

**SB 798** by **CM**; (Similar to H 7103) OGSF/Florida Opportunity Fund and the Institute for the Commercialization of Public Research

**SB 1084** by **Garcia**; (Identical to H 0541) Administrative Procedures

**CS/SB 1204** by **CM, CM**; (Similar to H 7041) Governmental Reorganization

**COMMITTEE MEETING EXPANDED AGENDA****BUDGET SUBCOMMITTEE ON TRANSPORTATION,  
TOURISM, AND ECONOMIC DEVELOPMENT  
APPROPRIATIONS****Senator Benacquisto, Chair  
Senator Margolis, Vice Chair****MEETING DATE:** Thursday, February 2, 2012**TIME:** 10:00 —11:45 a.m.**PLACE:** *Toni Jennings Committee Room, 110 Senate Office Building***MEMBERS:** Senator Benacquisto, Chair; Senator Margolis, Vice Chair; Senators Alexander, Bennett, Bogdanoff, Bullard, Dean, Diaz de la Portilla, Evers, Fasano, Gaetz, Gibson, Latvala, Norman, Sachs, Smith, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
<b>SB 798</b>	Commerce and Tourism	OGSR/Florida Opportunity Fund and the Institute for the Commercialization of Public Research; Amending provisions which provide exemptions from public records and open meeting requirements for the Florida Opportunity Fund and the Institute for the Commercialization of Public Research; reorganizing the exemptions by removing references to the Institute for the Commercialization of Public Research and transferring the exemptions relating to the institute to a new statute; clarifying that the exemptions pertaining to the Florida Opportunity Fund apply to prospective investments, alternative investments, and certain confidential proprietary information provided by a proprietor; reducing the time period during which proprietary confidential business information is confidential and exempt from disclosure; imposing criminal penalties on a person who willfully and knowingly violates the public records or public meetings exemptions pertaining to the institute, etc.	Favorable Yeas 12 Nays 0
		CM 01/09/2012 Favorable GO 01/26/2012 Favorable BTA 02/02/2012 Favorable BC	

**COMMITTEE MEETING EXPANDED AGENDA**

Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations  
Thursday, February 2, 2012, 10:00 —11:45 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	<b>SB 1084</b> Garcia (Identical H 541)	Administrative Procedures; Revising provisions with respect to the revision and publication of the Florida Administrative Code to provide that the Department of State is not required to publish a printed version of the code but may contract with a publishing firm for a printed publication; providing that the electronic version of the code is the official compilation of the administrative rules of the state; providing for adopted rules and material incorporated by reference to be filed in electronic forms; renaming the "Florida Administrative Weekly" as the "Florida Administrative Register"; requiring a continuous revision and publication of the Florida Administrative Register on an Internet website managed by the Department of State; deleting a requirement to provide printed copies of the Florida Administrative Register to certain federal and state entities, etc.  GO 01/26/2012 Favorable BTA 02/02/2012 Favorable BC	Favorable Yeas 12 Nays 0
	<b>CS/SB 1204</b> Commerce and Tourism / Commerce and Tourism (Similar H 7041, Compare CS/H 191, H 1083, CS/H 7027, H 7075, H 7081, CS/CS/S 582, CS/S 842, CS/S 1416, S 1440, S 2076)	Governmental Reorganization; Correcting references to agency names and divisions and correcting cross-references to conform to the governmental reorganization resulting from the enactment of chapter 2011-142, Laws of Florida; authorizing Enterprise Florida, Inc., to contract with the Florida Tourism Industry Marketing Corporation for management and operation of welcome centers; adding the Governor or the Governor's designee as a member and chair of the board of directors of Space Florida; establishing the Division of Information Technology within the Department of Economic Opportunity; repealing provisions relating to the designation of enterprise zones in communities suffering adverse impacts from the adoption of the constitutional amendment limiting the use of nets to harvest marine species, etc.  CM 01/19/2012 Fav/CS BTA 02/02/2012 Favorable BC	Favorable Yeas 12 Nays 0
Review and Discussion of Fiscal Year 2012-2013 Budget Issues relating to:			Not Considered

**COMMITTEE MEETING EXPANDED AGENDA**

Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations  
Thursday, February 2, 2012, 10:00 —11:45 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Department of Economic Opportunity Florida Housing Finance Corporation Department of Highway Safety and Motor Vehicles Department of Military Affairs Department of State Department of Transportation Orlando Orange County Expressway Authority Tampa Hillsborough County Expressway Authority Mid-Bay Bridge Authority EOG/Division of Emergency Management		
	Other Related Meeting Documents		

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic  
Development Appropriations

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BILL: SB 798

INTRODUCER: Commerce and Tourism Committee

SUBJECT: OGSR/Florida Opportunity Fund and the Institute for the Commercialization of Public  
Research

DATE: January 30, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Hrdlicka	CM	<b>Favorable</b>
2.	Seay	Roberts	GO	<b>Favorable</b>
3.	Martin	Meyer, R.	BTA	<b>Favorable</b>
4.			BC	
5.				
6.				

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**I. Summary:**

This bill is the result of the Commerce and Tourism Committee's Open Government Sunset Review of the public records and public meetings exemption for the Florida Opportunity Fund and the Institute for the Commercialization of Public Research. The exemptions will expire October 2, 2012, unless saved from repeal through reenactment by the Legislature.

In 2007, the Legislature created the Florida Opportunity Fund (FOF) and the Institute for the Commercialization of Public Research (Institute) to provide certain types of businesses access to capital – both public and private investments – that would assist them in reaching their full potential as job-creators. Additionally, the Legislature created exemptions from the state's public records and public meetings laws, under specified circumstances, for both entities. The Sunset Review recommended re-enactment of the public records exemption and public meetings exemption in s. 288.9626, F.S., with a few changes. The key recommended change is to create a separate statute for the institute's exemptions. These changes will clarify, but not expand, the scope of the current statutory exemptions.

This bill substantially amends section 288.9626, F.S., and creates section 288.9627, F.S.

## II. Present Situation:

### Florida's Public Records and Public Meetings Laws

The State of Florida has a long history of providing public access to governmental records. The Florida Legislature enacted the first public records law in 1892.<sup>1</sup> One hundred years later, Floridians adopted an amendment to the State Constitution that raised the statutory right of access to public records to a constitutional level.<sup>2</sup> Article I, s. 24 of the State Constitution, provides that:

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

In addition to the State Constitution, the Public Records Act,<sup>3</sup> which pre-dates the current State Constitution, specifies conditions under which public access must be provided to records of the executive branch and other agencies. Section 119.07(1)(a), F.S., states:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

Unless specifically exempted, all agency<sup>4</sup> records are available for public inspection. The term “public record” is broadly defined to mean:

. . .all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.<sup>5</sup>

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business, which are used to perpetuate,

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<sup>1</sup> Section 1390, 1391 Florida Statutes. (Rev. 1892).

<sup>2</sup> Article I, s. 24, Fla. Constitution.

<sup>3</sup> Chapter 119, F.S.

<sup>4</sup> The word “agency” is defined in s. 119.011(2), F.S., to mean “. . . any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>5</sup> Section 119.011(12), F.S.

communicate, or formalize knowledge.<sup>6</sup> All such materials, regardless of whether they are in final form, are open for public inspection unless made exempt.<sup>7</sup>

Article I, s. 24 of the State Constitution also provides that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the Legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution. In addition, the Sunshine Law, s. 286.011, F.S., provides that all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

Only the Legislature is authorized to create exemptions to open government requirements.<sup>8</sup> An exemption must be created in general law, must state the public necessity justifying it, and must not be broader than necessary to meet that public necessity.<sup>9</sup> A bill enacting an exemption<sup>10</sup> may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.<sup>11</sup>

There is a difference between records that the Legislature has made exempt from public inspection and those that are confidential and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other than to the persons or entities designated in the statute.<sup>12</sup> If a record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances.<sup>13</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (Act)<sup>14</sup> provides for the systematic review, through a 5-year cycle ending October 2 of the 5th year following enactment, of an exemption from the Public Records Act or the Public Meetings Law. Each year, by June 1, the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate

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<sup>6</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So.2d 633, 640 (Fla. 1980).

<sup>7</sup> *Wait v. Florida Power & Light Company*, 372 So.2d 420 (Fla. 1979).

<sup>8</sup> Art. I, s. 24(c), Fla. Constitution.

<sup>9</sup> *Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373, 380 (Fla. 1999); *Halifax Hospital Medical Center v. News-Journal Corporation*, 724 So.2d 567 (Fla. 1999).

<sup>10</sup> Under s. 119.15, F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.

<sup>11</sup> Art. I, s. 24(c), Fla. Constitution.

<sup>12</sup> Attorney General Opinion 85-62.

<sup>13</sup> *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5<sup>th</sup> DCA), review denied, 589 So.2d 289 (Fla. 1991).

<sup>14</sup> Section 119.15, F.S.

and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year.<sup>15</sup>

The Act states that an exemption may be created or expanded only if it serves an identifiable public purpose and if the exemption is no broader than necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of three specified criteria and if the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption. An exemption meets the three statutory criteria if it:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, whose administration would be significantly impaired without the exemption;
- Protects information of a sensitive, personal nature concerning individuals, the release of which would be defamatory or cause unwarranted damage to the good name or reputation of such individuals, or would jeopardize their safety; or
- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure the affected entity in the marketplace.<sup>16</sup>

The Act also requires consideration of the following:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

### **Background on the Florida Opportunity Fund**

#### ***Initial Responsibility***

Created by the Legislature in 2007, the Florida Opportunity Fund (FOF)<sup>17</sup> was intended to attract venture capital investment into targeted Florida industries by providing a state match.<sup>18</sup> The FOF is organized as a private, not-for-profit corporation under Ch. 617, F.S., with a five-member

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<sup>15</sup> Section 119.15(5)(a), F.S.

<sup>16</sup> Section 119.15(4)(b), F.S.

<sup>17</sup> Section 288.9624, F.S. *See also* Florida Opportunity Fund, <http://www.floridaopportunityfund.com/HomePage.asp> (last visited Jan. 10, 2012).

<sup>18</sup> The State Board of Administration (SBA) has, for many years, invested in so-called “alternative investments” that included Florida-based businesses, and in 2009, pursuant to ch. 2008-31, L.O.F., created the \$250 million Florida Growth Fund for venture-capital private-equity and direct investments within Florida. *See also* Florida Growth Fund, <http://www.floridagrowthfund.com>. (last visited Jan. 10, 2012). These SBA programs are separate from the FOF.



board of directors selected by an Enterprise Florida, Inc., (EFI) appointments committee.<sup>19</sup> The FOF's administrative staff is provided by EFI, and has a separate investment manager, Florida First Partners, comprised of Florida-based MILCOM Venture Partners and the Credit Suisse Customized Fund Investment Group. The Legislature appropriated \$29.5 million for investment funds in FY 2007-2008.<sup>20</sup>

Originally, the FOF was established as a "fund-of-funds" program, meaning that it could only invest in investment funds, not directly in individual businesses. Additionally, the investment funds had to match each \$1 in state investment with \$2 of their own. The initial emphasis was on "seed" and "early-stage" investments, because proponents of creating the FOF concluded that these types of companies were least likely to have access to venture funding and traditional financing.<sup>21</sup> Targeted industries for the FOF investments included, but were not limited to: life sciences; information technology; advanced manufacturing processes; aviation and aerospace; and homeland security and defense. To be eligible for state participation, an investment fund must have an experienced and successful investment manager or team, and must focus on investment opportunities in Florida.

The FOF invested in its first fund in FY 2008-2009: \$594,000 in Element Partners II, according to FOF's financial statements.<sup>22</sup> Currently, the FOF has invested \$27 million of the original \$29.5 million appropriation.<sup>23</sup>

### ***Recent developments***

In 2009, the Florida Legislature amended s. 288.9624, F.S., to allow the FOF to make loans and other direct investments to individual businesses and infrastructure projects; to form or operate other entities; and to accept funds from other public and private sources for use as investments.<sup>24</sup> These direct investments must be made in Florida infrastructure projects, or in businesses that are Florida-based or have significant business activities in Florida, and operate in technology sectors that are strategic to Florida, including the original list of industry types. The FOF may not use its original appropriation of \$29.5 million to make direct investments or for any purposes not specified in the original legislation.

In May 2010, the FOF launched a direct investment program with the now-defunct Florida Energy and Climate Commission, which at the time was the lead entity for state energy and climate-change programs and policies.<sup>25</sup> This new FOF program is expected to increase the availability of investment capital in Florida for businesses engaged in developing or producing

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<sup>19</sup> The current FOF board members are: chairman Kenneth Wright, partner with Baker Hostetler; vice chairman Andrew Hyltin, president of CNL Private Equity Corporation; Thomas Cornish, president and CEO of Seitlin Insurance and Advisory Services; Brian Nicholas, executive with the Acquired Asset Group of BB&T; and Pedro Pizarro, chairman and CEO of eLandia Group.

<sup>20</sup> This appropriation was included in Section 4 of the substantive legislation, ch. 2007-189, L.O.F., which created the FOF.

<sup>21</sup> See Bill Analysis for CS/SB 2420 (2007 Legislative Session), available at <http://archive.flsenate.gov/data/session/2007/Senate/bills/analysis/pdf/2007s2420.cm.pdf> (last visited Jan. 10, 2012).

<sup>22</sup> The auditor described the \$594,000 investment as a payment of a \$4 million commitment to Element Partners II, which specializes in investments in "cleantech" companies. See <http://www.elementpartners.com> (last visited Jan. 10, 2012).

<sup>23</sup> Information on file with the Senate Commerce and Tourism Committee.

<sup>24</sup> Sections 25-26, ch. 2009-51, L.O.F.

<sup>25</sup> The commission's statutes were repealed and its responsibilities transferred to the Florida Department of Agriculture and Consumer Services (DACCS) by the Legislature in the 2011 session. See s. 500, ch. 2011-142, L.O.F.

energy-efficient or renewable energy (EE/RE) products or services. The FOF has access initially to \$32.4 million in federal funds through the 2009 American Recovery and Reinvestment Act<sup>26</sup> to make loans or investments in qualifying businesses. Under the terms of the federal agreement, these investments are restricted to facility and equipment improvement using EE/RE products; acquisition or demonstration of renewable energy products; and improvement of existing production, manufacturing, assembly, or distribution processes to reduce consumption or increase the efficient use of energy in such processes.

FOF has invested \$12 million of the \$32.4 million in federal funds into three Florida companies, matching \$80 million in private investment.<sup>27</sup>

Lastly, in mid-2011, EFI entered into an agreement with the Florida Department of Economic Opportunity (DEO) for use of \$43.5 million in federal funds from the U.S. State Small Business Credit Initiative.<sup>28</sup> These funds will be used by the FOF to make direct investments in eligible businesses.<sup>29</sup> EFI estimates that it can leverage the \$43.5 million into \$652.5 million in private investment. The U.S. Treasury has approved DEO's application to access Florida's full share of \$97.6 million in federal funds, and in September, the Legislative Budget Commission approved the release of a portion of the federal funds.

### **Background on the Institute**

Created in the same legislation as the FOF, the Institute for the Commercialization of Public Research (institute) was envisioned as a matchmaker for venture capitalists and young companies trying to turn research ideas, technology, or patents, developed at public institutions, into marketable products and services.<sup>30</sup> The institute's stated purpose is:

To assist in the commercialization of products developed by the research and development activities of publicly supported universities and colleges, research institutes, and other publicly supported organizations within the state.<sup>31</sup>

The institute must support existing commercialization efforts at Florida universities, and may not supplant, replace, or direct existing technology transfer operations or other commercialization programs, including incubators and accelerators.

### ***Governance of the Institute***

The institute is a not-for-profit corporation that is eligible for sovereign immunity and is subject to Florida law, but is not an "agency," as defined in s. 20.03(11), F.S. It is governed by a five-member board of directors<sup>32</sup> comprised of:

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<sup>26</sup> The website at <http://www.recovery.gov/pages/default.aspx> has links to the federal law and other program information.

<sup>27</sup> Information on file with the Senate Committee on Commerce and Tourism.

<sup>28</sup> This initiative is part of the federal Small Business Jobs Act of 2010. See U.S. Dept. of Treasury, State Small Business Credit Initiative, <http://www.treasury.gov/resource-center/sb-programs/Pages/ssbci.aspx> (last visited Jan. 10, 2012).

<sup>29</sup> Florida's total share of the federal funding is \$97.6 million. The monies not allocated to EFI for the investment program are earmarked for small business loans, export financing, and credit enhancement programs. More information on file with the Senate Commerce and Tourism Committee.

<sup>30</sup> Section 288.9625, F.S. See also Florida Institute for the Commercialization of Public Research, <http://www.florida-institute.com> (last visited Jan. 10, 2012).

<sup>31</sup> Section 288.9625(2), F.S.

- The chair of EFI or designee;
- The president of the state university where the institute is located or designee, or if jointly sponsored by a number of universities, the presidents of those universities must agree on the designated person to serve on the board; and
- Three appointees by the Governor, to serve staggered 3-year terms to which they may be reappointed.

The institute also has a 15-member Industry Advisory Board, selected by the board of directors, to assist with mentoring companies selected by the institute, reviewing grant applications, and providing other guidance.

Staffing the institute is an interim executive director<sup>33</sup> and an executive assistant. The institute is based in Boca Raton, and is preparing to open a second administrative office in Gainesville.

### ***State Funding for the Institute***

In 2007, the Legislature appropriated \$900,000 in general revenue to the institute for its operations.<sup>34</sup> An additional \$600,000 was appropriated in 2009, as a transfer from the Florida Small Business Technology Growth Trust Fund administered by EFI.<sup>35</sup> In 2010, the institute was authorized to use up to 5 percent of the \$3 million appropriated for the Research Commercialization Matching Grant Program to administer the grants.<sup>36</sup> In FY 2011-2012, the institute received a \$10 million general revenue appropriation, which did not specify the uses or amount set aside for the institute's administration.<sup>37</sup> The institute and DEO have entered into a contract that specifies how the funds may be spent, including a low-interest loan program for eligible companies.

### ***Responsibilities of the Institute***<sup>38</sup>

To be eligible for the institute's assistance, the company or organization attempting to commercialize its product or service must be accepted by the institute into its program. The institute reviews the business plans and technology information of each company recommended by an institute peer-review board, before making its decision whether to accept a recommended company.

For each company that is accepted, the institute provides mentoring, develops marketing information, and uses its resources to attract capital investment into the company. The institute's other duties are to:

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<sup>32</sup> The institute's current board members are: chairman Beau Ferrari, Special Assistant to the CEO of Univision Communications, Inc.; vice-chairman David Day, the university designee and director of the Office of Technology Licensing at the University of Florida; treasurer Rhys Williams, president of iTherapeutics, a biotechnology company developing therapies for retinal degenerative disease; John Fraser, executive director of the Office of IP Development and Commercialization at Florida State University; and EFI designee Carl Roston, an attorney with Akerman Senterfitt who specializes in mergers & acquisitions and private equity.

<sup>33</sup> The institute's interim executive director is Jane Teague, who also is the executive director of the Enterprise Development Corporation of South Florida, a public-private partnership that helps recruit investors and acts as a business incubator.

<sup>34</sup> Section 4, ch. 2007-189, L.O.F.

<sup>35</sup> Section 72, ch. 2009-81, L.O.F.

<sup>36</sup> Section 56, ch. 2010-147, L.O.F.

<sup>37</sup> Section 39(3), ch. 2011-76, L.O.F.

<sup>38</sup> Section 288.9625(8), F.S.

- Maintain a centralized location to showcase companies and their technologies and products;
- Develop an efficient process to inventory and publicize companies and products that have been accepted by the institute for commercialization;
- Routinely communicate with private investors and venture capital organizations regarding the investment opportunities in its showcased companies;
- Facilitate meetings between prospective investors and eligible companies in the institute;
- Develop cooperative relationships with publicly supported organizations all of which work together to provide resources or special knowledge that is likely to be helpful to institute companies; and
- Administer the Florida Research Commercialization Matching Grant Program, created in s. 288.9552, F.S.

The institute is prohibited from developing or accruing any ownership, royalty, or other such rights over, or interest in, companies or products in the institute and must maintain the confidentiality of proprietary information. It also may not charge for services rendered to state universities and affiliated organizations, community colleges, or state agencies.

In 2010, the Legislature created the Research Commercialization Matching Grant Program, to leverage existing federal grant programs for small businesses, and directed the institute to manage it.<sup>39</sup> The grant program is intended to assist small or startup companies that take advantage of federal and private financial support to accelerate their growth and market penetration. Program applicants must meet several criteria, such as having attracted funding from non-government sources and achieved certain milestones required by the federal government. As mentioned above, the Legislature appropriated \$3 million for the grant program. Last fall, the institute awarded Phase II grants to 11 Florida companies and Phase I grants to two companies.<sup>40</sup> A second round of grants is not planned for FY 2011-2012.

### **Public Records and Public Meetings Exemptions for the FOF and the Institute**

The Legislature created a joint public records and public meetings exemption, in s. 288.9626, F.S., for the FOF and the institute in 2007.<sup>41</sup> Covered under the public records exemption in s. 288.9626(2), F.S., are:

- Materials that relate to methods of manufacture or production; potential trade secrets, patentable material, actual trade secrets as defined in s. 688.002, F.S., or proprietary information received, generated, ascertained, or discovered by or through research projects conducted by universities and other publicly supported organizations in Florida;
- Information that would identify investors or potential investors in projects reviewed by the FOF or the institute;

<sup>39</sup> Background on the federal programs – the Small Business Innovation Research Program (SBIR) and the Small Business Technology Transfer (STTR) Program is available on the website of the U.S. Small Business Administration. Small Business Administration, <http://www.sba.gov/aboutsba/sbaprograms/sbir/index.html> (last visited Jan. 10, 2012).

<sup>40</sup> See The Office of Program Policy and Government Accountability (OPPAGA), *Research Commercialization Matching Grant Program Underway; Additional Performance Data Needed*, Report 11-20, Nov. 2011, available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=11-20> (last visited Jan. 10, 2012).

<sup>41</sup> Chapter 2007-190, L.O.F.

- Any information received from a person or another state or nation, or from the federal government, which is otherwise confidential or exempt from that governmental entity's laws; and
- Proprietary confidential business information regarding alternative investments for 10 years after the termination of the alternative investments.

The term "proprietary confidential business information" is defined to mean information that has been designated by the proprietor when provided to the FOF or the institute as owned or controlled by a proprietor; that is intended to be and is treated by the proprietor as private and the disclosure of which would harm the business operations of the proprietor and has not been intentionally disclosed by the proprietor unless pursuant to a private agreement that provides that the information will not be released to the public except as required by law or legal process, or pursuant to law or an order of a court or administrative body; and that concerns:

- Trade secrets as defined in s. 688.002, F.S.;
- Information provided to the FOF or institute regarding a prospective investment in a private equity fund, venture capital fund, angel fund, or portfolio company which is proprietary to the provider of the information;
- Financial statements and auditor reports of an alternative investment vehicle or portfolio company, unless such records have been released by the alternative investment vehicle or portfolio company and are publicly available;
- Meeting materials of an alternative investment vehicle relating to financial, operating, or marketing information of the alternative investment vehicle or portfolio company;
- Information regarding the portfolio positions in which an alternative investment vehicle or the FOF invests;
- Capital call and distribution notices to investors of an alternative investment vehicle or the FOF;
- Alternative investment agreements and related records; and
- Information concerning investors, other than the FOF itself, in an alternative investment vehicle or portfolio company.<sup>42</sup>

The statute also expressly excludes certain items from the definition of proprietary confidential business information:

- The name, address, and vintage year of an alternative investment vehicle or the FOF, and the identity of principals involved in the management of the alternative investment vehicle or the FOF;
- The dollar amount of the commitment made by the FOF to each alternative investment vehicle since inception;
- The dollar amount and date of cash contributions made by the FOF to each alternative investment vehicle since inception;
- The dollar amount, on a fiscal-year-end basis, of cash or other fungible distributions received by the FOF from each alternative investment vehicle;
- The dollar amount, on a fiscal-year-end basis, of cash or other fungible distributions received by the FOF, plus the remaining value of alternative-vehicle assets that are attributable to the FOF investment in each alternative investment vehicle;

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<sup>42</sup> Section 288.9626(1)(g)1., F.S.

