



1                                   A bill to be entitled  
2           An act relating to economic development; amending s.  
3           20.60, F.S.; revising the date on which the Department  
4           of Economic Opportunity and Enterprise Florida, Inc.,  
5           are required to report on the business climate and  
6           economic development in the state; specifying reports  
7           and information that must be included; amending s.  
8           201.15, F.S.; revising the distribution of funds in  
9           the Grants and Donations Trust Fund; amending s.  
10          212.08, F.S.; revising definitions; amending s.  
11          213.053, F.S.; authorizing the Department of Revenue  
12          to make certain information available to the director  
13          of the Office of Program Policy Analysis and  
14          Government Accountability and the coordinator of the  
15          Office of Economic and Demographic Research;  
16          authorizing the offices to share certain information;  
17          amending s. 220.194, F.S.; requiring the annual report  
18          for the Florida Space Business Incentives Act to be  
19          included in the annual incentives report; deleting  
20          certain reporting requirements; amending s. 288.001,  
21          F.S.; providing a network purpose; providing  
22          definitions; requiring the statewide director and the  
23          network to operate the program in compliance with  
24          federal laws and regulations and a Board of Governors  
25          regulation; requiring the statewide director to  
26          consult with the Board of Governors, the Department of  
27          Economic Opportunity, and the network's statewide  
28          advisory board to establish certain policies and



29 | goals; requiring the network to maintain a statewide  
30 | advisory board; providing for advisory board  
31 | membership; providing for terms of membership;  
32 | providing for certain member reimbursement; requiring  
33 | the director to develop support services; specifying  
34 | support service requirements; requiring businesses  
35 | that receive support services to participate in  
36 | certain assessments; requiring the network to provide  
37 | a match equal to certain state funding; providing  
38 | criteria for the match; requiring the statewide  
39 | director to coordinate with the host institution to  
40 | establish a pay-per-performance incentive; providing  
41 | for pay-per-performance incentive funding and  
42 | distribution; providing a distribution formula  
43 | requirement; requiring the statewide director to  
44 | coordinate with the advisory board to distribute funds  
45 | for certain purposes and develop programs to  
46 | distribute funds for those purposes; requiring the  
47 | network to announce available funding, performance  
48 | expectations, and other requirements; requiring the  
49 | statewide director to present applications and  
50 | recommendations to the advisory board; requiring  
51 | applications approved by the advisory board to be  
52 | publicly posted; providing minimum requirements for a  
53 | program; prohibiting certain regional small business  
54 | development centers from receiving funds; providing  
55 | that match funding may not be reduced for regional  
56 | small business development centers receiving



57 additional funds; requiring the statewide director to  
58 regularly update the Board of Governors, the  
59 department, and the advisory board with certain  
60 information; requiring the statewide director, in  
61 coordination with the advisory board, to annually  
62 report certain information to the President of the  
63 Senate and the Speaker of the House of  
64 Representatives; amending s. 288.005, F.S.; revising  
65 definitions; amending s. 288.012, F.S.; requiring each  
66 State of Florida international office to submit a  
67 report to Enterprise Florida, Inc., for inclusion in  
68 its annual report; deleting a reporting date; amending  
69 s. 288.0656, F.S.; requiring the Rural Economic  
70 Development Initiative to submit a report to  
71 supplement the department's annual report; deleting  
72 certain reporting requirements; amending s. 288.061,  
73 F.S.; providing for the evaluation of economic  
74 development incentive applications; requiring an  
75 applicant to provide a surety bond to the department  
76 before the applicant receives incentive awards through  
77 the Quick Action Closing Fund or the Innovation  
78 Incentive Program; requiring the contract or agreement  
79 to provide that the bond remain in effect until all  
80 conditions have been satisfied; providing that the  
81 department may require the bond to cover the entire  
82 contracted amount or allow for bonds to be renewed  
83 upon completion of certain performance measures;  
84 requiring the contract or agreement to provide that



85 funds are contingent upon receipt of the surety bond;  
86 requiring the contract or agreement to provide that up  
87 to half of the premium payment on the bond may be paid  
88 from the award up to a certain amount; requiring an  
89 applicant to notify the department of premium  
90 payments; providing for certain notice requirements  
91 upon cancellation or nonrenewal by an insurer;  
92 providing that the cancellation of the surety bond  
93 violates the contract or agreement; providing an  
94 exception; providing for a waiver if certain  
95 information is provided; providing that if the  
96 department grants a waiver, the contract or agreement  
97 must provide for securing the award in a certain form;  
98 requiring the contract or agreement to provide that  
99 the release of funds is contingent upon satisfying  
100 certain requirements; requiring the irrevocable letter  
101 of credit, trust, or security agreement to remain in  
102 effect until certain conditions have been satisfied;  
103 providing for a waiver of the surety bond or other  
104 security if certain information is provided and the  
105 department determines it to be in the best interest of  
106 the state; providing that the waiver of the surety  
107 bond or other security, for funding in excess of \$5  
108 million, must be approved by the Legislative Budget  
109 Commission; prohibiting the executive director from  
110 approving an economic development incentive  
111 application unless a specified written declaration is  
112 received; requiring an awardee to provide a signed



113 | written declaration in specified years; providing that  
114 | the state may bring suit upon default or upon a  
115 | violation of this section; providing that the  
116 | department may adopt rules to implement this section;  
117 | creating s. 288.076, F.S.; providing definitions;  
118 | requiring the department to publish on a website  
119 | specified information concerning state investment in  
120 | economic development programs; requiring the  
121 | department to work with the Office of Economic and  
122 | Demographic Research to provide a description of  
123 | specified methodology and requiring the department to  
124 | publish such description on its website; providing  
125 | procedures and requirements for reviewing, updating,  
126 | and supplementing specified published information;  
127 | requiring the department to annually publish  
128 | information relating to the progress of Quick Action  
129 | Closing Fund projects; requiring the department to  
130 | publish certain confidential information pertaining to  
131 | participant businesses upon expiration of a specified  
132 | confidentiality period; requiring the department to  
133 | publish certain reports concerning businesses that  
134 | fail to complete tax refund agreements under the tax  
135 | refund program for qualified target industry  
136 | businesses; providing for construction and legislative  
137 | intent; authorizing the department to adopt rules;  
138 | creating s. 288.0761, F.S.; establishing the Economic  
139 | Development Programs Evaluation; requiring the Office  
140 | of Economic and Demographic Research and the Office of



141 | Program Policy Analysis and Government Accountability  
142 | to present the evaluation; requiring the offices to  
143 | develop and submit a work plan for completing the  
144 | evaluation by a certain date; requiring the offices to  
145 | provide an analysis of certain economic development  
146 | programs and specifying a schedule; requiring the  
147 | Office of Economic and Demographic Research to make  
148 | certain evaluations in its analysis; limiting the  
149 | office's evaluation for the purposes of tax credits,  
150 | tax refunds, sales tax exemptions, cash grants, and  
151 | similar programs; requiring the office to use a  
152 | certain model to evaluate each program; requiring the  
153 | Office of Program Policy Analysis and Government  
154 | Accountability to make certain evaluations in its  
155 | analysis; providing the offices access to all data  
156 | necessary to complete the evaluation; repealing s.  
157 | 288.095(3)(c), F.S., relating to the annual report by  
158 | Enterprise Florida, Inc., of programs funded by the  
159 | Economic Development Incentives Account; amending s.  
160 | 288.106, F.S.; revising provisions relating to the  
161 | application and approval process of the tax refund  
162 | program for qualified target industry businesses;  
163 | requiring the department to include information on  
164 | qualified target industry businesses in the annual  
165 | incentives report; deleting certain reporting  
166 | requirements; amending s. 288.107, F.S.; revising  
167 | definitions; revising provisions to conform to changes  
168 | made by the act; revising the minimum criteria for



169 participation in the brownfield redevelopment bonus  
170 refund; amending s. 288.1081, F.S.; requiring the use  
171 of loan funds from the Economic Gardening Business  
172 Loan Pilot Program to be included in the department's  
173 annual report; deleting certain reporting  
174 requirements; amending s. 288.1082, F.S.; requiring  
175 the progress of the Economic Gardening Technical  
176 Assistance Pilot Program to be included in the  
177 department's annual report; deleting certain reporting  
178 requirements; amending s. 288.1088, F.S.; requiring  
179 the department to validate contractor performance for  
180 the Quick Action Closing Fund and include the  
181 performance validation in the annual incentives  
182 report; deleting certain reporting requirements;  
183 amending s. 288.1089, F.S.; requiring that certain  
184 projects in the Innovation Incentive Program provide a  
185 cumulative break-even economic benefit; requiring the  
186 department to report information relating to the  
187 Innovation Incentive Program in the annual incentives  
188 report; deleting certain reporting requirements;  
189 deleting provisions that require the Office of Program  
190 Policy Analysis and Government Accountability and the  
191 Auditor General's Office to report on the Innovation  
192 Incentive Program; amending s. 288.1253, F.S.;  
193 revising a reporting date; requiring expenditures of  
194 the Office of Film and Entertainment to be included in  
195 the annual entertainment industry financial incentive  
196 program report; amending s. 288.1254, F.S.; revising a



197 reporting date; requiring the annual entertainment  
198 industry financial incentive program report to include  
199 certain information; amending s. 288.1258, F.S.;  
200 revising a reporting date; requiring the report  
201 detailing the relationship between tax exemptions and  
202 incentives to industry growth to be included in the  
203 annual entertainment industry financial incentive  
204 program report; amending s. 288.714, F.S.; requiring  
205 the department's annual report to include a report on  
206 the Black Business Loan Program; deleting certain  
207 reporting requirements; amending s. 288.7771, F.S.;  
208 requiring the Florida Export Finance Corporation to  
209 submit a report to Enterprise Florida, Inc.; amending  
210 s. 288.903, F.S.; requiring Enterprise Florida, Inc.,  
211 with the department, to prepare an annual incentives  
212 report; repealing s. 288.904(6), F.S., relating to  
213 Enterprise Florida, Inc., which requires the  
214 department to report the return on the public's  
215 investment; amending s. 288.906, F.S.; requiring  
216 certain reports to be included in the Enterprise  
217 Florida, Inc., annual report; amending s. 288.907,  
218 F.S.; requiring Enterprise Florida, Inc., in  
219 conjunction with the department, to prepare the annual  
220 incentives report; requiring the report to include  
221 certain information; deleting a provision requiring  
222 the Division of Strategic Business Development to  
223 assist Enterprise Florida, Inc., with the report;  
224 amending s. 288.92, F.S.; requiring each division of





225 Enterprise Florida, Inc., to submit a report; amending  
226 s. 288.95155, F.S.; requiring the financial status of  
227 the Florida Small Business Technology Growth Program  
228 to be included in the annual incentives report;  
229 amending 288.9918, F.S.; revising reporting  
230 requirements related to community development  
231 entities, amending 290.0055, F.S.; providing for the  
232 expansion of the boundaries of enterprise zones that  
233 meet certain requirements; providing an application  
234 deadline; amending s. 290.0056, F.S.; revising a  
235 reporting date; requiring the enterprise zone  
236 development agency to submit certain information for  
237 the department's annual report; amending s. 290.014,  
238 F.S.; revising a reporting date; requiring certain  
239 reports on enterprise zones to be included in the  
240 department's annual report; amending s. 290.0455,  
241 F.S.; providing for the state's guarantee of certain  
242 federal loans to local governments; requiring  
243 applicants for such loans to pledge a specified amount  
244 of revenues to guarantee the loans; revising  
245 requirements for the department to submit  
246 recommendations to the Federal Government for such  
247 loans; revising the maximum amount of the loan  
248 guarantee commitment that a local government may  
249 receive and providing exceptions; providing for  
250 reduction of a local government's future community  
251 development block grants if the local government  
252 defaults on the federal loan; providing procedures if



253 | a local government is granted entitlement community  
254 | status; amending s. 331.3051, F.S.; revising a  
255 | reporting date; requiring Space Florida's annual  
256 | report to include certain information; amending s.  
257 | 331.310, F.S.; requiring the Board of Directors of  
258 | Space Florida to supplement Space Florida's annual  
259 | report with operations information; deleting certain  
260 | reporting requirements; amending s. 376.78, F.S.;  
261 | revising legislative intent with regard to community  
262 | revitalization in certain areas; amending s. 376.80,  
263 | F.S.; revising procedures for designation of  
264 | brownfield areas by local governments; authorizing  
265 | local governments to use a term other than "brownfield  
266 | area" when naming such areas; amending s. 376.82,  
267 | F.S.; providing relief of liability for property  
268 | damages for entities that execute and implement  
269 | certain brownfield site rehabilitation agreements;  
270 | providing for applicability; amending s. 443.036,  
271 | F.S.; providing examples of misconduct; amending s.  
272 | 443.091, F.S.; providing for online work registration  
273 | and providing exceptions; limiting a claimant's use of  
274 | the same prospective employer to meet work search  
275 | requirements; providing an exception, providing that  
276 | work search requirements do not apply to individuals  
277 | required to participate in reemployment services;  
278 | amending s. 443.101, F.S.; providing for  
279 | disqualification in any week with respect to which the  
280 | department finds that his or her unemployment is due



281 to failure without good cause to maintain a license,  
282 registration, or certification required by applicable  
283 law necessary for the employee to perform her or his  
284 assigned job duties; providing examples of "good  
285 cause"; amending s. 443.1113, F.S., relating to the  
286 Reemployment Assistance Claims and Benefits  
287 Information System; revising timeframe for deployment  
288 of a certain Internet portal as part of such system;  
289 amending s. 443.131, F.S.; revising requirements for  
290 the estimate of interest due on advances received from  
291 the Federal Government to the Unemployment  
292 Compensation Trust Fund; revising the calculation of  
293 additional assessments to contributing employers to  
294 repay the interest; providing an exemption from such  
295 additional assessments; amending s. 443.151 F.S.;  
296 revising provisions to conform to changes made to  
297 benefit eligibility; providing that an employer or its  
298 agent may not be relieved of benefit charges for  
299 failure to timely and adequately respond to notice of  
300 claim or request for information; imposing a penalty  
301 against a claimant who is overpaid reemployment  
302 assistance benefits due to fraud by the claimant;  
303 requiring appeals referees appointed on or after a  
304 specified date to be attorneys in good standing or  
305 admitted to The Florida Bar within a specified period  
306 after appointment; amending s. 443.1715, F.S.;  
307 prohibiting the unlawful disclosure of certain  
308 confidential information relating to employing units



309 and individuals under the Reemployment Assistance  
310 Program Law; providing penalties; amending s. 443.191,  
311 F.S.; providing for deposit of moneys collected for  
312 certain penalties in the Unemployment Compensation  
313 Trust Fund; amending s. 446.50, F.S.; requiring the  
314 department's annual report to include a plan for the  
315 displaced homemaker program; deleting certain  
316 reporting requirements; providing for applicability;  
317 providing effective dates.

318

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

320

321 Section 1. Subsection (10) of section 20.60, Florida  
322 Statutes, is amended to read:

323 20.60 Department of Economic Opportunity; creation; powers  
324 and duties.—

325 (10) The department, with assistance from Enterprise  
326 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,  
327 submit an annual report to the Governor, the President of the  
328 Senate, and the Speaker of the House of Representatives on the  
329 condition of the business climate and economic development in  
330 the state. The report shall include the identification of  
331 problems and a prioritized list of recommendations. The report  
332 shall also include the following information from reports of  
333 other programs, including:

334 (a) Information from the displaced homemaker program plan  
335 required under s. 446.50.

336 (b) Information provided by enterprise zone development



337 agencies under s. 290.0056 and an analysis of the activities and  
338 accomplishments of each enterprise zone.

339 (c) Information from the report on the use of loan funds  
340 awarded pursuant to the Economic Gardening Business Loan Pilot  
341 Program required under s. 288.1081(8) and from the report on the  
342 progress of the Economic Gardening Technical Assistance Pilot  
343 Program required under s. 288.1082(8).

344 (d) Information from the report of the performance of the  
345 Black Business Loan Program and a cumulative summary of  
346 quarterly report data required under s. 288.714.

347 (e) Information from the report of all Rural Economic  
348 Development Initiative activities required under s. 288.0656.

349 (f) Information provided by the Department of Revenue  
350 under s. 290.014.

