

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMERCE AND TOURISM**  
**Senator Detert, Chair**  
**Senator Thompson, Vice Chair**

**MEETING DATE:** Monday, January 11, 2016  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Detert, Chair; Senator Thompson, Vice Chair; Senators Bean, Hutson, Latvala, Richter, and Ring

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 98</b> Hukill (Identical H 115)	Exemption from the Sales and Use Tax for Certain Machinery and Equipment; Providing that the exemption for certain mixer drums and the parts and labor required to affix such mixer drums to mixer trucks is repealed on a specified date; deleting the expiration date for the exemption for certain industrial machinery and equipment, etc.  CM     01/11/2016 Favorable FT AP	Favorable Yeas 6 Nays 1
2	<b>SB 772</b> Richter (Identical H 641, Compare H 643, Linked S 754)	Department of Agriculture and Consumer Services; Revising the composition of the Board of Professional Surveyors and Mappers; requiring the department to waive the initial registration fee for an intrastate mover for certain veterans, the spouses of such veterans, or certain business entities that have a majority ownership held by such veterans or spouses; exempting water-related amusement rides operated by lodging and food service establishments and membership campgrounds, amusement rides at private, membership-only facilities, and nonprofit permanent facilities from certain safety standards; authorizing certain tax collector offices, upon approval and confirmation of license issuance by the department, to print and deliver concealed weapon or firearm licenses, etc.  CM     01/11/2016 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
3	<b>SB 812</b> Diaz de la Portilla (Identical H 699)	Reciprocal Insurers; Authorizing domestic reciprocal insurers to pay a portion of unassigned funds to their subscribers, etc.  BI     12/01/2015 Favorable CM     01/11/2016 Favorable RC	Favorable Yeas 7 Nays 0
4	Presentation by Chris Hart, President & CEO, CareerSource Florida, on the Implementation Recommendations of the Workforce Innovation and Opportunity Act Task Force		Presented

**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Monday, January 11, 2016, 1:30—3:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
5	<b>SPB 7040</b>	Federal Workforce Innovation and Opportunity Act; Providing implementation of the federal Workforce Innovation and Opportunity Act through a 4-year plan; deleting a provision authorizing an optional federal partner to fulfill certain state planning and reporting requirements; revising the entities required to collaborate with CareerSource Florida, Inc., to establish certain performance accountability measures; requiring CareerSource Florida, Inc., to establish regional planning areas subject to certain requirements by a certain date, etc.	Submitted as Committee Bill Yeas 6 Nays 0

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Other Related Meeting Documents

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**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 Committee on Commerce and Tourism

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BILL: SB 98

INTRODUCER: Senators Hukill and Latvala

SUBJECT: Exemption from the Sales and Use Tax for Certain Machinery and Equipment

DATE: January 8, 2016

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Askey	McKay	CM	<b>Favorable</b>
2.	_____	_____	FT	_____
3.	_____	_____	AP	_____

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## I. Summary:

SB 98 removes the April 30, 2017, expiration date for the exemption from sales and use tax for certain industrial machinery and equipment.

In addition, the bill retains the repeal date of April 30, 2017, for the sales and use tax exemption for a mixer drum affixed to a mixer truck and the parts and labor required to affix the drum to the truck.

The current exemption for industrial machinery and equipment continues through April 2017, thus the bill does not have a cash impact in Fiscal Year 2016-2017. The Revenue Estimating Conference has determined that the bill will reduce General Revenue receipts by \$62.8 million in Fiscal Year 2017-2018, with a \$62.8 million recurring impact. The bill will reduce local government revenue by \$14.1 million in Fiscal Year 2017-2018, with a \$14.1 million recurring impact.<sup>1</sup>

The bill takes effect July 1, 2016.

## II. Present Situation:

### Florida Sales and Use Tax

Florida levies a 6 percent state sales and use tax which applies to the sale or rental of most tangible personal property, admissions, rentals of transient accommodations, rental of commercial real estate, and a limited number of services. Chapter 212, F.S., contains statutory provisions that authorize the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. There

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<sup>1</sup> Florida Revenue Estimating Conference, *HB 115/SB 98*, 64-72, (Oct. 9, 2015) available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/pdf/Impact1016.pdf> (last visited Jan. 5, 2016).

are currently more than 200 different exemptions, exclusions, deductions, and credits from sales and use tax.<sup>2</sup>

In addition to the state tax, s. 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes on all transactions occurring in the county subject to the state tax imposed by ch. 212, F.S. The discretionary sales surtax is based on the tax rate imposed in the county where the taxable goods or services are sold, or delivered into.