- The net internal rate of return of each alternative investment vehicle since inception;
- The investment multiple of each alternative investment vehicle since inception; and
- The dollar amount of the total management fees and costs paid on an annual fiscal-year- end basis by the FOF to each alternative investment vehicle on a fiscal-year-end basis.<sup>43</sup>

Section 288.9626(3), F.S., creates a public meetings exemption for the FOF and the institute. The boards of directors of those entities may close that portion of their otherwise public meetings when they are discussing information that is confidential and exempt, per subsection (2) of that statute. The closed portions of the meetings still must be recorded and transcribed, but this information also is confidential and exempt from s. 119.07(1), F.S., and Art. I, s. 24(a), of the State Constitution.

Pursuant to s. 288.9626(4), F.S., the FOF and the institute may release the protected records to a governmental entity in the performance of its duties upon written request. The confidentiality must be maintained by those receiving entities. Violating s. 288.9626, F.S., is a first-degree misdemeanor, punishable as provided in ss. 775.082 or 775.083, F.S.<sup>44</sup>

Once a confidential and exempt record becomes legally available or subject to public disclosure for any reason, that record is no longer confidential and exempt, and shall be made available for inspection and copying.

The legislation's "statement of necessity" listed a number of reasons why certain documents and information in the possession of the FOF and the institute should be confidential and exempt:<sup>45</sup>

- Disclosure of proprietary confidential business information to the public would harm the business operations of the proprietor.
- Information received by the FOF or the institute from a person from another state or nation or the Federal Government, which is otherwise exempt or confidential pursuant to the laws of that state or nation or pursuant to federal law, should remain exempt or confidential because the highly confidential nature of research necessitates that it be protected.
- Without these exemptions, the disclosure of confidential and exempt information would jeopardize the effective and efficient administration of the FOF and the institute.
- Disclosure of investor identities may adversely impact the ability of the FOF or the institute to attract investors who desire anonymity.
- Disclosing proprietary confidential business information used in determining how private equity investments are made or managed by private partnerships investing assets on behalf of the FOF would negatively affect the business interests of private partnerships that rely heavily on their information advantage to generate investment returns, and competitor partnerships could gain an unfair competitive advantage if provided access to such information.
- The release of proprietary confidential business information revealing how alternative investments are made could result in inadequate returns and ultimately frustrate attainment of the investment objective of the FOF.

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<sup>43</sup> Section 299.9626(1)(g)2., F.S.

<sup>44</sup> Section 288.9626(5), F.S.

<sup>45</sup> Section 2, ch. 2007-190, L.O.F.

- Portions of meetings of the FOF and institute boards of directors at which records made confidential and exempt by this act are discussed be made exempt from public meetings requirements in order to maintain the confidential and exempt status of this information.

### **Background on Florida's Trade Secrets Law**

Over the years, the Legislature has created a number of specific exemptions from public records for trade secrets.<sup>46</sup> Chapter 688, F.S., the Uniform Trade Secrets Act, defines a trade secret as:

“... information, including a formula, pattern, compilation, program, device, method, technique, or process that:

- (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”<sup>47</sup>

Chapter 688, F.S., also provides for injunctive relief, damages, and attorneys' fees for misappropriating a trade secret. It permits the courts to enter an injunction for the actual or threatened misappropriation of a trade secret.<sup>48</sup> Further, the court may, in appropriate circumstances, require affirmative acts to protect trade secrets. A complainant under the act is also entitled to damages, which can include the actual loss caused by misappropriation and the unjust enrichment caused by misappropriation that is not taken into account in computing actual loss. In the alternative, royalties can be required.<sup>49</sup>

In an action under the Uniform Trade Secrets Act, the court is required to preserve the secrecy of the alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.<sup>50</sup>

Additionally, s. 812.081(2), F.S., provides that:

Any person who, with intent to deprive or withhold from the owner thereof the control of a trade secret, or with an intent to appropriate a trade secret to his or her own use or to the use of another, steals or embezzles an article representing a trade secret or without authority makes or causes to be made a copy of an article representing a trade secret is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

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<sup>46</sup> See, e.g., s. 1004.78(2), F.S. (trade secrets produced in technology research within community colleges); s. 365.174, F.S. (proprietary confidential business information and trade secrets submitted by wireless 911 provider to specified agencies); s. 570.544(8), F.S. (trade secrets contained in records of the Division of Consumer Services of the Department of Agriculture and Consumer Services); and s. 627.6699(8)(c), F.S. (trade secrets involving small employer health insurance carriers).

<sup>47</sup> Section 688.002(4), F.S.

<sup>48</sup> Section 688.003, F.S.

<sup>49</sup> Section 688.004, F.S.

<sup>50</sup> Section 688.006, F.S.

Section 812.081(1)(c), F.S., defines “trade secret” to mean “. . . the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it.” The term “trade secret” includes any scientific, technical, or commercial information, including any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof.

Additionally, irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, when the owner of a trade secret takes measures to prevent it from becoming available to persons other than those selected by the owner to have access to it, the trade secret is considered to be:

- Secret;
- Of value;
- For use or in use by the business; and
- Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it.

The Florida Attorney General has concluded that the fact certain information constitutes a trade secret under s. 812.081, F.S., does not, in and of itself, remove it from the requirements of the Public Records Act.<sup>51</sup> When there is no exemption making information confidential or exempt, an agency is therefore under a duty to release public records even though such records may constitute trade secrets.

### III. Effect of Proposed Changes:

**Section 1** amends s. 288.9626, F.S.; removing references to the Institute for the Commercialization on Public Research; reducing from 10 years to 7 years the period of time that investment, loan, or other confidential and exempt information may be shielded from public review; modifying certain definitions to better reflect the full extent of the FOF’s investment responsibilities, without expanding their scope; and clarifying terminology.

**Section 2** creates s. 288.9627, F.S.; transferring provisions of s. 288.9626, F.S. pertaining to public records and public meetings exemptions that apply only to the Institute. The Institute’s current exemptions are maintained and not expanded.

**Section 3** provides that this act takes effect upon becoming a law.

#### Other Potential Implications:

If the Legislature chooses not to retain the public-records exemption for the information obtained by the FOF and the institute, or the public meetings exemption, then they will expire on October 2, 2012. Without the exemption, certain types of proprietary business information, trade secrets, and donor identities will become public, at least, what is not otherwise protected under federal law. The FOF and the institute contend this would hamper their ability to attract private

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<sup>51</sup> Attorney General Opinion 92-43.



investments and other participation in their programs, thus reducing their programs' ability to encourage economic and job growth.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

This bill retains already-existing public records and public meetings exemptions and thus is not subject to the requirement that the exemption must pass with a two-thirds vote of both houses of the Legislature. The bill complies with the requirement of Article I, section 24 of the State Constitution that public records and public meetings exemptions may only be addressed in legislation separate from substantive changes to law.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By the Committee on Commerce and Tourism

577-00807-12

2012798\_\_

1 A bill to be entitled  
 2 An act relating to a review under the Open Government  
 3 Sunset Review Act; amending s. 288.9626, F.S., which  
 4 provides exemptions from public records and open  
 5 meeting requirements for the Florida Opportunity Fund  
 6 and the Institute for the Commercialization of Public  
 7 Research; reorganizing the exemptions by removing  
 8 references to the Institute for the Commercialization  
 9 of Public Research and transferring the exemptions  
 10 relating to the institute to a new statute; saving the  
 11 exemptions from repeal under the Open Government  
 12 Sunset Review Act; removing the scheduled repeal of  
 13 the exemptions; revising definitions; clarifying that  
 14 the exemptions pertaining to the Florida Opportunity  
 15 Fund apply to prospective investments, alternative  
 16 investments, and certain confidential proprietary  
 17 information provided by a proprietor; reducing the  
 18 time period during which proprietary confidential  
 19 business information is confidential and exempt from  
 20 disclosure; creating s. 288.9627, F.S.; providing  
 21 exemptions from public records and open meetings  
 22 requirements relating to the Institute for the  
 23 Commercialization of Public Research which were  
 24 transferred from s. 288.9626, F.S.; defining terms;  
 25 providing exemptions from public records requirements  
 26 for information relating to methods of manufacturing,  
 27 trade secrets, patents, and research by universities  
 28 or other publically supported organizations, materials  
 29 supplied by a proprietor, information that would

Page 1 of 14

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577-00807-12

2012798\_\_

30 identify investors or potential investors, and  
 31 information that is confidential and exempt under  
 32 other laws; reducing the time period during which  
 33 proprietary confidential business information is  
 34 confidential and exempt from disclosure; requiring the  
 35 recording and transcription of closed meetings;  
 36 requiring a proprietor of information to prevent the  
 37 disclosure of proprietary confidential business  
 38 information if a request for the information is made  
 39 to the institute; authorizing a person to petition a  
 40 court in Palm Beach County or Alachua County for the  
 41 release of confidential and exempt information;  
 42 requiring a court to make specific findings before the  
 43 information may be released; imposing criminal  
 44 penalties on a person who willfully and knowingly  
 45 violates the public records or public meetings  
 46 exemptions pertaining to the institute; providing an  
 47 effective date.

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

51 Section 1. Section 288.9626, Florida Statutes, is amended  
 52 to read:

53 288.9626 Exemptions from public records and public meetings  
 54 requirements for the Florida Opportunity Fund ~~and the Institute~~  
 55 ~~for the Commercialization of Public Research.~~

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

57 (a) "Alternative investment" means an investment or  
 58 prospective investment through a loan, acquisition of an equity

Page 2 of 14

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577-00807-12 2012798

59 interest, or other investment method by the Florida Opportunity  
 60 Fund in a private equity fund, venture capital fund, or angel  
 61 fund; an investment by the Florida Opportunity Fund or an  
 62 alternative investment or a direct investment in a portfolio  
 63 company; or an investment through a distribution of securities  
 64 to its partners or shareholders by an alternative investment  
 65 vehicle.

66 (b) "Alternative investment vehicle" means the limited  
 67 partnership, limited liability company, or similar legal fund  
 68 structure through which funds of, or funds managed by, the  
 69 Florida Opportunity Fund are invested ~~may elect to invest~~ in a  
 70 portfolio company.

71 (c) "Florida Opportunity Fund" ~~or "fund"~~ means the Florida  
 72 Opportunity Fund as defined in s. 288.9623.

73 ~~(d) "Institute for the Commercialization of Public~~  
 74 ~~Research" or "institute" means the institute established by s.~~  
 75 ~~288.9625.~~

76 (d)(e) "Portfolio company" means a corporation or other  
 77 issuer, any of whose securities or debt obligations are owned,  
 78 or are being considered for ownership, by an alternative  
 79 investment vehicle or the Florida Opportunity Fund and any  
 80 subsidiary of such corporation or other issuer.

81 ~~(e)(f)~~ "Portfolio positions" means individual investments  
 82 in portfolio companies that are made by an alternative  
 83 investment vehicle or the Florida Opportunity Fund, including  
 84 information or specific investment terms associated with any  
 85 portfolio company investment.

86 ~~(f)(g)~~1. "Proprietary confidential business information"  
 87 means information that has been designated by the proprietor

577-00807-12 2012798

88 when provided to the Florida Opportunity Fund ~~or the Institute~~  
 89 ~~for the Commercialization of Public Research~~ as information that  
 90 is owned, held, or controlled by a proprietor; that is intended  
 91 to be and is treated by the proprietor as private, the  
 92 disclosure of which would harm the business operations of the  
 93 proprietor and has not been intentionally disclosed by the  
 94 proprietor unless pursuant to a private agreement that provides  
 95 that the information will not be released to the public except  
 96 as required by law or legal process, or pursuant to law or an  
 97 order of a court or administrative body; and that concerns:

98 a. Trade secrets as defined in s. 688.002.

99 b. Information provided to the Florida Opportunity Fund ~~or~~  
 100 ~~the Institute for the Commercialization of Public Research~~  
 101 regarding an existing or a prospective alternative investment in  
 102 a private equity fund, venture capital fund, angel fund, or  
 103 portfolio company that is proprietary to the provider of the  
 104 information.

105 c. Financial statements and auditor reports of an  
 106 alternative investment vehicle or portfolio company, unless  
 107 publicly released by the alternative investment vehicle or  
 108 portfolio company.

109 d. Meeting materials of an alternative investment vehicle  
 110 or portfolio company relating to financial, operating, or  
 111 marketing information of the alternative investment vehicle or  
 112 portfolio company.

113 e. Information regarding the portfolio positions in which  
 114 the alternative investment vehicles or Florida Opportunity Fund  
 115 invest.

116 f. Capital call and distribution notices to investors or

577-00807-12 2012798\_\_

117 the Florida Opportunity Fund of an alternative investment  
 118 vehicle.

119 g. Alternative investment agreements and related records.

120 h. Information concerning investors, other than the Florida  
 121 Opportunity Fund, in an alternative investment vehicle or  
 122 portfolio company.

123 2. "Proprietary confidential business information" does not  
 124 include:

125 a. The name, address, and vintage year of an alternative  
 126 investment vehicle or Florida Opportunity Fund and the identity  
 127 of the principals involved in the management of the alternative  
 128 investment vehicle or Florida Opportunity Fund.

129 b. The dollar amount of the commitment made by the Florida  
 130 Opportunity Fund to each alternative investment vehicle since  
 131 inception, if any.

132 c. The dollar amount and date of cash contributions made by  
 133 the Florida Opportunity Fund to each alternative investment  
 134 vehicle since inception, if any.

135 d. The dollar amount, on a fiscal-year-end basis, of cash  
 136 or other fungible distributions received by the Florida  
 137 Opportunity Fund from each alternative investment vehicle.

138 e. The dollar amount, on a fiscal-year-end basis, of cash  
 139 or other fungible distributions received by the Florida  
 140 Opportunity Fund plus the remaining value of alternative-vehicle  
 141 assets that are attributable to the Florida Opportunity Fund's  
 142 investment in each alternative investment vehicle.

143 f. The net internal rate of return of each alternative  
 144 investment vehicle since inception.

145 g. The investment multiple of each alternative investment

577-00807-12 2012798\_\_

146 vehicle since inception.

147 h. The dollar amount of the total management fees and costs  
 148 paid on an annual fiscal-year-end basis by the Florida  
 149 Opportunity Fund to each alternative investment vehicle.

150 i. The dollar amount of cash profit received by the Florida  
 151 Opportunity Fund from each alternative investment vehicle on a  
 152 fiscal-year-end basis.

153 (g) (h) "Proprietor" means an alternative investment vehicle  
 154 ~~or, a~~ portfolio company in which an ~~the~~ alternative investment  
 155 vehicle or Florida Opportunity Fund invests, or is considering  
 156 for investment ~~is invested~~, or an outside consultant, including  
 157 the respective authorized officers, employees, agents, or  
 158 successors in interest, that controls or owns information.

159 (2) PUBLIC RECORDS EXEMPTION.—

160 (a) The following records held by the Florida Opportunity  
 161 Fund ~~or the Institute for the Commercialization of Public~~  
 162 ~~Research~~ are confidential and exempt from s. 119.07(1) and s.  
 163 24(a), Art. I of the State Constitution:

164 1. Information Materials that relates ~~relate~~ to methods of  
 165 manufacture or production, potential trade secrets, or  
 166 patentable material received, generated, ascertained, or  
 167 discovered during the course of research or through research  
 168 projects and that is included in materials provided by a  
 169 proprietor conducted by universities and other publicly  
 170 ~~supported organizations in this state.~~

171 2. Information that would identify an investor or potential  
 172 investor who desires to remain anonymous in projects reviewed by  
 173 the Florida Opportunity Fund ~~or institute.~~

174 3. ~~Any information received from a person from another~~

577-00807-12

2012798

~~state or nation or the Federal Government which is otherwise  
confidential or exempt pursuant to the laws of that state or  
nation or pursuant to federal law.~~

3.4 Proprietary confidential business information  
regarding alternative investments for 7 ~~10~~ years after the  
termination of the alternative investment.

(b) At the time any record made confidential and exempt by  
this subsection, or portion thereof, is legally available or  
subject to public disclosure for any other reason, that record,  
or portion thereof, shall no longer be confidential and exempt  
and shall be made available for inspection and copying.

(3) PUBLIC MEETINGS EXEMPTION.—

(a) That portion of a meeting of the board of directors of  
the Florida Opportunity Fund ~~or the board of directors of the  
Institute for the Commercialization of Public Research~~ at which  
information is discussed which is confidential and exempt under  
subsection (2) is exempt from s. 286.011 and s. 24(b), Art. I of  
the State Constitution.

(b) Any exempt portion of a meeting shall be recorded and  
transcribed. The board ~~boards~~ of directors shall record the  
times of commencement and termination of the meeting, all  
discussion and proceedings, the names of all persons present at  
any time, and the names of all persons speaking. An exempt  
portion of any meeting may not be off the record.

(c) A transcript and minutes of exempt portions of meetings  
are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
I of the State Constitution.

(4) REQUEST TO INSPECT OR COPY A RECORD.—

(a) Records made confidential and exempt by this section

Page 7 of 14

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577-00807-12

2012798

may be released, upon written request, to a governmental entity  
in the performance of its official duties and responsibilities.

(b) Notwithstanding the provisions of paragraph (2)(a), a  
request to inspect or copy a public record that contains  
proprietary confidential business information shall be granted  
if the proprietor of the information fails, within a reasonable  
period of time after the request is received by the Florida  
Opportunity Fund ~~or the Institute for the Commercialization of  
Public Research~~, to verify the following to the Florida  
Opportunity Fund through a written declaration in the manner  
provided by s. 92.525:

1. That the requested record contains proprietary  
confidential business information and the specific location of  
such information within the record;

2. If the proprietary confidential business information is  
a trade secret, a verification that it is a trade secret as  
defined in s. 688.002;

3. That the proprietary confidential business information  
is intended to be and is treated by the proprietor as private,  
is the subject of efforts of the proprietor to maintain its  
privacy, and is not readily ascertainable or publicly available  
from any other source; and

4. That the disclosure of the proprietary confidential  
business information to the public would harm the business  
operations of the proprietor.

(c)1. Any person may petition a court of competent  
jurisdiction for an order for the public release of those  
portions of any record made confidential and exempt by  
subsection (2).

Page 8 of 14

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577-00807-12

2012798

2. Any action under this subsection must be brought in Orange County, and the petition or other initial pleading shall be served on the Florida Opportunity Fund ~~or the institute, whichever is applicable~~, and, if determinable upon diligent inquiry, on the proprietor of the information sought to be released.

3. In any order for the public release of a record under this subsection, the court shall make a finding that:

a. The record or portion thereof is not a trade secret as defined in s. 688.002;

b. A compelling public interest is served by the release of the record or portions thereof which exceed the public necessity for maintaining the confidentiality of such record; and

c. The release of the record will not cause damage to or adversely affect the interests of the proprietor of the released information, other private persons or business entities, or the fund, or any trust fund the assets of which are invested by the Florida Opportunity Fund.

(5) PENALTIES.—Any person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(6) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. Section 288.9627, Florida Statutes, is created to read:

288.9627 Exemptions from public records and public meetings

577-00807-12

2012798

requirements for the Institute for the Commercialization of Public Research.—

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

(a) "Institute for the Commercialization of Public Research" or "institute" means the institute established by s. 288.9625.

(b)1. "Proprietary confidential business information" means information that has been designated by the proprietor when provided to the institute as information that is owned, held, or controlled by a proprietor; that is intended to be and is treated by the proprietor as private, the disclosure of which would harm the business operations of the proprietor and has not been intentionally disclosed by the proprietor unless pursuant to a private agreement that provides that the information will not be released to the public except as required by law or legal process, or pursuant to law or an order of a court or administrative body; and that concerns:

a. Trade secrets as defined in s. 688.002.

b. Financial statements and internal or external auditor reports of a proprietor corporation, partnership, or person requesting confidentiality under this statute, unless publicly released by the proprietor.

c. Meeting materials related to financial, operating, investment, or marketing information of the proprietor corporation, partnership, or person.

d. Information concerning private investors in the proprietor corporation, partnership, or person.

2. "Proprietary confidential business information" does not include:

577-00807-12

2012798

- 291 a. The identity and primary address of the proprietor's  
 292 principals.
- 293 b. The dollar amount and date of the financial commitment  
 294 or contribution made by the institute.
- 295 c. The dollar amount, on a fiscal-year-end basis, of cash  
 296 repayments or other fungible distributions received by the  
 297 institute from each proprietor.
- 298 d. The dollar amount, if any, of the total management fees  
 299 and costs paid on an annual fiscal-year-end basis by the  
 300 institute.
- 301 (c) "Proprietor" means a corporation, partnership, or  
 302 person that has applied for or received assistance, financial or  
 303 otherwise, from the institute and that controls or owns the  
 304 proprietary confidential business information.
- 305 (2) PUBLIC RECORDS EXEMPTION.—
- 306 (a) The following records held by the institute are  
 307 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 308 of the State Constitution:
- 309 1. Information that relates to methods of manufacture or  
 310 production, potential trade secrets, or patentable material  
 311 received, generated, ascertained, or discovered during the  
 312 course of research or through research projects conducted by  
 313 universities and other publicly supported organizations in this  
 314 state and that is included in materials provided to the  
 315 institute by a proprietor.
- 316 2. Information that would identify an investor or potential  
 317 investor who desires to remain anonymous in projects reviewed by  
 318 the institute for assistance.
- 319 3. Any information received from a person from another

Page 11 of 14

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577-00807-12

2012798

- 320 state or nation or the Federal Government which is otherwise  
 321 confidential or exempt pursuant to the laws of that state or  
 322 nation or pursuant to federal law.
- 323 4. Proprietary confidential business for 7 years after the  
 324 termination of the institute's financial commitment to the  
 325 company.
- 326 (b) At the time any record made confidential and exempt by  
 327 this subsection, or portion thereof, is legally available or  
 328 subject to public disclosure for any other reason, that record,  
 329 or portion thereof, shall no longer be confidential and exempt  
 330 and shall be made available for inspection and copying.
- 331 (3) PUBLIC MEETINGS EXEMPTION.—
- 332 (a) That portion of a meeting of the institute's board of  
 333 directors at which information is discussed which is  
 334 confidential and exempt under subsection (2) is exempt from s.  
 335 286.011 and s. 24(b), Art. I of the State Constitution.
- 336 (b) Any exempt portion of a meeting shall be recorded and  
 337 transcribed. The board of directors shall record the times of  
 338 commencement and termination of the meeting, all discussion and  
 339 proceedings, the names of all persons present at any time, and  
 340 the names of all persons speaking. An exempt portion of any  
 341 meeting may not be off the record.
- 342 (c) A transcript and minutes of exempt portions of meetings  
 343 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
 344 I of the State Constitution.
- 345 (4) REQUEST TO INSPECT OR COPY A RECORD.—
- 346 (a) Records made confidential and exempt by this section  
 347 may be released, upon written request, to a governmental entity  
 348 in the performance of its official duties and responsibilities.

