the system, and the duties of the authority and others, ~~including the department,~~
445 ~~with reference thereto.~~

446 Section 10. Paragraph (a) of subsection (3) of section
447 343.835, Florida Statutes, is amended to read:

448 343.835 Bonds of the authority.—

449 (3) The authority may employ fiscal agents as provided by
450 this part or the State Board of Administration may, upon request
451 of the authority, act as fiscal agent for the authority in the
452 issuance of any bonds that are issued pursuant to this part, and
453 the State Board of Administration may, upon request of the
454 authority, take over the management, control, administration,
455 custody, and payment of any or all debt services or funds or
456 assets now or hereafter available for any bonds issued pursuant
457 to this part. The authority may enter into any deeds of trust,
458 indentures, or other agreements with its fiscal agent, or with
459 any bank or trust company within or without the state, as
460 security for such bonds and may, under such agreements, sign and
461 pledge all or any of the revenues, rates, fees, rentals, or
462 other charges or receipts of the authority. Such deed of trust,
463 indenture, or other agreement may contain such provisions as are
464 customary in such instruments or, as the authority authorizes,

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465 including, but without limitation, provisions as to:

466 (a) The completion, improvement, operation, extension,
467 maintenance, repair, and lease of ~~or lease-purchase agreement~~
468 ~~relating to~~ U.S. 98 corridor improvements and the duties of the
469 authority and others, ~~including the department~~, with reference
470 thereto.

471 Section 11. Section 343.836, Florida Statutes, is amended
472 to read:

473 343.836 Remedies of the bondholders.—

474 (1) The rights and the remedies in this section conferred
475 upon or granted to the bondholders are in addition to and not in
476 limitation of any rights and remedies lawfully granted to such
477 bondholders by the resolution or resolutions providing for the
478 issuance of bonds or by a ~~lease-purchase agreement~~, deed of
479 trust, indenture, or other agreement under which the bonds may
480 be issued or secured. If the authority defaults in the payment
481 of the principal of or interest on any of the bonds issued
482 pursuant to the provisions of this part after such principal of
483 or interest on the bonds becomes due, whether at maturity or
484 upon call for redemption, ~~or the department defaults in any~~
485 ~~payments under, or covenants made in, any lease-purchase~~
486 ~~agreement between the authority and the department~~, and such
487 default continues for a period of 30 days, or if the authority
488 ~~or the department~~ fails or refuses to comply with the provisions
489 of this part or any agreement made with, or for the benefit of,
490 the holders of the bonds, the holders of 25 percent in aggregate
491 principal amount of the bonds then outstanding may appoint a
492 trustee to represent such bondholders for the purposes hereof,
493 if such holders of 25 percent in aggregate principal amount of

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494 the bonds then outstanding shall first give notice of their
495 intention to appoint a trustee to the authority ~~and to the~~
496 ~~department~~. Such notice shall be deemed to have been given if
497 given in writing, deposited in a securely sealed postpaid
498 wrapper, mailed at a regularly maintained United States post
499 office box or station, and addressed, ~~respectively,~~ to the chair
500 of the authority ~~and to the secretary of the department at the~~
501 ~~principal office of the department~~.

502 (2) Such trustee and any trustee under any deed of trust,
503 indenture, or other agreement may, and upon written request of
504 the holders of 25 percent or such other percentages as are
505 specified in any deed of trust, indenture, or other agreement
506 aforesaid in principal amount of the bonds then outstanding
507 shall, in any court of competent jurisdiction, in his, her, or
508 its own name:

509 (a) By mandamus or other suit, action, or proceeding at law
510 or in equity, enforce all rights of the bondholders, including
511 the right to require the authority to fix, establish, maintain,
512 collect, and charge rates, fees, rentals, and other charges
513 adequate to carry out any agreement as to or pledge of the
514 revenues or receipts of the authority to carry out any other
515 covenants and agreements with or for the benefit of the
516 bondholders, and to perform its and their duties under this
517 part.

518 ~~(b) By mandamus or other suit, action, or proceeding at law~~
519 ~~or in equity, enforce all rights of the bondholders under or~~
520 ~~pursuant to any lease-purchase agreement between the authority~~
521 ~~and the department, including the right to require the~~
522 ~~department to make all rental payments required to be made by it~~

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523 ~~under the provisions of any such lease purchase agreement, to~~
524 ~~require the department to carry out any other covenants and~~
525 ~~agreements with or for the benefit of the bondholders, and to~~
526 ~~perform its and their duties under this part.~~

527 (b)~~(e)~~ Bring suit upon the bonds.