### **Industrial Manufacturing and Equipment Sales Tax Exemption**

Since April 30, 2014, the state has provided an exemption from the sales and use tax for industrial machinery and equipment purchased by an eligible manufacturing business.<sup>3</sup> The machinery or equipment must be used at a fixed location in the state and eligible businesses include only those classified in the North American Industry Classification System (NAICS) under codes 31, 32, or 33. Manufacturing establishments classified under these codes include food, apparel, wood, paper, printing, chemical, pharmaceutical, plastic, rubber, metal, transportation, and furniture manufacturing.<sup>4</sup> For the purposes of the exemption, “industrial machinery and equipment” means tangible personal property that has a depreciable life of 3 or more years and is used in the manufacturing, processing, compounding, or production of tangible personal property for sale.

The term “industrial machinery and equipment” also includes parts and accessories that are purchased prior to the industrial machinery and equipment being placed in service.<sup>5</sup>

The state also provides an exemption for a mixer drum affixed to a mixer truck used at locations in the state to mix, agitate, and transport freshly mixed concrete in a plastic state, for the manufacturing, processing, compounding, or production of tangible personal property for sale. Parts and labor required to affix a mixer drum to a mixer truck are also exempt.<sup>6</sup>

These exemptions are repealed April 30, 2017.

### **Manufacturing Industry in Florida**

According to Enterprise Florida, Inc., (EFI) there are more than 18,600 manufacturing companies and more than 321,000 manufacturing employees in Florida. These companies produce a variety of manufactured goods including aerospace products, batteries, food and beverages, communications equipment, pharmaceuticals, semiconductors, and boats.<sup>7</sup>

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<sup>2</sup> Florida Revenue Estimating Conference, *Florida Tax Handbook*, (2015), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/index.cfm> (last visited Jan. 5, 2016).

<sup>3</sup> Section 212.08(7)(kkk), F.S.

<sup>4</sup> The Manufacturers Association of Florida has provided a complete list of the manufacturing sectors that are classified under the relevant NAICS codes, available at [https://c.ymcdn.com/sites/maf.site-ym.com/resource/resmgr/Docs/NAICS\\_Codes.pdf](https://c.ymcdn.com/sites/maf.site-ym.com/resource/resmgr/Docs/NAICS_Codes.pdf) (last visited Jan. 5, 2016).

<sup>5</sup> Section 212.08(7)(kkk)2.c., F.S.

<sup>6</sup> Section 212.08(7)(kkk)1., F.S.

<sup>7</sup> Enterprise Florida, Inc., *Florida The Perfect Climate for Business: Manufacturing*, (Revised Sep. 2015) available at <http://www.enterpriseflorida.com/wp-content/uploads/brief-manufacturing-florida.pdf> (last visited Jan. 5, 2016).

### III. Effect of Proposed Changes:

The bill removes the repeal date for the exemption from sales and use tax for certain industrial machinery and equipment purchased by an eligible business.

The bill retains the repeal date of April 30, 2017, for the sales and use tax exemption for a mixer drum affixed to a mixer truck and the parts and labor required to affix the drum to the truck.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Subsection (b) of section 18, Art VII of the Florida Constitution, provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandate requirements do not apply to laws having an insignificant impact.

The bill provides a sales tax exemption that may reduce counties' local option sales tax collections, thereby reducing their revenue-raising authority. If the fiscal impact of this provision is found to be significant, the bill may require a two-thirds vote of the membership.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

The current exemption for industrial machinery and equipment continues through April 2017, thus the bill does not have a cash impact in Fiscal Year 2016-2017. The Revenue Estimating Conference has determined that the bill will reduce General Revenue receipts by \$62.8 million in Fiscal Year 2017-2018, with a \$62.8 million recurring impact. The bill will reduce local government revenue by \$14.1 million in Fiscal Year 2017-2018, with a \$14.1 million recurring impact.<sup>8</sup>

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<sup>8</sup> Florida Revenue Estimating Conference, *HB 115/SB 98*, 64-72, (Oct. 9, 2015) available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/pdf/Impact1016.pdf> (last visited Jan. 5, 2016).