Page 12 of 14

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577-00807-12

2012798

(b) Notwithstanding the provisions of paragraph (2) (a), a request to inspect or copy a public record that contains proprietary confidential business information shall be granted if the proprietor of the information fails, within a reasonable period of time after the request is received by the institute, to verify the following to the institute through a written declaration in the manner provided by s. 92.525:

1. That the requested record contains proprietary confidential business information and the specific location of such information within the record;

2. If the proprietary confidential business information is a trade secret, a verification that it is a trade secret as defined in s. 688.002;

3. That the proprietary confidential business information is intended to be and is treated by the proprietor as private, is the subject of efforts of the proprietor to maintain its privacy, and is not readily ascertainable or publicly available from any other source; and

4. That the disclosure of the proprietary confidential business information to the public would harm the business operations of the proprietor.

(c) 1. Any person may petition a court of competent jurisdiction for an order for the public release of those portions of any record made confidential and exempt by subsection (2).

2. Any action under this subsection must be brought in Palm Beach County or Alachua County, and the petition or other initial pleading shall be served on the institute and, if determinable upon diligent inquiry, on the proprietor of the

577-00807-12

2012798

information sought to be released.

3. In any order for the public release of a record under this subsection, the court shall make a finding that:

a. The record or portion thereof is not a trade secret as defined in s. 688.002;

b. A compelling public interest is served by the release of the record or portions thereof which exceed the public necessity for maintaining the confidentiality of such record; and

c. The release of the record will not cause damage to or adversely affect the interests of the proprietor of the released information, other private persons or business entities, or the institute.

(5) PENALTIES.—Any person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. This act shall take effect upon becoming a law.

S0798

PUBLIC RECORDS/GENERAL BILL by CM; (Similar H 7103)

OGSR/Florida Opportunity Fund and the Institute for the Commercialization of Public Research. EFFECTIVE DATE: upon becoming a law.

01/30/12 S On Committee agenda-- Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, 02/02/12, 10:00 am, 110 Senate Office Building

02/02/12 S Favorable by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; YEAS 12 NAYS 0 -SJ 325 ; Now in Budget -SJ 325

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic  
Development Appropriations

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BILL: SB 1084

INTRODUCER: Senator Garcia

SUBJECT: Administrative Procedures

DATE: January 30, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Seay	Roberts	GO	<b>Favorable</b>
2.	Martin	Meyer, R.	BTA	<b>Favorable</b>
3.			BC	
4.				
5.				
6.				

## I. Summary:

This bill revises statutory provisions relating to the Florida Administrative Code and the Florida Administrative Weekly. The bill removes the requirement that the Department of State must publish a printed version of the Florida Administrative Code. The bill also provides that the electronic version of the Florida Administrative Code is the official version for the state.

Additionally, the bill changes the name of the Florida Administrative Weekly to the Florida Administrative Register. The bill provides that the electronic version of the Florida Administrative Register is the official version for the state. The bill removes the requirement that the Department of State provide free print copies of the Florida Administrative Register to various federal and state government entities. The bill also provides that the Department of State is no longer responsible for reviewing agency submissions to the Florida Administrative Register for various errors. The bill also includes a directive to the Division of Statutory Revision to prepare a reviser's bill for the 2013 Regular Session to substitute the term Florida Administrative Register for the term Florida Administrative Weekly throughout the Florida Statutes.

This bill substantially amends section 120.55 of the Florida Statutes.

## II. Present Situation:

The *Florida Administrative Code* (FAC) is the official compilation of administrative rules for the State of Florida. The Department of State (DOS) oversees the publishing of the FAC and the monthly supplements. The online, unofficial version of the FAC is updated weekly on the department's rulemaking website.

DOS is required to publish the FAC, which contains all rules adopted by agencies, together with references to rulemaking authority and history notes.<sup>1</sup> The FAC must be supplemented at least monthly.<sup>2</sup> DOS currently contracts with LexisNexis for the printing of the FAC.<sup>3</sup> Current law provides that the printed version of the FAC is the official version.<sup>4</sup>

Under current law, DOS is required to publish notices and various other materials filed by the state's administrative agencies in the *Florida Administrative Weekly* (FAW).<sup>5,6</sup> The FAW must contain:

- Notice of adoption of, and an index to, all rules filed during the preceding week;
- All notices required by s. 120.54(3)(a), F.S., concerning agency rulemaking, showing the text of all rules proposed for consideration or a reference to the location in the FAW where the text of the proposed rules is published;
- All notices of public meetings, hearings, and workshops, including a statement of the manner in which a copy of the agenda may be obtained;
- A notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules;
- Notice of petitions for declaratory statements or administrative determinations;
- A summary of each objection to any rule filed by the Administrative Procedures Committee during the preceding week; and
- Any other material required or authorized by law or deemed useful by the department.<sup>7</sup>

Responsibility for the grammatical editing of the FAW is statutorily assigned to DOS.<sup>8</sup> Additionally, DOS is required to adopt rules prescribing the style and form required for rules submitted for filing and establishing the form for rule certification.<sup>9</sup>

DOS contracts with LexisNexis for publication of the FAW in a printed format.<sup>10</sup> The FAW is published on Fridays and distributed for free to administrative agencies, courts, libraries, law schools, and legislative offices.<sup>11</sup> According to DOS, the FAW has approximately 191 paid

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<sup>1</sup> Section 120.55(1)(a)1., F.S.

<sup>2</sup> *Id.*

<sup>3</sup> E-mail from Pierce Schuessler, Legislative Affairs Director, Department of State (Jan. 11, 2012) (on file with the Committee on Governmental Oversight and Accountability).

<sup>4</sup> Section 120.55(1)(a)1., F.S.

<sup>5</sup> Section 120.55(1)(b), F.S.

<sup>6</sup> According to DOS, approximately 300 entities in the state publish notices in the Florida Administrative Weekly. These entities include state agencies, other units of state and local government, and nongovernmental entities.

<sup>7</sup> Section 120.55(1)(b), F.S.

<sup>8</sup> Section 120.55(1)(e), F.S.

<sup>9</sup> Section 120.55(1)(d), F.S.

<sup>10</sup> E-mail from Pierce Schuessler, Legislative Affairs Director, Department of State (Jan. 11, 2012) (on file with the Committee on Governmental Oversight and Accountability).

<sup>11</sup> Section 120.55(7)(a)1., F.S., requires the department to furnish the FAW, without charge and upon request, as follows:

- One subscription to each federal and state court having jurisdiction over the residents of the state, the Legislative Library, each state university library, the State Library, each depository library designated pursuant to s. 257.05, F.S., and each standing committee of the Senate and House of Representatives and each state legislator;
- Two subscriptions to each state department;

subscribers, who pay an annual subscription fee of \$307 per year.<sup>12</sup> In addition to producing the paper version of the FAW, DOS posts copies of the FAW at [www.flrules.org](http://www.flrules.org), which may be accessed by the public for free.<sup>13</sup>

Current law requires all fees and moneys collected by DOS under the Administrative Procedure Act (APA)<sup>14</sup> to be deposited in the Records Management Trust Fund for the purpose of paying for the publication of the FAC and FAW, and for associated costs incurred by the department in administering the APA's requirements.<sup>15</sup> The unencumbered balance at the beginning of each fiscal year, which exceeds \$300,000, must be transferred to the General Revenue Fund.<sup>16</sup>

The following fees and moneys were collected by DOS under the APA in FY 2010-11:

- DOS collected \$552,563 for the space rate, also known as the line charge. The current charge is \$1.24 per line.
- DOS collected \$51,238 for royalties from the sale of the FAC. Currently, copies of the FAC are sold by LexisNexis. The majority of revenues from the sale of the FAC are retained by the company as compensation for printing the code. DOS receives a small amount in royalties.<sup>17</sup>

Subscription fees charged to FAW subscribers are retained by the publisher as compensation for printing the FAW.<sup>18</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 120.55, F.S., deleting the requirement that the Department of State (DOS) must publish a printed version of the Florida Administrative Code (FAC); providing that the electronic version of the FAC is the official version for the state; allowing DOS to contract with a publisher to provide a printed publication of the FAC; requiring that adopted rules and material incorporated by reference be filed in an electronic format; changing the name of the Florida Administrative Weekly (FAW) to the Florida Administrative Register (FAR); providing that the electronic version of the FAR is the official version for the state; requiring DOS to continually revise the FAR; deleting requirement that the FAR must contain notices of adoption of, and an index to, all rules filed during the preceding week; deleting requirement that the FAR must contain a cumulative list of all rules that have been proposed but not filed for adoption; allowing DOS to contract with a publisher to provide a printed publication of the FAR; providing that a

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- Three subscriptions to the library of the Supreme Court of Florida, the library of each state district court of appeal, the division, the library of the Attorney General, each law school library in Florida, the Secretary of the Senate, and the Clerk of the House of Representatives; and
  - Ten subscriptions to the committee.

<sup>12</sup> E-mail from Pierce Schuessler, Legislative Affairs Director, Department of State (Jan. 11, 2012) (on file with the Committee on Governmental Oversight and Accountability).

<sup>13</sup> Section 120.55(2), F.S.

<sup>14</sup> Chapter 120, F.S.

<sup>15</sup> Section 120.55(8)(a), F.S.

<sup>16</sup> Section 120.55(8)(b), F.S.

<sup>17</sup> E-mail from Pierce Schuessler, Legislative Affairs Director, Department of State (Jan. 11, 2012) (on file with the Committee on Governmental Oversight and Accountability).

<sup>18</sup> *Id.*

printed copy of the FAR may be made available on an annual subscription basis; providing that DOS is not responsible for reviewing agency submissions to the FAR for various errors; deleting requirement that DOS furnish free print copies of the FAR to federal and state government entities; and replacing references to the FAW to FAR.

**Section 2** directs the Division of Statutory Revision to prepare a reviser's bill for the 2013 Regular Session to substitute the term Florida Administrative Register for the term Florida Administrative Weekly throughout the Florida Statutes.

**Section 3** provides an effective date of October 1, 2012.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Garcia

40-01075-12

20121084

A bill to be entitled

An act relating to administrative procedures; amending s. 120.55, F.S.; revising provisions with respect to the revision and publication of the Florida Administrative Code to provide that the Department of State is not required to publish a printed version of the code but may contract with a publishing firm for a printed publication; providing that the electronic version of the code is the official compilation of the administrative rules of the state; providing for adopted rules and material incorporated by reference to be filed in electronic forms; renaming the "Florida Administrative Weekly" as the "Florida Administrative Register"; requiring a continuous revision and publication of the Florida Administrative Register on an Internet website managed by the Department of State; revising content and website search requirements; deleting a requirement to provide printed copies of the Florida Administrative Register to certain federal and state entities; providing a directive to the Division of Statutory Revision; providing an effective date.

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

Section 1. Section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

Page 1 of 7

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

40-01075-12

20121084

(a)1. Through a continuous revision and publication system, compile and publish electronically, on an Internet website managed by the department, the "Florida Administrative Code." The Florida Administrative Code shall contain all rules adopted by each agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(7), complete indexes to all rules contained in the code, and any other material required or authorized by law or deemed useful by the department. The electronic code shall display each rule chapter currently in effect in browse mode and allow full text search of the code and each rule chapter. The department ~~shall publish a printed version of the Florida Administrative Code and~~ may contract with a publishing firm for a ~~such~~ printed publication; however, the department shall retain responsibility for the code as provided in this section. ~~Supplementation of the printed code shall be made as often as practicable, but at least monthly.~~ The electronic printed publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with

Page 2 of 7

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



40-01075-12

20121084

an agency that files copies of its rules with the department, the department shall publish the address and telephone number of the executive offices of each agency, the manner by which the agency indexes its rules, a listing of all rules of that agency excluded from publication in the code, and a statement as to where those rules may be inspected.

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of "rule" provided in s. 120.52 shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained. Each form created by an agency which is incorporated by reference in a rule notice of which is given under s. 120.54(3)(a) after December 31, 2007, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

5. The department shall allow adopted rules and material incorporated by reference to be filed in electronic form as prescribed by department rule. When a rule is filed for adoption with incorporated material in electronic form, the department's publication of the Florida Administrative Code on its Internet website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida

40-01075-12

20121084

Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

(b) Electronically publish on an Internet website managed by the department a continuous revision and weekly publication entitled the "Florida Administrative Register Weekly," which shall serve as the official ~~Internet website for such~~ publication and must contain:

~~1. Notice of adoption of, and an index to, all rules filed during the preceding week.~~

~~1.2-~~ All notices required by s. 120.54(3)(a), showing the text of all rules proposed for consideration.

~~2.3-~~ All notices of public meetings, hearings, and workshops conducted in accordance with ~~the provisions of~~ s. 120.525, including a statement of the manner in which a copy of the agenda may be obtained.

~~3.4-~~ A notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules.

~~4.5-~~ Notice of petitions for declaratory statements or administrative determinations.

~~5.6-~~ A summary of each objection to any rule filed by the Administrative Procedures Committee ~~during the preceding week.~~

~~7. A cumulative list of all rules that have been proposed but not filed for adoption.~~

~~6.8-~~ Any other material required or authorized by law or deemed useful by the department.

40-01075-12 20121084

The department may contract with a publishing firm for a printed publication ~~shall publish a printed version~~ of the Florida Administrative Register Weekly and make copies available on an annual subscription basis. ~~The department may contract with a publishing firm for printed publication of the Florida Administrative Weekly.~~

~~(e) Review notices for compliance with format and numbering requirements before publishing them on the Florida Administrative Weekly Internet website.~~

(c) ~~(d)~~ Prescribe by rule the style and form required for rules, notices, and other materials submitted for filing.

~~(e) Correct grammatical, typographical, and like errors not affecting the construction or meaning of the rules, after having obtained the advice and consent of the appropriate agency, and insert history notes.~~

(d) ~~(f)~~ Charge each agency using the Florida Administrative Register Weekly a space rate to cover the costs related to the Florida Administrative Register Weekly and the Florida Administrative Code.

(e) ~~(g)~~ Maintain a permanent record of all notices published in the Florida Administrative Register Weekly.

(2) The Florida Administrative Register Weekly Internet website must allow users to:

(a) Search for notices by type, publication date, rule number, word, subject, and agency.

(b) Search a database that makes available all notices published on the website for a period of at least 5 years.

(c) Subscribe to an automated e-mail notification of selected notices to be sent out before or concurrently with

40-01075-12 20121084

~~weekly~~ publication of the ~~printed and~~ electronic Florida Administrative Register Weekly. Such notification must include in the text of the e-mail a summary of the content of each notice.

(d) View agency forms and other materials submitted to the department in electronic form and incorporated by reference in proposed rules.

(e) Comment on proposed rules.

(3) Publication of material required by paragraph (1)(b) on the Florida Administrative Register Weekly Internet website does not preclude publication of such material on an agency's website or by other means.

(4) Each agency shall provide copies of its rules upon request, with citations to the grant of rulemaking authority and the specific law implemented for each rule.

(5) Any publication of a proposed rule promulgated by an agency, whether published in the Florida Administrative Register Code or elsewhere, shall include, along with the rule, the name of the person or persons originating such rule, the name of the agency head who approved the rule, and the date upon which the rule was approved.

(6) Access to the Florida Administrative Register Weekly Internet website and its contents, including the e-mail notification service, shall be free for the public.

~~(7)(a) Each year the Department of State shall furnish the Florida Administrative Weekly, without charge and upon request, as follows:~~

~~1. One subscription to each federal and state court having jurisdiction over the residents of the state; the Legislative~~

40-01075-12 20121084

Library; each state university library; the State Library; each  
depository library designated pursuant to s. 257.05; and each  
standing committee of the Senate and House of Representatives  
and each state legislator.

2. ~~Two subscriptions to each state department.~~

3. ~~Three subscriptions to the library of the Supreme Court  
of Florida, the library of each state district court of appeal,  
the division, the library of the Attorney General, each law  
school library in Florida, the Secretary of the Senate, and the  
Clerk of the House of Representatives.~~

4. ~~Ten subscriptions to the committee.~~

~~(b) The Department of State shall furnish one copy of the  
Florida Administrative Weekly, at no cost, to each clerk of the  
circuit court and each state department, for posting for public  
inspection.~~

~~(7)(8)~~(a) All fees and moneys collected by the Department  
of State under this chapter shall be deposited in the Records  
Management Trust Fund for the purpose of paying for costs  
incurred by the department in carrying out this chapter.

(b) The unencumbered balance in the Records Management  
Trust Fund for fees collected pursuant to this chapter may not  
exceed \$300,000 at the beginning of each fiscal year, and any  
excess shall be transferred to the General Revenue Fund.

Section 2. The Division of Statutory Revision of the Office  
of Legislative Services is requested to prepare a reviser's bill  
for the 2013 Regular Session of the Legislature to substitute  
the term "Florida Administrative Register" for the term "Florida  
Administrative Weekly" throughout the Florida Statutes.

Section 3. This act shall take effect October 1, 2012.

S1084

GENERAL BILL by Garcia; (Identical H 0541)

Administrative Procedures. EFFECTIVE DATE: 10/01/2012.

01/30/12 S On Committee agenda-- Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, 02/02/12, 10:00 am, 110 Senate Office Building

02/02/12 S Favorable by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; YEAS 12 NAYS 0 -SJ 325 ; Now in Budget -SJ 325

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic  
Development Appropriations

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BILL: CS/SB 1204

INTRODUCER: Commerce and Tourism Committee and Commerce and Tourism Committee

SUBJECT: Governmental Reorganization

DATE: January 25, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Hrdlicka	CM	<b>Favorable</b>
2.	Martin/Smith	Meyer, R.	BTA	<b>Favorable</b>
3.			BC	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |  |   |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>                   | Technical amendments were recommended   |
|                              | <input type="checkbox"/>                   | Amendments were recommended             |
|                              | <input type="checkbox"/>                   | Significant amendments were recommended |

**I. Summary:**

CS/SB 1204 is the result of a review of the Florida Statutes for changes necessary due to the governmental reorganization provided by ch. 2011-142, L.O.F. The CS updates references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation; updates provisions or references which were enacted by other chapter laws; revises provisions or references which were drafting errors; and repeals any remaining outdated provisions.

This CS amends the following sections of the Florida Statutes: 20.60, 68.096, 68.105, 159.81, 163.2517, 163.3178, 163.3191, 163.3204, 163.3221, 163.3246, 163.3247, 163.336, 163.458, 163.460, 163.461, 163.462, 163.5055, 163.506, 163.508, 163.511, 163.512, 212.096, 213.053, 215.55865, 218.411, 220.153, 220.183, 220.194, 258.501, 259.042, 259.101, 282.201, 288.021, 288.1045, 288.106, 288.108, 288.1083, 288.1089, 288.1097, 288.11621, 288.1168, 288.1171, 288.1254, 288.714, 288.7102, 288.987, 290.0055, 290.0065, 290.00726, 290.00727, 290.00728, 311.09, 320.08058, 320.080578, 339.135, 342.201, 377.703, 377.809, 380.06, 402.56, 403.0891, 420.503, 420.507, 420.101, 420.0005, 420.0006, 443.036, 443.091, 443.111, 443.141, 443.1715, 443.17161, 446.50, 450.261, 509.032, 624.5105, 1002.75, 1002.79, 259.035, 288.12265, 288.901, 288.980, and 331.3081.

This CS repeals ss. 163.03, 373.461(5), and 379.2353, F.S.

## **II. Present Situation:**

### **Governmental Reorganization<sup>1</sup>**

Chapter 2011-142, L.O.F. (the law), reorganized the land planning and community development, workforce development, and economic development functions of state government. Many of the functions and responsibilities of the Department of Community Affairs (DCA), the Agency for Workforce Innovation (AWI), and the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor (OTTED) were transferred into a new state agency called the Department of Economic Opportunity (DEO).

### **Public/Private Partnerships**

The law also reorganized several public/private partnerships. The Florida Sports Foundation and the Black Business Investment Board were merged into Enterprise Florida, Inc (EFI). The Florida Commission on Tourism was abolished and much of its responsibilities and functions were transferred to the Division of Tourism Promotion within EFI. The Florida Tourism Industry Marketing Corporation (Visit Florida) was directed to contract with EFI. Further, the appointed members of the board of directors for EFI now also serve as the board of directors of Space Florida, which is still an independent special district.

### **Other Transfers**

Other functions of DCA, AWI, and OTTED were transferred to other state agencies, including:

- The Florida Building Code Commission was transferred from DCA to the Department of Business and Professional Regulation.
- The Division of Emergency Management (DEM) was administratively housed within DCA, but was a separate budget entity and was not subject to control, supervision, or direction by DCA. DEM was transferred to the Executive Office of the Governor, while retaining its status as a separate budget entity.
- The Florida Communities Trust, the Parks and Open Space Florida Forever Grant Program, and the Stan Mayfield Working Waterfronts Florida Forever Grant Program were transferred from DCA to the Department of Environmental Protection.
- The Office of Early Learning within AWI was transferred to the Department of Education as a separate budget entity and is not subject to control, supervision, or direction by the department.

### **Office of Energy**

Additionally, the law reorganized a portion of the state's energy policy, by abolishing the Florida Energy and Climate Commission (FECC) and transferring the majority of its functions and

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<sup>1</sup> For further information see Committee on Commerce and Tourism, the Florida Senate, Identification, Review, and Recommendation Relating to Statutory Changes Necessary to Implement the Governmental Reorganization Required by ch. 2011-142, L.O.F. (October 2011), Interim Report 2012-112, available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-112cm.pdf> (last visited 1/13/2012).

responsibilities to the Department of Agriculture and Consumer Services (DACS). There is now an Office of Energy within DACS.<sup>2</sup> Additionally, FECC's emergency management responsibilities were transferred to the Division of Emergency Management and administration of the Coastal Energy Impact Program was transferred to the Department of Environmental Protection.

### **Ready to Work**

The law also transferred the administration of the Florida Ready to Work Program from the Department of Education to DEO.<sup>3</sup> However, the program must be implemented by DEO in coordination with the Department of Education.

### **Interim Report 2012-112**

The Legislature recognized the need to conform the Florida Statutes to the policy decisions reflected in ch. 2011-142, L.O.F., and resolve apparent conflicts between any other legislation passed during the 2011 Regular Session and the transfer of duties made by the law.<sup>4</sup> Interim Report 2012-112 reviewed the reorganization provided for in ch. 2011-142, L.O.F., and Florida Statutes for any statutory changes necessary to implement the law.

This included review of the Florida Statutes for obsolete references, inconsistencies, or statutory notes by the Division of Statutory Revision related to the reorganization.<sup>5</sup> Additionally, staff contacted the transition coordinators for the various affected agencies for input.

Committee staff found several references remaining in statute to DCA, AWI, and OTTED. Some of these references exist due to other laws passed in the 2011 Regular Session. Additionally, committee staff discovered some idiosyncrasies due to multiple revisions of the original bill. Some agencies and transition coordinators also directed staff to inappropriate changes in references.

### **III. Effect of Proposed Changes:**

Based upon the review of the Florida Statutes, Interim Report 2012-112 recommended that draft legislation be developed to:

- Update references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation;
- Update provisions or references which were enacted by other chapter laws;
- Revise provisions or references which were drafting errors; and

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<sup>2</sup> See the Office of Energy website, which includes a history of state entities dealing with Florida energy policy, available at <http://www.freshfromflorida.com/offices/energy/> (last visited 1/13/2012).