351 Section 2. Paragraph (c) of subsection (1) of section  
352 201.15, Florida Statutes, is amended to read:

353 201.15 Distribution of taxes collected.—All taxes  
354 collected under this chapter are subject to the service charge  
355 imposed in s. 215.20(1). Prior to distribution under this  
356 section, the Department of Revenue shall deduct amounts  
357 necessary to pay the costs of the collection and enforcement of  
358 the tax levied by this chapter. Such costs and the service  
359 charge may not be levied against any portion of taxes pledged to  
360 debt service on bonds to the extent that the costs and service  
361 charge are required to pay any amounts relating to the bonds.  
362 After distributions are made pursuant to subsection (1), all of  
363 the costs of the collection and enforcement of the tax levied by  
364 this chapter and the service charge shall be available and



365 transferred to the extent necessary to pay debt service and any  
366 other amounts payable with respect to bonds authorized before  
367 January 1, 2013, secured by revenues distributed pursuant to  
368 subsection (1). All taxes remaining after deduction of costs and  
369 the service charge shall be distributed as follows:

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

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

375 1. The State Transportation Trust Fund in the Department  
376 of Transportation in the amount of the lesser of 38.2 percent of  
377 the remainder or \$541.75 million in each fiscal year. Out of  
378 such funds, the first \$50 million for the 2012-2013 fiscal year;  
379 \$65 million for the 2013-2014 fiscal year; and \$75 million for  
380 the 2014-2015 fiscal year and all subsequent years, shall be  
381 transferred to the State Economic Enhancement and Development  
382 Trust Fund within the Department of Economic Opportunity. The  
383 remainder is to be used for the following specified purposes,  
384 notwithstanding any other law to the contrary:

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

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

392 c. For the purposes of the Strategic Intermodal System



393 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
394 of these funds after allocating for the New Starts Transit  
395 Program described in sub-subparagraph a. and the Small County  
396 Outreach Program described in sub-subparagraph b.; and

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

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

410 3. The Ecosystem Management and Restoration Trust Fund in  
411 the amount of the lesser of 2.12 percent of the remainder or \$30  
412 million in each fiscal year, to be used for the preservation and  
413 repair of the state's beaches as provided in ss. 161.091-  
414 161.212.

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

419  
420 Moneys distributed pursuant to this paragraph may not be pledged



421 for debt service unless such pledge is approved by referendum of  
422 the voters.

423 Section 3. Paragraph (o) of subsection (5) of section  
424 212.08, Florida Statutes, is amended to read:

425 212.08 Sales, rental, use, consumption, distribution, and  
426 storage tax; specified exemptions.—The sale at retail, the  
427 rental, the use, the consumption, the distribution, and the  
428 storage to be used or consumed in this state of the following  
429 are hereby specifically exempt from the tax imposed by this  
430 chapter.

431 (5) EXEMPTIONS; ACCOUNT OF USE.—

432 (o) Building materials in redevelopment projects.—

433 1. As used in this paragraph, the term:

434 a. "Building materials" means tangible personal property  
435 that becomes a component part of a housing project or a mixed-  
436 use project.

437 b. "Housing project" means the conversion of an existing  
438 manufacturing or industrial building to a housing unit which is  
439 units in an urban high-crime area, an enterprise zone, an  
440 empowerment zone, a Front Porch Community, a designated  
441 brownfield site for which a rehabilitation agreement with the  
442 Department of Environmental Protection or a local government  
443 delegated by the Department of Environmental Protection has been  
444 executed under s. 376.80 and any abutting real property parcel  
445 within a brownfield area, or an urban infill area, and in which  
446 the developer agrees to set aside at least 20 percent of the  
447 housing units in the project for low-income and moderate-income  
448 persons or the construction in a designated brownfield area of





449 affordable housing for persons described in s. 420.0004(9),  
450 (11), (12), or (17) or in s. 159.603(7).

451 c. "Mixed-use project" means the conversion of an existing  
452 manufacturing or industrial building to mixed-use units that  
453 include artists' studios, art and entertainment services, or  
454 other compatible uses. A mixed-use project must be located in an  
455 urban high-crime area, an enterprise zone, an empowerment zone,  
456 a Front Porch Community, a designated brownfield site for which  
457 a rehabilitation agreement with the Department of Environmental  
458 Protection or a local government delegated by the Department of  
459 Environmental Protection has been executed under s. 376.80 and  
460 any abutting real property parcel within a brownfield area, or  
461 an urban infill area, and the developer must agree to set aside  
462 at least 20 percent of the square footage of the project for  
463 low-income and moderate-income housing.

464 d. "Substantially completed" has the same meaning as  
465 provided in s. 192.042(1).

466 2. Building materials used in the construction of a  
467 housing project or mixed-use project are exempt from the tax  
468 imposed by this chapter upon an affirmative showing to the  
469 satisfaction of the department that the requirements of this  
470 paragraph have been met. This exemption inures to the owner  
471 through a refund of previously paid taxes. To receive this  
472 refund, the owner must file an application under oath with the  
473 department which includes:

474 a. The name and address of the owner.

475 b. The address and assessment roll parcel number of the  
476 project for which a refund is sought.



477 c. A copy of the building permit issued for the project.

478 d. A certification by the local building code inspector  
479 that the project is substantially completed.

480 e. A sworn statement, under penalty of perjury, from the  
481 general contractor licensed in this state with whom the owner  
482 contracted to construct the project, which statement lists the  
483 building materials used in the construction of the project and  
484 the actual cost thereof, and the amount of sales tax paid on  
485 these materials. If a general contractor was not used, the owner  
486 shall provide this information in a sworn statement, under  
487 penalty of perjury. Copies of invoices evidencing payment of  
488 sales tax must be attached to the sworn statement.

489 3. An application for a refund under this paragraph must  
490 be submitted to the department within 6 months after the date  
491 the project is deemed to be substantially completed by the local  
492 building code inspector. Within 30 working days after receipt of  
493 the application, the department shall determine if it meets the  
494 requirements of this paragraph. A refund approved pursuant to  
495 this paragraph shall be made within 30 days after formal  
496 approval of the application by the department.

497 4. The department shall establish by rule an application  
498 form and criteria for establishing eligibility for exemption  
499 under this paragraph.

500 5. The exemption shall apply to purchases of materials on  
501 or after July 1, 2000.

502 Section 4. Paragraph (bb) is added to subsection (8) of  
503 section 213.053, Florida Statutes, to read:

504 213.053 Confidentiality and information sharing.—



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

507 (bb) Information to the director of the Office of Program  
508 Policy Analysis and Government Accountability or his or her  
509 authorized agent, and to the coordinator of the Office of  
510 Economic and Demographic Research or his or her authorized  
511 agent, for purposes of completing the Economic Development  
512 Programs Evaluation. Information obtained from the department  
513 pursuant to this paragraph may be shared by the director and the  
514 coordinator, or the director's or coordinator's authorized  
515 agent, for purposes of completing the Economic Development  
516 Programs Evaluation.

517  
518 Disclosure of information under this subsection shall be  
519 pursuant to a written agreement between the executive director  
520 and the agency. Such agencies, governmental or nongovernmental,  
521 shall be bound by the same requirements of confidentiality as  
522 the Department of Revenue. Breach of confidentiality is a  
523 misdemeanor of the first degree, punishable as provided by s.  
524 775.082 or s. 775.083.

525 Section 5. Subsection (9) of section 220.194, Florida  
526 Statutes, is amended to read:

527 220.194 Corporate income tax credits for spaceflight  
528 projects.—

529 (9) ANNUAL REPORT.—Beginning in 2014, the Department of  
530 Economic Opportunity, in cooperation with Space Florida and the  
531 department, shall include in the ~~submit an~~ annual incentives  
532 report required under s. 288.907 a summary of ~~summarizing~~



533 activities relating to the Florida Space Business Incentives Act  
534 established under this section ~~to the Governor, the President of~~  
535 ~~the Senate, and the Speaker of the House of Representatives by~~  
536 ~~each November 30.~~

537 Section 6. Section 288.001, Florida Statutes, is amended  
538 to read:

539 288.001 The Florida Small Business Development Center  
540 Network; ~~purpose.~~

541 (1) PURPOSE.—The Florida Small Business Development Center  
542 Network is the principal business assistance organization for  
543 small businesses in the state. The purpose of the network is to  
544 serve emerging and established for-profit, privately held  
545 businesses that maintain a place of business in the state.

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

547 (a) "Board of Governors" is the Board of Governors of the  
548 State University System.

549 (b) "Host institution" is the university designated by the  
550 Board of Governors to be the recipient organization in  
551 accordance with 13 C.F.R. s. 130.200.

552 (c) "Network" means the Florida Small Business Development  
553 Center Network.

554 (3) OPERATION; POLICIES AND PROGRAMS.—

555 (a) The network's statewide director shall operate the  
556 network in compliance with the federal laws and regulations  
557 governing the network and the Board of Governors Regulation  
558 10.015.

559 (b) The network's statewide director shall consult with  
560 the Board of Governors, the department, and the network's



561 statewide advisory board to ensure that the network's policies  
562 and programs align with the statewide goals of the State  
563 University System and the statewide strategic economic  
564 development plan as provided under s. 20.60.

565 (4) STATEWIDE ADVISORY BOARD.—

566 (a) The network shall maintain a statewide advisory board  
567 to advise, counsel, and confer with the statewide director on  
568 matters pertaining to the operation of the network.

569 (b) The statewide advisory board shall consist of 19  
570 members from across the state. At least 12 members must be  
571 representatives of the private sector who are knowledgeable of  
572 the needs and challenges of small businesses. The members must  
573 represent various segments and industries of the economy in this  
574 state and must bring knowledge and skills to the statewide  
575 advisory board which would enhance the board's collective  
576 knowledge of small business assistance needs and challenges.  
577 Minority and gender representation must be considered when  
578 making appointments to the board. The board must include the  
579 following members:

580 1. Three members appointed from the private sector by the  
581 President of the Senate.

582 2. Three members appointed from the private sector by the  
583 Speaker of the House of Representatives.

584 3. Three members appointed from the private sector by the  
585 Governor.

586 4. Three members appointed from the private sector by the  
587 network's statewide director.

588 5. One member appointed by the host institution.



- 589       6. The President of Enterprise Florida, Inc., or his or  
590 her designee.
- 591       7. The Chief Financial Officer or his or her designee.
- 592       8. The President of the Florida Chamber of Commerce or his  
593 or her designee.
- 594       9. The Small Business Development Center Project Officer  
595 from the U.S. Small Business Administration at the South Florida  
596 District Office or his or her designee.
- 597       10. The executive director of the National Federation of  
598 Independent Businesses, Florida, or his or her designee.
- 599       11. The executive director of the Florida United Business  
600 Association or his or her designee.
- 601       (c) The term of an appointed member shall be for 4 years,  
602 beginning August 1, 2013, except that at the time of initial  
603 appointments, two members appointed by the Governor, one member  
604 appointed by the President of the Senate, one member appointed  
605 by the Speaker of the House of Representatives, and one member  
606 appointed by the network's statewide director shall be appointed  
607 for 2 years. An appointed member may be reappointed to a  
608 subsequent term. Members of the statewide advisory board may not  
609 receive compensation but may be reimbursed for per diem and  
610 travel expenses in accordance with s. 112.061.
- 611       (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.—
- 612       (a) The statewide director, in consultation with the  
613 advisory board, shall develop support services that are  
614 delivered through regional small business development centers.  
615 Support services must target the needs of businesses that employ  
616 fewer than 100 persons and demonstrate an assessed capacity to



617 grow in employment or revenue.

618 (b) Support services must include, but need not be limited  
619 to, providing information or research, consulting, educating, or  
620 assisting businesses in the following activities:

621 1. Planning related to the start-up, operation, or  
622 expansion of a small business enterprise in this state. Such  
623 activities include providing guidance on business formation,  
624 structure, management, registration, regulation, and taxes.

625 2. Developing and implementing strategic or business  
626 plans. Such activities include analyzing a business' mission,  
627 vision, strategies, and goals; critiquing the overall plan; and  
628 creating performance measures.

629 3. Developing the financial literacy of existing  
630 businesses related to their business cash flow and financial  
631 management plans. Such activities include conducting financial  
632 analysis health checks, assessing cost control management  
633 techniques, and building financial management strategies and  
634 solutions.

635 4. Developing and implementing plans for existing  
636 businesses to access or expand to new or existing markets. Such  
637 activities include conducting market research, researching and  
638 identifying expansion opportunities in international markets,  
639 and identifying opportunities in selling to units of government.

640 5. Supporting access to capital for business investment  
641 and expansion. Such activities include providing technical  
642 assistance relating to obtaining surety bonds; identifying and  
643 assessing potential debt or equity investors or other financing  
644 opportunities; assisting in the preparation of applications,



645 projections, or pro forma or other support documentation for  
646 surety bond, loan, financing, or investment requests; and  
647 facilitating conferences with lenders or investors.

648 6. Assisting existing businesses to plan for a natural or  
649 manmade disaster, and assisting businesses when such an event  
650 occurs. Such activities include creating business continuity and  
651 disaster plans, preparing disaster and bridge loan applications,  
652 and carrying out other emergency support functions.

653 (c) A business receiving support services must agree to  
654 participate in assessments of such services. The agreement, at a  
655 minimum, must request the business to report demographic  
656 characteristics, changes in employment and sales, debt and  
657 equity capital attained, and government contracts acquired. The  
658 host institution may require additional reporting requirements  
659 for funding described in subsection (7).

660 (6) REQUIRED MATCH.—The network must provide a match equal  
661 to the total amount of any direct legislative appropriation that  
662 is received directly by the host institution and is specifically  
663 designated for the network. The match may include funds from  
664 federal or other nonstate funding sources designated for the  
665 network. At least 50 percent of the match must be cash. The  
666 remaining 50 percent may be provided through any allowable  
667 combination of additional cash, in-kind contributions, or  
668 indirect costs.

669 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE  
670 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST  
671 PRACTICES; ELIGIBILITY.—

672 (a) The statewide director, in coordination with the host





673 institution, shall establish a pay-per-performance incentive for  
674 regional small business development centers. Such incentive  
675 shall be funded from half of any state appropriation received  
676 directly by the host institution which is specifically  
677 designated for the network. These funds shall be distributed to  
678 the regional small business development centers based upon data  
679 collected from the businesses as provided under paragraph  
680 (5)(c). The distribution formula must provide for the  
681 distribution of funds in part on the gross number of jobs  
682 created annually by each center and in part on the number of  
683 jobs created per support service hour. The pay-per-performance  
684 incentive must supplement the operations and support services of  
685 each regional small business development center.

686 (b) Half of any state funds received directly by the host  
687 institution which are specifically designated for the network  
688 shall be distributed by the statewide director, in coordination  
689 with the advisory board, for the following purposes:

690 1. Ensuring that support services are available statewide,  
691 especially in underserved and rural areas of the state, to  
692 assist eligible businesses.

693 2. Enhancing participation in the network among state  
694 universities and colleges.

695 3. Facilitating the adoption of innovative small business  
696 assistance best practices by the regional small business  
697 development centers.

698 (c) The statewide director, in coordination with the  
699 advisory board, shall develop annual programs to distribute  
700 funds for each of the purposes described in paragraph (b). The



701 network shall announce the annual amount of available funds for  
702 each program, performance expectations, and other requirements.  
703 For each program, the statewide director shall present  
704 applications and recommendations to the advisory board. The  
705 advisory board shall make the final approval of applications.  
706 Approved applications must be publicly posted. At a minimum,  
707 programs must include:

708 1. New regional small business development centers.  
709 2. Awards for the top six regional small business  
710 development centers that adopt best practices, as determined by  
711 the advisory board. Detailed information about best practices  
712 must be made available to regional small business development  
713 centers for voluntary implementation.

714 (d) A regional small business development center that has  
715 been found by the statewide director to perform poorly, to  
716 engage in improper activity affecting the operation and  
717 integrity of the network, or to fail to follow the rules and  
718 procedures set forth in the laws, regulations, and policies  
719 governing the network, is not eligible for funds under this  
720 subsection.

721 (e) Funds awarded under this subsection may not reduce  
722 matching funds dedicated to the regional small business  
723 development centers.

724 (8) REPORTING.—

725 (a) The statewide director shall quarterly update the  
726 Board of Governors, the department, and the advisory board on  
727 the network's progress and outcomes, including aggregate  
728 information on businesses assisted by the network.



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729        (b) The statewide director, in coordination with the  
730 advisory board, shall annually report, on October 1, to the  
731 President of the Senate and the Speaker of the House of  
732 Representatives on the network's progress and outcomes for the  
733 previous fiscal year. The report must include aggregate  
734 information on businesses assisted by the network; network  
735 services and programs; the use of all federal, state, local, and  
736 private funds received by the network and the regional small  
737 business development centers, including any additional funds  
738 specifically appropriated by the Legislature for the purposes  
739 described in subsection (7); and the network's economic benefit  
740 to the state. The report must contain specific information on  
741 performance-based metrics and contain the methodology used to  
742 calculate the network's economic benefit to the state.