**B. Private Sector Impact:**

Indeterminate, but positive. Eligible manufacturing companies will see a reduction in the cost of purchasing certain machinery and equipment.

**C. Government Sector Impact:**

The Department of Revenue reported that the bill will have an insignificant expenditure impact on the department.<sup>9</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 212.08 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of 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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<sup>9</sup> Florida Department of Revenue, *Senate Bill 98 Fiscal Analysis* (Sep. 24, 2015) available at <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=7237> (last visited Jan. 5, 2016).

By Senator Hukill

8-00055-16

201698\_\_

A bill to be entitled

An act relating to the exemption from the sales and use tax for certain machinery and equipment; amending s. 212.08, F.S.; providing that the exemption for certain mixer drums and the parts and labor required to affix such mixer drums to mixer trucks is repealed on a specified date; deleting the expiration date for the exemption for certain industrial machinery and equipment; providing an effective date.

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

Section 1. Paragraph (kkk) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has

Page 1 of 4

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

8-00055-16

201698\_\_

obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(kkk) *Certain machinery and equipment.*—

1. Industrial machinery and equipment purchased by eligible manufacturing businesses which is used at a fixed location in within this state, ~~or a mixer drum affixed to a mixer truck which is used at any location within this state to mix, agitate, and transport freshly mixed concrete in a plastic state, for the manufacture, processing, compounding, or production of items of tangible personal property for sale~~ shall be exempt from the tax imposed by this chapter. ~~Parts and labor required to affix a mixer drum exempt under this paragraph to a mixer truck are also exempt.~~ If, at the time of purchase, the purchaser furnishes the seller with a signed certificate certifying the purchaser's entitlement to exemption pursuant to this subparagraph ~~paragraph~~, the seller is relieved of the responsibility for collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

2. For purposes of this paragraph, the term:

a. "Eligible manufacturing business" means any business whose primary business activity at the location where the

Page 2 of 4

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

8-00055-16

201698\_\_

59 industrial machinery and equipment is located is within the  
60 industries classified under NAICS codes 31, 32, and 33. As used  
61 in this subparagraph, "NAICS" means those classifications  
62 contained in the North American Industry Classification System,  
63 as published in 2007 by the Office of Management and Budget,  
64 Executive Office of the President.

65 b. "Primary business activity" means an activity  
66 representing more than 50 percent of the activities conducted at  
67 the location where the industrial machinery and equipment is  
68 located.

69 c. "Industrial machinery and equipment" means tangible  
70 personal property or other property that has a depreciable life  
71 of 3 years or more and that is used as an integral part in the  
72 manufacturing, processing, compounding, or production of  
73 tangible personal property for sale. A building and its  
74 structural components are not industrial machinery and equipment  
75 unless the building or structural component is so closely  
76 related to the industrial machinery and equipment that it houses  
77 or supports that the building or structural component can be  
78 expected to be replaced when the machinery and equipment are  
79 replaced. Heating and air conditioning systems are not  
80 industrial machinery and equipment unless the sole justification  
81 for their installation is to meet the requirements of the  
82 production process, even though the system may provide  
83 incidental comfort to employees or serve, to an insubstantial  
84 degree, nonproduction activities. The term includes parts and  
85 accessories for industrial machinery and equipment only to the  
86 extent that the parts and accessories are purchased prior to the  
87 date the machinery and equipment are placed in service.

Page 3 of 4

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

8-00055-16

201698\_\_

88 3. A mixer drum affixed to a mixer truck which is used at  
89 any location in this state to mix, agitate, and transport  
90 freshly mixed concrete in a plastic state for the manufacture,  
91 processing, compounding, or production of items of tangible  
92 personal property for sale shall be exempt from the tax imposed  
93 by this chapter. Parts and labor required to affix a mixer drum  
94 exempt under this subparagraph to a mixer truck are also exempt.  
95 If, at the time of purchase, the purchaser furnishes the seller  
96 with a signed certificate certifying the purchaser's entitlement  
97 to exemption pursuant to this subparagraph, the seller is  
98 relieved of the responsibility for collecting the tax on the  
99 sale of such items, and the department shall look solely to the  
100 purchaser for recovery of the tax if it determines that the  
101 purchaser was not entitled to the exemption. This subparagraph  
102 paragraph is repealed April 30, 2017.