528 (c)~~(d)~~ By action or suit in equity, require the authority
529 ~~or the department~~ to account as if it were the trustee of an
530 express trust for the bondholders.

531 (e) By action or suit in equity, enjoin any acts or things
532 that may be unlawful or in violation of the rights of the
533 bondholders.

534 (3) Any trustee, when appointed as aforesaid or acting
535 under a deed of trust, indenture, or other agreement, and
536 whether or not all bonds have been declared due and payable, may
537 appoint a receiver who may enter upon and take possession of the
538 system or the facilities or any part or parts thereof, the
539 rates, fees, rentals, or other revenues, charges, or receipts
540 from which are or may be applicable to the payment of the bonds
541 so in default, and, ~~subject to and in compliance with the~~
542 ~~provisions of any lease purchase agreement between the authority~~
543 ~~and the department~~, operate and maintain the same for and on
544 behalf of and in the name of the authority, ~~the department~~, and
545 the bondholders, and collect and receive all rates, fees,
546 rentals, and other charges or receipts or revenues arising
547 therefrom in the same manner as the authority ~~or the department~~
548 might do, and shall deposit all such moneys in a separate
549 account and apply such moneys in such manner as the court shall
550 direct. In any suit, action, or proceeding by the trustee, the
551 fees, counsel fees, and expenses of the trustee and the

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552 receiver, if any, and all costs and disbursements allowed by the
553 court shall be a first charge on any rates, fees, rentals, or
554 other charges, revenues, or receipts derived from the system or
555 the facilities or services or any part or parts thereof,
556 ~~including payments under any such lease purchase agreement as~~
557 ~~aforsaid,~~ which rates, fees, rentals, or other charges,
558 revenues, or receipts may be applicable to the payment of the
559 bonds so in default. Such trustee, in addition to the foregoing,
560 possesses all of the powers necessary for the exercise of any
561 functions specifically set forth herein or incident to the
562 representation of the bondholders in the enforcement and
563 protection of their rights.

564 (4) This section or any other section of this part does not
565 authorize any receiver appointed pursuant hereto for the
566 ~~purpose, subject to and in compliance with the provisions of any~~
567 ~~lease purchase agreement between the authority and the~~
568 ~~department,~~ of operating and maintaining the system or any
569 facilities or part or parts thereof, to sell, assign, mortgage,
570 or otherwise dispose of any of the assets of whatever kind and
571 character belonging to the authority. It is the intention of
572 this part to limit the powers of such receiver, ~~subject to and~~
573 ~~in compliance with the provisions of any lease purchase~~
574 ~~agreement between the authority and the department,~~ to the
575 operation and maintenance of the system or any facility or part
576 or parts thereof, as the court may direct, in the name and for
577 and on behalf of the authority, ~~the department,~~ and the
578 bondholders. In any suit, action, or proceeding at law or in
579 equity, a holder of bonds on the authority, a trustee, or any
580 court may not compel or direct a receiver to sell, assign,

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581 mortgage, or otherwise dispose of any assets of whatever kind or
582 character belonging to the authority. A receiver also may not be
583 authorized to sell, assign, mortgage, or otherwise dispose of
584 any assets of whatever kind or character belonging to the
585 authority in any suit, action, or proceeding at law or in
586 equity.

587 Section 12. Section 343.837, Florida Statutes, is repealed.

588 Section 13. Section 343.885, Florida Statutes, is repealed.

589 Section 14. Section 343.91(1)(h), Florida Statutes, is
590 repealed.

591 Section 15. Paragraph (b) of subsection (3) and paragraph
592 (a) of subsection (4) of section 343.94, Florida Statutes, is
593 amended to read:

594 343.94 Bond financing authority.—

595 (3) Any such resolution or resolutions authorizing any
596 bonds hereunder may contain provisions that are part of the
597 contract with the holders of such bonds, as to:

598 (b) The completion, improvement, operation, extension,
599 maintenance, repair, or lease of, ~~or lease purchase agreement~~
600 ~~relating to,~~ the system and the duties of the authority and
601 others, including the department, with reference thereto.