<sup>3</sup> Florida Ready to Work is an employee credentialing program that is funded by the state. The program allows participants to take a skills test and credentialing classes online to earn a "career readiness certificate."

<sup>4</sup> Section 10, ch. 2011-142, L.O.F., also directs the Division of Statutory Revision to assist substantive committees to identify issues.

<sup>5</sup> The Division of Statutory Revision of the Office of Legislative Services reviews Florida Statutes, in part, to remove inconsistencies and otherwise improve the clarity and facilitate the correct and proper interpretation of the statutes. Any revision the division makes to a statute, either complete, partial, or topical, is accompanied by revision and history notes, showing the changes made and the reason for such recommended change.

- Repeal any remaining outdated provisions.

Specifically, CS/SB 1204 implements these recommendations in the following manner:

### **Update references to the former Department of Community Affairs**

**Sections 1 and 2** update references in the Florida Access to Civil Legal Assistance Act in ss. 68.096 and 68.105, F.S., related to administration of the program from DCA to the Department of Legal Affairs. This program was funded through the Department of Legal Affairs in the FY 2011-12 budget.<sup>6</sup>

References in the following sections are updated to refer to DEO or the “state land planning agency,” which is currently DEO:

- s. 163.2517(6), F.S. (**Section 4**);
- s. 163.3178(3), F.S. (**Section 5**);
- s. 163.3204, F.S. (**Section 7**);
- s. 163.3221(14), F.S. (**Section 8**);
- s. 163.3246(1), F.S. (**Section 9**);
- s. 163.3247(5), F.S. (**Section 10**);
- s. 163.336(2), F.S. (**Section 11**);
- s. 163.458, F.S. (**Section 12**);
- s. 163.460, F.S. (**Section 13**);
- s. 163.461, F.S. (**Section 14**);
- s. 163.462, F.S. (**Section 15**);
- s. 163.5055(1), F.S. (**Section 16**);
- s. 163.506(1), F.S. (**Section 17**);
- s. 163.508(1), F.S. (**Section 18**);
- s. 163.511(1), F.S. (**Section 19**);
- s. 163.512(1), F.S. (**Section 20**);
- s. 218.411(1), F.S. (**Section 24**);
- s. 258.501, F.S. (**Section 28**);
- s. 259.042(3), F.S. (**Section 29**);
- s. 282.201(4), F.S. (**Section 31**);
- s. 311.09, F.S. (**Section 51**);
- s. 320.08058(62), F.S. (**Section 52**);
- s. 377.703(2), F.S. (**Section 55**);
- s. 403.0891(6), F.S. (**Section 59**); and
- s. 509.032(7), F.S. (**Section 73**).

**Section 5** also amends s. 163.3178, F.S., to remove obsolete language related to county marina siting plans and a defunct Coastal Resources Interagency Management Committee.

**Section 23** amends s. 215.55865, F.S., to update a reference from DCA to the Florida Building Commission.

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<sup>6</sup> Line 1294A, ch. 2011-69, L.O.F. The Legislature appropriated \$1 million from general revenue for the program.



**Section 30** amends s. 259.101(3), F.S., to update a reference from DCA to the Department of Environmental Protection.

**Section 54** amends s. 342.201, F.S., to correct a reference for the administration of the Waterfronts Florida Program. This program had been administered by DCA, but is currently administered by DEO.

References in the following sections are updated to refer to the executive director of DEO instead of the secretary of DCA:

- s. 420.503(8), F.S. (**Section 60**);
- s. 420.507(30), F.S. (**Section 61**);
- s. 420.101(1), F.S. (**Section 62**);
- s. 420.0005, F.S. (**Section 63**);
- s. 420.0006, F.S. (**Section 64**); and
- s. 450.261, F.S. (**Section 72**).

**Section 77** amends s. 259.035, F.S., to correct a reference to the number of members of the Acquisition and Restoration Council. The secretary of DCA was removed from the council by s. 119, ch. 2011-142, L.O.F.

**Section 83** repeals s. 163.03, F.S., which deals specifically with the powers and duties of the secretary of DCA and functions of DCA. Much of these powers, duties, and functions have been transferred to DEO.<sup>7</sup>

#### **Update references to the former Agency for Workforce Innovation**

References in the following sections are updated to refer to DEO:

- s. 212.096(1), F.S. (**Section 21**);
- s. 220.194(3), F.S. (**Section 27**);
- s. 288.021(1), F.S. (**Section 32**);
- s. 443.036(26), F.S. (**Section 65**);
- s. 443.091(1), F.S. (**Section 66**);
- s. 443.111(5), F.S. (**Section 67**);
- s. 443.141(1), F.S. (**Section 68**);
- s. 443.1715(2), F.S. (**Section 69**);
- s. 443.17161, F.S. (**Section 70**);
- s. 446.50(2), F.S. (**Section 71**);
- s. 1002.75(4), F.S. (**Section 75**); and
- s. 1002.79(2), F.S. (**Section 76**).

**Section 58** amends s. 402.56(4), F.S., to correct a reference to the Office of Early Learning.

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<sup>7</sup> See s. 20.60, F.S.

**Update references to the former Office of Tourism, Trade, and Economic Development**

References in the following sections are updated to refer to DEO:

- s. 159.81(1), F.S. (**Section 3**);
- s. 213.053(8), F.S. (**Section 22**);
- s. 220.153, F.S. (**Section 25**);
- s. 220.183(2), F.S. (**Section 26**);
- s. 220.194, F.S. (**Section 27**);
- s. 288.1045, F.S. (**Section 33**);
- s. 288.106, F.S. (**Section 34**);
- s. 288.108(3), F.S. (**Section 35**);
- s. 288.1083(3), F.S. (**Section 36**);
- s. 288.1089(2), F.S. (**Section 37**);
- s. 288.1097(2), F.S. (**Section 38**);
- s. 288.11621(3), F.S. (**Section 39**);
- s. 288.1168(6), F.S. (**Section 40**);
- s. 288.1171(4), F.S. (**Section 41**);
- s. 288.1254(8), F.S. (**Section 42**);
- s. 288.987, F.S. (**Section 45**);
- s. 290.0055(6), F.S. (**Section 46**);
- s. 290.0065(4), F.S. (**Section 47**);
- s. 290.00726, F.S. (**Section 48**);
- s. 290.00727, F.S. (**Section 49**);
- s. 290.00728, F.S. (**Section 50**);
- s. 339.135(5), F.S. (**Section 53**);
- s. 377.809(4), F.S. (**Section 56**);
- s. 380.06(19), F.S. (**Section 57**); and
- s. 624.5105(3), F.S. (**Section 74**).

**Section 80** amends s. 288.980, F.S., to correct a reference to the number of grant programs relating to the Florida Economic Reinvestment Initiative. It also updates a reference to the former OTTED.

**Section 84** repeals s. 373.461(5), F.S., which deals with the purchase of land for the restoration of the Lake Apopka Basin and certain requirements which had to be met in 1997.

**Section 85** repeals s. 379.2353, F.S., which deals with enterprise zone designations for communities suffering adverse impacts from the adoption of the 1995 constitutional amendment limiting the use of nets to harvest marine species. The statute states that any enterprise zone that designated under the paragraph which was effective on or before January 1, 2005, would cease to exist after December 31, 2005. Redesignated enterprise zones after that date were required to comply with the Florida Enterprise Zone Act in ch. 290, F.S.

**Update references to Public/Private Partnerships**

**Sections 43 and 44** amend ss. 288.714(2) and 288.7102(7), F.S., to update references to the former Black Business Investment Board.

**Section 52** amends s. 320.08058(9) and (35), F.S., to update references from the former Florida Sports Foundation to EFI.

**Section 78** amends s. 288.12265, F.S., to authorize EFI to contract with the Florida Tourism Industry Marketing Corporation (Visit Florida) for the management and operation of the welcome centers.

**Section 79** amends s. 288.901(5), F.S., to limit the requirement that members of the board of directors of EFI be confirmed by the Senate to those members who are appointed by the Governor. Members appointed by the President of the Senate or the Speaker of the House of Representatives would not be confirmed by the Senate.

**Section 81** amends s. 331.3081, F.S., to add the Governor or the Governor's designee as a member and chair of the board of directors of Space Florida. This increases the number of members on the board from an even 12 to 13-members. Historically, the Governor or Lieutenant Governor has served on the board as the chair. Additionally, the CS eliminates the advisory board for Space Florida.

**Department of Economic Opportunity**

**Section 82** amends s. 20.60, F.S., to add the Division of Information Technology to DEO. This division already exists within the organizational structure of DEO.

**Cross-References**

**Section 6** amends s. 163.3191(3), F.S., to update a cross-reference.

**Section 57** amends s. 380.06(6), (24), and (29), F.S., to update cross-references.

**Effective Date**

**Section 86** provides an effective date of upon becoming law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism on 1/19/2012:**

The committee substitute makes the following changes to the bill as originally filed:

- Removes obsolete language related to county marina siting plans and a defunct Coastal Resources Interagency Management Committee;
- Eliminates the advisory board for Space Florida; and
- Adds the Division of Information Technology to DEO.

B. Amendments:

None.

By the Committees on Commerce and Tourism; and Commerce and Tourism

577-02028-12

20121204c1

1 A bill to be entitled  
 2 An act relating to governmental reorganization;  
 3 amending ss. 68.096, 68.105, 159.81, 163.2517,  
 4 163.3178, 163.3191, 163.3204, 163.3221, 163.3246,  
 5 163.3247, 163.336, 163.458, 163.460, 163.461, 163.462,  
 6 163.5055, 163.506, 163.508, 163.511, 163.512, 212.096,  
 7 213.053, 215.55865, 218.411, 220.153, 220.183,  
 8 220.194, 258.501, 259.042, 259.101, 282.201, 288.021,  
 9 288.1045, 288.106, 288.108, 288.1083, 288.1089,  
 10 288.1097, 288.11621, 288.1168, 288.1171, 288.1254,  
 11 288.714, 288.7102, 288.987, 290.0055, 290.0065,  
 12 290.00726, 290.00727, 290.00728, 311.09, 320.08058,  
 13 339.135, 342.201, 377.703, 377.809, 380.06, 402.56,  
 14 403.0891, 420.503, 420.507, 420.101, 420.0005,  
 15 420.0006, 443.036, 443.091, 443.111, 443.141,  
 16 443.1715, 443.17161, 446.50, 450.261, 509.032,  
 17 624.5105, 1002.75, and 1002.79, F.S.; correcting  
 18 references to agency names and divisions and  
 19 correcting cross-references to conform to the  
 20 governmental reorganization resulting from the  
 21 enactment of chapter 2011-142, Laws of Florida; making  
 22 technical and grammatical changes; amending s.  
 23 163.3178, F.S.; deleting obsolete provisions related  
 24 to countywide marina siting plans; conforming a cross-  
 25 reference; amending s. 259.035, F.S.; correcting a  
 26 reference to the number of members of the Acquisition  
 27 and Restoration Council; amending s. 288.12265, F.S.;  
 28 authorizing Enterprise Florida, Inc., to contract with  
 29 the Florida Tourism Industry Marketing Corporation for

Page 1 of 94

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

577-02028-12

20121204c1

30 management and operation of welcome centers; amending  
 31 s. 288.901, F.S.; limiting the requirement that  
 32 members of the board of directors of Enterprise  
 33 Florida, Inc., be confirmed by the Senate to those  
 34 members who are appointed by the Governor; amending s.  
 35 288.980, F.S.; changing a reference to the Office of  
 36 Tourism, Trade, and Economic Development to the  
 37 Department of Economic Opportunity; correcting the  
 38 number of grant programs relating to the Florida  
 39 Economic Reinvestment Initiative; amending s.  
 40 331.3081, F.S.; adding the Governor or the Governor's  
 41 designee as a member and chair of the board of  
 42 directors of Space Florida; deleting provisions  
 43 establishing the Space Florida advisory council;  
 44 amending s. 20.60, F.S.; establishing the Division of  
 45 Information Technology within the Department of  
 46 Economic Opportunity; repealing s. 163.03, F.S.,  
 47 relating to the powers and duties of the Secretary of  
 48 Community Affairs and functions of Department of  
 49 Community Affairs with respect to federal grant-in-aid  
 50 programs; amending s. 373.461, F.S.; removing obsolete  
 51 provisions related to the purchase of land for the  
 52 restoration of the Lake Apopka Basin; repealing s.  
 53 379.2353, F.S., relating to the designation of  
 54 enterprise zones in communities suffering adverse  
 55 impacts from the adoption of the constitutional  
 56 amendment limiting the use of nets to harvest marine  
 57 species; providing an effective date.  
 58

Page 2 of 94

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577-02028-12 20121204c1

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

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

68.096 Definitions.—For purposes of this act:

(1) "Department" means the Department of Legal Community Affairs.

Section 2. Section 68.105, Florida Statutes, is amended to read:

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

577-02028-12 20121204c1

services provided. The contracting organization shall provide to the department ~~of Community Affairs~~, within 60 days after completing of the completion of the contract, a report on the legal services provided, the state dollars saved, and the federal dollars brought into the state.

Section 3. Subsection (1) of section 159.81, Florida Statutes, is amended to read:

159.81 Unused allocations; carryforwards.—

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

Section 4. Paragraph (b) of subsection (6) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(6)

(b) If the local government fails to implement the urban infill and redevelopment plan in accordance with the deadlines set forth in the plan, the state land planning agency ~~Department of Community Affairs~~ may seek to rescind the economic and regulatory incentives granted to the urban infill and

577-02028-12 20121204c1

117 redevelopment area, subject to the provisions of chapter 120.  
 118 The action to rescind may be initiated 90 days after issuing a  
 119 written letter of warning to the local government.

120 Section 5. Paragraph (h) of subsection (2) and subsections  
 121 (3) and (6) of section 163.3178, Florida Statutes, are amended,  
 122 and present subsections (7) through (9) of that section are  
 123 renumbered as subsections (6) through (8), respectively, to  
 124 read:

125 163.3178 Coastal management.—

126 (2) Each coastal management element required by s.  
 127 163.3177(6)(g) shall be based on studies, surveys, and data; be  
 128 consistent with coastal resource plans prepared and adopted  
 129 pursuant to general or special law; and contain:

130 (h) Designation of coastal high-hazard areas and the  
 131 criteria for mitigation for a comprehensive plan amendment in a  
 132 coastal high-hazard area as defined in subsection (8) ~~(9)~~. The  
 133 coastal high-hazard area is the area below the elevation of the  
 134 category 1 storm surge line as established by a Sea, Lake, and  
 135 Overland Surges from Hurricanes (SLOSH) computerized storm surge  
 136 model. Application of mitigation and the application of  
 137 development and redevelopment policies, pursuant to s.  
 138 380.27(2), and any rules adopted thereunder, shall be at the  
 139 discretion of local government.

140 (3) Expansions to port harbors, spoil disposal sites,  
 141 navigation channels, turning basins, harbor berths, and other  
 142 related inwater harbor facilities of ports listed in s.  
 143 403.021(9); port transportation facilities and projects listed  
 144 in s. 311.07(3)(b); intermodal transportation facilities  
 145 identified pursuant to s. 311.09(3); and facilities determined

577-02028-12 20121204c1

146 by the state land planning agency ~~Department of Community~~  
 147 ~~Affairs~~ and applicable general-purpose local government to be  
 148 port-related industrial or commercial projects located within 3  
 149 miles of or in a port master plan area which rely upon the use  
 150 of port and intermodal transportation facilities may shall not  
 151 be designated as developments of regional impact if such  
 152 expansions, projects, or facilities are consistent with  
 153 comprehensive master plans that are in compliance with this  
 154 section.

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

169 Section 6. Subsection (3) of section 163.3191, Florida  
 170 Statutes, is amended to read:

171 163.3191 Evaluation and appraisal of comprehensive plan.—

172 (3) Local governments are encouraged to comprehensively  
 173 evaluate and, as necessary, update comprehensive plans to  
 174 reflect changes in local conditions. Plan amendments transmitted

577-02028-12 20121204c1

175 pursuant to this section shall be reviewed pursuant to ~~in~~  
176 ~~accordance with~~ s. 163.3184(4).

177 Section 7. Section 163.3204, Florida Statutes, is amended  
178 to read:

179 163.3204 Cooperation by state and regional agencies.—The  
180 state land planning agency ~~Department of Community Affairs~~ and  
181 any ad hoc working groups appointed by the department and all  
182 state and regional agencies involved in the administration and  
183 implementation of the Community Planning ~~this~~ Act shall  
184 cooperate and work with units of local government in the  
185 preparation and adoption of comprehensive plans, or elements or  
186 portions thereof, and of local land development regulations.

187 Section 8. Subsection (14) of section 163.3221, Florida  
188 Statutes, is amended to read:

189 163.3221 Florida Local Government Development Agreement  
190 Act; definitions.—As used in ss. 163.3220-163.3243:

191 (14) "State land planning agency" means the Department of  
192 Economic Opportunity ~~Community Affairs~~.

193 Section 9. Subsection (1) of section 163.3246, Florida  
194 Statutes, is amended to read:

195 163.3246 Local government comprehensive planning  
196 certification program.—

197 (1) There is created the Local Government Comprehensive  
198 Planning Certification Program to be administered by the state  
199 land planning agency ~~Department of Community Affairs~~. The  
200 purpose of the program is to create a certification process for  
201 local governments who identify a geographic area for  
202 certification within which they commit to directing growth and  
203 who, because of a demonstrated record of effectively adopting,

577-02028-12 20121204c1

204 implementing, and enforcing its comprehensive plan, the level of  
205 technical planning experience exhibited by the local government,  
206 and a commitment to implement exemplary planning practices,  
207 require less state and regional oversight of the comprehensive  
208 plan amendment process. The purpose of the certification area is  
209 to designate areas that are contiguous, compact, and appropriate  
210 for urban growth and development within a 10-year planning  
211 timeframe. Municipalities and counties are encouraged to jointly  
212 establish the certification area, and subsequently enter into  
213 joint certification agreement with the department.

214 Section 10. Paragraphs (a) and (b) of subsection (5) of  
215 section 163.3247, Florida Statutes, are amended to read:

216 163.3247 Century Commission for a Sustainable Florida.—

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

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

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

228 Section 11. Paragraph (c) of subsection (2) of section  
229 163.336, Florida Statutes, is amended to read:

230 163.336 Coastal resort area redevelopment pilot project.—

231 (2) PILOT PROJECT ADMINISTRATION.—

232 (c) The Office of the Governor, the Department of



577-02028-12 20121204c1

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

Section 12. Section 163.458, Florida Statutes, is amended to read:

163.458 Three-tiered plan.—The Department of Economic Opportunity ~~may Community Affairs~~ is authorized to award core administrative and operating grants. Administrative and operating grants shall be used for staff salaries and administrative expenses for eligible community-based development organizations selected through a competitive three-tiered process for the purpose of housing and economic development projects. The department shall adopt by rule a set of criteria for three-tiered funding which ~~that~~ shall ensure equitable geographic distribution of the funding throughout the state. This three-tiered plan shall include emerging, intermediate, and mature community-based development organizations recognizing the varying needs of the three tiers. Funding shall be provided for core administrative and operating grants for all levels of community-based development organizations. Priority shall be given to those organizations that demonstrate community-based productivity and high performance as evidenced by past projects developed with stakeholder input that have responded to neighborhood needs, and have current projects located in high-poverty neighborhoods, and to emerging community-based development corporations that demonstrate a positive need

577-02028-12 20121204c1

identified by stakeholders. Persons, equipment, supplies, and other resources funded in whole or in part by grant funds shall be used ~~utilized~~ to further the purposes of the Community-Based Development Organization Assistance ~~this~~ Act, and may be used ~~utilized~~ to further the goals and objectives of the Front Porch Florida Initiative. Each community-based development organization is ~~shall be~~ eligible to apply for a grant of up to \$50,000 per year for a period of 5 years.

Section 13. Section 163.460, Florida Statutes, is amended to read:

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

(1) A map and narrative description of the service areas for the community-based development organization.

(2) A copy of the documents creating the community-based development organization.

(3) A listing of the membership of the board of the community-based development organization, including individual members' terms of office and the number of low-income residents on the board.

(4) The organization's annual revitalization plan that describes the expenditure of the funds, including goals, objectives, and expected results, and has a clear relationship to the local municipality's comprehensive plan.

(5) Other supporting information that may be required by

577-02028-12 20121204c1

the Department of Economic Opportunity ~~Community Affairs~~ to determine the organization's capacity and productivity.

(6) A description of the location, financing plan, and potential impact of the business enterprises on residential, commercial, or industrial development, which ~~that~~ shows a clear relationship to the organization's annual revitalization plan and demonstrates how the proposed expenditures are directly related to the scope of work for the proposed projects in the annual revitalization plan.

Section 14. Section 163.461, Florida Statutes, is amended to read:

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

(1) A listing of business firms and individuals assisted by the community-based development organization during the reporting period.

(2) A listing of the type, source, purpose, and amount of each individual grant, loan, or donation received by the community-based development organization during the reporting period.

(3) The number of paid and voluntary positions within the community-based development organization.

(4) A listing of the salaries and administrative and operating expenses of the community-based development organization.

(5) An identification and explanation of changes in the

577-02028-12 20121204c1

boundaries of the target area.

(6) The amount of earned income from projects, programs, and development activities.

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

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

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

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

(11) The number of jobs, both permanent and temporary, received by individuals who were directly assisted by the community-based development organization through assistance to

577-02028-12 20121204c1

the business such as a loan or other credit assistance.

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

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

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

Section 15. Section 163.462, Florida Statutes, is amended to read:

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

Section 16. Subsection (1) of section 163.5055, Florida Statutes, is amended to read:

163.5055 Registration of district establishment; notice of dissolution.—

(1) (a) Each neighborhood improvement district authorized and established under this part shall within 30 days thereof register with both the Department of Economic Opportunity ~~Community Affairs~~ and the Department of Legal Affairs by providing these departments with the district's name, location, size, and type, and such other information as the departments may require.

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

577-02028-12 20121204c1

Legal Affairs within 30 days after the dissolution of the district.

Section 17. Paragraph (h) of subsection (1) of section 163.506, Florida Statutes, is amended to read:

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

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

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

Section 18. Paragraph (g) of subsection (1) of section 163.508, Florida Statutes, is amended to read:

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

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

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

577-02028-12 20121204c1

407 pursuant to s. 163.5055.

408 Section 19. Paragraph (i) of subsection (1) of section  
409 163.511, Florida Statutes, is amended to read:

410 163.511 Special neighborhood improvement districts;  
411 creation; referendum; board of directors; duration; extension.—

412 (1) After a local planning ordinance has been adopted  
413 authorizing the creation of special neighborhood improvement  
414 districts, the governing body of a municipality or county may  
415 declare the need for and create special residential or business  
416 neighborhood improvement districts by the enactment of a  
417 separate ordinance for each district, which ordinance:

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

422 Section 20. Paragraph (i) of subsection (1) of section  
423 163.512, Florida Statutes, is amended to read:

424 163.512 Community redevelopment neighborhood improvement  
425 districts; creation; advisory council; dissolution.—

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

433 (i) Requires the district to notify the Department of Legal  
434 Affairs and the Department of Economic Opportunity Community  
435 ~~Affairs~~ in writing of its establishment within 30 days thereof

577-02028-12 20121204c1

436 pursuant to s. 163.5055.