103 Section 2. This act shall take effect July 1, 2016.

Page 4 of 4

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



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Finance and Tax, *Chair*  
Communications, Energy, and Public Utilities,  
*Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Fiscal Policy

## JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

**SENATOR DOROTHY L. HUKILL**  
8th District

August 24, 2015

The Honorable Nancy C. Detert  
310 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Re: Senate Bill 98 – Exemption from the Sales and Use Tax for Certain Machinery and Equipment

Dear Chairwoman Detert:

Senate Bill 98, relating to Exemption from the Sales and Use Tax for Certain Machinery and Equipment has been referred to the Commerce and Tourism Committee. I am requesting your consideration on placing SB 98 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill, District 8

cc: Todd McKay, Staff Director of the Commerce and Tourism Committee  
Patty Blackburn, Administrative Assistant of the Commerce and Tourism Committee

## REPLY TO:

209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818  
 Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

Senator Hukill  
asked him to  
speak  
1/11/16  
Meeting Date

THE FLORIDA SENATE  
**APPEARANCE RECORD**

1 ✓

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

98

Bill Number (if applicable)

Topic Manufacturing Machinery Equip

Amendment Barcode (if applicable)

Name Brian Orist

Job Title President

Address 6182 Idlewild St

Phone 239-938-1000

Ft. Myers FL 33966  
City State Zip

Email BORIST@STORMSMART.COM

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Manuf Assoc of FLA

Appearing at request of Chair:  Yes  No  
Senator HUKILL

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic Manufacturing Machinery & Equipment

Amendment Barcode (if applicable)

Name NANCY STEPHENS

Job Title EXECUTIVE DIRECTOR

Address SUITE 300, 1625 SUMMIT LAKE DR

Phone 850 445 1607

Street

Tallahassee

FL

32317

City

State

Zip

Email nancy@rstephens.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against (The Chair will read this information into the record.)

Representing MANUFACTURERS ASSOCIATION OF FL

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/11/16

Meeting Date

SB 98

Bill Number (if applicable)

Topic Sales and use ~~tax~~ tax exemption

Amendment Barcode (if applicable)

Name Tiffany Martin

Job Title Intern

Address PO Box 542101  
Street

Phone (407) 385-2708

Merritt Island FL 32954  
City State Zip

Email liz.castro@flabev.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Beverage Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/11/15  
Meeting Date

SB 98  
Bill Number (if applicable)

Topic Sales tax on manufacturing equipment

Amendment Barcode (if applicable)

Name Brewster Bewis

Job Title Senior Vice President

Address 516 W Adams St  
Street

Phone 224-7173

Tallahassee FL 32301  
City State Zip

Email bbewis@aiken

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/11/2014

Meeting Date

098

Bill Number (if applicable)

Topic Sales Tax Exemption - manufacturing

Amendment Barcode (if applicable)

Name Sharon Spratt

Job Title Senior Director, Government Relations

Address 113 E. College Ave

Phone 850-591-1996

Street

TLH

FL

32301

Email sspratt@spaceflorida.gov

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Space Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/11/16  
Meeting Date

98  
Bill Number (if applicable)

Topic SALES TAX EXEMPTION MANUF. EQUIP

Amendment Barcode (if applicable)

Name CAROLE DURKANSON

Job Title

Address 113 E. COLLEGE AVE #310

Phone 9542403110

Street

TALLAHASSEE

FL

32301

City

State

Zip

Email CAROLECD@AOL.COM

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing PRINTING ASSOC. OF FLA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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11/11/16  
Meeting Date

SB 98  
Bill Number (if applicable)

Topic MANUFACTURING TAX

Amendment Barcode (if applicable)

Name JERRY SANSON

Job Title

Address PO Box 98

Phone 321-698-4400

Street

Cocoa FL 32922

City

State

Zip

Email FISHER @ AOL.COM

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing NORTHROP GRUMMAN CORP

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/11/16  
Meeting Date

99  
Bill Number (if applicable)

Topic SALES TAX EXEMPTION

Amendment Barcode (if applicable)

Name MIKE MURTHA

Job Title PRESIDENT - FLORIDA CONCRETE ASSOC.