743        Section 7. Subsection (4) is added to section 288.005,  
744 Florida Statutes, to read:

745        288.005 Definitions.—As used in this chapter, the term:

746        (4) "Jobs" means full-time equivalent positions,  
747 including, but not limited to, positions obtained from a  
748 temporary employment agency or employee leasing company or  
749 through a union agreement or coemployment under a professional  
750 employer organization agreement, which result directly from a  
751 project in this state. This number does not include temporary  
752 construction jobs involved with the construction of facilities  
753 for the project.

754        Section 8. Subsection (3) of section 288.012, Florida  
755 Statutes, is amended to read:

756        288.012 State of Florida international offices; state



757 | protocol officer; protocol manual.—The Legislature finds that  
758 | the expansion of international trade and tourism is vital to the  
759 | overall health and growth of the economy of this state. This  
760 | expansion is hampered by the lack of technical and business  
761 | assistance, financial assistance, and information services for  
762 | businesses in this state. The Legislature finds that these  
763 | businesses could be assisted by providing these services at  
764 | State of Florida international offices. The Legislature further  
765 | finds that the accessibility and provision of services at these  
766 | offices can be enhanced through cooperative agreements or  
767 | strategic alliances between private businesses and state, local,  
768 | and international governmental entities.

769 |       (3) ~~By October 1 of each year,~~ Each international office  
770 | shall annually submit to Enterprise Florida, Inc., ~~the~~  
771 | ~~department~~ a complete and detailed report on its activities and  
772 | accomplishments during the previous ~~preceding~~ fiscal year for  
773 | inclusion in the annual report required under s. 288.906. In the  
774 | ~~a~~ format and by the annual date prescribed ~~provided~~ by  
775 | Enterprise Florida, Inc., the report must set forth information  
776 | on:

- 777 |       (a) The number of Florida companies assisted.  
778 |       (b) The number of inquiries received about investment  
779 | opportunities in this state.  
780 |       (c) The number of trade leads generated.  
781 |       (d) The number of investment projects announced.  
782 |       (e) The estimated U.S. dollar value of sales  
783 | confirmations.  
784 |       (f) The number of representation agreements.



785 (g) The number of company consultations.

786 (h) Barriers or other issues affecting the effective  
787 operation of the office.

788 (i) Changes in office operations which are planned for the  
789 current fiscal year.

790 (j) Marketing activities conducted.

791 (k) Strategic alliances formed with organizations in the  
792 country in which the office is located.

793 (l) Activities conducted with Florida's other  
794 international offices.

795 (m) Any other information that the office believes would  
796 contribute to an understanding of its activities.

797 Section 9. Present subsections (2) and (3) of section  
798 288.061, Florida Statutes, are amended and renumbered as  
799 subsections (3) and (7), respectively, and new subsections (2),  
800 (4), (5), (6), and (8) are added to that section, to read:

801 288.061 Economic development incentive application  
802 process.—

803 (2) Beginning July 1, 2013, the department shall review  
804 and evaluate each economic development incentive application for  
805 the economic benefits of the proposed award of state incentives  
806 for the project. The term "economic benefits" has the same  
807 meaning as provided in s. 288.005. The Office of Economic and  
808 Demographic Research shall establish the methodology and model  
809 used to calculate the economic benefits. For purposes of this  
810 subsection, an amended definition of "economic benefits" may be  
811 developed by the Office of Economic and Demographic Research.

812 (3)-(2) Within 10 business days after the department



813 receives the submitted economic development incentive  
814 application, the executive director shall approve or disapprove  
815 the application and issue a letter of certification to the  
816 applicant which includes a justification of that decision,  
817 unless the business requests an extension of that time.

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

827 (b) The release of funds for the incentive or incentives  
828 awarded to the applicant depends upon the statutory requirements  
829 of the particular incentive program, except as provided in  
830 subsection (4).

831 (4) (a) In order to receive an incentive under s. 288.1088  
832 or s. 288.1089, an applicant must provide the department with a  
833 surety bond, issued by an insurer authorized to do business in  
834 this state, for the amount of the award under the incentive  
835 contract or agreement. Funds may not be paid to an applicant  
836 until the department certifies compliance with this subsection.

837 1. The contract or agreement must provide that the bond  
838 remain in effect until all performance conditions in the  
839 contract or agreement have been satisfied. The department may  
840 require the bond to cover the entire amount of the contract or



841 agreement or allow for a bond to be renewed upon the completion  
842 of scheduled performance measurements specified in the contract  
843 or agreement. The contract or agreement must provide that the  
844 release of any funds is contingent upon receipt by the  
845 department of the surety bond.

846 2. The contract or agreement must provide that up to half  
847 of the premium payment on the surety bond may be paid from the  
848 award amount, not to exceed 3 percent of the award.

849 3. The applicant shall notify the department at least 10  
850 days before each premium payment is due.

851 4. Any notice of cancellation or nonrenewal issued by an  
852 insurer must comply with the notice requirements of s. 626.9201.  
853 If the applicant receives a notice of cancellation or  
854 nonrenewal, the applicant must immediately notify the  
855 department.

856 5. The cancellation of the surety bond is a violation of  
857 the contract or agreement between the applicant and the  
858 department. The department is released from any obligation to  
859 make future scheduled payments unless the applicant is able to  
860 secure a new surety bond or comply with the requirements of  
861 paragraphs (b) and (c) within 90 days before the effective date  
862 of the cancellation.

863 (b) If an applicant is unable to secure a surety bond or  
864 can demonstrate that obtaining a bond is unreasonable in cost,  
865 the department may waive the requirements specified in paragraph  
866 (a) by certifying in writing to the Governor, the President of  
867 the Senate, and the Speaker of the House of Representatives the  
868 following information:



869        1. An explanation stating the reasons why the applicant  
870 could not obtain a bond, to the extent such information is not  
871 confidential under s. 288.075.

872        2. A description of the economic benefits expected to be  
873 generated by the incentive award which indicates that the  
874 project warrants waiver of the requirement.

875        3. An evaluation of the quality and value of the applicant  
876 which supports the selection of the alternative securitization  
877 under paragraph (c). The department's evaluation must consider  
878 the following information when determining the form for securing  
879 the award amount:

880            a. A financial analysis of the company, including an  
881 evaluation of the company's short-term liquidity ratio as  
882 measured by its assets to liability, the company's profitability  
883 ratio, and the company's long-term solvency as measured by its  
884 debt-to-equity ratio.

885            b. The historical market performance of the company.

886            c. Any independent evaluations of the company.

887            d. The latest audit of the company's financial statement  
888 and the related auditor's management letter.

889            e. Any other types of reports that are related to the  
890 internal controls or management of the company.

891        (c)1. If the department grants a waiver under paragraph  
892 (b), the incentives contract or agreement must provide for  
893 securing the award amount in one of the following forms:

894            a. An irrevocable letter of credit issued by a financial  
895 institution, as defined in s. 655.005;

896            b. Cash or securities held in trust by a financial





897 institution, as defined in s. 655.005, and subject to a control  
898 agreement; or

899 c. A secured transaction in collateral under the control  
900 or possession of the applicant for the value of the award  
901 amount. The department is authorized to negotiate the terms and  
902 conditions of the security agreement.

903 2. The contract or agreement must provide that the release  
904 of any funds is contingent upon the receipt of documentation by  
905 the department which satisfies all of the requirements found in  
906 this paragraph. Funds may not be paid to the applicant until the  
907 department certifies compliance with this subsection.

908 3. The irrevocable letter of credit, trust, or security  
909 agreement must remain in effect until all performance conditions  
910 specified in the contract or agreement have been satisfied.  
911 Failure to comply with this provision results in a violation of  
912 the contract or agreement between the applicant and the  
913 department and releases the department from any obligation to  
914 make future scheduled payments.

915 (d) The department may waive the requirements of  
916 paragraphs (a) through (c) by certifying to the Governor and the  
917 chair and vice chair of the Legislative Budget Commission the  
918 following information:

919 1. The applicant demonstrates the financial ability to  
920 fulfill the requirements of the contract and has submitted an  
921 independently audited financial statement for the previous 5  
922 years.

923 2. If applicable, the applicant was previously a recipient  
924 of an incentive under an economic development program, was



925 subject to clawback requirements, and timely complied with those  
926 provisions.

927 3. The department has determined that waiver of the  
928 requirements of paragraphs (a) through (c) is in the best  
929 interest of the state.

930 (e) For waivers granted under paragraph (d), the  
931 department shall provide a written description and evaluation of  
932 the waiver to the chair and vice chair of the Legislative Budget  
933 Commission. Such information may be provided at the same time  
934 that the information for the project consultation is provided to  
935 the Legislative Budget Commission under s. 288.1088 or s.  
936 288.1089. If the chair or vice chair of the Legislative Budget  
937 Commission timely advises the department that such action or  
938 proposed action exceeds delegated authority or is contrary to  
939 legislative policy or intent, the department shall void the  
940 waiver until the Legislative Budget Commission or the  
941 Legislature addresses the issue. A waiver granted by the  
942 department for any project exceeding \$5 million must be approved  
943 by the Legislative Budget Commission.

944 (f) The provisions of this subsection shall apply to any  
945 contract entered into on or after July 1, 2013.

946 (5) (a) The executive director may not approve an economic  
947 development incentive application unless the application  
948 includes a signed written declaration by the applicant which  
949 states that the applicant has read the information in the  
950 application and that the information is true, correct, and  
951 complete to the best of the applicant's knowledge and belief.

952 (b) After an economic development incentive application is



953 approved, the awardee shall provide, in each year that the  
954 department is required to validate contractor performance, a  
955 signed written declaration. The written declaration must state  
956 that the awardee has reviewed the information and that the  
957 information is true, correct, and complete to the best of the  
958 awardee's knowledge and belief.

959 (6) In the event of default on the performance conditions  
960 specified in the contract or agreement, or violation of any  
961 provision in this section, the state may, in addition to any  
962 other remedy provided by law, bring suit to enforce its  
963 interest.

964 (7)-(3) The department shall validate contractor  
965 performance. Such validation shall be reported in the annual  
966 incentive report required under s. 288.907.

967 (8) The department is authorized to adopt rules to  
968 implement this section.

969 Section 10. Subsection (8) of section 288.0656, Florida  
970 Statutes, is amended to read:

971 288.0656 Rural Economic Development Initiative.—

972 (8) REDI shall submit a report to the department ~~Governor,~~  
973 ~~the President of the Senate, and the Speaker of the House of~~  
974 ~~Representatives each year on or before September 1~~ on all REDI  
975 activities for the previous ~~prior~~ fiscal year as a supplement to  
976 the department's annual report required under s. 20.60. This  
977 supplementary report must shall include:

978 (a) A status report on all projects currently being  
979 coordinated through REDI, the number of preferential awards and  
980 allowances made pursuant to this section, the dollar amount of



981 such awards, and the names of the recipients.

982 ~~(b) The report shall also include~~ A description of all  
 983 waivers of program requirements granted.

984 ~~(c) The report shall also include~~ Information as to the  
 985 economic impact of the projects coordinated by REDI., ~~and~~

986 ~~(d) Recommendations based on the review and evaluation of~~  
 987 statutes and rules having an adverse impact on rural  
 988 communities, ~~and proposals to mitigate such adverse impacts.~~

989 Section 11. Effective October 1, 2013, section 288.076,  
 990 Florida Statutes, is created to read:

991 288.076 Return on investment reporting for economic  
 992 development programs.-

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

994 (a) "Jobs" has the same meaning as provided in s.  
 995 288.106(2)(i).

996 (b) "Participant business" means an employing unit, as  
 997 defined in s. 443.036, that has entered into an agreement with  
 998 the department to receive a state investment.

999 (c) "Project" has the same meaning as provided in s.  
 1000 288.106(2)(m).

1001 (d) "Project award date" means the date a participant  
 1002 business enters into an agreement with the department to receive  
 1003 a state investment.

1004 (e) "State investment" means any state grants, tax  
 1005 exemptions, tax refunds, tax credits, or other state incentives  
 1006 provided to a business under a program administered by the  
 1007 department, including the capital investment tax credit under s.  
 1008 220.191.



1009       (2) The department shall maintain a website for the  
1010 purpose of publishing the information described in this section.  
1011 The information required to be published under this section must  
1012 be provided in a format accessible to the public which enables  
1013 users to search for and sort specific data and to easily view  
1014 and retrieve all data at once.

1015       (3) Within 48 hours after expiration of the period of  
1016 confidentiality for project information deemed confidential and  
1017 exempt pursuant to s. 288.075, the department shall publish the  
1018 following information pertaining to each project:

1019       (a) Projected economic benefits.—The projected economic  
1020 benefits at the time of the initial project award date.

1021       (b) Project information.—

1022       1. The program or programs through which state investment  
1023 is being made.

1024       2. The maximum potential cumulative state investment in  
1025 the project.

1026       3. The target industry or industries, and any high impact  
1027 sectors implicated by the project.

1028       4. The county or counties that will be impacted by the  
1029 project.

1030       5. For a project that requires local commitment, the total  
1031 cumulative local financial commitment and in-kind support for  
1032 the project.

1033       (c) Participant business information.—

1034       1. The location of the headquarters of the participant  
1035 business or, if a subsidiary, the headquarters of the parent  
1036 company.



1037        2. The firm size class of the participant business, or  
1038 where owned by a parent company the firm size class of the  
1039 participant business's parent company, using the firm size  
1040 classes established by the United States Department of Labor  
1041 Bureau of Labor Statistics, and whether the participant business  
1042 qualifies as a small business as defined in s. 288.703.

1043        3. The date of the project award.

1044        4. The expected duration of the contract.

1045        5. The anticipated dates when the participant business  
1046 will claim the last state investment.

1047        (d) Project evaluation criteria.—The economic benefits  
1048 generated by the project.

1049        (e) Project performance goals.—

1050        1. The incremental direct jobs attributable to the  
1051 project, identifying the number of jobs generated and the number  
1052 of jobs retained.

1053        2. The number of jobs generated and the number of jobs  
1054 retained by the project, and for projects commencing after  
1055 October 1, 2013, the average annual wage of persons holding such  
1056 jobs.

1057        3. The incremental direct capital investment in the state  
1058 generated by the project.

1059        (f) Total state investment to date.—The total amount of  
1060 state investment disbursed to the participant business to date  
1061 under the terms of the contract, itemized by incentive program.

1062        (4) The department shall calculate and publish on its  
1063 website the economic benefits of each project within 48 hours  
1064 after the conclusion of the agreement between each participant



1065 business and the department. The department shall work with the  
1066 Office of Economic and Demographic Research to provide a  
1067 description of the methodology used to calculate the economic  
1068 benefits of a project, and the department must publish the  
1069 information on its website.

1070 (5) At least annually, from the project award date, the  
1071 department shall:

1072 (a) Publish verified results to update the information  
1073 described in paragraphs (3) (b)-(f) to accurately reflect any  
1074 changes in the published information since the project award  
1075 date.

1076 (b) Publish on its website the date on which the  
1077 information collected and published for each project was last  
1078 updated.

1079 (6) Annually, the department shall publish information  
1080 relating to the progress of Quick Action Closing Fund projects,  
1081 including the average number of days between the date the  
1082 department receives a completed application and the date on  
1083 which the application is approved.

1084 (7) Publication of documents.-

1085 (a) Within 48 hours after expiration of the period of  
1086 confidentiality provided under s. 288.075, the department shall  
1087 publish the contract or agreement described in s. 288.061,  
1088 redacted to protect the participant business from disclosure of  
1089 information that remains confidential or exempt by law.

1090 (b) Within 48 hours after submitting any report of  
1091 findings and recommendations made pursuant to s. 288.106(7)(d)  
1092 concerning a business's failure to complete a tax refund



1093 agreement pursuant to the tax refund program for qualified  
1094 target industry businesses, the department shall publish such  
1095 report.

1096 (8) For projects completed before October 1, 2013, the  
1097 department shall compile and, by October 1, 2014, shall publish  
1098 the information described in subsections (3), (4), and (5), to  
1099 the extent such information is available and applicable.

1100 (9) The provisions of this section that restrict the  
1101 department's publication of information are intended only to  
1102 limit the information that the department may publish on its  
1103 website and shall not be construed to create an exemption from  
1104 public records requirements under s. 119.07(1) or s. 24(a), Art.  
1105 I of the State Constitution.