602 (4) The authority may employ fiscal agents as provided by
603 this part or the State Board of Administration may, upon request
604 of the authority, act as fiscal agent for the authority in the
605 issuance of any bonds that are issued pursuant to this part, and
606 the State Board of Administration may, upon request of the
607 authority, take over the management, control, administration,
608 custody, and payment of any or all debt services or funds or
609 assets now or hereafter available for any bonds issued pursuant

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610 to this part. The authority may enter into any deeds of trust,
611 indentures, or other agreements with its fiscal agent, or with
612 any bank or trust company within or without the state, as
613 security for such bonds and may, under such agreements, sign and
614 pledge all or any of the revenues, rates, fees, rentals, or
615 other charges or receipts of the authority. Such deed of trust,
616 indenture, or other agreement may contain such provisions as are
617 customary in such instruments or as the authority authorizes,
618 including, but without limitation, provisions as to:

619 (a) The completion, improvement, operation, extension,
620 maintenance, repair, and lease of, ~~or lease purchase agreement~~
621 ~~relating to~~, highway, bridge, and related transportation
622 facilities and appurtenances and the duties of the authority and
623 others, ~~including the department~~, with reference thereto.

624 Section 16. Section 343.944, Florida Statutes, is amended
625 to read:

626 343.944 Remedies of the bondholders.—

627 (1) The rights and the remedies in this section conferred
628 upon or granted to the bondholders are in addition to and not in
629 limitation of any rights and remedies lawfully granted to such
630 bondholders by the resolution or resolutions providing for the
631 issuance of bonds or by a ~~lease purchase agreement~~, deed of
632 trust, indenture, or other agreement under which the bonds may
633 be issued or secured. If the authority defaults in the payment
634 of the principal of or interest on any of the bonds issued
635 pursuant to the provisions of this part after such principal of
636 or interest on the bonds becomes due, whether at maturity or
637 upon call for redemption, ~~or the department defaults in any~~
638 ~~payments under, or covenants made in, any lease purchase~~

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639 ~~agreement between the authority and the department,~~ and such
640 default continues for a period of 30 days, or if the authority
641 or the department fails or refuses to comply with the provisions
642 of this part or any agreement made with, or for the benefit of,
643 the holders of the bonds, the holders of 25 percent in aggregate
644 principal amount of the bonds then outstanding may appoint a
645 trustee to represent such bondholders for the purposes hereof,
646 if such holders of 25 percent in aggregate principal amount of
647 the bonds then outstanding shall first give notice of their
648 intention to appoint a trustee to the ~~authority and to the~~
649 ~~department~~. Such notice shall be deemed to have been given if
650 given in writing, deposited in a securely sealed postpaid
651 wrapper, mailed at a regularly maintained United States post
652 office box or station, and addressed, respectively, to the chair
653 of the ~~authority and to the secretary of the department at the~~
654 ~~principal office of the department~~.

655 (2) Such trustee and any trustee under any deed of trust,
656 indenture, or other agreement may and, upon written request of
657 the holders of 25 percent or such other percentages as are
658 specified in any deed of trust, indenture, or other agreement
659 aforesaid in principal amount of the bonds then outstanding,
660 shall, in any court of competent jurisdiction, in his, her, or
661 its own name:

662 (a) By mandamus or other suit, action, or proceeding at law
663 or in equity, enforce all rights of the bondholders, including
664 the right to require the authority to fix, establish, maintain,
665 collect, and charge rates, fees, rentals, and other charges
666 adequate to carry out any agreement as to or pledge of the
667 revenues or receipts of the authority, to carry out any other

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668 covenants and agreements with or for the benefit of the
669 bondholders, and to perform its and their duties under this
670 part.

671 ~~(b) By mandamus or other suit, action, or proceeding at law~~
672 ~~or in equity, enforce all rights of the bondholders under or~~
673 ~~pursuant to any lease purchase agreement between the authority~~
674 ~~and the department, including the right to require the~~
675 ~~department to make all rental payments required to be made by it~~
676 ~~under the provisions of any such lease purchase agreement and to~~
677 ~~require the department to carry out any other covenants and~~
678 ~~agreements with or for the benefit of the bondholders and to~~
679 ~~perform its and their duties under this part.~~

680 (b)(e) Bring suit upon the bonds.