Address 113 NORTH MONROE ST  
Street

Phone 407-895-9333

TALLAHASSEE FL  
City State Zip

Email mmurtha@fcpa.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA CONCRETE + PRODUCTS ASSOC.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 11, 2016

*Meeting Date*

SB 98

*Bill Number (if applicable)*

Topic Manufacturing Machinery Exemption (SB 98)

*Amendment Barcode (if applicable)*

Name John Ray

Job Title \_\_\_\_\_

Address 310 W. College Street, Suite 212

Phone 850.270.3158

*Street*

Tallahassee

FL

32301

Email director@floridamedtech.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Medical Manufacturers

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/11/15

*Meeting Date*

98

*Bill Number (if applicable)*

Topic Manufacturing Machinery & Equipment

*Amendment Barcode (if applicable)*

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St

Phone 850-521-1235

*Street*

Tallahassee

FL

32311

Email cjohnson@flchamber.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Chamber of Commerce

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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11/11/16  
Meeting Date

98  
Bill Number (if applicable)

Topic SALES & USE TAX - Machinery & Equipment  
Amendment Barcode (if applicable)

Name DAVIN SUGGS

Job Title FISCAL POLICY DIRECTOR

Address 100 S. MONROE ST  
Street

Phone 850.320.2635

TALLAHASSEE FL 32301  
City State Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA Association of Counties

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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/11/16  
Meeting Date

598

Bill Number (if applicable)

Topic 598 - MARRIAGE EXEMPT

Amendment Barcode (if applicable)

Name MICHAEL RUBIN

Job Title VP GOVT AFFAIRS

Address 504 E JEFFERSON ST

Phone 850-222-8028

Tallahassee FL  
City State Zip

Email Mike.Rubin@FloridaPorts.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA PORTS COUNCIL

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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/16

Meeting Date

98

Bill Number (if applicable)

Topic Tax cuts - recurring

Amendment Barcode (if applicable)

Name Rich Temple

Job Title

Address 135 S. Monroe Street

Phone 850-566-4348

Tallahassee FL 32301

Email

Speaking: For [ ] Against [X] Information [ ]

Waive Speaking: In Support [ ] Against [ ] (The Chair will read this information into the record.)

Representing Florida AFL-CIO

Appearing at request of Chair: Yes [ ] No [X]

Lobbyist registered with Legislature: Yes [X] 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.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/11/16  
Meeting/Date

98  
Bill Number (if applicable)

Topic Exemption from Sales & Use tax for Machinery & Equip Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Executive Director

Address 579 E. Call St.

Phone 850-321-9386

Tallahassee, FL 32301  
City State Zip

Email fcfep@yahoo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing The Florida Center for Fiscal & Economic Policy

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.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 11, 2016  
Meeting Date

✓  
98  
Bill Number (if applicable)

Topic manufacturing Sales Tax Exemption

Amendment Barcode (if applicable)

Name Robert Weissert ("Why-Cert")

Job Title SR. Vice President with Florida Tax Watch

Address 106 N. Bronough St  
Street

Phone 850-222-5052

Tallahassee FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Tax Watch

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.**

**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 Committee on Commerce and Tourism

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BILL: CS/SB 772

INTRODUCER: Commerce and Tourism Committee and Senator Richter

SUBJECT: Department of Agriculture and Consumer Services

DATE: January 12, 2016

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	Fav/CS
2.			AGG	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 772 modifies provisions in several areas regulated by the Department of Agriculture and Consumer Services, including:

- Eliminating the requirement that the Board of Professional Surveyors and Mappers have at least one member who is a photogrammetrist;
- Implementing license fee waivers for veterans, their spouses, and their businesses;
- De-regulating personal trainers from the Department of Agriculture and Consumer Services' oversight;
- Clarifying requirements for owners of devices used for weights or measurements that are subject to a commercial-use permit under ch. 527, F.S., updating the commercial-use permit's license cycle, and simplifying commercial-use permit fees;
- Modernizing the Florida Sellers of Travel Act and deregulating same-day tour guide or sightseeing services;
- Allowing amusement ride operators to provide their own inspection form, and exempting specific rides from inspection requirements;
- Implementing fingerprint retention in ch. 493, F.S. (Private Security, Private Investigators, and Recovery Specialists), licensing processes;
- Approving two new courses for certification as a Firearm Instructor, class "K," licensee;
- Implementing a live-fire requirement for concealed weapon or firearm licensure;
- Streamlining renewal of concealed weapon or firearm licenses by allowing a sworn statement, rather than a notarized affidavit, of a licensee's continued eligibility for licensure;

- Allowing personal service or notice by certified mail, or in the case of non-delivery, by U.S. mail or e-mail, to constitute effective service of notice of suspension or revocation of an individual's concealed weapon or firearm license;
- Allowing qualified tax collectors to print and deliver renewal concealed weapon or firearm licenses;
- Reducing application fees for concealed weapon or firearm licenses; and
- In actions relating to the enforcement of a lien on a vehicle by a motor vehicle repair shop, allowing parties other than the consumer who authorized repairs to the motor vehicle to assert their right to the vehicle through either a bond process or a hearing in circuit court.

## II. Present Situation:

The Department of Agriculture and Consumer Services (DACS) safeguards the public from unsafe or defective products and deceptive business practices. The Division of Consumer Services within the DACS regulates specific business activities, including commercial weight loss practices, telephone solicitations, pawnshops, health studios, sellers of travel, and telemarketing. The Division of Consumer Services also functions as a clearinghouse for consumer complaints. The Division of Licensing within the DACS is responsible for investigating and issuing licenses to conduct private security, private investigative, and recovery services pursuant to ch. 493, F.S. The Division of Licensing also issues concealed weapon or firearm licenses pursuant to s. 790.06, F.S.

The present situation for the relevant provision of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

## III. Effect of Proposed Changes:

### Board of Professional Surveyors and Mappers

The Board of Professional Surveyors and Mappers (board) is constituted under the DACS with the purpose of regulating professional surveyors and mappers and businesses that offer surveying and mapping services.<sup>1</sup> The board consists of nine members, of whom one must be designated as a photogrammetric mapper by the American Society for Photogrammetry and Remote Sensing (ASPRS), and two must be consumers.<sup>2</sup> The board's members are appointed for 4-year terms of service by the Commissioner of Agriculture and confirmed by the Senate.<sup>3</sup>

Photogrammetry is the practice of surveying and mapping through the use of aerial or terrestrial photographs and other sources of imagery.<sup>4</sup> Twenty-six Florida resident photogrammetrists are currently certified by the ASPRS.<sup>5</sup>

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<sup>1</sup> Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers, *Frequently Asked Questions*,

<sup>2</sup> Section 472.007, F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 177.27(23), F.S.; American Society for Photogrammetry and Remote Sensing, *What is ASPRS?*, available at: <http://www.asprs.org/About-Us/What-is-ASPRS.html> (last visited Jan. 8, 2016).

<sup>5</sup> American Society for Photogrammetry and Remote Sensing, *Search for Certified Professionals*, <http://www.asprs.org/Certification-Program/Search-for-Certified-Professionals.html> (last visited Jan. 8, 2016).

**Section 1** amends s. 472.007, F.S., to remove the requirement that one member of the Board of Professional Surveyors and Mappers is a designated photogrammetrist. Instead, a seventh registered surveyor and mapper may be appointed. This change reflects the May 5, 2015, board vote to remove the requirement that at least one board member be designated as a photogrammetrist.<sup>6</sup>

**Licensing Fee Waivers**

Florida has more than 1.6 million veteran residents,<sup>7</sup> 165,000 of which are veterans of the Afghanistan and Iraq wars.<sup>8</sup> The Department of Management Services has certified 392 businesses as service disabled veteran-owned businesses, which are afforded vendor preference in specific state procurement processes.<sup>9</sup> As of July 1, 2014, both the Department of Business and Professional Regulation (DBPR) and the Department of Health (DOH) implemented initial licensing fee waivers for veterans and their spouses.<sup>10</sup> Since October 1, 2012, the DBPR has granted 134 veteran fee waivers; the DOH has granted 292.<sup>11</sup>