1106 (10) The department may adopt rules to administer this  
1107 section.

1108 Section 12. Section 288.0761, Florida Statutes, is created  
1109 to read:

1110 288.0761 Economic Development Programs Evaluation.—The  
1111 Office of Economic and Demographic Research and the Office of  
1112 Program Policy Analysis and Government Accountability (OPPAGA)  
1113 shall develop and present the Economic Development Programs  
1114 Evaluation to the Governor, the President of the Senate, the  
1115 Speaker of the House of Representatives, and the chairs of the  
1116 legislative appropriations committees.

1117 (1) The Office of Economic and Demographic Research and  
1118 OPPAGA shall coordinate the development of a work plan for  
1119 completing the Economic Development Programs Evaluation and  
1120 shall submit the work plan to the President of the Senate and





1121 the Speaker of the House of Representatives by July 1, 2013.

1122 (2) The Office of Economic and Demographic Research and  
 1123 OPPAGA shall provide a detailed analysis of economic development  
 1124 programs as provided in the following schedule:

1125 (a) By January 1, 2014, and every 3 years thereafter, an  
 1126 analysis of the following programs:

1127 1. The capital investment tax credit established under s.  
 1128 220.191.

1129 2. The qualified target industry tax refund established  
 1130 under s. 288.106.

1131 3. The Brownfield redevelopment bonus tax refund  
 1132 established under s. 288.107.

1133 4. High-impact sector performance grants established under  
 1134 s. 288.108.

1135 5. The Quick Action Closing Fund established under s.  
 1136 288.1088.

1137 6. The Innovation Incentive Program established under s.  
 1138 288.1089.

1139 7. Enterprise zone program incentives established under  
 1140 ss. 212.08(5) and(15), 212.096, 220.181, and 220.182.

1141 (b) By January 1, 2015, and every 3 years thereafter, an  
 1142 analysis of the following programs:

1143 1. The entertainment industry financial incentive program  
 1144 established under s. 288.1254.

1145 2. The entertainment industry sales tax exemption  
 1146 established under s. 288.1258.

1147 3. VISIT Florida and its programs established or funded  
 1148 under ss. 288.122, 288.1226, 288.12265, and 288.124.



1149        4. The Florida Sports Foundation and programs established  
1150 under ss. 288.1162, 288.11621, 288.1166, 288.1167, 288.1168,  
1151 288.1169, and 288.1171.

1152        (c) By January 1, 2016, and every 3 years thereafter, an  
1153 analysis of the following programs:

1154            1. The qualified defense contractor and space flight  
1155 business tax refund program established under s. 288.1045.

1156            2. The tax exemption for semiconductor, defense, or space  
1157 technology sales established under s. 212.08(5)(j).

1158            3. The Military Base Protection Program established under  
1159 s. 288.980.

1160            4. The Manufacturing and Spaceport Investment Incentive  
1161 Program established under s. 288.1083.

1162            5. The Quick Response Training Program established under  
1163 s. 288.047.

1164            6. The Incumbent Worker Training Program established under  
1165 s. 445.003.

1166            7. International trade and business development programs  
1167 established under s. 288.826.

1168            (3) Pursuant to the schedule established in subsection  
1169 (2), the Office of Economic and Demographic Research shall  
1170 evaluate and determine the economic benefits of each program  
1171 over the previous 3 years. The analysis must also evaluate the  
1172 number of jobs created, the increase or decrease in personal  
1173 income, and the impact on state gross domestic product from the  
1174 direct, indirect, and induced effects of the state's investment  
1175 in each program over the previous 3 years.

1176            (a) For the purpose of evaluating tax credits, tax



1177 refunds, sales tax exemptions, cash grants, and similar  
1178 programs, the Office of Economic and Demographic Research shall  
1179 evaluate data only from those projects in which businesses  
1180 received state funds during the evaluation period. Such projects  
1181 may be either fully complete, partially completed with future  
1182 fund disbursement possible pending performance measures, or  
1183 partially completed with no future fund disbursement possible as a  
1184 result of a business's inability to meet performance measures.

1185 (b) The analysis must use the model developed by the  
1186 Office of Economic and Demographic Research, as required in s.  
1187 216.138, to evaluate each program. The office shall provide a  
1188 written explanation of the key assumptions of the model and how  
1189 it is used. If the office finds that another evaluation model is  
1190 more appropriate to evaluate a program, it may use another  
1191 model, but it must provide an explanation as to why the selected  
1192 model was more appropriate.

1193 (4) Pursuant to the schedule established in subsection  
1194 (2), OPPAGA shall evaluate each program over the previous 3  
1195 years for its effectiveness and value to the taxpayers of this  
1196 state and include recommendations on each program for  
1197 consideration by the Legislature. The analysis may include  
1198 relevant economic development reports or analyses prepared by  
1199 the department, Enterprise Florida, Inc., or local or regional  
1200 economic development organizations; interviews with the parties  
1201 involved; or other relevant data.

1202 (5) The Office of Economic and Demographic Research and  
1203 OPPAGA must be given access to all data necessary to complete  
1204 the Economic Development Programs Evaluation, including any



1205 confidential data. The offices may collaborate on data  
1206 collection and analysis.

1207 Section 13. Paragraph (c) of subsection (3) of section  
1208 288.095, Florida Statutes, is repealed.

1209 Section 14. Paragraph (c) of subsection (4) and paragraph  
1210 (d) of subsection (7) of section 288.106, Florida Statutes, are  
1211 amended to read:

1212 288.106 Tax refund program for qualified target industry  
1213 businesses.—

1214 (4) APPLICATION AND APPROVAL PROCESS.—

1215 (c) Each application meeting the requirements of paragraph  
1216 (b) must be submitted to the department for determination of  
1217 eligibility. The department shall review and evaluate each  
1218 application based on, but not limited to, the following  
1219 criteria:

1220 1. Expected contributions to the state's economy,  
1221 consistent with the state strategic economic development plan  
1222 prepared by the department.

1223 2. The economic benefits of the proposed award of tax  
1224 refunds under this section ~~and the economic benefits of state~~  
1225 ~~incentives proposed for the project. The term "economic~~  
1226 ~~benefits" has the same meaning as in s. 288.005. The Office of~~  
1227 ~~Economic and Demographic Research shall review and evaluate the~~  
1228 ~~methodology and model used to calculate the economic benefits~~  
1229 ~~and shall report its findings by September 1 of every 3rd year,~~  
1230 ~~to the President of the Senate and the Speaker of the House of~~  
1231 ~~Representatives.~~

1232 3. The amount of capital investment to be made by the



1233 applicant in this state.

1234 4. The local financial commitment and support for the  
1235 project.

1236 5. The expected effect of the project on the unemployed  
1237 and underemployed ~~unemployment~~ rate in the county where the  
1238 project will be located.

1239 6. The expected effect of the award on the viability of  
1240 the project and the probability that the project would be  
1241 undertaken in this state if such tax refunds are granted to the  
1242 applicant.

1243 ~~7. The expected long-term commitment of the applicant to~~  
1244 ~~economic growth and employment in this state resulting from the~~  
1245 ~~project.~~

1246 ~~7.8.~~ A review of the business's past activities in this  
1247 state or other states, including whether the ~~such~~ business has  
1248 been subjected to criminal or civil fines and penalties. This  
1249 subparagraph does not require the disclosure of confidential  
1250 information.

1251 (7) ADMINISTRATION.—

1252 (d) Beginning with tax refund agreements signed after July  
1253 1, 2010, the department shall attempt to ascertain the causes  
1254 for any business's failure to complete its agreement and ~~shall~~  
1255 ~~report~~ its findings and recommendations must be included in the  
1256 annual incentives report under s. 288.907 ~~to the Governor, the~~  
1257 ~~President of the Senate, and the Speaker of the House of~~  
1258 ~~Representatives. The report shall be submitted by December 1 of~~  
1259 ~~each year beginning in 2011.~~

1260 Section 15. Paragraphs (c) and (d) of subsection (1),



1261 subsections (2) and (3), and paragraphs (a), (b), and (f) of  
 1262 subsection (4) of section 288.107, Florida Statutes, are amended  
 1263 to read:

1264 288.107 Brownfield redevelopment bonus refunds.—

1265 (1) DEFINITIONS.—As used in this section:

1266 (c) "Brownfield area eligible for bonus refunds" means a  
 1267 brownfield site for which a rehabilitation agreement with the  
 1268 Department of Environmental Protection or a local government  
 1269 delegated by the Department of Environmental Protection has been  
 1270 executed under s. 376.80 and any abutting real property parcel  
 1271 within a brownfield contiguous area of one or more brownfield  
 1272 sites, some of which may not be contaminated, and which has been  
 1273 designated by a local government by resolution under s. 376.80.  
 1274 ~~Such areas may include all or portions of community~~  
 1275 ~~redevelopment areas, enterprise zones, empowerment zones, other~~  
 1276 ~~such designated economically deprived communities and areas, and~~  
 1277 ~~Environmental Protection Agency-designated brownfield pilot~~  
 1278 ~~projects.~~

1279 (d) "Eligible business" means:

1280 1. A qualified target industry business as defined in s.  
 1281 288.106(2); or

1282 2. A business that can demonstrate a fixed capital  
 1283 investment of at least \$2 million in mixed-use business  
 1284 activities, including multiunit housing, commercial, retail, and  
 1285 industrial in brownfield areas eligible for bonus refunds, ~~or at~~  
 1286 ~~least \$500,000 in brownfield areas that do not require site~~  
 1287 ~~cleanup~~, and that provides benefits to its employees.

1288 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds



1289 shall be approved by the department as specified in the final  
1290 order and allowed from the account as follows:

1291 (a) A bonus refund of \$2,500 shall be allowed to any  
1292 qualified target industry business as defined in s. 288.106 for  
1293 each new Florida job created in a brownfield area eligible for  
1294 bonus refunds which ~~that~~ is claimed on the qualified target  
1295 industry business's annual refund claim authorized in s.  
1296 288.106(6).

1297 (b) A bonus refund of up to \$2,500 shall be allowed to any  
1298 other eligible business as defined in subparagraph (1)(d)2. For  
1299 each new Florida job created in a brownfield area eligible for  
1300 bonus refunds which ~~that~~ is claimed under an annual claim  
1301 procedure similar to the annual refund claim authorized in s.  
1302 288.106(6). The amount of the refund shall be equal to 20  
1303 percent of the average annual wage for the jobs created.

1304 (3) CRITERIA.—The minimum criteria for participation in  
1305 the brownfield redevelopment bonus refund are:

1306 (a) The creation of at least 10 new full-time permanent  
1307 jobs. Such jobs shall not include construction or site  
1308 rehabilitation jobs associated with the implementation of a  
1309 brownfield site agreement as described in s. 376.80(5).

1310 (b) The completion of a fixed capital investment of at  
1311 least \$2 million in mixed-use business activities, including  
1312 multiunit housing, commercial, retail, and industrial in  
1313 brownfield areas eligible for bonus refunds, ~~or at least~~  
1314 ~~\$500,000 in brownfield areas that do not require site cleanup,~~  
1315 by an eligible business applying for a refund under paragraph  
1316 (2)(b) which provides benefits to its employees.



1317 ~~(c) That the designation as a brownfield will diversify~~  
1318 ~~and strengthen the economy of the area surrounding the site.~~

1319 ~~(d) That the designation as a brownfield will promote~~  
1320 ~~capital investment in the area beyond that contemplated for the~~  
1321 ~~rehabilitation of the site.~~

1322 ~~(e) A resolution adopted by the governing board of the~~  
1323 ~~county or municipality in which the project will be located that~~  
1324 ~~recommends that certain types of businesses be approved.~~

1325 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1326 (a) To be eligible to receive a bonus refund for new  
1327 Florida jobs created in a brownfield area eligible for bonus  
1328 refunds, a business must have been certified as a qualified  
1329 target industry business under s. 288.106 or eligible business  
1330 as defined in paragraph (1) (d) and must have indicated on the  
1331 qualified target industry business tax refund application form  
1332 submitted in accordance with s. 288.106(4) or other similar  
1333 agreement for other eligible business as defined in paragraph  
1334 (1) (d) that the project for which the application is submitted  
1335 is or will be located in a brownfield area eligible for bonus  
1336 refunds and that the business is applying for certification as a  
1337 qualified brownfield business under this section, and must have  
1338 signed a qualified target industry business tax refund agreement  
1339 with the department that indicates that the business has been  
1340 certified as a qualified target industry business located in a  
1341 brownfield area eligible for bonus refunds and specifies the  
1342 schedule of brownfield redevelopment bonus refunds that the  
1343 business may be eligible to receive in each fiscal year.

1344 (b) To be considered to receive an eligible brownfield





1345 redevelopment bonus refund payment, the business meeting the  
1346 requirements of paragraph (a) must submit a claim once each  
1347 fiscal year on a claim form approved by the department which  
1348 indicates the location of the brownfield site for which a  
1349 rehabilitation agreement with the Department of Environmental  
1350 Protection or a local government delegated by the Department of  
1351 Environmental Protection has been executed under s. 376.80, the  
1352 address of the business facility's brownfield location, the name  
1353 of the brownfield in which it is located, the number of jobs  
1354 created, and the average wage of the jobs created by the  
1355 business within the brownfield as defined in s. 288.106 or other  
1356 eligible business as defined in paragraph (1)(d) and the  
1357 administrative rules and policies for that section.

1358 (f) Applications shall be reviewed and certified pursuant  
1359 to s. 288.061. The department shall review all applications  
1360 submitted under s. 288.106 or other similar application forms  
1361 for other eligible businesses as defined in paragraph (1)(d)  
1362 which indicate that the proposed project will be located in a  
1363 brownfield area eligible for bonus refunds and determine, with  
1364 the assistance of the Department of Environmental Protection,  
1365 that the project location is within a brownfield area eligible  
1366 for bonus refunds as provided in this act.

1367 Section 16. Subsection (8) of section 288.1081, Florida  
1368 Statutes, is amended to read:

1369 288.1081 Economic Gardening Business Loan Pilot Program.—

1370 (8) The annual report required under s. 20.60 must  
1371 describe ~~On June 30 and December 31 of each year, the department~~  
1372 ~~shall submit a report to the Governor, the President of the~~



1373 ~~Senate, and the Speaker of the House of Representatives which~~  
 1374 ~~describes~~ in detail the use of the loan funds. The report must  
 1375 include, at a minimum, the number of businesses receiving loans,  
 1376 the number of full-time equivalent jobs created as a result of  
 1377 the loans, the amount of wages paid to employees in the newly  
 1378 created jobs, the locations and types of economic activity  
 1379 undertaken by the borrowers, the amounts of loan repayments made  
 1380 to date, and the default rate of borrowers.

1381 Section 17. Subsection (8) of section 288.1082, Florida  
 1382 Statutes, is amended to read:

1383 288.1082 Economic Gardening Technical Assistance Pilot  
 1384 Program.—

1385 (8) The annual report required under s. 20.60 must  
 1386 describe ~~On December 31 of each year, the department shall~~  
 1387 ~~submit a report to the Governor, the President of the Senate,~~  
 1388 ~~and the Speaker of the House of Representatives which describes~~  
 1389 in detail the progress of the pilot program. The report must  
 1390 include, at a minimum, the number of businesses receiving  
 1391 assistance, the number of full-time equivalent jobs created as a  
 1392 result of the assistance, if any, the amount of wages paid to  
 1393 employees in the newly created jobs, and the locations and types  
 1394 of economic activity undertaken by the businesses.

1395 Section 18. Paragraph (e) of subsection (3) of section  
 1396 288.1088, Florida Statutes, is amended to read:

1397 288.1088 Quick Action Closing Fund.—

1398 (3)

1399 (e) The department ~~Enterprise Florida, Inc.,~~ shall  
 1400 validate contractor performance and report such validation in



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1401 the annual incentives report required under s. 288.907 shall be  
1402 ~~reported within 6 months after completion of the contract to the~~  
1403 ~~Governor, President of the Senate, and the Speaker of the House~~  
1404 ~~of Representatives.~~

1405 Section 19. Paragraphs (b) and (d) of subsection (4), and  
1406 subsections (9) and (11) of section 288.1089, Florida Statutes,  
1407 are amended to read:

1408 288.1089 Innovation Incentive Program.—

1409 (4) To qualify for review by the department, the applicant  
1410 must, at a minimum, establish the following to the satisfaction  
1411 of the department:

1412 (b) A research and development project must:

1413 1. Serve as a catalyst for an emerging or evolving  
1414 technology cluster.

1415 2. Demonstrate a plan for significant higher education  
1416 collaboration.