681 (c)(d) By action or suit in equity, require the authority
682 or the department to account as if it were the trustee of an
683 express trust for the bondholders.

684 (e) By action or suit in equity, enjoin any acts or things
685 that may be unlawful or in violation of the rights of the
686 bondholders.

687 (3) Any trustee, when appointed as aforesaid or acting
688 under a deed of trust, indenture, or other agreement, and
689 regardless of whether all bonds have been declared due and
690 payable, may appoint a receiver who may enter upon and take
691 possession of the system or the facilities or any part or parts
692 thereof, the rates, fees, rentals, or other revenues, charges,
693 or receipts from which are or may be applicable to the payment
694 of the bonds so in default, ~~and, subject to and in compliance~~
695 ~~with the provisions of any lease purchase agreement between the~~
696 ~~authority and the department,~~ operate and maintain the same for

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697 and on behalf of and in the name of the authority,~~the~~
698 ~~department,~~ and the bondholders, and collect and receive all
699 rates, fees, rentals, and other charges or receipts or revenues
700 arising therefrom in the same manner as the ~~authority or the~~
701 ~~department~~ might do, and shall deposit all such moneys in a
702 separate account and apply such moneys in such manner as the
703 court shall direct. In any suit, action, or proceeding by the
704 trustee, the fees, counsel fees, and expenses of the trustee and
705 the receiver, if any, and all costs and disbursements allowed by
706 the court shall be a first charge on any rates, fees, rentals,
707 or other charges, revenues, or receipts derived from the system
708 or the facilities or services or any part or parts thereof,
709 ~~including payments under any such lease purchase agreement as~~
710 ~~aforsaid,~~ which rates, fees, rentals, or other charges,
711 revenues, or receipts may be applicable to the payment of the
712 bonds so in default. Such trustee, in addition to the foregoing,
713 possesses all of the powers necessary for the exercise of any
714 functions specifically set forth herein or incident to the
715 representation of the bondholders in the enforcement and
716 protection of their rights.

717 (4) This section or any other section of this part does not
718 authorize any receiver appointed pursuant hereto for the
719 purpose,~~subject to and in compliance with the provisions of any~~
720 ~~lease purchase agreement between the authority and the~~
721 ~~department,~~ of operating and maintaining the system or any
722 facilities or part or parts thereof to sell, assign, mortgage,
723 or otherwise dispose of any of the assets of whatever kind and
724 character belonging to the authority. It is the intention of
725 this part to limit the powers of such receiver,~~subject to and~~

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726 ~~in compliance with the provisions of any lease purchase~~
727 ~~agreement between the authority and the department,~~ to the
728 operation and maintenance of the system or any facility or part
729 or parts thereof, as the court may direct, in the name of and
730 for and on behalf of the authority, ~~the department,~~ and the
731 bondholders. In any suit, action, or proceeding at law or in
732 equity, a holder of bonds on the authority, a trustee, or any
733 court may not compel or direct a receiver to sell, assign,
734 mortgage, or otherwise dispose of any assets of whatever kind or
735 character belonging to the authority. A receiver also may not be
736 authorized to sell, assign, mortgage, or otherwise dispose of
737 any assets of whatever kind or character belonging to the
738 authority in any suit, action, or proceeding at law or in
739 equity.

740 Section 17. Section 343.945, Florida Statutes, is repealed.

741 Section 18. Section 343.946, Florida Statutes, is repealed.

742 Section 19. Subsection (11) of section 348.0002, Florida
743 Statutes, is repealed.

744 Section 20. Paragraph (a) of subsection (1), paragraph (e)
745 of subsection (2), and paragraph (d) of subsection (9) of
746 section 348.0004, Florida Statutes, are amended and present
747 paragraphs (f) through (l) of subsection (2) are redesignated as
748 paragraphs (e) through (k), respectively, and present paragraphs
749 (e) through (h) of subsection (9) are redesignated as paragraphs
750 (d) through (g), respectively, to read:

751 348.0004 Purposes and powers.—

752 (1)(a) An authority created and established pursuant to the
753 Florida Expressway Authority Act may acquire, hold, construct,
754 improve, maintain, operate, and own, ~~and lease~~ an expressway

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755 system.