437 Section 21. Paragraph (d) of subsection (1) of section  
438 212.096, Florida Statutes, is amended to read:

439 212.096 Sales, rental, storage, use tax; enterprise zone  
440 jobs credit against sales tax.—

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

443 (d) "Job" means a full-time position, as consistent with  
444 terms used by the Department of Economic Opportunity Agency ~~for~~  
445 ~~Workforce Innovation~~ and the United States Department of Labor  
446 for purposes of unemployment compensation tax administration and  
447 employment estimation resulting directly from a business  
448 operation in this state. This term does ~~may~~ not include a  
449 temporary construction job involved with the construction of  
450 facilities or any job that has previously been included in any  
451 application for tax credits under s. 220.181(1). The term also  
452 includes employment of an employee leased from an employee  
453 leasing company licensed under chapter 468 if such employee has  
454 been continuously leased to the employer for an average of at  
455 least 36 hours per week for more than 6 months.

456  
457 A person shall be deemed to be employed if the person performs  
458 duties in connection with the operations of the business on a  
459 regular, full-time basis, provided the person is performing such  
460 duties for an average of at least 36 hours per week each month.  
461 The person must be performing such duties at a business site  
462 located in the enterprise zone.

463 Section 22. Paragraphs (k) and (bb) of subsection (8) of  
464 section 213.053, Florida Statutes, are amended, and present

577-02028-12 20121204c1

paragraphs (l) through (bb) of that subsection are redesignated as paragraphs (k) through (aa), respectively, to read:

213.053 Confidentiality and information sharing.—

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

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

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

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

Section 23. Section 215.55865, Florida Statutes, is amended to read:

215.55865 Uniform home grading scale.—The Financial Services Commission shall adopt a uniform home grading scale to grade the ability of a home to withstand the wind load from a sustained severe tropical storm or hurricane. The commission shall coordinate with the Office of Insurance Regulation, the Department of Financial Services, and the Florida Building

577-02028-12 20121204c1

Commission Department of Community Affairs in developing the grading scale, which must be based upon and consistent with the rating system required by chapter 2006-12, Laws of Florida. ~~The commission shall adopt the uniform grading scale by rule no later than June 30, 2007.~~

Section 24. Paragraph (c) of subsection (1) of section 218.411, Florida Statutes, is amended to read:

218.411 Authorization for state technical and advisory assistance.—

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

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

Section 25. Subsections (1), (2), and (3), paragraphs (b) and (c) of subsection (4), and subsection (5) of section 220.153, Florida Statutes, are amended to read:

220.153 Apportionment by sales factor.—

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

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

~~(b)~~ "qualified capital expenditures" means expenditures in this state for purposes substantially related to a business's production or sale of goods or services. The expenditure must fund the acquisition of additional real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially

577-02028-12 20121204c1

extend its useful life or materially improve or change its functional use and the furniture and equipment necessary to furnish and operate a new or improved facility. The term "~~qualified capital expenditures~~" does not include an expenditure for a passive investment or for an investment intended for the accumulation of reserves or the realization of profit for distribution to any person holding an ownership interest in the business. The term "~~qualified capital expenditures~~" does not include expenditures to acquire an existing business or expenditures in excess of \$125 million to acquire land or buildings.

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

(3) QUALIFICATION PROCESS.—

(a) To qualify as a taxpayer who is eligible to apportion

577-02028-12 20121204c1

its adjusted federal income under this section:

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

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

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

(4) REVIEW AUTHORITY; RECAPTURE OF TAX.—

(b) The Department of Economic Opportunity ~~office~~ may, by order, revoke its decision to grant eligibility for apportionment pursuant to this section, and may also order the recalculation of apportionment factors to those applicable under s. 220.15 if, as the result of an audit, investigation, or examination, it determines that information provided by the

577-02028-12 20121204c1

581 taxpayer in the application, or in a statement, representation,  
 582 record, report, plan, or other document provided to the  
 583 Department of Economic Opportunity ~~office~~ to become eligible for  
 584 apportionment, was materially false at the time it was made and  
 585 that an individual acting on behalf of the taxpayer knew, or  
 586 should have known, that the information submitted was false. The  
 587 taxpayer shall pay such additional taxes and interest as may be  
 588 due pursuant to this chapter computed as the difference between  
 589 the tax that would have been due under the apportionment formula  
 590 provided in s. 220.15 for such years and the tax actually paid.  
 591 In addition, the department shall assess a penalty equal to 100  
 592 percent of the additional tax due.

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

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

609 Section 26. Paragraph (b) of subsection (2) of section

577-02028-12 20121204c1

610 220.183, Florida Statutes, is amended to read:

611 220.183 Community contribution tax credit.—

612 (2) ELIGIBILITY REQUIREMENTS.—

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

615 2. If, during the first 10 business days of the state  
 616 fiscal year, eligible tax credit applications for projects that  
 617 provide homeownership opportunities for low-income or very-low-  
 618 income households as defined in s. 420.9071(19) and (28) are  
 619 received for less than the annual tax credits available for  
 620 those projects, the Department of Economic Opportunity shall  
 621 grant tax credits for those applications and shall grant  
 622 remaining tax credits on a first-come, first-served basis for  
 623 any subsequent eligible applications received before the end of  
 624 the state fiscal year. If, during the first 10 business days of  
 625 the state fiscal year, eligible tax credit applications for  
 626 projects that provide homeownership opportunities for low-income  
 627 or very-low-income households as defined in s. 420.9071(19) and  
 628 (28) are received for more than the annual tax credits available  
 629 for those projects, the Department of Economic Opportunity  
 630 ~~office~~ shall grant the tax credits for those applications as  
 631 follows:

632 a. If tax credit applications submitted for approved  
 633 projects of an eligible sponsor do not exceed \$200,000 in total,  
 634 the credit shall be granted in full if the tax credit  
 635 applications are approved.

636 b. If tax credit applications submitted for approved  
 637 projects of an eligible sponsor exceed \$200,000 in total, the  
 638 amount of tax credits granted under sub-subparagraph a. shall be

577-02028-12 20121204c1

subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

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

Section 27. Paragraphs (b), (d), (e), and (f) of subsection (3), paragraphs (a), (c), and (e) of subsection (4), subsection (5), paragraph (b) of subsection (6), paragraphs (a), (b), (d), and (e) of subsection (7), paragraph (a) of subsection (8), and subsection (9) of section 220.194, Florida Statutes, are amended to read:

220.194 Corporate income tax credits for spaceflight projects.—

577-02028-12 20121204c1

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

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

(d) "New job" means the full-time employment of an employee in a manner that is consistent with terms used by the Department of Economic Opportunity Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation. In order to meet the requirement for certification specified in paragraph (5) (b), a new job must:

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

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

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

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

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

(4) TAX CREDITS.—



577-02028-12

20121204c1

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

1. A certified spaceflight business may take a nontransferable corporate income tax credit for up to 50 percent of the business's tax liability under this chapter for the taxable year in which the credit is taken. The maximum nontransferable tax credit amount that may be approved per taxpayer for a taxable year is \$1 million. No more than \$3 million in total tax credits pursuant to this subparagraph may be certified pursuant to subsection (5). No credit may be approved after October 1, 2017.

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

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

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

(II) Have incurred a qualifying net operating loss on activity in this state after July 1, 2011, directly associated

577-02028-12

20121204c1

with one or more spaceflight projects in any of its 3 previous taxable years;

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

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

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

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

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

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

(e) The certified spaceflight business or transferee must demonstrate to the satisfaction of the Department of Economic Opportunity ~~office~~ and the department that it is eligible to

577-02028-12

20121204c1

take the credits approved under this section.

(5) APPLICATION AND CERTIFICATION.—

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

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

2. The Department of Economic Opportunity ~~office~~ has 60

577-02028-12

20121204c1

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

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

1. The application must include:

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

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

(I) The taxpayer is a spaceflight business.

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

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

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

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

577-02028-12 20121204c1

813 taxable years.

814 d. The total amount and types of credits sought.

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

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

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

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

828 2. Within 60 days after receipt of the application for  
829 certification, the Department of Economic Opportunity ~~office~~  
830 shall evaluate the application and recommend the business for  
831 certification or denial. The executive director of the  
832 Department of Economic Opportunity ~~office~~ must approve or deny  
833 the application within 30 days after receiving the  
834 recommendation. If approved, the Department of Economic  
835 Opportunity ~~office~~ must provide a letter of certification to the  
836 applicant consistent with any restrictions imposed. If the  
837 Department of Economic Opportunity ~~office~~ denies any part of the  
838 requested credit, the Department of Economic Opportunity ~~office~~  
839 must inform the applicant of the grounds for the denial. A copy  
840 of the certification shall be submitted to the department within  
841 10 days after the executive director's approval.

577-02028-12 20121204c1

842 (6) TRANSFERABILITY OF CREDIT.—

843 (b) In order to perfect the transfer, the transferor shall  
844 provide the department with a written transfer statement that  
845 has been approved by the Department of Economic Opportunity  
846 ~~office~~ notifying the department of the transferor's intent to  
847 transfer the tax credits to the transferee; the date that the  
848 transfer is effective; the transferee's name, address, and  
849 federal taxpayer identification number; the tax period; and the  
850 amount of tax credits to be transferred. Upon receipt of the  
851 approved transfer statement, the department shall provide the  
852 transferee and the Department of Economic Opportunity ~~office~~  
853 with a certificate reflecting the tax credit amounts  
854 transferred. A copy of the certificate must be attached to each  
855 tax return for which the transferee seeks to apply the credits.

856 (7) AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

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

867 (b) Grounds for forfeiture of previously claimed tax  
868 credits approved under this section exist if the department  
869 determines, as a result of an audit or examination, or from  
870 information received from the Department of Economic Opportunity

577-02028-12 20121204c1

office, that a certified spaceflight business, or in the case of transferred tax credits, a taxpayer received tax credits for which the certified spaceflight business or taxpayer was not entitled. The spaceflight business or transferee must file an amended return reflecting the disallowed credits and paying any tax due as a result of the amendment.

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

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

(8) RULES.—

(a) The Department of Economic Opportunity ~~office~~, in consultation with Space Florida, shall adopt rules to administer this section, including rules relating to application forms for

577-02028-12 20121204c1

credit approval and certification, and the application and certification procedures, guidelines, and requirements necessary to administer this section.

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

Section 28. Paragraph (b) of subsection (3), paragraph (b) of subsection (4), subsection (6), paragraph (a) of subsection (7), and paragraph (c) of subsection (9) of section 258.501, Florida Statutes, are amended to read:

258.501 Myakka River; wild and scenic segment.—

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

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

(4) DESIGNATION OF WILD AND SCENIC RIVER.—

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

577-02028-12 20121204c1

929 ~~Affairs~~ with the city and county pursuant to this section.

930 (6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—

931 (a) Sarasota County and the City of North Port shall amend  
 932 their comprehensive plans so that the parts of such plans that  
 933 affect the wild and scenic protection zone conform to, or are  
 934 more stringent than, this section, the river management plan,  
 935 and management guidelines and performance standards to be  
 936 developed and contained within agreements to be adopted by the  
 937 department, the Department of Economic Opportunity Community  
 938 ~~Affairs~~, and the city and county. The guidelines and performance  
 939 standards must be used by the department and the Department of  
 940 Economic Opportunity Community Affairs to review and monitor the  
 941 regulation of activities by the city and county in the wild and  
 942 scenic protection zone. Amendments to those comprehensive plans  
 943 must include specific policies and guidelines for minimizing  
 944 adverse impacts on resources in the river area and for managing  
 945 the wild and scenic protection zone in conformance with this  
 946 section, the river management plan, and the agreement. Such  
 947 comprehensive plans must be amended within 1 year after the  
 948 adoption date of the agreement, and thereafter, within 6 months  
 949 following an amendment to this section, the river management  
 950 plan, or the agreement, as may be necessary. For the purposes  
 951 established in this subsection, such amendments need not conform  
 952 to statutory or local ordinance limitations on the frequency of  
 953 consideration of amendments to local comprehensive plans.

954 (b) Sarasota County and the City of North Port shall adopt  
 955 or amend, within 1 year after the department and the Department  
 956 of Economic Opportunity Community Affairs adopt with the city  
 957 and with the county agreements for regulating activities in the

577-02028-12 20121204c1

958 wild and scenic protection zone, any necessary ordinances and  
 959 land development regulations so that those ordinances and  
 960 regulations conform to the purposes of this section, the river  
 961 management plan, and the agreement. Thereafter, following any  
 962 amendment to this section, the river management plan, or the  
 963 agreement, the city and county must amend or adopt, within 1  
 964 year, appropriate ordinances and land development regulations to  
 965 maintain such local ordinances and regulations in conformance  
 966 with this section, the river management plan, and the agreement.  
 967 Those ordinances and regulations must provide that activities  
 968 must be prohibited, or must undergo review and either be denied  
 969 or permitted with or without conditions, so as to minimize  
 970 potential adverse physical and visual impacts on resource values  
 971 in the river area and to minimize adverse impacts on private  
 972 landowners' use of land for residential purposes. The resource  
 973 values of concern are those identified in this section and by  
 974 the coordinating council in the river management plan.  
 975 Activities which may be prohibited, subject to the agreement,  
 976 include, but are not limited to, landfills, clear cuttings,  
 977 major new infrastructure facilities, major activities that would  
 978 alter historic water or flood flows, multifamily residential  
 979 construction, commercial and industrial development, and mining  
 980 and major excavations. However, appurtenant structures for these  
 981 activities may be permitted if such structures do not have  
 982 adverse visual or measurable adverse environmental impacts to  
 983 resource values in the river area.

984 (c) If the Department of Economic Opportunity Community  
 985 ~~Affairs~~ determines that the local comprehensive plan or land  
 986 development regulations, as amended or supplemented by the local

577-02028-12 20121204c1

government, are not in conformance with the purposes of this section, the river management plan, and the agreement, the Department of Economic Opportunity ~~Community Affairs~~ shall issue a notice of intent to find the plan not in compliance and such plan shall be subject to the administrative proceedings in accordance with s. 163.3184.

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Department of Economic Opportunity ~~Community Affairs~~, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

(9) RULEMAKING AUTHORITY.—

(c) The department and the Department of Economic Opportunity ~~Community Affairs~~ must enter into agreements with the City of North Port and Sarasota County which ~~that~~ provide for guiding and monitoring the regulation of activities by the city and county, in accordance with subsection (6). Such agreements shall include guidelines and performance standards

577-02028-12 20121204c1

for regulating proposed activities so as to minimize adverse environmental and visual impacts of such activities on the resource values in the river area, and to minimize adverse impacts to landowners' use of land for residential purposes.

Section 29. Subsection (3) of section 259.042, Florida Statutes, is amended to read:

259.042 Tax increment financing for conservation lands.—

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

Section 30. Paragraph (c) of subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued

577-02028-12 20121204c1

1045 pursuant to this act shall be deposited into the Florida  
 1046 Preservation 2000 Trust Fund created by s. 375.045. In fiscal  
 1047 year 2000-2001, for each Florida Preservation 2000 program  
 1048 described in paragraphs (a)-(g), that portion of each program's  
 1049 total remaining cash balance which, as of June 30, 2000, is in  
 1050 excess of that program's total remaining appropriation balances  
 1051 shall be redistributed by the department and deposited into the  
 1052 Save Our Everglades Trust Fund for land acquisition. For  
 1053 purposes of calculating the total remaining cash balances for  
 1054 this redistribution, the Florida Preservation 2000 Series 2000  
 1055 bond proceeds, including interest thereon, and the fiscal year  
 1056 1999-2000 General Appropriations Act amounts shall be deducted  
 1057 from the remaining cash and appropriation balances,  
 1058 respectively. The remaining proceeds shall be distributed by the  
 1059 Department of Environmental Protection in the following manner:

1060 (c) Ten percent to the Department of Environmental  
 1061 Protection Community Affairs to provide land acquisition grants  
 1062 and loans to local governments through the Florida Communities  
 1063 Trust pursuant to part III of chapter 380. From funds allocated  
 1064 to the trust, \$3 million annually shall be used by the Division  
 1065 of State Lands within the Department of Environmental Protection  
 1066 to implement the Green Swamp Land Protection Initiative  
 1067 specifically for the purchase of conservation easements, as  
 1068 defined in s. 380.0677(3), of lands, or severable interests or  
 1069 rights in lands, in the Green Swamp Area of Critical State  
 1070 Concern. From funds allocated to the trust, \$3 million annually  
 1071 shall be used by the Monroe County Comprehensive Plan Land  
 1072 Authority specifically for the purchase of a real property  
 1073 interest in those lands subject to the Rate of Growth Ordinances

577-02028-12 20121204c1

1074 adopted by local governments in Monroe County or those lands  
 1075 within the boundary of an approved Conservation and Recreation  
 1076 Lands project located within the Florida Keys or Key West Areas  
 1077 of Critical State Concern; however, title to lands acquired  
 1078 within the boundary of an approved Conservation and Recreation  
 1079 Lands project may, in accordance with an approved joint  
 1080 acquisition agreement, vest in the Board of Trustees of the  
 1081 Internal Improvement Trust Fund. Of the remaining funds, one-  
 1082 half shall be matched by local governments on a dollar-for-  
 1083 dollar basis. To the extent allowed by federal requirements for  
 1084 the use of bond proceeds, the trust shall expend Preservation  
 1085 2000 funds to carry out the purposes of part III of chapter 380.

1086  
 1087 Local governments may use federal grants or loans, private  
 1088 donations, or environmental mitigation funds, including  
 1089 environmental mitigation funds required pursuant to s. 338.250,  
 1090 for any part or all of any local match required for the purposes  
 1091 described in this subsection. Bond proceeds allocated pursuant  
 1092 to paragraph (c) may be used to purchase lands on the priority  
 1093 lists developed pursuant to s. 259.035. Title to lands purchased  
 1094 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be  
 1095 vested in the Board of Trustees of the Internal Improvement  
 1096 Trust Fund. Title to lands purchased pursuant to paragraph (c)  
 1097 may be vested in the Board of Trustees of the Internal  
 1098 Improvement Trust Fund. The board of trustees shall hold title  
 1099 to land protection agreements and conservation easements that  
 1100 were or will be acquired pursuant to s. 380.0677, and the  
 1101 Southwest Florida Water Management District and the St. Johns  
 1102 River Water Management District shall monitor such agreements

577-02028-12 20121204c1

1103 and easements within their respective districts until the state  
 1104 assumes this responsibility.

1105 Section 31. Paragraphs (e) and (h) of subsection (4) of  
 1106 section 282.201, Florida Statutes, are amended to read:

1107 282.201 State data center system; agency duties and  
 1108 limitations.—A state data center system that includes all  
 1109 primary data centers, other nonprimary data centers, and  
 1110 computing facilities, and that provides an enterprise  
 1111 information technology service as defined in s. 282.0041, is  
 1112 established.

1113 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

1114 (e) During the 2012-2013 fiscal year, the following shall  
 1115 be consolidated into the Southwood Shared Resource Center:

1116 1. By September 30, 2012, the Division of Emergency  
 1117 Management ~~and the Department of Community Affairs~~, except for  
 1118 the Emergency Operation Center's management system in  
 1119 Tallahassee and the Camp Blanding Emergency Operations Center in  
 1120 Starke.

1121 2. By September 30, 2012, the Department of Revenue's  
 1122 Carlton Building and Imaging Center locations.

1123 3. By December 31, 2012, the Department of Health's Test  
 1124 and Development Lab and all remaining data center resources  
 1125 located at the Capital Circle Office Complex.

1126 (h) During the 2014-2015 fiscal year, the following  
 1127 agencies shall work with the Agency for Enterprise Information  
 1128 Technology to begin preliminary planning for consolidation into  
 1129 a primary data center:

1130 1. The Department of Health's Jacksonville Lab Data Center.

1131 2. The Department of Transportation's district offices,

577-02028-12 20121204c1

1132 toll offices, and the District Materials Office.

1133 3. The Department of Military Affairs' Camp Blanding Joint  
 1134 Training Center in Starke.

1135 4. ~~The Department of Community Affairs'~~ Camp Blanding  
 1136 Emergency Operations Center in Starke.

1137 5. The Department of Education's Division of Blind Services  
 1138 disaster recovery site in Daytona Beach.

1139 6. The Department of Education's disaster recovery site at  
 1140 Santa Fe College.

1141 7. The Department of the Lottery's Disaster Recovery Backup  
 1142 Data Center in Orlando.

1143 8. The Fish and Wildlife Conservation Commission's Fish and  
 1144 Wildlife Research Institute in St. Petersburg.

1145 9. The Department of Children and Family Services' Suncoast  
 1146 Data Center in Tampa.

1147 10. The Department of Children and Family Services' Florida  
 1148 State Hospital in Chattahoochee.

1149 Section 32. Subsection (1) of section 288.021, Florida  
 1150 Statutes, is amended to read:

1151 288.021 Economic development liaison.—

1152 (1) The heads of the Department of Transportation, the  
 1153 Department of Environmental Protection and an additional member  
 1154 appointed by the secretary of the department, ~~the Agency for~~  
 1155 ~~Workforce Innovation~~, the Department of Education, the  
 1156 Department of Management Services, the Department of Revenue,  
 1157 the Fish and Wildlife Conservation Commission, each water  
 1158 management district, and each Department of Transportation  
 1159 District office shall designate a high-level staff member from  
 1160 within such agency to serve as the economic development liaison



577-02028-12 20121204c1

1161 for the agency. This person shall report to the agency head and  
 1162 have general knowledge both of the state's permitting and other  
 1163 regulatory functions and of the state's economic goals,  
 1164 policies, and programs. This person shall also be the primary  
 1165 point of contact for the agency with the department on issues  
 1166 and projects important to the economic development of Florida,  
 1167 including its rural areas, to expedite project review, to ensure  
 1168 a prompt, effective response to problems arising with regard to  
 1169 permitting and regulatory functions, and to work closely with  
 1170 the other economic development liaisons to resolve interagency  
 1171 conflicts.

1172 Section 33. Paragraph (f) of subsection (2) and paragraph  
 1173 (c) of subsection (5) of section 288.1045, Florida Statutes, are  
 1174 amended to read:

1175 288.1045 Qualified defense contractor and space flight  
 1176 business tax refund program.—

1177 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1178 (f) After entering into a tax refund agreement pursuant to  
 1179 subsection (4), a qualified applicant may:

1180 1. Receive refunds from the account for corporate income  
 1181 taxes due and paid pursuant to chapter 220 by that business  
 1182 beginning with the first taxable year of the business which  
 1183 begins after entering into the agreement.

1184 2. Receive refunds from the account for the following taxes  
 1185 due and paid by that business after entering into the agreement:

1186 a. Taxes on sales, use, and other transactions paid  
 1187 pursuant to chapter 212.

1188 b. Intangible personal property taxes paid pursuant to  
 1189 chapter 199.

577-02028-12 20121204c1

1190 c. Excise taxes paid on documents pursuant to chapter 201.

1191 d. Ad valorem taxes paid, as defined in s. 220.03(1) (a) on  
 1192 June 1, 1996.

1193 e. State communications services taxes administered under  
 1194 chapter 202. This provision does not apply to the gross receipts  
 1195 tax imposed under chapter 203 and administered under chapter 202  
 1196 or the local communications services tax authorized under s.  
 1197 202.19.

1198  
 1199 However, a qualified applicant may not receive a tax refund  
 1200 pursuant to this section for any amount of credit, refund, or  
 1201 exemption granted such contractor for any of such taxes. If a  
 1202 refund for such taxes is provided by the department, which taxes  
 1203 are subsequently adjusted by the application of any credit,  
 1204 refund, or exemption granted to the qualified applicant other  
 1205 than that provided in this section, the qualified applicant  
 1206 shall reimburse the Economic Development Trust Fund for the  
 1207 amount of such credit, refund, or exemption. A qualified  
 1208 applicant must notify and tender payment to the department  
 1209 ~~office~~ within 20 days after receiving a credit, refund, or  
 1210 exemption, other than that provided in this section.