1417 3. Provide the state, at a minimum, a cumulative break-  
1418 even economic benefit ~~return on investment~~ within a 20-year  
1419 period.

1420 4. Be provided with a one-to-one match from the local  
1421 community. The match requirement may be reduced or waived in  
1422 rural areas of critical economic concern or reduced in rural  
1423 areas, brownfield areas, and enterprise zones.

1424 (d) For an alternative and renewable energy project in  
1425 this state, the project must:

1426 1. Demonstrate a plan for significant collaboration with  
1427 an institution of higher education;

1428 2. Provide the state, at a minimum, a cumulative break-



1429 even economic benefit ~~return on investment~~ within a 20-year  
1430 period;

1431 3. Include matching funds provided by the applicant or  
1432 other available sources. The match requirement may be reduced or  
1433 waived in rural areas of critical economic concern or reduced in  
1434 rural areas, brownfield areas, and enterprise zones;

1435 4. Be located in this state; and

1436 5. Provide at least 35 direct, new jobs that pay an  
1437 estimated annual average wage that equals at least 130 percent  
1438 of the average private sector wage.

1439 (9) The department shall validate the performance of an  
1440 innovation business, a research and development facility, or an  
1441 alternative and renewable energy business that has received an  
1442 award. At the conclusion of the innovation incentive award  
1443 agreement, or its earlier termination, the department shall  
1444 include in the annual incentives report required under s.  
1445 288.907 a detailed description of, ~~within 90 days, submit a~~  
1446 ~~report to the Governor, the President of the Senate, and the~~  
1447 ~~Speaker of the House of Representatives detailing~~ whether the  
1448 recipient of the innovation incentive grant achieved its  
1449 specified outcomes.

1450 (11) ~~(a)~~ The department shall include in ~~submit to the~~  
1451 ~~Governor, the President of the Senate, and the Speaker of the~~  
1452 ~~House of Representatives, as part of the annual~~ incentives  
1453 report required under s. 288.907, a report summarizing the  
1454 activities and accomplishments of the recipients of grants from  
1455 the Innovation Incentive Program during the previous 12 months  
1456 and an evaluation of whether the recipients are catalysts for



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1457 additional direct and indirect economic development in Florida.  
1458 ~~(b) Beginning March 1, 2010, and every third year~~  
1459 ~~thereafter, the Office of Program Policy Analysis and Government~~  
1460 ~~Accountability, in consultation with the Auditor General's~~  
1461 ~~Office, shall release a report evaluating the Innovation~~  
1462 ~~Incentive Program's progress toward creating clusters of high-~~  
1463 ~~wage, high-skilled, complementary industries that serve as~~  
1464 ~~catalysts for economic growth specifically in the regions in~~  
1465 ~~which they are located, and generally for the state as a whole.~~  
1466 ~~Such report should include critical analyses of quarterly and~~  
1467 ~~annual reports, annual audits, and other documents prepared by~~  
1468 ~~the Innovation Incentive Program awardees; relevant economic~~  
1469 ~~development reports prepared by the department, Enterprise~~  
1470 ~~Florida, Inc., and local or regional economic development~~  
1471 ~~organizations; interviews with the parties involved; and any~~  
1472 ~~other relevant data. Such report should also include legislative~~  
1473 ~~recommendations, if necessary, on how to improve the Innovation~~  
1474 ~~Incentive Program so that the program reaches its anticipated~~  
1475 ~~potential as a catalyst for direct and indirect economic~~  
1476 ~~development in this state.~~

1477 Section 20. Subsection (3) of section 288.1253, Florida  
1478 Statutes, is amended to read:

1479 288.1253 Travel and entertainment expenses.—

1480 (3) The Office of Film and Entertainment ~~department~~ shall  
1481 include in the annual report for the entertainment industry  
1482 financial incentive program required under s. 288.1254(10) a  
1483 ~~prepare an annual report of the office's expenditures of the~~  
1484 ~~Office of Film and Entertainment and provide such report to the~~



1485 ~~Legislature no later than December 30 of each year for the~~  
1486 ~~expenditures of~~ the previous fiscal year. The report shall  
1487 consist of a summary of all travel, entertainment, and  
1488 incidental expenses incurred within the United States and all  
1489 travel, entertainment, and incidental expenses incurred outside  
1490 the United States, as well as a summary of all successful  
1491 projects that developed from such travel.

1492 Section 21. Subsection (10) of section 288.1254, Florida  
1493 Statutes, is amended to read:

1494 288.1254 Entertainment industry financial incentive  
1495 program.—

1496 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office  
1497 of Film and Entertainment shall submit ~~provide~~ an annual report  
1498 for the previous fiscal year to the Governor, the President of  
1499 the Senate, and the Speaker of the House of Representatives  
1500 which outlines the incentive program's return on investment and  
1501 economic benefits to the state. The report shall also include an  
1502 estimate of the full-time equivalent positions created by each  
1503 production that received tax credits under this section and  
1504 information relating to the distribution of productions  
1505 receiving credits by geographic region and type of production.  
1506 The report shall also include the expenditures report required  
1507 under s. 288.1253(3) and the information describing the  
1508 relationship between tax exemptions and incentives to industry  
1509 growth required under s. 288.1258(5).

1510 Section 22. Subsection (5) of section 288.1258, Florida  
1511 Statutes, is amended to read:

1512 288.1258 Entertainment industry qualified production



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1513 companies; application procedure; categories; duties of the  
1514 Department of Revenue; records and reports.—

1515 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
1516 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film  
1517 and Entertainment shall keep annual records from the information  
1518 provided on taxpayer applications for tax exemption certificates  
1519 beginning January 1, 2001. These records also shall reflect a  
1520 ratio of the annual amount of sales and use tax exemptions under  
1521 this section, plus the incentives awarded pursuant to s.  
1522 288.1254 to the estimated amount of funds expended by certified  
1523 productions. In addition, the office shall maintain data showing  
1524 annual growth in Florida-based entertainment industry companies  
1525 and entertainment industry employment and wages. The employment  
1526 information shall include an estimate of the full-time  
1527 equivalent positions created by each production that received  
1528 tax credits pursuant to s. 288.1254. The Office of Film and  
1529 Entertainment shall include ~~report~~ this information in the  
1530 annual report for the entertainment industry financial incentive  
1531 program required under s. 288.1254(10) to the Legislature no  
1532 later than December 1 of each year.

1533 Section 23. Subsection (3) of section 288.714, Florida  
1534 Statutes, is amended to read:

1535 288.714 Quarterly and annual reports.—

1536 (3) ~~By August 31 of each year,~~ The department shall  
1537 include in its annual report required under s. 20.60 ~~provide to~~  
1538 ~~the Governor, the President of the Senate, and the Speaker of~~  
1539 ~~the House of Representatives~~ a detailed report of the  
1540 performance of the Black Business Loan Program. The report must



1541 include a cumulative summary of the quarterly report data  
1542 compiled pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1543 Section 24. Section 288.7771, Florida Statutes, is amended  
1544 to read:

1545 288.7771 Annual report of Florida Export Finance  
1546 Corporation.—The corporation shall annually prepare and submit  
1547 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its  
1548 annual report required under s. 288.906 ~~by s. 288.095~~ a complete  
1549 and detailed report setting forth:

1550 (1) The report required in s. 288.776(3).

1551 (2) Its assets and liabilities at the end of its most  
1552 recent fiscal year.

1553 Section 25. Subsections (3), (4), and (5) of section  
1554 288.903, Florida Statutes, are amended to read:

1555 288.903 Duties of Enterprise Florida, Inc.—Enterprise  
1556 Florida, Inc., shall have the following duties:

1557 (3) Prepare an annual report pursuant to s. 288.906.

1558 (4) Prepare, in conjunction with the department, ~~and~~ an  
1559 annual incentives report pursuant to s. 288.907.

1560 (5)~~(4)~~ Assist the department with the development of an  
1561 annual and a long-range strategic business blueprint for  
1562 economic development required in s. 20.60.

1563 (6)~~(5)~~ In coordination with Workforce Florida, Inc.,  
1564 identify education and training programs that will ensure  
1565 Florida businesses have access to a skilled and competent  
1566 workforce necessary to compete successfully in the domestic and  
1567 global marketplace.

1568 Section 26. Subsection (6) of section 288.904, Florida





1569 Statutes, is repealed.

1570 Section 27. Subsection (3) is added to section 288.906,  
1571 Florida Statutes, to read:

1572 288.906 Annual report of Enterprise Florida, Inc., and its  
1573 divisions; audits.—

1574 (3) The following reports must be included as supplements  
1575 to the detailed report required by this section:

1576 (a) The annual report of the Florida Export Finance  
1577 Corporation required under s. 288.7771.

1578 (b) The report on international offices required under s.  
1579 288.012.

1580 Section 28. Section 288.907, Florida Statutes, is amended  
1581 to read:

1582 288.907 Annual incentives report.—

1583 ~~(1) In addition to the annual report required under s.~~  
1584 ~~288.906, Enterprise Florida, Inc., in conjunction with the~~  
1585 ~~department, shall, by December 30 of each year, submit an annual~~  
1586 ~~incentives report to shall provide~~ the Governor, the President  
1587 of the Senate, and the Speaker of the House of Representatives  
1588 ~~which details and quantifies a detailed incentives report~~  
1589 ~~quantifying~~ the economic benefits for all of the economic  
1590 development incentive programs marketed by Enterprise Florida,  
1591 Inc.

1592 (1)(a) The annual incentives report must include for each  
1593 incentive program:

1594 (a)1. A brief description of the incentive program.

1595 (b)2. The amount of awards granted, by year, since  
1596 inception and the annual amount actually transferred from the



1597 state treasury to businesses or for the benefit of businesses  
 1598 for each of the previous 3 years.

1599 ~~(c)3. The economic benefits, as defined in s. 288.005,~~  
 1600 ~~based on the actual amount of private capital invested, actual~~  
 1601 ~~number of jobs created, and actual wages paid for incentive~~  
 1602 ~~agreements completed during the previous 3 years.~~

1603 ~~4. The report shall also include~~ The actual amount of  
 1604 private capital invested, actual number of jobs created, and  
 1605 actual wages paid for incentive agreements completed during the  
 1606 previous 3 years for each target industry sector.

1607 ~~(2)(b)~~ For projects completed during the previous state  
 1608 fiscal year, the report must include:

1609 ~~(a)1.~~ The number of economic development incentive  
 1610 applications received.

1611 ~~(b)2.~~ The number of recommendations made to the department  
 1612 by Enterprise Florida, Inc., including the number recommended  
 1613 for approval and the number recommended for denial.

1614 ~~(c)3.~~ The number of final decisions issued by the  
 1615 department for approval and for denial.

1616 ~~(d)4.~~ The projects for which a tax refund, tax credit, or  
 1617 cash grant agreement was executed ~~and~~ identifying for each  
 1618 project:

1619 ~~1.a.~~ The number of jobs committed to be created.

1620 ~~2.b.~~ The amount of capital investments committed to be  
 1621 made.

1622 ~~3.e.~~ The annual average wage committed to be paid.

1623 ~~4.d.~~ The amount of state economic development incentives  
 1624 committed to the project from each incentive program under the



1625 project's terms of agreement with the Department of Economic  
1626 Opportunity.

1627 ~~5.e.~~ The amount and type of local matching funds committed  
1628 to the project.

1629 6. Tax refunds paid or other payments made funded out of  
1630 the Economic Development Incentives Account for each project.

1631 7. The types of projects supported.

1632 ~~(3)(e)~~ For economic development projects that received tax  
1633 refunds, tax credits, or cash grants under the terms of an  
1634 agreement for incentives, the report must identify:

1635 ~~(a)1.~~ The number of jobs actually created.

1636 ~~(b)2.~~ The amount of capital investments actually made.

1637 ~~(c)3.~~ The annual average wage paid.

1638 ~~(4)(d)~~ For a project receiving economic development  
1639 incentives approved by the department and receiving federal or  
1640 local incentives, the report must include a description of the  
1641 federal or local incentives, if available.

1642 ~~(5)(e)~~ The report must state the number of withdrawn or  
1643 terminated projects that did not fulfill the terms of their  
1644 agreements with the department and consequently are not  
1645 receiving incentives.

1646 ~~(6)(f)~~ The report must include the amount ~~an analysis of~~  
1647 ~~the economic benefits, as defined in s. 288.005,~~ of tax refunds,  
1648 tax credits, or other payments made to projects locating or  
1649 expanding in state enterprise zones, rural communities,  
1650 brownfield areas, or distressed urban communities.

1651 (7) The report must include a separate analysis of the  
1652 impact of tax refunds on rural communities, brownfield areas,



1653 distressed urban communities, and state enterprise zones  
 1654 designated pursuant to s. 290.0065.

1655 (8) The report must list the name of each business that  
 1656 received a tax refund during the previous fiscal year, and the  
 1657 amount of the tax refund, pursuant to the qualified defense  
 1658 contractor and space flight business tax refund program under s.  
 1659 288.1045 or the tax refund program for qualified target industry  
 1660 businesses under s. 288.106.

1661 (9)-(g) The report must identify the target industry  
 1662 businesses and high-impact businesses.

1663 (10)-(h) The report must describe the trends relating to  
 1664 business interest in, and usage of, the various incentives, and  
 1665 the number of minority-owned or woman-owned businesses receiving  
 1666 incentives.

1667 (11)-(i) The report must identify incentive programs not  
 1668 used and include recommendations for changes utilized.

1669 (12) The report must include information related to the  
 1670 validation of contractor performance required under s. 288.061.

1671 (13) Beginning in 2014, the report must summarize the  
 1672 activities related to the Florida Space Business Incentives Act,  
 1673 s. 220.194.

1674 ~~(2) The Division of Strategic Business Development within~~  
 1675 ~~the department shall assist Enterprise Florida, Inc., in the~~  
 1676 ~~preparation of the annual incentives report.~~

1677 Section 29. Subsection (3) of section 288.92, Florida  
 1678 Statutes, is amended to read:

1679 288.92 Divisions of Enterprise Florida, Inc.—

1680 ~~(3) By October 15 each year,~~ Each division shall draft and



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1681 submit an annual report for inclusion in the report required  
1682 under 288.906 which details the division's activities during the  
1683 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for  
1684 improving current statutes related to the division's ~~related~~  
1685 area of responsibility.

1686 Section 30. Subsection (5) of section 288.95155, Florida  
1687 Statutes, is amended to read:

1688 288.95155 Florida Small Business Technology Growth  
1689 Program.—

1690 (5) Enterprise Florida, Inc., shall include in the annual  
1691 incentives report required under s. 288.907 ~~prepare for~~  
1692 ~~inclusion in the annual report of the department required by s.~~  
1693 ~~288.095~~ a report on the financial status of the program. The  
1694 report must specify the assets and liabilities of the program  
1695 within the current fiscal year and must include a portfolio  
1696 update that lists all of the businesses assisted, the private  
1697 dollars leveraged by each business assisted, and the growth in  
1698 sales and ~~in~~ employment of each business assisted.

1699 Section 31. Section 288.9918, Florida Statutes, is amended  
1700 to read:

1701 288.9918 Annual reporting by a community development  
1702 entity.—

1703 (1) A community development entity that has issued a  
1704 qualified investment shall submit an annual report to the  
1705 department by January 31 ~~April 30~~ after the end of each year  
1706 which includes a credit allowance date. The report shall include  
1707 information on investments made during the preceding calendar  
1708 year, including, but not limited to, the following:



1709 ~~(1) The entity's annual financial statements for the~~  
 1710 ~~preceding tax year, audited by an independent certified public~~  
 1711 ~~accountant.~~

1712 (a) ~~(2)~~ The identity of the types of industries, identified  
 1713 by the North American Industry Classification System Code, in  
 1714 which qualified low-income community investments were made.

1715 (b) ~~(3)~~ The names of the counties in which the qualified  
 1716 active low-income businesses are located which received  
 1717 qualified low-income community investments.

1718 (c) ~~(4)~~ The number of jobs created and retained by qualified  
 1719 active low-income community businesses receiving qualified low-  
 1720 income community investments, including verification that the  
 1721 average wages paid meet or exceed 115 percent of the federal  
 1722 poverty income guidelines for a family of four.

1723 (d) ~~(5)~~ A description of the relationships that the entity  
 1724 has established with community-based organizations and local  
 1725 community development offices and organizations and a summary of  
 1726 the outcomes resulting from those relationships.

1727 (e) ~~(6)~~ Other information and documentation required by the  
 1728 department to verify continued certification as a qualified  
 1729 community development entity under 26 U.S.C. s. 45D.