756 (2) Each authority may exercise all powers necessary,
757 appurtenant, convenient, or incidental to the carrying out of
758 its purposes, including, but not limited to, the following
759 rights and powers:

760 ~~(e) To enter into and make lease-purchase agreements with~~
761 ~~the department until any bonds secured by a pledge of rentals~~
762 ~~thereunder, and any refundings thereof, are fully paid as to~~
763 ~~both principal and interest.~~

764 (9) The Legislature declares that there is a public need
765 for the rapid construction of safe and efficient transportation
766 facilities for traveling within the state and that it is in the
767 public's interest to provide for public-private partnership
768 agreements to effectuate the construction of additional safe,
769 convenient, and economical transportation facilities.

770 ~~(d) The department may lend funds from the Toll Facilities~~
771 ~~Revolving Trust Fund, as outlined in s. 338.251, to public-~~
772 ~~private partnerships. To be eligible a private entity must~~
773 ~~comply with s. 338.251 and must provide an indication from a~~
774 ~~nationally recognized rating agency that the senior bonds for~~
775 ~~the project will be investment grade or must provide credit~~
776 ~~support, such as a letter of credit or other means acceptable to~~
777 ~~the department, to ensure that the loans will be fully repaid.~~

778 Section 21. Paragraph (b) of subsection (2) of section
779 348.0005, Florida Statutes, is amended to read:

780 348.0005 Bonds.—

781 (2)

782 (b) The bonds of an authority in any county as defined in
783 s. 125.011(1), issued pursuant to the provisions of this part,

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784 whether on original issuance or refunding, must be authorized by
785 resolution of the authority, after approval of the issuance of
786 the bonds at a public hearing, and may be either term or serial
787 bonds, shall bear such date or dates, mature at such time or
788 times, bear interest at such rate or rates, be payable
789 semiannually, be in such denominations, be in such form, either
790 coupon or fully registered, shall carry such registration,
791 exchangeability and interchangeability privileges, be payable in
792 such medium of payment and at such place or places, be subject
793 to such terms of redemption and be entitled to such priorities
794 on the revenues, rates, fees, rentals, or other charges or
795 receipts of the authority including any county gasoline tax
796 funds received by an authority pursuant to the terms of any
797 interlocal or lease-purchase agreement between an authority,~~the~~
798 ~~department,~~ or a county, as such resolution or any resolution
799 subsequent thereto may provide. The bonds must be executed by
800 such officers as the authority determines under the requirements
801 of s. 279.06.

802 Section 22. Section 348.0006, Florida Statutes, is
803 repealed.

804 Section 23. Part II of chapter 348, Florida Statutes,
805 consisting of ss. 348.216, 348.217, 348.218, 348.219, 348.22,
806 348.221, 348.222, 348.223, 348.224, 348.225, 348.226, 348.227,
807 348.228, 348.229, and 348.23, is repealed.

808 Section 24. Part III of chapter 348, Florida Statutes,
809 consisting of ss. 348.24, 348.241, 348.242, 348.243, 348.244,
810 348.245, 348.246, 348.247, 348.248, 348.249, and 348.25, is
811 repealed.

812 Section 25. Part IV of chapter 348, Florida Statutes,

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813 consisting of ss. 348.50, 348.51, 348.52, 348.53, 348.54,
814 348.545, 348.56, 348.565, 348.57, 348.58, 348.59, 348.60,
815 348.61, 348.62, 348.63, 348.64, 348.65, 348.66, 348.67, 348.68,
816 348.681, and 348.70, is repealed.

817 Section 26. Part V of chapter 348, Florida Statutes,
818 consisting of ss. 348.751, 348.752, 348.753, 348.754, 348.7543,
819 348.7544, 348.7545, 348.7546, 348.7547, 348.755, 348.756,
820 348.757, 348.758, 348.759, 348.760, 348.761, 348.762, 348.763,
821 348.764, and 348.765, is repealed.

822 Section 27. Part VI of chapter 348, Florida Statutes,
823 consisting of ss. 348.80, 348.81, 348.82, 348.83, 348.84,
824 348.86, 348.87, 348.88, 348.89, 348.90, 348.91, 348.92, 348.93,
825 and 348.94, is repealed.