1211 (5) ANNUAL CLAIM FOR REFUND.—

1212 (c) A tax refund may not be approved for any qualified  
 1213 applicant unless local financial support has been paid to the  
 1214 Economic Development Trust Fund for that refund. If the local  
 1215 financial support is less than 20 percent of the approved tax  
 1216 refund, the tax refund shall be reduced. The tax refund paid may  
 1217 not exceed 5 times the local financial support received. Funding  
 1218 from local sources includes tax abatement under s. 196.1995 or

577-02028-12 20121204c1

1219 the appraised market value of municipal or county land,  
 1220 including any improvements or structures, conveyed or provided  
 1221 at a discount through a sale or lease to that applicant. The  
 1222 amount of any tax refund for an applicant approved under this  
 1223 section shall be reduced by the amount of any such tax abatement  
 1224 granted or the value of the land granted, including the value of  
 1225 any improvements or structures; and the limitations in  
 1226 subsection (2) shall be reduced by the amount of any such tax  
 1227 abatement or the value of the land granted, including any  
 1228 improvements or structures. A report listing all sources of the  
 1229 local financial support shall be provided to the department  
 1230 office when such support is paid to the Economic Development  
 1231 Trust Fund.

1232 Section 34. Paragraph (f) of subsection (4) and paragraphs  
 1233 (c), (d), and (e) of subsection (6) of section 288.106, Florida  
 1234 Statutes, are amended to read:

1235 288.106 Tax refund program for qualified target industry  
 1236 businesses.—

1237 (4) APPLICATION AND APPROVAL PROCESS.—

1238 (f) ~~Effective July 1, 2011,~~ Notwithstanding paragraph  
 1239 ~~(2) (j) (2) (k),~~ the department office may reduce the local  
 1240 financial support requirements of this section by one-half for a  
 1241 qualified target industry business located in Bay County,  
 1242 Escambia County, Franklin County, Gadsden County, Gulf County,  
 1243 Jefferson County, Leon County, Okaloosa County, Santa Rosa  
 1244 County, Wakulla County, or Walton County, if the department  
 1245 office determines that such reduction of the local financial  
 1246 support requirements is in the best interest of the state and  
 1247 facilitates economic development, growth, or new employment

577-02028-12 20121204c1

1248 opportunities in such county. This paragraph expires June 30,  
 1249 2014.

1250 (6) ANNUAL CLAIM FOR REFUND.—

1251 (c) The department may waive the requirement for proof of  
 1252 taxes paid in future years for a qualified target industry  
 1253 business that provides the department office with proof that, in  
 1254 a single year, the business has paid an amount of state taxes  
 1255 from the categories in paragraph (3) (d) which ~~that~~ is at least  
 1256 equal to the total amount of tax refunds that the business may  
 1257 receive through successful completion of its tax refund  
 1258 agreement.

1259 (d) A tax refund may not be approved for a qualified target  
 1260 industry business unless the required local financial support  
 1261 has been paid into the account for that refund. If the local  
 1262 financial support provided is less than 20 percent of the  
 1263 approved tax refund, the tax refund must be reduced. In no event  
 1264 may the tax refund exceed an amount that is equal to 5 times the  
 1265 amount of the local financial support received. Further, funding  
 1266 from local sources includes any tax abatement granted to that  
 1267 business under s. 196.1995 or the appraised market value of  
 1268 municipal or county land conveyed or provided at a discount to  
 1269 that business. The amount of any tax refund for such business  
 1270 approved under this section must be reduced by the amount of any  
 1271 such tax abatement granted or the value of the land granted, and  
 1272 the limitations in subsection (3) and paragraph (4) (e) must be  
 1273 reduced by the amount of any such tax abatement or the value of  
 1274 the land granted. A report listing all sources of the local  
 1275 financial support shall be provided to the department office  
 1276 when such support is paid to the account.

577-02028-12

20121204c1

1277 (e) A prorated tax refund, less a 5 percent ~~5-percent~~  
 1278 penalty, shall be approved for a qualified target industry  
 1279 business if all other applicable requirements have been  
 1280 satisfied and the business proves to the satisfaction of the  
 1281 department office that:

1282 1. It has achieved at least 80 percent of its projected  
 1283 employment; and

1284 2. The average wage paid by the business is at least 90  
 1285 percent of the average wage specified in the tax refund  
 1286 agreement, but in no case less than 115 percent of the average  
 1287 private sector wage in the area available at the time of  
 1288 certification, or 150 percent or 200 percent of the average  
 1289 private sector wage if the business requested the additional  
 1290 per-job tax refund authorized in paragraph (3)(b) for wages  
 1291 above those levels. The prorated tax refund shall be calculated  
 1292 by multiplying the tax refund amount for which the qualified  
 1293 target industry business would have been eligible, if all  
 1294 applicable requirements had been satisfied, by the percentage of  
 1295 the average employment specified in the tax refund agreement  
 1296 which was achieved, and by the percentage of the average wages  
 1297 specified in the tax refund agreement which was achieved.

1298 Section 35. Paragraph (a) of subsection (3) of section  
 1299 288.108, Florida Statutes, is amended to read:

1300 288.108 High-impact business.—

1301 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE  
 1302 AMOUNTS.—

1303 (a) Upon commencement of operations, a qualified high-  
 1304 impact business is eligible to receive a high-impact business  
 1305 performance grant in the amount as determined by the department

577-02028-12

20121204c1

1306 ~~office~~ under subsection (5), consistent with eligible amounts as  
 1307 provided in paragraph (b), and specified in the qualified high-  
 1308 impact business agreement. The precise conditions that are  
 1309 considered commencement of operations must be specified in the  
 1310 qualified high-impact business agreement.

1311 Section 36. Subsection (3) of section 288.1083, Florida  
 1312 Statutes, is amended to read:

1313 288.1083 Manufacturing and Spaceport Investment Incentive  
 1314 Program.—

1315 (3) Beginning July 1, 2010, and ending June 30, 2011, and  
 1316 beginning July 1, 2011, and ending June 30, 2012, sales and use  
 1317 tax paid in this state on eligible equipment purchases may  
 1318 qualify for a refund as provided in this section. The total  
 1319 amount of refunds that may be allocated by the department office  
 1320 to all applicants during the period beginning July 1, 2010, and  
 1321 ending June 30, 2011, is \$19 million. The total amount of tax  
 1322 refunds that may be allocated to all applicants during the  
 1323 period beginning July 1, 2011, and ending June 30, 2012, is \$24  
 1324 million. An applicant may not be allocated more than \$50,000 in  
 1325 refunds under this section for a single year. Preliminary refund  
 1326 allocations that are revoked or voluntarily surrendered shall be  
 1327 immediately available for reallocation.

1328 Section 37. Paragraph (1) of subsection (2) of section  
 1329 288.1089, Florida Statutes, is amended to read:

1330 288.1089 Innovation Incentive Program.—

1331 (2) As used in this section, the term:

1332 (1) "Match" means funding from local sources, public or  
 1333 private, which will be paid to the applicant and which is equal  
 1334 to 100 percent of an award. Eligible match funding may include

577-02028-12

20121204c1

any tax abatement granted to the applicant under s. 196.1995 or the appraised market value of land, buildings, infrastructure, or equipment conveyed or provided at a discount to the applicant. Complete documentation of a match payment or other conveyance must be presented to and verified by the department office prior to transfer of state funds to an applicant. An applicant may not provide, directly or indirectly, more than 5 percent of match funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

Section 38. Subsection (2) of section 288.1097, Florida Statutes, is amended to read:

288.1097 Qualified job training organizations; certification; duties.—

(2) To be eligible for funding, an organization must be certified by the department Office of Tourism, Trade, and Economic Development as meeting the criteria in subsection (1). After certification, the department Office of Tourism, Trade, and Economic Development may release funds to the qualified job training organization pursuant to a contract with the organization. The contract must include the performance conditions that must be met in order to obtain the award or portions of the award, including, but not limited to, net new employment in the state, the methodology for validating performance, the schedule of payments, and sanctions for failure to meet the performance requirements including any provisions for repayment of awards. The contract must also require that

577-02028-12

20121204c1

salaries paid to officers and employees of the qualified job training organization comply with s. 4958 of the Internal Revenue Code of 1986, as amended.

Section 39. Paragraph (c) of subsection (3) of section 288.11621, Florida Statutes, is amended to read:

288.11621 Spring training baseball franchises.—

(3) USE OF FUNDS.—

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

Section 40. Subsection (6) of section 288.1168, Florida Statutes, is amended to read:

288.1168 Professional golf hall of fame facility.—

(6) The ~~department Office of Tourism, Trade, and Economic Development~~ must recertify every 10 years that the facility is open, continues to be the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc., and is meeting the minimum projections for attendance or sales tax revenue as required at the time of original certification. If the facility is not certified as meeting the minimum projections, the PGA Tour, Inc., shall increase its required advertising contribution of \$2 million annually to \$2.5 million annually in lieu of reduction of any funds as provided by s. 212.20. The additional \$500,000 must be allocated in its entirety for the use and promotion of generic Florida advertising as determined by the department Office of Tourism, Trade, and Economic Development. If the facility is not open to the public or is no longer in use as the only professional golf

577-02028-12 20121204c1

1393 hall of fame in the United States recognized by the PGA Tour,  
 1394 Inc., the entire \$2.5 million for advertising must be used for  
 1395 generic Florida advertising as determined by the department  
 1396 ~~Office of Tourism, Trade, and Economic Development~~.

1397 Section 41. Subsection (4) of section 288.1171, Florida  
 1398 Statutes, is amended to read:

1399 288.1171 Motorsports entertainment complex; definitions;  
 1400 certification; duties.—

1401 (4) Upon determining that an applicant meets the  
 1402 requirements of subsection (3), the department ~~office~~ shall  
 1403 notify the applicant and the executive director of the  
 1404 Department of Revenue of such certification by means of an  
 1405 official letter granting certification. If the applicant fails  
 1406 to meet the certification requirements of subsection (3), the  
 1407 department ~~office~~ shall notify the applicant not later than 10  
 1408 days following such determination.

1409 Section 42. Paragraph (a) of subsection (8) of section  
 1410 288.1254, Florida Statutes, is amended to read:

1411 288.1254 Entertainment industry financial incentive  
 1412 program.—

1413 (8) RULES, POLICIES, AND PROCEDURES.—

1414 (a) The ~~department Office of Tourism, Trade, and Economic~~  
 1415 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and  
 1416 120.54 and develop policies and procedures to implement and  
 1417 administer this section, including, but not limited to, rules  
 1418 specifying requirements for the application and approval  
 1419 process, records required for substantiation for tax credits,  
 1420 procedures for making the election in paragraph (4)(d), the  
 1421 manner and form of documentation required to claim tax credits

577-02028-12 20121204c1

1422 awarded or transferred under this section, and marketing  
 1423 requirements for tax credit recipients.

1424 Section 43. Subsection (2) of section 288.714, Florida  
 1425 Statutes, is amended to read:

1426 288.714 Quarterly and annual reports.—

1427 (2) The department must compile a summary of all quarterly  
 1428 reports ~~and provide a copy of the summary to the board~~ within 30  
 1429 days after the end of each calendar quarter which ~~that~~ includes  
 1430 a detailed summary of the recipient's performance of the duties  
 1431 imposed by s. 288.7102.

1432 Section 44. Subsection (7) of section 288.7102, Florida  
 1433 Statutes, is amended to read:

1434 288.7102 Black Business Loan Program.—

1435 (7) The department, ~~in consultation with the board~~, shall  
 1436 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 1437 this section.

1438 Section 45. Subsections (5) and (7) of section 288.987,  
 1439 Florida Statutes, are amended to read:

1440 288.987 Florida Defense Support Task Force.—

1441 (5) The executive director of the Department of Economic  
 1442 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 1443 ~~within the Executive Office of the Governor~~, or his or her  
 1444 designee, shall serve as the ex officio, nonvoting executive  
 1445 director of the task force.

1446 (7) The ~~department Office of Tourism, Trade, and Economic~~  
 1447 ~~Development~~ shall contract with the task force for expenditure  
 1448 of appropriated funds, which may be used by the task force for  
 1449 economic and product research and development, joint planning  
 1450 with host communities to accommodate military missions and

577-02028-12

20121204c1

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

Section 46. Paragraph (d) of subsection (6) of section 290.0055, Florida Statutes, is amended to read:

290.0055 Local nominating procedure.—

(6)

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

2. Notwithstanding the area limitations specified in subsection (4), the department ~~Office of Tourism, Trade, and Economic Development~~ may approve the request for a boundary

577-02028-12

20121204c1

amendment if the area continues to satisfy the remaining requirements of this section.

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

Section 47. Paragraph (a) of subsection (4) of section 290.0065, Florida Statutes, is amended to read:

290.0065 State designation of enterprise zones.—

(4)(a) Notwithstanding s. 290.0055, the department may redesignate any state enterprise zone having an effective date on or before January 1, 2005, as a state enterprise zone upon completion and submittal to the department ~~office~~ by the governing body for an enterprise zone of the following:

1. An updated zone profile for the enterprise zone based on the most recent census data that complies with s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

2. A resolution passed by the governing body for that enterprise zone requesting redesignation and explaining the reasons the conditions of the zone merit redesignation.

3. Measurable goals for the enterprise zone developed by the enterprise zone development agency, which may be the goals established in the enterprise zone's strategic plan.

The governing body may also submit a request for a boundary change in an enterprise zone in the same application to the department as long as the new area complies with the requirements of s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

577-02028-12

20121204c1

1509 Section 48. Section 290.00726, Florida Statutes, is amended  
1510 to read:

1511 290.00726 Enterprise zone designation for Martin County.—  
1512 Martin County may apply to the department Office of Tourism,  
1513 ~~Trade, and Economic Development~~ for designation of one  
1514 enterprise zone for an area within Martin County, which zone  
1515 shall encompass an area of up to 10 square miles consisting of  
1516 land within the primary urban services boundary and focusing on  
1517 Indiantown, but excluding property owned by Florida Power and  
1518 Light to the west, two areas to the north designated as estate  
1519 residential, and the county-owned Timer Powers Recreational  
1520 Area. Within the designated enterprise zone, Martin County shall  
1521 exempt residential condominiums from benefiting from state  
1522 enterprise zone incentives, unless prohibited by law. The  
1523 application must have been submitted by December 31, 2011, and  
1524 must comply with the requirements of s. 290.0055.  
1525 Notwithstanding s. 290.0065 limiting the total number of  
1526 enterprise zones designated and the number of enterprise zones  
1527 within a population category, the department Office of Tourism,  
1528 ~~Trade, and Economic Development~~ may designate one enterprise  
1529 zone under this section. The department Office of Tourism,  
1530 ~~Trade, and Economic Development~~ shall establish the initial  
1531 effective date of the enterprise zone designated under this  
1532 section.

1533 Section 49. Section 290.00727, Florida Statutes, is amended  
1534 to read:

1535 290.00727 Enterprise zone designation for the City of Palm  
1536 Bay.—The City of Palm Bay may apply to the department Office of  
1537 ~~Tourism, Trade, and Economic Development~~ for designation of one

577-02028-12

20121204c1

1538 enterprise zone for an area within the northeast portion of the  
1539 city, which zone shall encompass an area of up to 5 square  
1540 miles. The application must have been submitted by December 31,  
1541 2011, and must comply with the requirements of s. 290.0055.  
1542 Notwithstanding s. 290.0065 limiting the total number of  
1543 enterprise zones designated and the number of enterprise zones  
1544 within a population category, the department Office of Tourism,  
1545 ~~Trade, and Economic Development~~ may designate one enterprise  
1546 zone under this section. The department Office of Tourism,  
1547 ~~Trade, and Economic Development~~ shall establish the initial  
1548 effective date of the enterprise zone designated under this  
1549 section.

1550 Section 50. Section 290.00728, Florida Statutes, is amended  
1551 to read:

1552 290.00728 Enterprise zone designation for Lake County.—Lake  
1553 County may apply to the department Office of Tourism, Trade, and  
1554 ~~Economic Development~~ for designation of one enterprise zone,  
1555 which zone shall encompass an area of up to 10 square miles  
1556 within Lake County. The application must have been submitted by  
1557 December 31, 2011, and must comply with the requirements of s.  
1558 290.0055. Notwithstanding s. 290.0065 limiting the total number  
1559 of enterprise zones designated and the number of enterprise  
1560 zones within a population category, the department Office of  
1561 ~~Tourism, Trade, and Economic Development~~ may designate one  
1562 enterprise zone under this section. The department Office of  
1563 ~~Tourism, Trade, and Economic Development~~ shall establish the  
1564 initial effective date of the enterprise zone designated under  
1565 this section.

1566 Section 51. Subsections (1) and (6) of section 311.09,

577-02028-12 20121204c1

1567 Florida Statutes, are amended to read:

1568 311.09 Florida Seaport Transportation and Economic  
1569 Development Council.—

1570 (1) The Florida Seaport Transportation and Economic  
1571 Development Council is created within the Department of  
1572 Transportation. The council consists of the following 17 ~~18~~  
1573 members: the port director, or the port director's designee, of  
1574 each of the ports of Jacksonville, Port Canaveral, Port Citrus,  
1575 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
1576 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
1577 West, and Fernandina; the secretary of the Department of  
1578 Transportation or his or her designee; and the director of the  
1579 Department of Economic Opportunity or his or her designee.

1580 (6) The Department of Economic Opportunity ~~Community~~  
1581 ~~Affairs~~ shall review the list of projects approved by the  
1582 council to determine consistency with approved local government  
1583 comprehensive plans of the units of local government in which  
1584 the port is located and consistency with the port master plan.  
1585 The Department of Economic Opportunity ~~Community Affairs~~ shall  
1586 identify and notify the council of those projects that ~~which~~ are  
1587 not consistent, to the maximum extent feasible, with such  
1588 comprehensive plans and port master plans.

1589 Section 52. Paragraph (b) of subsection (9), paragraph (a)  
1590 of subsection (35), and paragraph (b) of subsection (62) of  
1591 section 320.08058, Florida Statutes, are amended to read:

1592 320.08058 Specialty license plates.—

1593 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

1594 (b) The license plate annual use fees are to be annually  
1595 distributed as follows:

577-02028-12 20121204c1

1596 1. Fifty-five percent of the proceeds from the Florida  
1597 Professional Sports Team plate must be deposited into the  
1598 Professional Sports Development Trust Fund within the Department  
1599 of Economic Opportunity. These funds must be used solely to  
1600 attract and support major sports events in this state. As used  
1601 in this subparagraph, the term "major sports events" means, but  
1602 is not limited to, championship or all-star contests of Major  
1603 League Baseball, the National Basketball Association, the  
1604 National Football League, the National Hockey League, the men's  
1605 and women's National Collegiate Athletic Association Final Four  
1606 basketball championship, or a horseracing or dogracing Breeders'  
1607 Cup. All funds must be used to support and promote major  
1608 sporting events, and the uses must be approved by the Department  
1609 of Economic Opportunity ~~Florida Sports Foundation~~.

1610 2. The remaining proceeds of the Florida Professional  
1611 Sports Team license plate must be allocated to Enterprise  
1612 Florida, Inc. These funds must be deposited into the  
1613 Professional Sports Development Trust Fund within the Department  
1614 of Economic Opportunity. These funds must be used by Enterprise  
1615 Florida, Inc., to promote the economic development of the sports  
1616 industry; to distribute licensing and royalty fees to  
1617 participating professional sports teams; to promote education  
1618 programs in Florida schools that provide an awareness of the  
1619 benefits of physical activity and nutrition standards; to  
1620 partner with the Department of Education and the Department of  
1621 Health to develop a program that recognizes schools whose  
1622 students demonstrate excellent physical fitness or fitness  
1623 improvement; to institute a grant program for communities  
1624 bidding on minor sporting events that create an economic impact



577-02028-12

20121204c1

for the state; to distribute funds to Florida-based charities designated by Enterprise Florida, Inc., and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Department of Economic Opportunity.

3. Enterprise Florida, Inc., shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Department of Economic Opportunity. The auditor shall submit the audit report to the Department of Economic Opportunity for review and approval. If the audit report is approved, the Department of Economic Opportunity shall certify the audit report to the Auditor General for review.

4. Notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of Enterprise Florida, Inc., and financial support of the Sunshine State Games.

(35) FLORIDA GOLF LICENSE PLATES.—

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

(62) PROTECT FLORIDA SPRINGS LICENSE PLATES.—

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

577-02028-12

20121204c1

administer the fees as follows:

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

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

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

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

577-02028-12 20121204c1

conservation.

Section 53. Paragraph (b) of subsection (5) of section 339.135, Florida Statutes, is amended to read:

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

(5) ADOPTION OF THE WORK PROGRAM.—

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

Section 54. Subsection (1) of section 342.201, Florida Statutes, is amended to read:

342.201 Waterfronts Florida Program.—

(1) There is established within the Department of Economic Opportunity ~~Environmental Protection~~ the Waterfronts Florida Program to provide technical assistance and support to communities in revitalizing waterfront areas in this state.

Section 55. Paragraph (h) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

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

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

577-02028-12 20121204c1

(h) The department shall promote the development and use of renewable energy resources, in conformance with ~~the provisions of~~ chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of Economic Opportunity ~~Community Affairs~~, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

577-02028-12

20121204c1

1741  
1742 In the exercise of its responsibilities under this paragraph,  
1743 the department shall seek the assistance of the solar energy  
1744 industry in this state and other interested parties and is  
1745 authorized to enter into contracts, retain professional  
1746 consulting services, and expend funds appropriated by the  
1747 Legislature for such purposes.

1748 Section 56. Paragraphs (c) and (d) of subsection (4) of  
1749 section 377.809, Florida Statutes, are amended to read:

1750 377.809 Energy Economic Zone Pilot Program.—

1751 (4)

1752 (c) Upon approving an incentive for an eligible business,  
1753 the governing body that has jurisdiction over the energy  
1754 economic zone shall provide the taxpayer with a certificate  
1755 indicating the name and federal identification number of the  
1756 eligible business, the date the incentive is provided, the name  
1757 of the energy economic zone, the incentive type, and the  
1758 incentive amount. The local governing body shall certify to the  
1759 Department of Revenue or the Department of Economic Opportunity  
1760 Office of Tourism, Trade, and Economic Development, whichever is  
1761 applicable, which businesses or properties are eligible to  
1762 receive any or all of the state incentives according to their  
1763 statutory requirements. The governing body that has jurisdiction  
1764 over the energy economic zone shall provide a copy of the  
1765 certificate to the Department of Revenue and the Department of  
1766 Economic Opportunity Office of Tourism, Trade, and Economic  
1767 Development as notification that such incentives were approved  
1768 for the specific eligible business or property. For incentives  
1769 to be claimed against the sales and use tax under chapter 212,

577-02028-12

20121204c1

1770 the Department of Revenue shall send, within 14 days after  
1771 receipt, written instructions to an eligible business on how to  
1772 claim the credit on a sales and use tax return initiated through  
1773 an electronic data interchange. Any credit against the sales and  
1774 use tax shall be deducted from any sales and use tax remitted by  
1775 the dealer to the Department of Revenue by electronic funds  
1776 transfer and may be deducted only on a sales and use tax return  
1777 initiated through an electronic data interchange. The dealer  
1778 shall separately state the credit on the electronic return. The  
1779 net amount of tax due and payable must be remitted by electronic  
1780 funds transfer. If the credit exceeds the amount owed on the  
1781 sales and use tax return, such excess amount may be carried  
1782 forward for a period not to exceed 12 months after the date that  
1783 the credit is initially claimed.