1730 (2) By April 30 after the end of each year that includes a  
 1731 credit allowance date, a community development entity shall  
 1732 submit annual financial statements for the preceding tax year,  
 1733 audited by an independent certified public accountant.

1734 Section 32. Subsection (6) of section 290.0055, Florida  
 1735 Statutes, is amended to read:

1736 290.0055 Local nominating procedure.—



1737 (6) (a) The department may approve a change in the boundary  
1738 of any enterprise zone which was designated pursuant to s.  
1739 290.0065. A boundary change must continue to satisfy the  
1740 requirements of subsections (3), (4), and (5).

1741 (b) Upon a recommendation by the enterprise zone  
1742 development agency, the governing body of the jurisdiction which  
1743 authorized the application for an enterprise zone may apply to  
1744 the department for a change in boundary once every 3 years by  
1745 adopting a resolution that:

1746 1. States with particularity the reasons for the change;  
1747 and

1748 2. Describes specifically and, to the extent required by  
1749 the department, the boundary change to be made.

1750 (c) At least 90 days before adopting a resolution seeking  
1751 a change in the boundary of an enterprise zone, the governing  
1752 body shall include in a notice of the meeting at which the  
1753 resolution will be considered an explanation that a change in  
1754 the boundary of an enterprise zone will be considered and that  
1755 the change may result in loss of enterprise zone eligibility for  
1756 the area affected by the boundary change.

1757 (d)1. The governing body of a jurisdiction which has  
1758 nominated an application for an enterprise zone that is at least  
1759 15 square miles and less than 20 square miles ~~no larger than 12~~  
1760 ~~square miles~~ and includes a portion of the state designated as a  
1761 rural area of critical economic concern under s. 288.0656(7) may  
1762 apply to the department to expand the boundary of the existing  
1763 enterprise zone by not more than 3 square miles. ~~An application~~  
1764 ~~to expand the boundary of an enterprise zone under this~~



1765 ~~paragraph must be submitted by December 31, 2012.~~

1766 2. The governing body of a jurisdiction that has nominated  
1767 an application for an enterprise zone that is at least 20 square  
1768 miles and includes a portion of the state designated as a rural  
1769 area of critical economic concern under s. 288.0656(7) may apply  
1770 to the department to expand the boundary of the existing  
1771 enterprise zone by not more than 5 square miles.

1772 3. An application to expand the boundary of an enterprise  
1773 zone under this paragraph must be submitted by December 31,  
1774 2013.

1775 ~~4.2.~~ Notwithstanding the area limitations specified in  
1776 subsection (4), the department may approve the request for a  
1777 boundary amendment if the area continues to satisfy the  
1778 remaining requirements of this section.

1779 ~~5.3.~~ The department shall establish the initial effective  
1780 date of an enterprise zone designated under this paragraph.

1781 Section 33. Subsection (11) of section 290.0056, Florida  
1782 Statutes, is amended to read:

1783 290.0056 Enterprise zone development agency.—

1784 (11) Before October 1 ~~December 1~~ of each year, the agency  
1785 shall submit to the department for inclusion in the department's  
1786 annual report required under s. 20.60 a complete and detailed  
1787 written report setting forth:

1788 (a) Its operations and accomplishments during the fiscal  
1789 year.

1790 (b) The accomplishments and progress concerning the  
1791 implementation of the strategic plan or measurable goals, and  
1792 any updates to the strategic plan or measurable goals.





1793 (c) The number and type of businesses assisted by the  
 1794 agency during the fiscal year.

1795 (d) The number of jobs created within the enterprise zone  
 1796 during the fiscal year.

1797 (e) The usage and revenue impact of state and local  
 1798 incentives granted during the calendar year.

1799 (f) Any other information required by the department.

1800 Section 34. Section 290.014, Florida Statutes, is amended  
 1801 to read:

1802 290.014 Annual reports on enterprise zones.—

1803 ~~(1) By October 1 February 1 of each year, the Department~~  
 1804 ~~of Revenue shall submit a an annual report to the department for~~  
 1805 ~~inclusion in the department's annual report required under s.~~  
 1806 ~~20.60 which details detailing the usage and revenue impact by~~  
 1807 ~~county of the state incentives listed in s. 290.007.~~

1808 ~~(2) By March 1 of each year, the department shall submit~~  
 1809 ~~an annual report to the Governor, the Speaker of the House of~~  
 1810 ~~Representatives, and the President of the Senate. The report~~  
 1811 ~~shall also include the information provided by the department of~~  
 1812 ~~Revenue pursuant to subsection (1) and the information provided~~  
 1813 ~~by the enterprise zone development agencies pursuant to s.~~  
 1814 ~~290.0056(11) 290.0056. In addition, the report shall include an~~  
 1815 ~~analysis of the activities and accomplishments of each~~  
 1816 ~~enterprise zone.~~

1817 Section 35. Section 290.0455, Florida Statutes, is amended  
 1818 to read:

1819 290.0455 Small Cities Community Development Block Grant  
 1820 Loan Guarantee Program; Section 108 loan guarantees.—



1821 (1) The Small Cities Community Development Block Grant  
 1822 Loan Guarantee Program is created. The department shall  
 1823 administer the loan guarantee program pursuant to Section 108 ~~s.~~  
 1824 ~~108~~ of Title I of the Housing and Community Development Act of  
 1825 1974, as amended, and as further amended by s. 910 of the  
 1826 Cranston-Gonzalez National Affordable Housing Act. The purpose  
 1827 of the Small Cities Community Development Block Grant Loan  
 1828 Guarantee Program is to guarantee, or to make commitments to  
 1829 guarantee, notes or other obligations issued by public entities  
 1830 for the purposes of financing activities enumerated in 24 C.F.R.  
 1831 s. 570.703.

1832 (2) Activities assisted under the loan guarantee program  
 1833 must meet the requirements contained in 24 C.F.R. ss. 570.700-  
 1834 570.710 and may not otherwise be financed in whole or in part  
 1835 from the Florida Small Cities Community Development Block Grant  
 1836 Program.

1837 (3) The department may pledge existing revenues on deposit  
 1838 or future revenues projected to be available for deposit in the  
 1839 Florida Small Cities Community Development Block Grant Program  
 1840 in order to guarantee, ~~in whole or in part,~~ the payment of  
 1841 principal and interest on a Section 108 loan ~~made under the loan~~  
 1842 ~~guarantee program.~~

1843 (4) An applicant approved by the United States Department  
 1844 of Housing and Urban Development to receive a Section 108 loan  
 1845 shall enter into an agreement with the Department of Economic  
 1846 Opportunity which requires the applicant to pledge half of the  
 1847 amount necessary to guarantee the loan in the event of default.

1848 (5) The department shall review all Section 108 loan



1849 applications that it receives from local governments. The  
1850 department shall review the applications ~~must submit all~~  
1851 ~~applications it receives to the United States Department of~~  
1852 ~~Housing and Urban Development for loan approval,~~ in the order  
1853 received, subject to a determination by the department  
1854 ~~determining~~ that each ~~the~~ application meets all eligibility  
1855 requirements contained in 24 C.F.R. ss. 570.700-570.710~~7~~ and has  
1856 been deemed financially feasible by a loan underwriter approved  
1857 by the department. If the statewide maximum available for loan  
1858 guarantee commitments established in subsection (6) has not been  
1859 committed, the department may submit the Section 108 loan  
1860 application to the United States Department of Housing and Urban  
1861 Development with a recommendation that the loan be approved,  
1862 with or without conditions, or be denied ~~provided that the~~  
1863 ~~applicant has submitted the proposed activity to a loan~~  
1864 ~~underwriter to document its financial feasibility.~~

1865 (6)~~(5)~~ The maximum amount of an individual loan guarantee  
1866 commitment that an ~~commitments that any~~ eligible local  
1867 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million  
1868 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan  
1869 guarantee commitments statewide may not exceed an amount equal  
1870 to two ~~five~~ times the amount of the most recent grant received  
1871 by the department under the Florida Small Cities Community  
1872 Development Block Grant Program. The \$5 million loan guarantee  
1873 limit does not apply to loans guaranteed before July 1, 2013,  
1874 that may be refinanced.

1875 (7)~~(6)~~ Section 108 loans guaranteed by the Small Cities  
1876 Community Development Block Grant Program ~~loan-guarantee program~~



1877 must be repaid within 20 years.

1878 ~~(8)(7)~~ Section 108 loan applicants must demonstrate  
 1879 ~~guarantees may be used for an activity only if the local~~  
 1880 ~~government provides evidence to the department that the~~  
 1881 applicant investigated alternative financing services ~~were~~  
 1882 ~~investigated~~ and the services were unavailable or insufficient  
 1883 to meet the financing needs of the proposed activity.

1884 (9) If a local government defaults on a Section 108 loan  
 1885 received from the United States Department of Housing and Urban  
 1886 Development and guaranteed through the Florida Small Cities  
 1887 Community Development Block Grant Program, thereby requiring the  
 1888 department to reduce its annual grant award in order to pay the  
 1889 annual debt service on the loan, any future community  
 1890 development block grants that the local government receives must  
 1891 be reduced in an amount equal to the amount of the state's grant  
 1892 award used in payment of debt service on the loan.

1893 (10) If a local government receives a Section 108 loan  
 1894 guaranteed through the Florida Small Cities Community  
 1895 Development Block Grant Program and is granted entitlement  
 1896 community status as defined in subpart D of 24 C.F.R. part 570  
 1897 by the United States Department of Housing and Urban Development  
 1898 before paying the loan in full, the local government must pledge  
 1899 its community development block grant entitlement allocation as  
 1900 a guarantee of its previous loan and request that the United  
 1901 States Department of Housing and Urban Development release the  
 1902 department as guarantor of the loan.

1903 ~~(8) The department must, before approving an application~~  
 1904 ~~for a loan, evaluate the applicant's prior administration of~~



1905 ~~block grant funds for community development. The evaluation of~~  
 1906 ~~past performance must take into account the procedural aspects~~  
 1907 ~~of previous grants or loans as well as substantive results. If~~  
 1908 ~~the department finds that any applicant has failed to~~  
 1909 ~~substantially accomplish the results proposed in the applicant's~~  
 1910 ~~last previously funded application, the department may prohibit~~  
 1911 ~~the applicant from receiving a loan or may penalize the~~  
 1912 ~~applicant in the rating of the current application.~~

1913 Section 36. Subsection (11) of section 331.3051, Florida  
 1914 Statutes, is amended to read:

1915 331.3051 Duties of Space Florida.—Space Florida shall:

1916 (11) Annually report on its performance with respect to  
 1917 its business plan, to include finance, spaceport operations,  
 1918 research and development, workforce development, and education.  
 1919 The report shall be submitted to the Governor, the President of  
 1920 the Senate, and the Speaker of the House of Representatives by  
 1921 November 30 ~~no later than September 1~~ for the previous ~~prior~~  
 1922 fiscal year. The annual report shall include operations  
 1923 information as required under s. 331.310(2)(e).

1924 Section 37. Paragraph (e) of subsection (2) of section  
 1925 331.310, Florida Statutes, is amended to read:

1926 331.310 Powers and duties of the board of directors.—

1927 (2) The board of directors shall:

1928 (e) Prepare an annual report of operations as a supplement  
 1929 to the annual report required under s. 331.3051(11). The report  
 1930 shall include, but not be limited to, a balance sheet, an income  
 1931 statement, a statement of changes in financial position, a  
 1932 reconciliation of changes in equity accounts, a summary of



1933 significant accounting principles, the auditor's report, a  
 1934 summary of the status of existing and proposed bonding projects,  
 1935 comments from management about the year's business, and  
 1936 prospects for the next year, ~~which shall be submitted each year~~  
 1937 ~~by November 30 to the Governor, the President of the Senate, the~~  
 1938 ~~Speaker of the House of Representatives, the minority leader of~~  
 1939 ~~the Senate, and the minority leader of the House of~~  
 1940 Representatives.

1941 Section 38. Effective July 1, 2013, subsection (8) of  
 1942 section 376.78, Florida Statutes, is amended to read:

1943 376.78 Legislative intent.—The Legislature finds and  
 1944 declares the following:

1945 (8) The existence of brownfields within a community may  
 1946 contribute to, or may be a symptom of, overall community  
 1947 decline, including issues of human disease and illness, crime,  
 1948 educational and employment opportunities, and infrastructure  
 1949 decay. The environment is an important element of quality of  
 1950 life in any community, along with economic opportunity,  
 1951 educational achievement, access to health care, housing quality  
 1952 and availability, provision of governmental services, and other  
 1953 socioeconomic factors. Brownfields redevelopment, properly done,  
 1954 can be a significant element in community revitalization,  
 1955 especially within community redevelopment areas, enterprise  
 1956 zones, empowerment zones, closed military bases, or designated  
 1957 brownfield pilot project areas.

1958 Section 39. Effective July 1, 2013, subsections (1) and  
 1959 (2) of section 376.80, Florida Statutes, are amended, and  
 1960 subsection (12) is added to that section, to read:



1961           376.80 Brownfield program administration process.—  
1962           (1) The following general procedures apply to brownfield  
1963 designations:  
1964           (a) The local government with jurisdiction over a proposed  
1965 brownfield area shall designate such area pursuant to this  
1966 section.  
1967           (b) For a brownfield area designation proposed by:  
1968           1. The jurisdictional local government, the designation  
1969 criteria under paragraph (2) (a) apply, except if the local  
1970 government proposes to designate as a brownfield area a  
1971 specified redevelopment area as provided in paragraph (2) (b).  
1972           2. Any person, other than a governmental entity,  
1973 including, but not limited to, individuals, corporations,  
1974 partnerships, limited liability companies, community-based  
1975 organizations, or not-for-profit corporations, the designation  
1976 criteria under paragraph (2) (c) apply.  
1977           (c) Except as otherwise provided, the following provisions  
1978 apply to all proposed brownfield area designations:  
1979           1. Notification to department following adoption.—A local  
1980 government with jurisdiction over the brownfield area must  
1981 notify the department, and, if applicable, the local pollution  
1982 control program under s. 403.182, of its decision to designate a  
1983 brownfield area for rehabilitation for the purposes of ss.  
1984 376.77–376.86. The notification must include a resolution  
1985 adopted, by the local government body. The local government  
1986 shall notify the department, and, if applicable, the local  
1987 pollution control program under s. 403.182, of the designation  
1988 within 30 days after adoption of the resolution.



1989            2. Resolution adoption.—The brownfield area designation  
1990 must be carried out by a resolution adopted by the  
1991 jurisdictional local government, ~~to~~ which includes is attached a  
1992 map adequate to clearly delineate exactly which parcels are to  
1993 be included in the brownfield area or alternatively a less-  
1994 detailed map accompanied by a detailed legal description of the  
1995 brownfield area. For municipalities, the governing body shall  
1996 adopt the resolution in accordance with the procedures outlined  
1997 in s. 166.041, except that the notice for the public hearings on  
1998 the proposed resolution must be in the form established in s.  
1999 166.041(3)(c)2. For counties, the governing body shall adopt the  
2000 resolution in accordance with the procedures outlined in s.  
2001 125.66, except that the notice for the public hearings on the  
2002 proposed resolution shall be in the form established in s.  
2003 125.66(4)(b).

2004            3. Right to be removed from proposed brownfield area.—If a  
2005 property owner within the area proposed for designation by the  
2006 local government requests in writing to have his or her property  
2007 removed from the proposed designation, the local government  
2008 shall grant the request. ~~For municipalities, the governing body~~  
2009 ~~shall adopt the resolution in accordance with the procedures~~  
2010 ~~outlined in s. 166.041, except that the notice for the public~~  
2011 ~~hearings on the proposed resolution must be in the form~~  
2012 ~~established in s. 166.041(3)(c)2. For counties, the governing~~  
2013 ~~body shall adopt the resolution in accordance with the~~  
2014 ~~procedures outlined in s. 125.66, except that the notice for the~~  
2015 ~~public hearings on the proposed resolution shall be in the form~~  
2016 ~~established in s. 125.66(4)(b)2.~~





2017 4. Notice and public hearing requirements for designation  
 2018 of a proposed brownfield area outside a redevelopment area or by  
 2019 a nongovernmental entity.-Compliance with the following  
 2020 provisions is required before designation of a proposed  
 2021 brownfield area under paragraph (2) (a) or paragraph (2) (c):

2022 a. At least one of the required public hearings shall be  
 2023 conducted as closely as is reasonably practicable to the area to  
 2024 be designated to provide an opportunity for public input on the  
 2025 size of the area, the objectives for rehabilitation, job  
 2026 opportunities and economic developments anticipated,  
 2027 neighborhood residents' considerations, and other relevant local  
 2028 concerns.