826 Section 28. Part VII of chapter 348, Florida Statutes,
827 consisting of ss. 348.9401, 348.941, 348.942, 348.943, 348.944,
828 348.945, 348.946, 348.947, 348.948, 348.949, and 348.9495, is
829 repealed.

830 Section 29. Part VIII of chapter 348, Florida Statutes,
831 consisting of ss 348.95, 348.951, 348.952, 348.953, 348.954,
832 348.955, 348.956, 348.957, 348.958, 348.959, 348.96, 348.961,
833 348.962, and 348.963, is repealed.

834 Section 30. Part IX of chapter 348, Florida Statutes,
835 consisting of ss. 348.965, 348.966, 348.967, 348.968, 348.969,
836 348.97, 348.971, 348.972, 348.973, 348.974, 348.9751, 348.9761,
837 348.9771, and 348.9781, is repealed.

838 Section 31. Part X of chapter 348, Florida Statutes,
839 consisting of ss 348.993, 348.9931, 348.9932, 348.9933,
840 348.9934, 348.9935, 348.9936, 348.9938, 348.9939, 348.994,
841 348.9941, 348.9942, 348.9943, 348.9944, 348.9945, 348.9946,

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842 348.9947, 348.9948, is repealed.

843 Section 32. Section 348.9955, Florida Statutes, is
844 repealed.

845 Section 33. Paragraph (d) of subsection (1) of s. 349.02,
846 Florida Statutes, is repealed.

847 Section 34. Paragraph (e) of subsection (2) of section
848 349.04, Florida Statutes, is repealed.

849 Section 35. Paragraph (g) of subsection (2) of section
850 349.04, Florida Statutes, is amended to read:

851 349.04 Purposes and powers.—

852 (2) The authority is hereby granted, and shall have and may
853 exercise all powers necessary, appurtenant, convenient, or
854 incidental to the carrying out of the aforesaid purposes,
855 including, but without being limited to, the right and power:

856 (g)1. To borrow money and make and issue negotiable notes,
857 bonds, refunding bonds, and other evidences of indebtedness or
858 obligations, either in temporary or definitive form (hereinafter
859 in this chapter sometimes called "bonds"), of the authority, for
860 the purpose of funding or refunding, at or prior to maturity,
861 any bonds theretofore issued by the authority, or by the Florida
862 State Improvement Commission to finance part of the cost of the
863 Jacksonville Expressway System, and purposes related thereto,
864 and for the purpose of financing or refinancing all or part of
865 the costs of completion, improvement, or extension of the
866 Jacksonville Expressway System, and appurtenant facilities,
867 including all approaches, streets, roads, bridges, and avenues
868 of access for the Jacksonville Expressway System and for any
869 other purpose authorized by this chapter, such bonds to mature
870 in not exceeding 40 years from the date of the issuance thereof;

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871 and to secure the payment of such bonds or any part thereof by a
872 pledge of any or all of its revenues, rates, fees, rentals, or
873 other charges, including all or any portion of the Duval County
874 gasoline tax funds received by the authority pursuant to the
875 terms of any lease purchase agreement between the authority and
876 the department; and in general to provide for the security of
877 such bonds and the rights and remedies of the holders thereof.

878 2. In the event that the authority determines to fund or
879 refund any bonds theretofore issued by the authority, or by the
880 commission as aforesaid, prior to the maturity thereof, the
881 proceeds of such funding or refunding bonds shall, pending the
882 prior redemption of the bonds to be funded or refunded, be
883 invested in direct obligations of the United States; and it is
884 the express intention of this chapter that such outstanding
885 bonds may be funded or refunded by the issuance of bonds
886 pursuant to this chapter notwithstanding that part of such
887 outstanding bonds will not mature or become redeemable until 6
888 years after the date of issuance of bonds pursuant to this
889 chapter to fund or refund such outstanding bonds.