1784 (d) If all conditions are deemed met, the Department of  
1785 Economic Opportunity Office of Tourism, Trade, and Economic  
1786 Development and the Department of Revenue may adopt emergency  
1787 rules pursuant to ss. 120.536(1) and 120.54 to administer ~~the~~  
1788 ~~provisions of~~ this subsection. The emergency rules shall remain  
1789 in effect for 6 months after the rules are adopted, and the  
1790 rules may be renewed while the procedures to adopt permanent  
1791 rules addressing the subject of the emergency rules are pending.

1792 Section 57. Paragraph (b) of subsection (6), paragraph (b)  
1793 of subsection (19), paragraphs (l) and (q) of subsection (24),  
1794 and paragraphs (b) and (c) of subsection (29) of section 380.06,  
1795 Florida Statutes, are amended to read:

1796 380.06 Developments of regional impact.—

1797 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT  
1798 PLAN AMENDMENTS.—

577-02028-12

20121204c1

1799 (b) Any local government comprehensive plan amendments  
 1800 related to a proposed development of regional impact, including  
 1801 any changes proposed under subsection (19), may be initiated by  
 1802 a local planning agency or the developer and must be considered  
 1803 by the local governing body at the same time as the application  
 1804 for development approval using the procedures provided for local  
 1805 plan amendment in s. 163.3187 and applicable local ordinances,  
 1806 without regard to local limits on the frequency of consideration  
 1807 of amendments to the local comprehensive plan. This paragraph  
 1808 does not require favorable consideration of a plan amendment  
 1809 solely because it is related to a development of regional  
 1810 impact. The procedure for processing such comprehensive plan  
 1811 amendments is as follows:

1812 1. If a developer seeks a comprehensive plan amendment  
 1813 related to a development of regional impact, the developer must  
 1814 so notify in writing the regional planning agency, the  
 1815 applicable local government, and the state land planning agency  
 1816 no later than the date of preapplication conference or the  
 1817 submission of the proposed change under subsection (19).

1818 2. When filing the application for development approval or  
 1819 the proposed change, the developer must include a written  
 1820 request for comprehensive plan amendments that would be  
 1821 necessitated by the development-of-regional-impact approvals  
 1822 sought. That request must include data and analysis upon which  
 1823 the applicable local government can determine whether to  
 1824 transmit the comprehensive plan amendment pursuant to s.  
 1825 163.3184.

1826 3. The local government must advertise a public hearing on  
 1827 the transmittal within 30 days after filing the application for

577-02028-12

20121204c1

1828 development approval or the proposed change and must make a  
 1829 determination on the transmittal within 60 days after the  
 1830 initial filing unless that time is extended by the developer.

1831 4. If the local government approves the transmittal,  
 1832 procedures set forth in s. 163.3184(3)(b) and (c)  
 1833 ~~163.3184(4)(b)-(d)~~ must be followed.

1834 5. Notwithstanding subsection (11) or subsection (19), the  
 1835 local government may not hold a public hearing on the  
 1836 application for development approval or the proposed change or  
 1837 on the comprehensive plan amendments sooner than 30 days after  
 1838 ~~from~~ receipt of the response from the state land planning agency  
 1839 pursuant to s. 163.3184(3)(c)1. ~~163.3184(4)(d)-~~

1840 6. The local government must hear both the application for  
 1841 development approval or the proposed change and the  
 1842 comprehensive plan amendments at the same hearing. However, the  
 1843 local government must take action separately on the application  
 1844 for development approval or the proposed change and on the  
 1845 comprehensive plan amendments.

1846 7. Thereafter, the appeal process for the local government  
 1847 development order must follow the provisions of s. 380.07, and  
 1848 the compliance process for the comprehensive plan amendments  
 1849 must follow the provisions of s. 163.3184.

1850 (19) SUBSTANTIAL DEVIATIONS.-

1851 (b) Any proposed change to a previously approved  
 1852 development of regional impact or development order condition  
 1853 which, either individually or cumulatively with other changes,  
 1854 exceeds any of the following criteria shall constitute a  
 1855 substantial deviation and shall cause the development to be  
 1856 subject to further development-of-regional-impact review without

577-02028-12 20121204c1

the necessity for a finding of same by the local government:

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

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

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

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

5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in

577-02028-12 20121204c1

which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

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

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

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

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

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

11. Any change that ~~which~~ would result in development of any area which was specifically set aside in the application for

577-02028-12

20121204c1

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

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

(24) STATUTORY EXEMPTIONS.—

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

577-02028-12

20121204c1

adopted the urban service boundary and has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities.

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

If a use is exempt from review as a development of regional impact under paragraphs (a)-(u), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Department of Economic Opportunity under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

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

1. Urban infill as defined in s. 163.3164;
2. Community redevelopment areas as defined in s. 163.340;
3. Downtown revitalization areas as defined in s. 163.3164;
4. Urban infill and redevelopment under s. 163.2517; or

577-02028-12 20121204c1

1973 5. Urban service areas as defined in s. 163.3164 or areas  
 1974 within a designated urban service boundary under s.  
 1975 163.3177(14).

1976 (c) If a county that does not qualify as a dense urban land  
 1977 area pursuant to s. 163.3164 designates any of the following  
 1978 areas in its comprehensive plan, any proposed development within  
 1979 the designated area is exempt from the development-of-regional-  
 1980 impact process:

- 1981 1. Urban infill as defined in s. 163.3164;
- 1982 2. Urban infill and redevelopment under s. 163.2517; or
- 1983 3. Urban service areas as defined in s. 163.3164.

1984 Section 58. Paragraph (a) of subsection (4) of section  
 1985 402.56, Florida Statutes, is amended to read:

1986 402.56 Children's cabinet; organization; responsibilities;  
 1987 annual report.—

1988 (4) MEMBERS.—The cabinet shall consist of 14 members  
 1989 including the Governor and the following persons:

- 1990 (a)1. The Secretary of Children and Family Services;
- 1991 2. The Secretary of Juvenile Justice;
- 1992 3. The director of the Agency for Persons with
- 1993 Disabilities;
- 1994 4. The director of the Office Division of Early Learning;
- 1995 5. The State Surgeon General;
- 1996 6. The Secretary of Health Care Administration;
- 1997 7. The Commissioner of Education;
- 1998 8. The director of the Statewide Guardian Ad Litem Office;
- 1999 9. The director of the Office of Child Abuse Prevention;
- 2000 and
- 2001 10. Five members representing children and youth advocacy

577-02028-12 20121204c1

2002 organizations, who are not service providers and who are  
 2003 appointed by the Governor.

2004 Section 59. Subsection (6) of section 403.0891, Florida  
 2005 Statutes, is amended to read:

2006 403.0891 State, regional, and local stormwater management  
 2007 plans and programs.—The department, the water management  
 2008 districts, and local governments shall have the responsibility  
 2009 for the development of mutually compatible stormwater management  
 2010 programs.

2011 (6) The department and the Department of Economic  
 2012 Opportunity Community Affairs, in cooperation with local  
 2013 governments in the coastal zone, shall develop a model  
 2014 stormwater management program that could be adopted by local  
 2015 governments. The model program shall contain dedicated funding  
 2016 options, including a stormwater utility fee system based upon an  
 2017 equitable unit cost approach. Funding options shall be designed  
 2018 to generate capital to retrofit existing stormwater management  
 2019 systems, build new treatment systems, operate facilities, and  
 2020 maintain and service debt.

2021 Section 60. Subsection (8) of section 420.503, Florida  
 2022 Statutes, is amended to read:

2023 420.503 Definitions.—As used in this part, the term:

2024 (8) "Contract" means the contract between the executive  
 2025 director ~~secretary~~ of the department and the corporation for  
 2026 provision of housing services referenced in s. 420.0006.

2027 Section 61. Subsection (30) of section 420.507, Florida  
 2028 Statutes, is amended to read:

2029 420.507 Powers of the corporation.—The corporation shall  
 2030 have all the powers necessary or convenient to carry out and

577-02028-12 20121204c1

effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

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

Section 62. Paragraph (d) of subsection (1) of section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership, and purposes.—

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

577-02028-12 20121204c1

(d) The names and post office addresses of the members of the first board of directors. The first board of directors shall be elected by and from the stockholders of the corporation and shall consist of 21 members. However, five of such members shall consist of the following persons, who shall be nonvoting members: the executive director ~~secretary~~ of the Department of Economic Opportunity or her or his designee; the head of the Department of Financial Services or her or his designee with expertise in banking matters; a designee of the head of the Department of Financial Services with expertise in insurance matters; one state senator appointed by the President of the Senate; and one representative appointed by the Speaker of the House of Representatives.

Section 63. Section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.— There is ~~hereby~~ established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)



577-02028-12

20121204c1

2089 by the Chief Financial Officer to the corporation upon  
 2090 certification by the executive director of the Department of  
 2091 Economic Opportunity that the corporation is in compliance with  
 2092 the requirements of s. 420.0006. The certification made by the  
 2093 executive director ~~secretary~~ shall also include the split of  
 2094 funds among programs administered by the corporation and the  
 2095 department as specified in chapter 92-317, Laws of Florida, as  
 2096 amended. Moneys advanced by the Chief Financial Officer must be  
 2097 deposited by the corporation into a separate fund established  
 2098 with a qualified public depository meeting the requirements of  
 2099 chapter 280 to be named the "State Housing Fund" and used for  
 2100 the purposes of this chapter. Administrative and personnel costs  
 2101 incurred in implementing this chapter may be paid from the State  
 2102 Housing Fund, but such costs may not exceed 5 percent of the  
 2103 moneys deposited into such fund. To the State Housing Fund shall  
 2104 be credited all loan repayments, penalties, and other fees and  
 2105 charges accruing to such fund under this chapter. It is the  
 2106 intent of this chapter that all loan repayments, penalties, and  
 2107 other fees and charges collected be credited in full to the  
 2108 program account from which the loan originated. Moneys in the  
 2109 State Housing Fund which are not currently needed for the  
 2110 purposes of this chapter shall be invested in such manner as is  
 2111 provided for by statute. The interest received on any such  
 2112 investment shall be credited to the State Housing Fund.

2113 Section 64. Section 420.0006, Florida Statutes, is amended  
 2114 to read:

2115 420.0006 Authority to contract with corporation; contract  
 2116 requirements; nonperformance.—The executive director ~~secretary~~  
 2117 of the department shall contract, notwithstanding the ~~provisions~~

Page 73 of 94

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577-02028-12

20121204c1

2118 ef part I of chapter 287, with the Florida Housing Finance  
 2119 Corporation on a multiyear basis to stimulate, provide, and  
 2120 foster affordable housing in the state. The contract must  
 2121 incorporate the performance measures required by s. 420.511 and  
 2122 must be consistent with the provisions of the corporation's  
 2123 strategic plan prepared in accordance with s. 420.511. The  
 2124 contract must provide that, in the event the corporation fails  
 2125 to comply with any of the performance measures required by s.  
 2126 420.511, the executive director ~~secretary~~ shall notify the  
 2127 Governor and shall refer the nonperformance to the department's  
 2128 inspector general for review and determination as to whether  
 2129 such failure is due to forces beyond the corporation's control  
 2130 or whether such failure is due to inadequate management of the  
 2131 corporation's resources. Advances shall continue to be made  
 2132 pursuant to s. 420.0005 during the pendency of the review by the  
 2133 department's inspector general. If such failure is due to  
 2134 outside forces, it shall not be deemed a violation of the  
 2135 contract. If such failure is due to inadequate management, the  
 2136 department's inspector general shall provide recommendations  
 2137 regarding solutions. The Governor is authorized to resolve any  
 2138 differences of opinion with respect to performance under the  
 2139 contract and may request that advances continue in the event of  
 2140 a failure under the contract due to inadequate management. The  
 2141 Chief Financial Officer shall approve the request absent a  
 2142 finding by the Chief Financial Officer that continuing such  
 2143 advances would adversely impact the state; however, in any event  
 2144 the Chief Financial Officer shall provide advances sufficient to  
 2145 meet the debt service requirements of the corporation and  
 2146 sufficient to fund contracts committing funds from the State

Page 74 of 94

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577-02028-12

20121204c1

2147 Housing Trust Fund so long as such contracts are in accordance  
2148 with the laws of this state.

2149 Section 65. Subsection (26) of section 443.036, Florida  
2150 Statutes, is amended to read:

2151 443.036 Definitions.—As used in this chapter, the term:

2152 (26) "Initial skills review" means an online education or  
2153 training program, such as that established under s. 1004.99,  
2154 which ~~that~~ is approved by the Department of Economic Opportunity  
2155 Agency for Workforce Innovation and designed to measure an  
2156 individual's mastery level of workplace skills.

2157 Section 66. Paragraphs (c) and (d) of subsection (1) of  
2158 section 443.091, Florida Statutes, are amended to read:

2159 443.091 Benefit eligibility conditions.—

2160 (1) An unemployed individual is eligible to receive  
2161 benefits for any week only if the Department of Economic  
2162 Opportunity finds that:

2163 (c) To make continued claims for benefits, she or he is  
2164 reporting to the department in accordance with this paragraph  
2165 and department ~~agency~~ rules, and participating in an initial  
2166 skills review as directed by the department ~~agency~~. Department  
2167 ~~Agency~~ rules may not conflict with s. 443.111(1)(b), which  
2168 requires that each claimant continue to report regardless of any  
2169 pending appeal relating to her or his eligibility or  
2170 disqualification for benefits.

2171 1. For each week of unemployment claimed, each report must,  
2172 at a minimum, include the name, address, and telephone number of  
2173 each prospective employer contacted, or the date the claimant  
2174 reported to a one-stop career center, pursuant to paragraph (d).

2175 2. The administrator or operator of the initial skills

577-02028-12

20121204c1

2176 review shall notify the department ~~agency~~ when the individual  
2177 completes the initial skills review and report the results of  
2178 the review to the regional workforce board or the one-stop  
2179 career center as directed by the workforce board. The workforce  
2180 board shall use the initial skills review to develop a plan for  
2181 referring individuals to training and employment opportunities.  
2182 The failure of the individual to comply with this requirement  
2183 will result in the individual being determined ineligible for  
2184 benefits for the week in which the noncompliance occurred and  
2185 for any subsequent week of unemployment until the requirement is  
2186 satisfied. However, this requirement does not apply if the  
2187 individual is able to affirmatively attest to being unable to  
2188 complete such review due to illiteracy or a language impediment.

2189 (d) She or he is able to work and is available for work. In  
2190 order to assess eligibility for a claimed week of unemployment,  
2191 the department shall develop criteria to determine a claimant's  
2192 ability to work and availability for work. A claimant must be  
2193 actively seeking work in order to be considered available for  
2194 work. This means engaging in systematic and sustained efforts to  
2195 find work, including contacting at least five prospective  
2196 employers for each week of unemployment claimed. The department  
2197 ~~agency~~ may require the claimant to provide proof of such efforts  
2198 to the one-stop career center as part of reemployment services.  
2199 The department ~~agency~~ shall conduct random reviews of work  
2200 search information provided by claimants. As an alternative to  
2201 contacting at least five prospective employers for any week of  
2202 unemployment claimed, a claimant may, for that same week, report  
2203 in person to a one-stop career center to meet with a  
2204 representative of the center and access reemployment services of

577-02028-12 20121204c1

2205 the center. The center shall keep a record of the services or  
 2206 information provided to the claimant and shall provide the  
 2207 records to the department ~~agency~~ upon request by the department  
 2208 ~~agency~~. However:

2209 1. Notwithstanding any other provision of this paragraph or  
 2210 paragraphs (b) and (e), an otherwise eligible individual may not  
 2211 be denied benefits for any week because she or he is in training  
 2212 with the approval of the department, or by reason of s.

2213 443.101(2) relating to failure to apply for, or refusal to  
 2214 accept, suitable work. Training may be approved by the  
 2215 department in accordance with criteria prescribed by rule. A  
 2216 claimant's eligibility during approved training is contingent  
 2217 upon satisfying eligibility conditions prescribed by rule.

2218 2. Notwithstanding any other provision of this chapter, an  
 2219 otherwise eligible individual who is in training approved under  
 2220 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
 2221 determined ineligible or disqualified for benefits due to  
 2222 enrollment in such training or because of leaving work that is  
 2223 not suitable employment to enter such training. As used in this  
 2224 subparagraph, the term "suitable employment" means work of a  
 2225 substantially equal or higher skill level than the worker's past  
 2226 adversely affected employment, as defined for purposes of the  
 2227 Trade Act of 1974, as amended, the wages for which are at least  
 2228 80 percent of the worker's average weekly wage as determined for  
 2229 purposes of the Trade Act of 1974, as amended.

2230 3. Notwithstanding any other provision of this section, an  
 2231 otherwise eligible individual may not be denied benefits for any  
 2232 week because she or he is before any state or federal court  
 2233 pursuant to a lawfully issued summons to appear for jury duty.

577-02028-12 20121204c1

2234 Section 67. Paragraph (a) of subsection (5) of section  
 2235 443.111, Florida Statutes, is amended to read:

2236 443.111 Payment of benefits.—

2237 (5) DURATION OF BENEFITS.—

2238 (a) As used in this section, the term "Florida average  
 2239 unemployment rate" means the average of the 3 months for the  
 2240 most recent third calendar year quarter of the seasonally  
 2241 adjusted statewide unemployment rates as published by the  
 2242 Department of Economic Opportunity ~~Agency for Workforce~~  
 2243 ~~Innovation~~.

2244 Section 68. Paragraph (b) of subsection (1) of section  
 2245 443.141, Florida Statutes, is amended to read:

2246 443.141 Collection of contributions and reimbursements.—

2247 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,  
 2248 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

2249 (b) *Penalty for delinquent, erroneous, incomplete, or*  
 2250 *insufficient reports.*—

2251 1. An employing unit that fails to file any report required  
 2252 by the Department of Economic Opportunity or its tax collection  
 2253 service provider, in accordance with rules for administering  
 2254 this chapter, shall pay to the service provider for each  
 2255 delinquent report the sum of \$25 for each 30 days or fraction  
 2256 thereof that the employing unit is delinquent, unless the  
 2257 department ~~agency~~ or its service provider, whichever required  
 2258 the report, finds that the employing unit has good reason for  
 2259 failing to file the report. The department or its service  
 2260 provider may assess penalties only through the date of the  
 2261 issuance of the final assessment notice. However, additional  
 2262 penalties accrue if the delinquent report is subsequently filed.

577-02028-12

20121204c1

2263 2.a. An employing unit that files an erroneous, incomplete,  
 2264 or insufficient report with the department or its tax collection  
 2265 service provider shall pay a penalty. The amount of the penalty  
 2266 is \$50 or 10 percent of any tax due, whichever is greater, but  
 2267 no more than \$300 per report. The penalty shall be added to any  
 2268 tax, penalty, or interest otherwise due.

2269 b. The department or its tax collection service provider  
 2270 shall waive the penalty if the employing unit files an accurate,  
 2271 complete, and sufficient report within 30 days after a penalty  
 2272 notice is issued to the employing unit. The penalty may not be  
 2273 waived pursuant to this subparagraph more than one time during a  
 2274 12-month period.

2275 c. As used in this subsection, the term "erroneous,  
 2276 incomplete, or insufficient report" means a report so lacking in  
 2277 information, completeness, or arrangement that the report cannot  
 2278 be readily understood, verified, or reviewed. Such reports  
 2279 include, but are not limited to, reports having missing wage or  
 2280 employee information, missing or incorrect social security  
 2281 numbers, or illegible entries; reports submitted in a format  
 2282 that is not approved by the department or its tax collection  
 2283 service provider; and reports showing gross wages that do not  
 2284 equal the total of the wages of each employee. However, the term  
 2285 does not include a report that merely contains inaccurate data  
 2286 that was supplied to the employer by the employee, if the  
 2287 employer was unaware of the inaccuracy.

2288 3. Penalties imposed pursuant to this paragraph shall be  
 2289 deposited in the Special Employment Security Administration  
 2290 Trust Fund.

2291 4. The penalty and interest for a delinquent, erroneous,

577-02028-12

20121204c1

2292 incomplete, or insufficient report may be waived if the penalty  
 2293 or interest is inequitable. The provisions of s. 213.24(1) apply  
 2294 to any penalty or interest that is imposed under this section.

2295 Section 69. Paragraph (b) of subsection (2) of section  
 2296 443.1715, Florida Statutes, is amended to read:

2297 443.1715 Disclosure of information; confidentiality.—

2298 (2) DISCLOSURE OF INFORMATION.—

2299 (b) The employer or the employer's workers' compensation  
 2300 carrier against whom a claim for benefits under chapter 440 has  
 2301 been made, or a representative of either, may request from the  
 2302 department records of wages of the employee reported to the  
 2303 department by any employer for the quarter that includes the  
 2304 date of the accident that is the subject of such claim and for  
 2305 subsequent quarters.

2306 1. The request must be made with the authorization or  
 2307 consent of the employee or any employer who paid wages to the  
 2308 employee after the date of the accident.

2309 2. The employer or carrier shall make the request on a form  
 2310 prescribed by rule for such purpose by the department ~~agency~~.  
 2311 Such form shall contain a certification by the requesting party  
 2312 that it is a party entitled to the information requested.

2313 3. The department shall provide the most current  
 2314 information readily available within 15 days after receiving the  
 2315 request.

2316 Section 70. Subsections (1), (2), (4), (5), (6), and (7) of  
 2317 section 443.17161, Florida Statutes, are amended to read:

2318 443.17161 Authorized electronic access to employer  
 2319 information.—

2320 (1) Notwithstanding any other provision of this chapter,

577-02028-12

20121204c1

the Department of Economic Opportunity Agency for Workforce  
~~Innovation~~ shall contract with one or more consumer reporting  
 agencies to provide users with secured electronic access to  
 employer-provided information relating to the quarterly wages  
 report submitted in accordance with the state's unemployment  
 compensation law. The access is limited to the wage reports for  
 the appropriate amount of time for the purpose the information  
 is requested.

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

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

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

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

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

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

577-02028-12

20121204c1

between the Department of Economic Opportunity Agency for  
~~Workforce Innovation~~ and the consumer reporting agency or  
 require the consumer reporting agency to terminate the contract  
 established between the consumer reporting agency and the user  
 under this section.

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

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

(7) The Department of Economic Opportunity Agency for  
~~Workforce Innovation~~ may not provide wage and employment history  
 information to any consumer reporting agency before the consumer

577-02028-12 20121204c1

2379 reporting agency or agencies under contract with the Department  
 2380 of Economic Opportunity ~~Agency for Workforce Innovation~~ pay all  
 2381 development and other startup costs incurred by the state in  
 2382 connection with the design, installation, and administration of  
 2383 technological systems and procedures for the electronic access  
 2384 program.

2385 Section 71. Subsection (2) of section 446.50, Florida  
 2386 Statutes, is amended to read:

2387 446.50 Displaced homemakers; multiservice programs; report  
 2388 to the Legislature; Displaced Homemaker Trust Fund created.—

2389 (2) DEFINITION.—For the purposes of this section, the term  
 2390 “displaced homemaker” means an individual who:

2391 (a) Is 35 years of age or older;

2392 (b) Has worked in the home, providing unpaid household  
 2393 services for family members;

2394 (c) Is not adequately employed, as defined by rule of the  
 2395 department agency;

2396 (d) Has had, or would have, difficulty in securing adequate  
 2397 employment; and

2398 (e) Has been dependent on the income of another family  
 2399 member but is no longer supported by such income, or has been  
 2400 dependent on federal assistance.