2029 b. Notice of the public hearing must be made in a  
 2030 newspaper of general circulation in the area, and the notice  
 2031 must be at least 16 square inches in size, must be in ethnic  
 2032 newspapers or local community bulletins, must be posted in the  
 2033 affected area, and must be announced at a scheduled meeting of  
 2034 the local governing body before the actual public hearing.

2035 (2) (a) Local government-proposed brownfield area  
 2036 designation outside specified redevelopment areas.-If a local  
 2037 government proposes to designate a brownfield area that is  
 2038 outside a community redevelopment area areas, enterprise zone  
 2039 zones, empowerment zone zones, closed military base bases, or  
 2040 designated brownfield pilot project area areas, the local  
 2041 government shall provide notice, adopt the resolution, and  
 2042 conduct the public hearings pursuant to paragraph in accordance  
 2043 with the requirements of subsection (1) (c), except at least one  
 2044 of the required public hearings shall be conducted as close as



2045 ~~reasonably practicable to the area to be designated to provide~~  
2046 ~~an opportunity for public input on the size of the area, the~~  
2047 ~~objectives for rehabilitation, job opportunities and economic~~  
2048 ~~developments anticipated, neighborhood residents'~~  
2049 ~~considerations, and other relevant local concerns. Notice of the~~  
2050 ~~public hearing must be made in a newspaper of general~~  
2051 ~~circulation in the area and the notice must be at least 16~~  
2052 ~~square inches in size, must be in ethnic newspapers or local~~  
2053 ~~community bulletins, must be posted in the affected area, and~~  
2054 ~~must be announced at a scheduled meeting of the local governing~~  
2055 ~~body before the actual public hearing. At a public hearing to~~  
2056 ~~designate the proposed brownfield area ~~In determining the areas~~~~  
2057 ~~to be designated, the local government must consider:~~

- 2058       1. Whether the brownfield area warrants economic  
2059 development and has a reasonable potential for such activities;  
2060       2. Whether the proposed area to be designated represents a  
2061 reasonably focused approach and is not overly large in  
2062 geographic coverage;  
2063       3. Whether the area has potential to interest the private  
2064 sector in participating in rehabilitation; and  
2065       4. Whether the area contains sites or parts of sites  
2066 suitable for limited recreational open space, cultural, or  
2067 historical preservation purposes.

2068       (b) Local government-proposed brownfield area designation  
2069 within specified redevelopment areas.—Paragraph (a) does not  
2070 apply to a proposed brownfield area if the local government  
2071 proposes to designate the brownfield area inside a community  
2072 redevelopment area, enterprise zone, empowerment zone, closed



2073 military base, or designated brownfield pilot project area and  
 2074 the local government complies with paragraph (1) (c).

2075 (c) ~~(b)~~ Brownfield area designation proposed by persons  
 2076 other than a governmental entity.—For designation of a  
 2077 brownfield area that is proposed by a person other than the  
 2078 local government, the local government with jurisdiction over  
 2079 the proposed brownfield area shall provide notice and adopt a  
 2080 resolution to designate the a brownfield area pursuant to  
 2081 paragraph (1) (c) if, at the public hearing to adopt the  
 2082 resolution, the person establishes all of the following under  
 2083 the provisions of this act provided that:

2084 1. A person who owns or controls a potential brownfield  
 2085 site is requesting the designation and has agreed to  
 2086 rehabilitate and redevelop the brownfield site.†

2087 2. The rehabilitation and redevelopment of the proposed  
 2088 brownfield site will result in economic productivity of the  
 2089 area, along with the creation of at least 5 new permanent jobs  
 2090 at the brownfield site that are full-time equivalent positions  
 2091 not associated with the implementation of the brownfield site  
 2092 rehabilitation agreement and that are not associated with  
 2093 redevelopment project demolition or construction activities  
 2094 pursuant to the redevelopment of the proposed brownfield site or  
 2095 area. However, the job creation requirement does ~~shall~~ not apply  
 2096 to the rehabilitation and redevelopment of a brownfield site  
 2097 that will provide affordable housing as defined in s. 420.0004  
 2098 or the creation of recreational areas, conservation areas, or  
 2099 parks.†

2100 3. The redevelopment of the proposed brownfield site is



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2101 consistent with the local comprehensive plan and is a  
2102 permittable use under the applicable local land development  
2103 regulations.~~†~~

2104 4. Notice of the proposed rehabilitation of the brownfield  
2105 area has been provided to neighbors and nearby residents of the  
2106 proposed area to be designated pursuant to paragraph (1)(c), and  
2107 the person proposing the area for designation has afforded to  
2108 those receiving notice the opportunity for comments and  
2109 suggestions about rehabilitation. Notice pursuant to this  
2110 subparagraph must be made in a newspaper of general circulation  
2111 in the area, at least 16 square inches in size, and the notice  
2112 must be posted in the affected area.~~†~~ ~~and~~

2113 5. The person proposing the area for designation has  
2114 provided reasonable assurance that he or she has sufficient  
2115 financial resources to implement and complete the rehabilitation  
2116 agreement and redevelopment of the brownfield site.

2117 (d) ~~(e)~~ Negotiation of brownfield site rehabilitation  
2118 agreement.—The designation of a brownfield area and the  
2119 identification of a person responsible for brownfield site  
2120 rehabilitation simply entitles the identified person to  
2121 negotiate a brownfield site rehabilitation agreement with the  
2122 department or approved local pollution control program.

2123 (12) A local government that designates a brownfield area  
2124 pursuant to this section is not required to use the term  
2125 "brownfield area" within the name of the brownfield area  
2126 proposed for designation by the local government.

2127 Section 40. Effective July 1, 2013, paragraphs (a) and (b)  
2128 of subsection (2) of section 376.82, Florida Statutes, are



2129 amended to read:

2130 376.82 Eligibility criteria and liability protection.—

2131 (2) LIABILITY PROTECTION.—

2132 (a) Any person, including his or her successors and  
 2133 assigns, who executes and implements to successful completion a  
 2134 brownfield site rehabilitation agreement, shall be relieved of:

2135 1. Further liability for remediation of the contaminated  
 2136 site or sites to the state and to third parties. ~~and of~~

2137 2. Liability in contribution to any other party who has or  
 2138 may incur cleanup liability for the contaminated site or sites.

2139 3. Liability for claims of any person for property  
 2140 damages, including, but not limited to, diminished value of real  
 2141 property or improvements; lost or delayed rent, sale, or use of  
 2142 real property or improvements; or stigma to real property or  
 2143 improvements caused by contamination addressed by a brownfield  
 2144 site rehabilitation agreement. Notwithstanding any other  
 2145 provision of this chapter, this subparagraph applies to causes  
 2146 of action accruing on or after July 1, 2013.

2147 (b) This section does not limit ~~shall not be construed as~~  
 2148 ~~a limitation on~~ the right of a third party other than the state  
 2149 to pursue an action for damages to persons for bodily harm  
 2150 ~~property or person~~; however, such an action may not compel site  
 2151 rehabilitation in excess of that required in the approved  
 2152 brownfield site rehabilitation agreement or otherwise required  
 2153 by the department or approved local pollution control program.

2154 Section 41. Paragraphs (a) and (e) of subsection (30) of  
 2155 section 443.036, Florida Statutes, are amended to read:

2156 443.036 Definitions.—As used in this chapter, the term:



2157 (30) "Misconduct," irrespective of whether the misconduct  
2158 occurs at the workplace or during working hours, includes, but  
2159 is not limited to, the following, which may not be construed in  
2160 pari materia with each other:

2161 (a) Conduct demonstrating conscious disregard of an  
2162 employer's interests and found to be a deliberate violation or  
2163 disregard of the reasonable standards of behavior which the  
2164 employer expects of his or her employee. Such conduct may  
2165 include, but is not limited to, willful damage to an employer's  
2166 property that results in damage of more than \$50, or theft of  
2167 employer property or property of a customer or invitee of the  
2168 employer.

2169 (e)1. A violation of an employer's rule, unless the  
2170 claimant can demonstrate that:

2171 a.1. He or she did not know, and could not reasonably  
2172 know, of the rule's requirements;

2173 b.2. The rule is not lawful or not reasonably related to  
2174 the job environment and performance; or

2175 c.3. The rule is not fairly or consistently enforced.

2176 2. Such conduct may include, but is not limited to,  
2177 committing criminal assault or battery on another employee, or  
2178 on a customer or invitee of the employer; or committing abuse or  
2179 neglect of a patient, resident, disabled person, elderly person,  
2180 or child in her or his professional care.

2181 Section 42. Paragraphs (b), (c), and (d) of subsection (1)  
2182 of section 443.091, Florida Statutes, are amended to read:

2183 443.091 Benefit eligibility conditions.—

2184 (1) An unemployed individual is eligible to receive



2185 benefits for any week only if the Department of Economic  
2186 Opportunity finds that:

2187 (b) She or he has completed the department's online work  
2188 registration ~~registered with the department for work~~ and  
2189 subsequently reports to the one-stop career center as directed  
2190 by the regional workforce board for reemployment services. This  
2191 requirement does not apply to persons who are:

- 2192 1. Non-Florida residents;
- 2193 2. On a temporary layoff;
- 2194 3. Union members who customarily obtain employment through  
2195 a union hiring hall; ~~or~~
- 2196 4. Claiming benefits under an approved short-time  
2197 compensation plan as provided in s. 443.1116; or
- 2198 5. Unable to complete the online work registration due to  
2199 illiteracy, physical or mental impairment, a legal prohibition  
2200 from using a computer, or a language impediment. If a person is  
2201 exempted from the online work registration under this  
2202 subparagraph, then the filing of his or her claim constitutes  
2203 registration for work.

2204 (c) To make continued claims for benefits, she or he is  
2205 reporting to the department in accordance with this paragraph  
2206 and department rules, and participating in an initial skills  
2207 review, as directed by the department. Department rules may not  
2208 conflict with s. 443.111(1)(b), which requires that each  
2209 claimant continue to report regardless of any pending appeal  
2210 relating to her or his eligibility or disqualification for  
2211 benefits.

- 2212 1. For each week of unemployment claimed, each report



2213 must, at a minimum, include the name, address, and telephone  
2214 number of each prospective employer contacted, or the date the  
2215 claimant reported to a one-stop career center, pursuant to  
2216 paragraph (d).

2217 2. The administrator or operator of the initial skills  
2218 review shall notify the department when the individual completes  
2219 the initial skills review and report the results of the review  
2220 to the regional workforce board or the one-stop career center as  
2221 directed by the workforce board. The department shall prescribe  
2222 a numeric score on the initial skills review that demonstrates a  
2223 minimal proficiency in workforce skills. The department,  
2224 workforce board, or one-stop career center shall use the initial  
2225 skills review to develop a plan for referring individuals to  
2226 training and employment opportunities. The failure of the  
2227 individual to comply with this requirement will result in the  
2228 individual being determined ineligible for benefits for the week  
2229 in which the noncompliance occurred and for any subsequent week  
2230 of unemployment until the requirement is satisfied. However,  
2231 this requirement does not apply if the individual ~~is able to~~  
2232 ~~affirmatively attest to being unable to complete such review due~~  
2233 ~~to illiteracy or a language impediment or~~ is exempt from the  
2234 work registration requirement as set forth in paragraph (b).

2235 3. Any individual who falls below the minimal proficiency  
2236 score prescribed by the department in subparagraph 2. on the  
2237 initial skills review shall be offered training opportunities  
2238 and encouraged to participate in such training at no cost to the  
2239 individual in order to improve his or her workforce skills to  
2240 the minimal proficiency level.





2241 4. The department shall coordinate with Workforce Florida,  
2242 Inc., the workforce boards, and the one-stop career centers to  
2243 identify, develop, and utilize best practices for improving the  
2244 skills of individuals who choose to participate in training  
2245 opportunities and who have a minimal proficiency score below the  
2246 score prescribed in subparagraph 2.

2247 5. The department, in coordination with Workforce Florida,  
2248 Inc., the workforce boards, and the one-stop career centers,  
2249 shall evaluate the use, effectiveness, and costs associated with  
2250 the training prescribed in subparagraph 3. and report its  
2251 findings and recommendations for training and the use of best  
2252 practices to the Governor, the President of the Senate, and the  
2253 Speaker of the House of Representatives by January 1, 2013.

2254 (d) She or he is able to work and is available for work.  
2255 In order to assess eligibility for a claimed week of  
2256 unemployment, the department shall develop criteria to determine  
2257 a claimant's ability to work and availability for work. A  
2258 claimant must be actively seeking work in order to be considered  
2259 available for work. This means engaging in systematic and  
2260 sustained efforts to find work, including contacting at least  
2261 five prospective employers for each week of unemployment  
2262 claimed. The department may require the claimant to provide  
2263 proof of such efforts to the one-stop career center as part of  
2264 reemployment services. A claimant's proof of work search efforts  
2265 may not include the same prospective employer at the same  
2266 location in consecutive claimed weeks, unless the employer has  
2267 indicated since the time of the initial contact that the  
2268 employer is hiring. The department shall conduct random reviews



2269 of work search information provided by claimants. As an  
2270 alternative to contacting at least five prospective employers  
2271 for any week of unemployment claimed, a claimant may, for that  
2272 same week, report in person to a one-stop career center to meet  
2273 with a representative of the center and access reemployment  
2274 services of the center. The center shall keep a record of the  
2275 services or information provided to the claimant and shall  
2276 provide the records to the department upon request by the  
2277 department. However:

2278 1. Notwithstanding any other provision of this paragraph  
2279 or paragraphs (b) and (e), an otherwise eligible individual may  
2280 not be denied benefits for any week because she or he is in  
2281 training with the approval of the department, or by reason of s.  
2282 443.101(2) relating to failure to apply for, or refusal to  
2283 accept, suitable work. Training may be approved by the  
2284 department in accordance with criteria prescribed by rule. A  
2285 claimant's eligibility during approved training is contingent  
2286 upon satisfying eligibility conditions prescribed by rule.

2287 2. Notwithstanding any other provision of this chapter, an  
2288 otherwise eligible individual who is in training approved under  
2289 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
2290 determined ineligible or disqualified for benefits due to  
2291 enrollment in such training or because of leaving work that is  
2292 not suitable employment to enter such training. As used in this  
2293 subparagraph, the term "suitable employment" means work of a  
2294 substantially equal or higher skill level than the worker's past  
2295 adversely affected employment, as defined for purposes of the  
2296 Trade Act of 1974, as amended, the wages for which are at least



2297 80 percent of the worker's average weekly wage as determined for  
 2298 purposes of the Trade Act of 1974, as amended.

2299 3. Notwithstanding any other provision of this section, an  
 2300 otherwise eligible individual may not be denied benefits for any  
 2301 week because she or he is before any state or federal court  
 2302 pursuant to a lawfully issued summons to appear for jury duty.

2303 4. Union members who customarily obtain employment through  
 2304 a union hiring hall may satisfy the work search requirements of  
 2305 this paragraph by reporting daily to their union hall.

2306 5. The work search requirements of this paragraph do not  
 2307 apply to persons who are unemployed as a result of a temporary  
 2308 layoff or who are claiming benefits under an approved short-time  
 2309 compensation plan as provided in s. 443.1116.

2310 6. In small counties as defined in s. 120.52(19), a  
 2311 claimant engaging in systematic and sustained efforts to find  
 2312 work must contact at least three prospective employers for each  
 2313 week of unemployment claimed.

2314 7. The work search requirements of this paragraph do not  
 2315 apply to persons required to participate in reemployment  
 2316 services under paragraph (e).

2317 Section 43. Subsection (13) is added to section 443.101,  
 2318 Florida Statutes, to read:

2319 443.101 Disqualification for benefits.—An individual shall  
 2320 be disqualified for benefits:

2321 (13) For any week with respect to which the department  
 2322 finds that his or her unemployment is due to a discharge from  
 2323 employment for failure without good cause to maintain a license,  
 2324 registration, or certification required by applicable law



2325 necessary for the employee to perform her or his assigned job  
2326 duties. For purposes of this paragraph, the term "good cause"  
2327 includes, but is not limited to, failure of the employer to  
2328 submit information required for a license, registration, or  
2329 certification; short-term physical injury which prevents the  
2330 employee from completing or taking a required test; and  
2331 inability to take or complete a required test that is outside  
2332 the employee's control.