890 Section 36. Paragraph (b) of subsection (2) of section
891 349.05, Florida Statutes, is amended to read:

892 349.05 Bonds of the authority; bonds not debt or pledges of
893 credit of state.—

894 (2) Any such resolution or resolutions authorizing any
895 bonds hereunder may contain provisions, and valid and legally
896 binding covenants of the authority, which shall be part of the
897 contract with the holders of such bonds, as to:

898 (b) The completion, improvement, operation, extension,
899 maintenance, repair, or lease, ~~or lease purchase agreement~~ of

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900 said system or transportation facilities, and the duties of the
901 authority and others, including the department, with reference
902 thereto;

903 Section 37. Paragraph (a) of subsection (3) of section
904 349.05, Florida Statutes, is amended to read:

905 349.05 Bonds of the authority; bonds not debt or pledges of
906 credit of state.—

907 (3) The State Board of Administration may, upon request by
908 the authority, act as fiscal agent for the authority in the
909 issuance of any bonds that may be issued pursuant to this
910 chapter, and the State Board of Administration may, upon request
911 by the authority, take over the management, control,
912 administration, custody, and payment of any or all debt services
913 or funds or assets now or hereafter available for any bonds
914 issued pursuant to this chapter. The authority may enter into
915 deeds of trust, indentures, or other agreements with a corporate
916 trustee or trustees, which shall act as fiscal agent for the
917 authority and may be any bank or trust company within or without
918 the state, as security for such bonds and may, under such
919 agreements, assign and pledge all or any of the revenues, rates,
920 fees, rentals, or other charges or receipts of the authority,
921 including all or any portion of local option taxes or county
922 gasoline tax funds received by the authority, thereunder. Such
923 deed of trust, indenture, or other agreement may contain such
924 provisions as are customary in such instruments or as the
925 authority may authorize, including, without limitation,
926 provisions as to:

927 (a) The completion, improvement, operation, extension,
928 maintenance, repair, and lease of, ~~or lease-purchase agreement~~

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929 ~~relating to,~~ all or any part of transportation facilities
930 authorized in this chapter to be constructed, acquired,
931 developed, or operated by the authority and the duties of the
932 authority and others, ~~including the department,~~ with reference
933 thereto;

934 Section 38. Section 349.07, Florida Statutes, is repealed.

935 Section 39. Section 349.15, Florida Statutes, is amended to
936 read:

937 349.15 Remedies; pledges enforceable by bondholders.—Any
938 holder of bonds issued under this chapter, except to the extent
939 such rights may be restricted by the resolution, deed of trust,
940 indenture, or other proceeding relating to the issuance of such
941 bonds, may by civil action, mandamus, or other appropriate
942 action, suit, or proceeding in law or in equity, in any court of
943 competent jurisdiction, protect and enforce any and all rights
944 of such bondholder granted under the proceedings authorizing the
945 issuance of such bonds and enforce any pledge made for payment
946 of the principal and interest on bonds, or any covenant or
947 agreement relative thereto, against the ~~authority or directly~~
948 ~~against the department, as may be appropriate. It is the express~~
949 ~~intention of this chapter that any pledge by the department of~~
950 ~~rates, fees, revenues, county gasoline tax funds, or other~~
951 ~~funds, as rentals, to the authority or any covenants or~~
952 ~~agreements relative thereto may be enforceable in any court of~~
953 ~~competent jurisdiction against the authority or directly against~~
954 ~~the department by any holder of bonds issued by the authority.~~

955 Section 40. Ch. 2000-411, Laws of Florida is repealed.

956 Section 41. Subsection (13) of section 212.08, Florida
957 Statutes, is amended to read:

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958 212.08 Sales, rental, use, consumption, distribution, and
959 storage tax; specified exemptions.—The sale at retail, the
960 rental, the use, the consumption, the distribution, and the
961 storage to be used or consumed in this state of the following
962 are hereby specifically exempt from the tax imposed by this
963 chapter.

964 (13) No transactions shall be exempt from the tax imposed
965 by this chapter except those expressly exempted herein. All laws
966 granting tax exemptions, to the extent they may be inconsistent
967 or in conflict with this chapter, including, but not limited to,
968 the following designated laws, shall yield to and be superseded
969 by the provisions of this subsection: ss. 125.019, 153.76,
970 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395,
971 215.76, 243.33, 315.11, ~~348.65, 348.762~~, 349.13, 403.1834,
972 616.07, and 623.09, and the following Laws of Florida, acts of
973 the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter
974 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179,
975 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s.
976 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-
977 2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11,
978 chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446;
979 and s. 10, chapter 67-1681. This subsection does not supersede
980 the authority of a local government to adopt financial and local
981 government incentives pursuant to s. 163.2517.

982 Section 42. This act shall take effect July 1, 2011.

983
984