2401 Section 72. Section 450.261, Florida Statutes, is amended  
 2402 to read:

2403 450.261 Interstate Migrant Labor Commission; Florida  
 2404 membership.—In selecting the Florida membership of the  
 2405 Interstate Migrant Labor Commission, the Governor may designate  
 2406 the executive director ~~secretary~~ of the Department of Economic  
 2407 Opportunity as his or her representative.

577-02028-12 20121204c1

2408 Section 73. Paragraph (c) of subsection (7) of section  
 2409 509.032, Florida Statutes, is amended to read:

2410 509.032 Duties.—

2411 (7) PREEMPTION AUTHORITY.—

2412 (c) Paragraph (b) does not apply to any local law,  
 2413 ordinance, or regulation exclusively relating to property  
 2414 valuation as a criterion for vacation rental if the local law,  
 2415 ordinance, or regulation is required to be approved by the state  
 2416 land planning agency ~~Department of Community Affairs~~ pursuant to  
 2417 an area of critical state concern designation.

2418 Section 74. Subsection (3) of section 624.5105, Florida  
 2419 Statutes, is amended to read:

2420 624.5105 Community contribution tax credit; authorization;  
 2421 limitations; eligibility and application requirements;  
 2422 administration; definitions; expiration.—

2423 (3) APPLICATION REQUIREMENTS.—

2424 (a) Any eligible sponsor wishing to participate in this  
 2425 program must submit a proposal to the Department of Economic  
 2426 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 2427 which sets forth the sponsor, the project, the area in which the  
 2428 project is located, and such supporting information as may be  
 2429 prescribed by rule. The proposal shall also contain a resolution  
 2430 from the local governmental unit in which the proposed project  
 2431 is located certifying that the project is consistent with local  
 2432 plans and regulations.

2433 (b)1. Any insurer wishing to participate in this program  
 2434 must submit an application for tax credit to the Department of  
 2435 Economic Opportunity ~~office~~ which sets forth the sponsor; the  
 2436 project; and the type, value, and purpose of the contribution.

577-02028-12 20121204c1

2437 The sponsor must verify, in writing, the terms of the  
 2438 application and indicate its willingness to receive the  
 2439 contribution, which verification must accompany the application  
 2440 for tax credit.

2441 2. The insurer must submit a separate application for tax  
 2442 credit for each individual contribution which it proposes to  
 2443 contribute to each individual project.

2444 Section 75. Subsection (4) of section 1002.75, Florida  
 2445 Statutes, is amended to read:

2446 1002.75 Office of Early Learning; powers and duties;  
 2447 operational requirements.—

2448 (4) The Office of Early Learning shall also adopt  
 2449 procedures for the ~~agency's~~ distribution of funds to early  
 2450 learning coalitions under s. 1002.71.

2451 Section 76. Subsection (2) of section 1002.79, Florida  
 2452 Statutes, is amended to read:

2453 1002.79 Rulemaking authority.—

2454 (2) The Office of Early Learning shall adopt rules under  
 2455 ss. 120.536(1) and 120.54 to administer the provisions of this  
 2456 part conferring duties upon the office ~~agency~~.

2457 Section 77. Paragraph (a) of subsection (1) of section  
 2458 259.035, Florida Statutes, is amended to read:

2459 259.035 Acquisition and Restoration Council.—

2460 (1) There is created the Acquisition and Restoration  
 2461 Council.

2462 (a) The council shall be composed of 10 ~~eleven~~ voting  
 2463 members, four of whom shall be appointed by the Governor. Of  
 2464 these four appointees, three shall be from scientific  
 2465 disciplines related to land, water, or environmental sciences

577-02028-12 20121204c1

2466 and the fourth shall have at least 5 years of experience in  
 2467 managing lands for both active and passive types of recreation.  
 2468 They shall serve 4-year terms, except that, initially, to  
 2469 provide for staggered terms, two of the appointees shall serve  
 2470 2-year terms. All subsequent appointments shall be for 4-year  
 2471 terms. An ~~No~~ appointee may not ~~shall~~ serve more than 6 years.  
 2472 The Governor may at any time fill a vacancy for the unexpired  
 2473 term of a member appointed under this paragraph.

2474 Section 78. Subsection (2) of section 288.12265, Florida  
 2475 Statutes, is amended to read:

2476 288.12265 Welcome centers.—

2477 (2) Enterprise Florida, Inc., shall administer and operate  
 2478 the welcome centers. Pursuant to a contract with the Department  
 2479 of Transportation, Enterprise Florida, Inc., shall be  
 2480 responsible for routine repair, replacement, or improvement and  
 2481 the day-to-day management of interior areas occupied by the  
 2482 welcome centers. All other repairs, replacements, or  
 2483 improvements to the welcome centers shall be the responsibility  
 2484 of the Department of Transportation. Enterprise Florida, Inc.,  
 2485 may contract with the Florida Tourism Industry Marketing  
 2486 Corporation for the management and operation of the welcome  
 2487 centers.

2488 Section 79. Paragraph (a) of subsection (5) of section  
 2489 288.901, Florida Statutes, is amended to read:

2490 288.901 Enterprise Florida, Inc.—

2491 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

2492 (a) In addition to the Governor or the Governor's designee,  
 2493 the board of directors shall consist of the following appointed  
 2494 members:

577-02028-12

20121204c1

2495 1. The Commissioner of Education or the commissioner's  
 2496 designee.

2497 2. The Chief Financial Officer or his or her designee.

2498 3. The chairperson of the board of directors of Workforce  
 2499 Florida, Inc.

2500 4. The Secretary of State or the secretary's designee.

2501 5. Twelve members from the private sector, six of whom  
 2502 shall be appointed by the Governor, three of whom shall be  
 2503 appointed by the President of the Senate, and three of whom  
 2504 shall be appointed by the Speaker of the House of  
 2505 Representatives. Members appointed by the Governor ~~All~~  
 2506 ~~appointees~~ are subject to Senate confirmation.

2507 Section 80. Paragraph (d) of subsection (2) and subsection  
 2508 (3) of section 288.980, Florida Statutes, are amended to read:

2509 288.980 Military base retention; legislative intent; grants  
 2510 program.—

2511 (2)

2512 (d) In making grant awards the department ~~office~~ shall  
 2513 consider, at a minimum, the following factors:

2514 1. The relative value of the particular military  
 2515 installation in terms of its importance to the local and state  
 2516 economy relative to other military installations vulnerable to  
 2517 closure.

2518 2. The potential job displacement within the local  
 2519 community should the military installation be closed.

2520 3. The potential adverse impact on industries and  
 2521 technologies which service the military installation.

2522 (3) The Florida Economic Reinvestment Initiative is  
 2523 established to respond to the need for this state and defense-

577-02028-12

20121204c1

2524 dependent communities in this state to develop alternative  
 2525 economic diversification strategies to lessen reliance on  
 2526 national defense dollars in the wake of base closures and  
 2527 reduced federal defense expenditures and the need to formulate  
 2528 specific base reuse plans and identify any specific  
 2529 infrastructure needed to facilitate reuse. The initiative shall  
 2530 consist of the following three ~~two~~ distinct grant programs to be  
 2531 administered by the department:

2532 (a) The Florida Defense Planning Grant Program, through  
 2533 which funds shall be used to analyze the extent to which the  
 2534 state is dependent on defense dollars and defense infrastructure  
 2535 and prepare alternative economic development strategies. The  
 2536 state shall work in conjunction with defense-dependent  
 2537 communities in developing strategies and approaches that will  
 2538 help communities make the transition from a defense economy to a  
 2539 nondefense economy. Grant awards may not exceed \$250,000 per  
 2540 applicant and shall be available on a competitive basis.

2541 (b) The Florida Defense Implementation Grant Program,  
 2542 through which funds shall be made available to defense-dependent  
 2543 communities to implement the diversification strategies  
 2544 developed pursuant to paragraph (a). Eligible applicants include  
 2545 defense-dependent counties and cities, and local economic  
 2546 development councils located within such communities. Grant  
 2547 awards may not exceed \$100,000 per applicant and shall be  
 2548 available on a competitive basis. Awards shall be matched on a  
 2549 one-to-one basis.

2550 (c) The Florida Military Installation Reuse Planning and  
 2551 Marketing Grant Program, through which funds shall be used to  
 2552 help counties, cities, and local economic development councils



577-02028-12 20121204c1

develop and implement plans for the reuse of closed or realigned military installations, including any necessary infrastructure improvements needed to facilitate reuse and related marketing activities.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

Section 81. Section 331.3081, Florida Statutes, is amended to read:

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

~~(1)~~ Space Florida shall be governed by a 13-member ~~12-member~~ independent board of directors that consists of the members appointed to the board of directors of Enterprise Florida, Inc., by the Governor, the President of the Senate, and the Speaker of the House of Representatives pursuant to s. 288.901(5)(a)5. The Governor or the Governor's designee shall be an ex officio voting member and shall serve as the chair of the board.

~~(2) Space Florida shall have a 15-member advisory council, appointed by the Governor from a list of nominations submitted by the board of directors. The advisory council shall be composed of Florida residents with expertise in the space industry, and each of the following areas of expertise or experience must be represented by at least one advisory council member: human space-flight programs, commercial launches into~~

577-02028-12 20121204c1

~~space, organized labor with experience working in the aerospace industry, aerospace-related industries, a commercial company working under Federal Government contracts to conduct space-related business, an aerospace company whose primary client is the United States Department of Defense, and an alternative energy enterprise with potential for aerospace applications. The advisory council shall elect a member to serve as the chair of the council.~~

~~(3) The advisory council shall make recommendations to the board of directors of Enterprise Florida, Inc., on the operation of Space Florida, including matters pertaining to ways to improve or enhance Florida's efforts to expand its existing space and aerospace industry, to improve management and use of Florida's state-owned real property assets related to space and aerospace, how best to retain and, if necessary, retrain Florida's highly skilled space and aerospace workforce, and how to strengthen bonds between this state, NASA, the Department of Defense, and private space and aerospace industries.~~

~~(4) The term for an advisory council member is 4 years. A member may not serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.~~

~~(5) Advisory council members shall serve without compensation but may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board of directors of Enterprise Florida, Inc.~~

Section 82. Paragraph (e) is added to subsection (3) of section 20.60, Florida Statutes, to read:

20.60 Department of Economic Opportunity; creation; powers

577-02028-12 20121204c1

and duties.—

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

(e) The Division of Information Technology.

Section 83. Section 163.03, Florida Statutes, is repealed.

Section 84. Subsection (5) of section 373.461, Florida Statutes, is amended, and present subsections (6) and (7) of that section are renumbered as subsections (5) and (6), respectively, to read:

373.461 Lake Apopka improvement and management.—

~~(5) PURCHASE OF AGRICULTURAL LANDS.—~~

~~(a) The Legislature finds that it is in the public interest of the state to acquire lands in agricultural production, along with their related facilities, which contribute, directly or indirectly, to phosphorus discharges to Lake Apopka, for the purpose of improving water quality in Lake Apopka. These lands consist of those farming entities on Lake Apopka having consent and settlement agreements with the district and those sand land farms discharging indirectly to Lake Apopka through Lake Level Canal, Apopka-Beaueclair Canal, or McDonald Canal. The district is granted the power of eminent domain on those properties.~~

~~(b) In determining the fair market value of lands to be purchased from willing sellers, all appraisals of such lands may consider income from the use of the property for farming and, for this purpose, such income shall be deemed attributable to the real estate.~~

~~(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the~~

577-02028-12 20121204c1

~~agricultural lands described in paragraph (a). It is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 shall not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the Uniform Standards of Professional Appraisal Practice. This maximum purchase price limitation shall not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.~~

~~(d) In connection with successful acquisition of any of the lands described in this section which are not needed for stormwater management facilities, the district shall give the seller the option to lease the land for a period not to exceed 5 years, at a fair market lease value for similar agricultural lands. Proceeds derived from such leases shall be used to offset the cost of acquiring the land.~~

~~(e) If all the lands within Zellwood are purchased in accordance with this section prior to expiration of the consent agreement between Zellwood and the district, Zellwood shall be reimbursed for any costs described in subsection (4).~~

~~(f) 1. Tangible personal property acquired by the district as part of related facilities pursuant to this section, and classified as surplus by the district, shall be sold by the Department of Management Services. The Department of Management~~

577-02028-12 20121204c1

2669 ~~Services shall deposit the proceeds of such sale in the Economic~~  
 2670 ~~Development Trust Fund in the Executive Office of the Governor.~~  
 2671 ~~The proceeds shall be used for the purpose of providing economic~~  
 2672 ~~and infrastructure development in portions of northwestern~~  
 2673 ~~Orange County and east central Lake County which will be~~  
 2674 ~~adversely affected economically due to the acquisition of lands~~  
 2675 ~~pursuant to this subsection.~~

2676 ~~2. The Office of Tourism, Trade, and Economic Development~~  
 2677 ~~shall, upon presentation of the appropriate documentation~~  
 2678 ~~justifying expenditure of the funds deposited pursuant to this~~  
 2679 ~~paragraph, pay any obligation for which it has sufficient funds~~  
 2680 ~~from the proceeds of the sale of tangible personal property and~~  
 2681 ~~which meets the limitations specified in paragraph (g). The~~  
 2682 ~~authority of the Office of Tourism, Trade, and Economic~~  
 2683 ~~Development to expend such funds shall expire 5 years from the~~  
 2684 ~~effective date of this paragraph. Such expenditures may occur~~  
 2685 ~~without future appropriation from the Legislature.~~

2686 ~~3. Funds deposited under this paragraph may not be used for~~  
 2687 ~~any purpose other than those enumerated in paragraph (g).~~

2688 ~~(g)1. The proceeds of sale of tangible personal property~~  
 2689 ~~authorized by paragraph (f) shall be distributed as follows: 60~~  
 2690 ~~percent to Orange County, 25 percent to the City of Apopka, and~~  
 2691 ~~15 percent to Lake County.~~

2692 ~~2. Such proceeds shall be used to implement the~~  
 2693 ~~redevelopment plans adopted by the Orange County Board of County~~  
 2694 ~~Commissioners, Apopka City Commission, and Lake County Board of~~  
 2695 ~~County Commissioners.~~

2696 ~~3. Of the total proceeds, the Orange County Board of County~~  
 2697 ~~Commissioners, Apopka City Commission, and Lake County Board of~~

577-02028-12 20121204c1

2698 ~~County Commissioners, may not expend more than:~~

2699 ~~a. Twenty percent for labor force training related to the~~  
 2700 ~~redevelopment plan;~~

2701 ~~b. Thirty-three percent for financial or economic~~  
 2702 ~~incentives for business location or expansion in the~~  
 2703 ~~redevelopment area; and~~

2704 ~~c. Four percent for administration, planning, and marketing~~  
 2705 ~~the redevelopment plan.~~

2706 ~~4. The Orange County Board of County Commissioners, Apopka~~  
 2707 ~~City Commission, and Lake County Board of County Commissioners~~  
 2708 ~~must spend those revenues not expended under subparagraph 3. for~~  
 2709 ~~infrastructure needs necessary for the redevelopment plan.~~

2710 Section 85. Section 379.2353, Florida Statutes, is  
 2711 repealed.

2712 Section 86. This act shall take effect upon becoming a law.

S1204

GENERAL BILL/CS by CM, CM; (Similar H 7041, Compare CS/H 0191, CS/CS/S 0582, CS/CS/S 0842, H 1083, CS/S 1416, CS/S 1440, S 2076, CS/1ST ENG/H 7027, H 7075, H 7081)

Governmental Reorganization. EFFECTIVE DATE: upon becoming a law.

01/30/12 S On Committee agenda-- Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, 02/02/12, 10:00 am, 110 Senate Office Building

02/02/12 S Favorable by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; YEAS 12 NAYS 0 -SJ 325 ; Now in Budget -SJ 325

# CourtSmart Tag Report

**Room:** EL 110

**Case:**

**Type:**

**Caption:** Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations **Judge:**

**Started:** 2/2/2012 10:04:26 AM

**Ends:** 2/2/2012 10:10:40 AM

**Length:** 00:06:15

**10:04:30 AM** Meeting called to order and roll called.  
**10:05:17 AM** Opening remarks by Chair Benacquisto  
**10:05:29 AM** SB 798 explained by Senator Detert  
**10:06:36 AM** Senator Detert waived close on the bill.  
**10:06:54 AM** SB 798 passed Favorable  
**10:07:19 AM** CS/SB 1204 explained by Senator Detert  
**10:07:54 AM** Senator Detert waived close on the bill  
**10:08:09 AM** CS/SB 1204 passed Favorable  
**10:08:33 AM** SB 1084 by Senator Garcia explained by David Marin  
**10:09:18 AM** Mr. Schuessler, Legislative Affairs Director representing FL Department of State waived in support of the bill.  
**10:09:51 AM** Mr. Chris Snow, Senior Director of Government Relations representing Space FL waived in support of the bill.  
**10:10:01 AM** SB 1084 passed Favorable  
**10:10:19 AM** Meeting adjourned

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-2-12

Meeting Date

Topic \_\_\_\_\_

Bill Number 1084  
(if applicable)

Name Pierre Schuessler

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Legislative Affairs Director

Address 500 S. Bronough Street

Phone 245-6509

Street

Tallahassee

FL

32397

City

State

Zip

E-mail Pierre.Schuessler@  
dos.myfloride.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Department of State

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12

Meeting Date

Topic Florida Administrative Weekly

Bill Number SB1084  
(if applicable)

Name Chris Snow

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Senior Director of Government Relations

Address 1580 Waldo Palmer Lane  
Street

Phone 321474 9754

Tallahassee FL 32308  
City State Zip

E-mail csnow@spaceflorida.gov

Speaking: ☒ For ☐ Against ☐ Information

Representing Space Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Budget, *Chair*  
Rules, *Vice Chair*  
Agriculture  
Banking and Insurance  
Budget - Subcommittee on Finance and Tax  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Education Pre-K - 12  
Rules - Subcommittee on Ethics and Elections

## JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

**SENATOR JD ALEXANDER**

17th District

February 1, 2012

Senator Lizbeth Benacquisto, Chair  
Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development  
Appropriations  
326 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Benacquisto,

I respectfully request permission to be absent from the Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, tomorrow, February 2, 2012. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

JD Alexander  
Senator, District 17

Xc: Reynold Meyer

SENATE APPROPRIATIONS  
RECEIVED  
12 JAN 32 AM 11:36  
SENT TO: CHAIRMAN  
STAFF DIR. \_\_\_\_\_ STAFF \_\_\_\_\_

## REPLY TO:

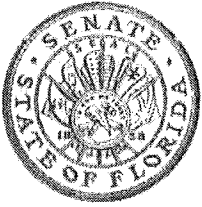
- ☐ 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (863) 679-4847
- ☐ 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**MIKE HARIDOPOLOS**  
President of the Senate

**MICHAEL S. "MIKE" BENNETT**  
President Pro Tempore





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Community Affairs, *Chair*  
Banking and Insurance  
Budget - Subcommittee on Criminal and Civil Justice  
Appropriations  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Criminal Justice  
Military Affairs, Space, and Domestic Security

### SENATOR MICHAEL S. "MIKE" BENNETT

*President Pro Tempore*  
21st District

February 2, 2012

The Honorable Lizbeth Benacquisto, Chair  
Budget Subcommittee on Transportation,  
Tourism, and Economic Development APPS  
201 Capitol  
Tallahassee, Florida 32399-1100

Dear Chair Benacquisto:

This is to request that I be excused from the committee meeting today.

I was speaking to a group of ROTC members and when I arrived at the meeting late, it was already over.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Bennett", written over a horizontal line.

Michael S. "Mike" Bennett

MSB/jc

Cc: Reynold Meyer, Staff Director

**REPLY TO:**

- ☐ Wildewood Professional Park, Suite 90, 3653 Cortez Road West, Bradenton, Florida 34210 (941) 727-6349
- ☐ 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5078

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**MIKE HARIDOPOLOS**  
President of the Senate

**MICHAEL S. "MIKE" BENNETT**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Agriculture, *Vice Chair*  
Education Pre-K - 12, *Vice Chair*  
Budget - Subcommittee on General Government  
Appropriations  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Military Affairs, Space, and Domestic Security  
Reapportionment  
Rules  
Transportation

### SENATOR LARCENIA J. BULLARD

39th District

February 2, 2012

Honorable Lizbeth Benacquisto  
Chair  
Transportation, Tourism and Economic  
Development Appropriations Committee  
201 The Capitol  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Dear Senator Benacquisto:

Due to my present health challenges, I am requesting an excused absence from the Transportation, Tourism and Economic Development Appropriations Committee meeting scheduled on Thursday, February 2, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Bullard", written over a horizontal line.

Larcenia J. Bullard  
District 39

LJB/rm

cc: Reynold Meyer, Staff Director  
Joyce Randall, Committee Administrative Assistant

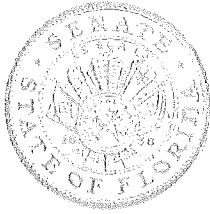
#### REPLY TO:

- ☐ 8603 South Dixie Highway, Suite 304, Miami, Florida 33143 (305) 668-7344
- 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5127

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

MIKE HARIDOPOLOS  
President of the Senate

MICHAEL S. "MIKE" BENNETT  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Transportation and Economic Development  
Appropriations, *Chair*  
Banking and Insurance  
Communications, Energy, and Public Utilities  
Ethics and Elections  
Governmental Operations - Policy and Steering  
Governmental Oversight and Accountability  
Judiciary  
Transportation  
Ways and Means - Policy and Steering

### JOINT COMMITTEE:

Legislative Budget Commission

### SENATOR MIKE FASANO

*President Pro Tempore*  
11th District

February 2, 2012

The Honorable Lizbeth Benacquisto, Chairwoman  
Senate Committee on Transportation, Tourism and Economic Development  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Senator Benacquisto,

Please excuse my absence at the Committee meeting scheduled for today, as I was unable to attend. Thank you very much and please let me know if there is anything I can do for you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike".

Mike Fasano  
Florida State Senator, District 11

MF/gc

### REPLY TO:

- ☐ 8217 Massachusetts Avenue, New Port Richey, Florida 34653-3111 (727) 848-5885
- ☐ 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5062

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

JEFF ATWATER  
President of the Senate

MIKE FASANO  
President Pro Tempore

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations, *Chair*  
Reapportionment, *Chair*  
Budget  
Budget - Subcommittee on Health and Human Services  
Appropriations  
Commerce and Tourism  
Health Regulation  
Rules  
Rules - Subcommittee on Ethics and Elections

## JOINT COMMITTEE:

Legislative Budget Commission

## SENATOR DON GAETZ

4th District

February 2, 2012

The Honorable Lizabeth Benacquisto  
Chairman

Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations  
326 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Benacquisto,

I respectfully request to be excused from the Budget Subcommittee on Transportation,  
Tourism, and Economic Development Appropriations meeting today, Thursday, February 2,  
2012.

Thank you for your consideration.

Respectfully,



Senator Don Gaetz

cc: Reynold Meyer

## REPLY TO:

- ☐ 4300 Legendary Drive, Suite 230, Destin, Florida 32541 (850) 897-5747
- ☐ 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

MIKE HARIDOPOLOS  
President of the Senate

MICHAEL S. "MIKE" BENNETT  
President Pro Tempore

SENATE APPROPRIATIONS  
RECEIVED  
12 JAN 33 AM 10:50  
SENT TO: CHAIRMAN  
STAFF DIR. STAFF