2333 Section 44. Paragraph (b) of subsection (4) of section  
2334 443.1113, Florida Statutes, is amended to read:

2335 443.1113 Reemployment Assistance Claims and Benefits  
2336 Information System.—

2337 (4) The project to implement the Reemployment Assistance  
2338 Claims and Benefits Information System shall be comprised of the  
2339 following phases and corresponding implementation timeframes:

2340 (b) The Reemployment Assistance Claims and Benefits  
2341 Internet portal that replaces the Florida Unemployment Internet  
2342 Direct and the Florida Continued Claims Internet Directory  
2343 systems, the Call Center Interactive Voice Response System, the  
2344 Benefit Overpayment Screening System, the Internet and Intranet  
2345 Appeals System, and the Claims and Benefits Mainframe System  
2346 shall be deployed to full operational status no later than the  
2347 end of fiscal year 2013-2014 ~~2012-2013~~.

2348 Section 45. Subsection (5) of section 443.131, Florida  
2349 Statutes, is amended to read:

2350 443.131 Contributions.—

2351 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

2352 (a) When the Unemployment Compensation Trust Fund has



2353 received advances from the Federal Government under the  
 2354 provisions of 42 U.S.C. s. 1321, each contributing employer  
 2355 shall be assessed an additional rate solely for the purpose of  
 2356 paying interest due on such federal advances. The additional  
 2357 rate shall be assessed no later than February 1 in each calendar  
 2358 year in which an interest payment is due.

2359 (b) The Revenue Estimating Conference shall estimate the  
 2360 amount of ~~such~~ interest due on federal advances by no later than  
 2361 December 1 of the calendar year before ~~preceding~~ the calendar  
 2362 year in which an interest payment is due. The Revenue Estimating  
 2363 Conference shall, at a minimum, consider the following as the  
 2364 basis for the estimate:

- 2365 1. The amounts actually advanced to the trust fund.
- 2366 2. Amounts expected to be advanced to the trust fund based  
 2367 on current and projected unemployment patterns and employer  
 2368 contributions.
- 2369 3. The interest payment due date.
- 2370 4. The interest rate that will be applied by the Federal  
 2371 Government to any accrued outstanding balances.

2372 (c) ~~(b)~~ The tax collection service provider shall calculate  
 2373 the additional rate to be assessed against contributing  
 2374 employers. The additional rate assessed for a calendar year  
 2375 shall be determined by dividing the estimated amount of interest  
 2376 to be paid in that year by 95 percent of the taxable wages as  
 2377 described in s. 443.1217 paid by all employers for the year  
 2378 ending June 30 of the previous ~~immediately preceding~~ calendar  
 2379 year. The amount to be paid by each employer shall be the  
 2380 product obtained by multiplying such employer's taxable wages as



2381 described in s. 443.1217 for the year ending June 30 of the  
2382 previous ~~immediately preceding~~ calendar year by the rate as  
2383 determined by this subsection. An assessment may not be made if  
2384 the amount of assessments on deposit from previous years, plus  
2385 any earned interest, is at least 80 percent of the estimated  
2386 amount of interest.

2387 (d) The tax collection service provider shall make a  
2388 separate collection of such assessment, which may be collected  
2389 at the time of employer contributions and subject to the same  
2390 penalties for failure to file a report, imposition of the  
2391 standard rate pursuant to paragraph (3)(h), and interest if the  
2392 assessment is not received on or before June 30. Section  
2393 443.141(1)(d) and (e) does not apply to this separately  
2394 collected assessment. The tax collection service provider shall  
2395 maintain those funds in the tax collection service provider's  
2396 Audit and Warrant Clearing Trust Fund until the provider is  
2397 directed by the Governor or the Governor's designee to make the  
2398 interest payment to the Federal Government. Assessments on  
2399 deposit shall be available to pay the interest on advances  
2400 received from the Federal Government under 42 U.S.C. s. 1321.  
2401 Assessments on deposit may be invested and any interest earned  
2402 shall be part of the balance available to pay the interest on  
2403 advances received from the Federal Government under 42 U.S.C. s.  
2404 1321.

2405 (e) Four months after ~~In the calendar year that~~ all  
2406 advances from the Federal Government under 42 U.S.C. s. 1321 and  
2407 associated interest are repaid, ~~if there are assessment funds in~~  
2408 ~~excess of the amount required to meet the final interest~~



2409 ~~payment,~~ any such excess assessed funds in the Audit and Warrant  
2410 Clearing Trust Fund, including associated interest, shall be  
2411 transferred to ~~credited to employer accounts in~~ the Unemployment  
2412 Compensation Trust Fund. Any assessment amounts subsequently  
2413 collected shall also be transferred to the Unemployment  
2414 Compensation Trust Fund in an amount equal to the employer's  
2415 ~~contribution to the assessment for that year divided by the~~  
2416 ~~total amount of the assessment for that year, the result of~~  
2417 ~~which is multiplied by the amount of excess assessed funds.~~

2418 (f) If However, if the state is permitted to defer  
2419 interest payments due during a calendar year under 42 U.S.C. s.  
2420 1322, payment of the interest assessment shall not be due. If a  
2421 deferral of interest expires or is subsequently disallowed by  
2422 the Federal Government, either prospectively or retroactively,  
2423 the interest assessment shall be immediately due and payable.  
2424 Notwithstanding any other provision of this section, if interest  
2425 due during a calendar year on federal advances is forgiven or  
2426 postponed under federal law and is no longer due during that  
2427 calendar year, no interest assessment shall be assessed against  
2428 an employer for that calendar year, and any assessment already  
2429 assessed and collected against an employer before the  
2430 forgiveness or postponement of the interest for that calendar  
2431 year shall be credited to such employer's account in the  
2432 Unemployment Compensation Trust Fund. However, such funds may be  
2433 used only to pay benefits or refunds of erroneous contributions.

2434 (g) This subsection expires July 1, 2014.

2435 Section 46. Paragraph (b) of subsection (2), paragraph (a)  
2436 of subsection (3), and paragraph (a) of subsection (6) of



2437 section 443.151, Florida Statutes, are amended to read:

2438 443.151 Procedure concerning claims.—

2439 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
2440 CLAIMANTS AND EMPLOYERS.—

2441 (b) Process.—When the Reemployment Assistance Claims and  
2442 Benefits Information System described in s. 443.1113 is fully  
2443 operational, the process for filing claims must incorporate the  
2444 process for registering for work with the workforce information  
2445 systems established pursuant to s. 445.011. Unless exempted  
2446 under s. 443.091(1)(b)5., a claim for benefits may not be  
2447 processed until the work registration requirement is satisfied.  
2448 The department may adopt rules as necessary to administer the  
2449 work registration requirement set forth in this paragraph.

2450 (3) DETERMINATION OF ELIGIBILITY.—

2451 (a) Notices of claim.—The Department of Economic  
2452 Opportunity shall promptly provide a notice of claim to the  
2453 claimant's most recent employing unit and all employers whose  
2454 employment records are liable for benefits under the monetary  
2455 determination. The employer must respond to the notice of claim  
2456 within 20 days after the mailing date of the notice, or in lieu  
2457 of mailing, within 20 days after the delivery of the notice. If  
2458 a contributing employer or its agent fails to timely or  
2459 adequately respond to the notice of claim or request for  
2460 information, the employer's account may not be relieved of  
2461 benefit charges as provided in s. 443.131(3)(a), notwithstanding  
2462 paragraph (5)(b). The department may adopt rules as necessary to  
2463 implement the processes described in this paragraph relating to  
2464 notices of claim.





2465 (6) RECOVERY AND RECOUPMENT.—

2466 (a) Any person who, by reason of her or his fraud,  
2467 receives benefits under this chapter to which she or he is not  
2468 entitled is liable for repaying those benefits to the Department  
2469 of Economic Opportunity on behalf of the trust fund or, in the  
2470 discretion of the department, to have those benefits deducted  
2471 from future benefits payable to her or him under this chapter.  
2472 In addition, the department shall impose upon the claimant a  
2473 penalty equal to 15 percent of the amount overpaid. To enforce  
2474 this paragraph, the department must find the existence of fraud  
2475 through a redetermination or decision under this section within  
2476 2 years after the fraud was committed. Any recovery or  
2477 recoupment of benefits must be commenced within 7 years after  
2478 the redetermination or decision.

2479 Section 47. Effective January 1, 2014, paragraph (a) of  
2480 subsection (4), of section 443.151, Florida Statutes, is amended  
2481 to read:

2482 (4) APPEALS.—

2483 (a) Appeals referees.—

2484 1. The Department of Economic Opportunity shall appoint  
2485 one or more impartial salaried appeals referees in accordance  
2486 with s. 443.171(3) to hear and decide appealed claims.

2487 2. An appeals referee must be an attorney in good standing  
2488 with The Florida Bar or be successfully admitted to The Florida  
2489 Bar within 8 months after her or his date of appointment. This  
2490 subparagraph does not apply to an appeals referee appointed  
2491 before January 1, 2014.

2492 3. A person may not participate on behalf of the



2493 department as an appeals referee in any case in which she or he  
 2494 is an interested party.

2495 4. The department may designate alternates to serve in the  
 2496 absence or disqualification of any appeals referee on a  
 2497 temporary basis. These alternates must have the same  
 2498 qualifications required of appeals referees.

2499 5. The department shall provide the commission and the  
 2500 appeals referees with proper facilities and assistance for the  
 2501 execution of their functions.

2502 Section 48. Subsection (1) of section 443.1715, Florida  
 2503 Statutes, is amended to read:

2504 443.1715 Disclosure of information; confidentiality.—

2505 (1) RECORDS AND REPORTS.—Information revealing an  
 2506 employing unit's or individual's identity obtained from the  
 2507 employing unit or any individual under the administration of  
 2508 this chapter, and any determination revealing that information,  
 2509 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
 2510 I of the State Constitution. This confidential information may  
 2511 be released in accordance with the provisions in 20 C.F.R. part  
 2512 603. A person receiving confidential information who violates  
 2513 this subsection commits a misdemeanor of the second degree,  
 2514 punishable as provided in s. 775.082 or s. 775.083. The  
 2515 Department of Economic Opportunity or its tax collection service  
 2516 provider may, however, furnish to any employer copies of any  
 2517 report submitted by that employer upon the request of the  
 2518 employer and may furnish to any claimant copies of any report  
 2519 submitted by that claimant upon the request of the claimant. The  
 2520 department or its tax collection service provider may charge a



2521 reasonable fee for copies of these reports as prescribed by  
 2522 rule, which may not exceed the actual reasonable cost of the  
 2523 preparation of the copies. Fees received for copies under this  
 2524 subsection must be deposited in the Employment Security  
 2525 Administration Trust Fund.

2526 Section 49. Subsection (1) of section 443.191, Florida  
 2527 Statutes, is amended to read:

2528 443.191 Unemployment Compensation Trust Fund;  
 2529 establishment and control.—

2530 (1) There is established, as a separate trust fund apart  
 2531 from all other public funds of this state, an Unemployment  
 2532 Compensation Trust Fund, which shall be administered by the  
 2533 Department of Economic Opportunity exclusively for the purposes  
 2534 of this chapter. The fund shall consist of:

2535 (a) All contributions and reimbursements collected under  
 2536 this chapter;

2537 (b) Interest earned on any moneys in the fund;

2538 (c) Any property or securities acquired through the use of  
 2539 moneys belonging to the fund;

2540 (d) All earnings of these properties or securities;

2541 (e) All money credited to this state's account in the  
 2542 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.  
 2543 1103; ~~and~~

2544 (f) All money collected for penalties imposed pursuant to  
 2545 s. 443.151(6) (a); and

2546 (g) Advances on the amount in the federal Unemployment  
 2547 Compensation Trust Fund credited to the state under 42 U.S.C. s.  
 2548 1321, as requested by the Governor or the Governor's designee.



2549  
 2550 Except as otherwise provided in s. 443.1313(4), all moneys in  
 2551 the fund shall be mingled and undivided.

2552 Section 50. Paragraph (b) of subsection (3) and subsection  
 2553 (4) of section 446.50, Florida Statutes, are amended to read:

2554 446.50 Displaced homemakers; multiservice programs; report  
 2555 to the Legislature; Displaced Homemaker Trust Fund created.—

2556 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
 2557 OPPORTUNITY.—

2558 (b)1. The department shall enter into contracts with, and  
 2559 make grants to, public and nonprofit private entities for  
 2560 purposes of establishing multipurpose service programs for  
 2561 displaced homemakers under this section. Such grants and  
 2562 contracts shall be awarded pursuant to chapter 287 and based on  
 2563 criteria established in the program state plan as provided in  
 2564 subsection (4) ~~developed pursuant to this section~~. The  
 2565 department shall designate catchment areas that together, shall  
 2566 compose the entire state, and, to the extent possible from  
 2567 revenues in the Displaced Homemaker Trust Fund, the department  
 2568 shall contract with, and make grants to, entities that will  
 2569 serve entire catchment areas so that displaced homemaker service  
 2570 programs are available statewide. These catchment areas shall be  
 2571 coterminous with the state's workforce development regions. The  
 2572 department may give priority to existing displaced homemaker  
 2573 programs when evaluating bid responses to the request for  
 2574 proposals.

2575 2. In order to receive funds under this section, and  
 2576 unless specifically prohibited by law from doing so, an entity



2577 that provides displaced homemaker service programs must receive  
2578 at least 25 percent of its funding from one or more local,  
2579 municipal, or county sources or nonprofit private sources. In-  
2580 kind contributions may be evaluated by the department and  
2581 counted as part of the required local funding.

2582 3. The department shall require an entity that receives  
2583 funds under this section to maintain appropriate data to be  
2584 compiled in an annual report to the department. Such data shall  
2585 include, but shall not be limited to, the number of clients  
2586 served, the units of services provided, designated client-  
2587 specific information including intake and outcome information  
2588 specific to each client, costs associated with specific services  
2589 and program administration, total program revenues by source and  
2590 other appropriate financial data, and client followup  
2591 information at specified intervals after the placement of a  
2592 displaced homemaker in a job.

2593 (4) DISPLACED HOME MAKER PROGRAM STATE PLAN.—

2594 ~~(a)~~ The Department of Economic Opportunity shall include  
2595 in its annual report required under s. 20.60 a develop a 3-year  
2596 state plan for the displaced homemaker program which shall be  
2597 updated annually. The plan must address, at a minimum, the need  
2598 for programs specifically designed to serve displaced  
2599 homemakers, any necessary service components for such programs  
2600 in addition to those described ~~enumerated~~ in this section, goals  
2601 of the displaced homemaker program with an analysis of the  
2602 extent to which those goals are being met, and recommendations  
2603 for ways to address any unmet program goals. Any request for  
2604 funds for program expansion must be based on the ~~state~~ plan.



2605 ~~(b) The annual review and report required under s. 20.60~~  
2606 ~~Each annual update must address any changes in the components of~~  
2607 ~~the 3-year state plan and a report that must include, but need~~  
2608 ~~not be limited to, the following:~~

2609 ~~(a)1.~~ The scope of the incidence of displaced homemakers;

2610 ~~(b)2.~~ A compilation and report, by program, of data  
2611 submitted to the department pursuant to subparagraph 3. by  
2612 funded displaced homemaker service programs;

2613 ~~(c)3.~~ An identification and description of the programs in  
2614 the state which receive funding from the department, including  
2615 funding information; and

2616 ~~(d)4.~~ An assessment of the effectiveness of each displaced  
2617 homemaker service program based on outcome criteria established  
2618 by rule of the department.

2619 ~~(e) The 3-year state plan must be submitted to the~~  
2620 ~~President of the Senate, the Speaker of the House of~~  
2621 ~~Representatives, and the Governor on or before January 1, 2001,~~  
2622 ~~and annual updates of the plan must be submitted by January 1 of~~  
2623 ~~each subsequent year.~~

2624 Section 51. (1) The amendments made by this act to s.  
2625 212.08, Florida Statutes, do not apply to any housing project or  
2626 mixed-use project where site development or construction work  
2627 was initiated before the effective date of this act.

2628 (2) The amendments made by this act to s. 288.107, Florida  
2629 Statutes, do not apply to any party seeking a brownfield  
2630 redevelopment bonus refund where, before the effective date of  
2631 this act, a resolution endorsing the refund was approved by the  
2632 local government; any such party seeking the refund filed a



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2633 | notice of intent to seek a refund or filed an application for  
2634 | the refund with the Department of Economic Opportunity or  
2635 | Enterprise Florida, Inc.; or any such party seeking the refund  
2636 | executed an actual tax refund agreement with the Department of  
2637 | Economic Opportunity.

2638 |       Section 52. Except as otherwise expressly provided in this  
2639 | act, this act shall take effect upon becoming a law.