The bill waives first-time licensing application fees for specific veterans of the United States Armed Forces, his or her spouse, or a business entity in which he or she has a majority ownership stake on the following classes of licenses:

License	Current Initial Licensing Fee
Land Surveyor & Mapper	\$180 - \$255
Health Studio	\$300
Commercial Telephone Seller	\$1,500
Telemarketing Salesperson	\$50
Movers & Moving Broker	\$300
Liquefied Petroleum Gas Related License	\$100 - \$525
Pawnbroker	\$300
Motor Vehicle Repair Shop	\$50 - \$300
Sellers of Travel	\$300-\$2,500

<sup>6</sup> Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 3 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

<sup>7</sup> Florida Department of Veterans’ Affairs, *Fast Facts*, available at: [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50) (last visited Jan. 8, 2016).

<sup>8</sup> <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>; Conversation with Florida Department of Veteran’s Affairs staff on Jan. 4, 2016.

<sup>9</sup> As of Jan. 8, 2016. Florida Department of Management Services, *Certified Vendor Directory*, available at: [https://osd.dms.myflorida.com/directories/results?directory%5Bcommodity\\_code%5D=&directory%5Bcommodity\\_description%5D=&directory%5Bcounty%5D=&directory%5Bdesignation%5D=Service+Disabled+Veteran&directory%5Bvendor\\_name%5D=](https://osd.dms.myflorida.com/directories/results?directory%5Bcommodity_code%5D=&directory%5Bcommodity_description%5D=&directory%5Bcounty%5D=&directory%5Bdesignation%5D=Service+Disabled+Veteran&directory%5Bvendor_name%5D=) (last visited Jan. 8, 2016).

<sup>10</sup> Florida Department of Business and Professional Regulation, *Military and Veteran Spouses*, available at: <http://www.myfloridalicense.com/dbpr/MilitarySpouse.html> (last accessed Jan. 8, 2016); see also, Florida Department of Health, *Veterans*, available at <http://www.floridahealth.gov/licensing-and-regulation/armed-forces/veterans/index.html> (last accessed Jan. 8, 2016).

<sup>11</sup> Communication with staff of the Department of Health on Jan. 4, 2016; Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 12 (Dec. 1., 2015) (on file with the Committee on Commerce and Tourism).

In addition, to qualify for the fee waiver, the veteran, his or her spouse, or his or her business must submit an application for licensure within 60 months after the date of the veteran’s discharge from the United States Armed Forces and provide a copy of his or her discharge paperwork; a valid marriage license where applicable; and proof of ownership interest, where applicable.

The following sections of the bill implement the first-time license fee waivers for veterans, their spouses, and their businesses:

**Section 2** amends s. 472.015(3), F.S. (surveyors and mappers).

**Section 12** amends s. 501.015(2), F.S. (health studios).

**Sections 13 and 14** amend ss. 501.605(5)(b) and 501.607(2)(b), F.S. (telemarketing).

**Section 15** amends s. 507.03(3), F.S. (intrastate movers).

**Section 16** amends s. 527.02(3), F.S. (liquefied petroleum gasoline).

**Section 25** amends s. 539.001(3), F.S. (pawnbrokers).

**Section 26** amends s. 559.904(3), F.S. (motor vehicle repair).

**Section 28** amends s. 559.928(2), F.S. (sellers of travel).

The following sections of the bill waive application or licensing fees for veterans only who apply for specific licensure within 24 months, rather than 60 months, of their honorable discharge from the armed forces:

<b>License</b>	<b>Current Initial Licensing / Application Fees</b>
Private Investigator	\$75 / \$50
Private Investigator Intern	\$60 / \$50
Private Investigative/Security Agency Manager	\$75 / \$50
Private Investigative Agency Manager	\$75 / \$50
Security Officer Instructor	\$60 / \$50
Security Manager	\$75 / \$50
Recovery Agent	\$75 / \$50
Recovery Agent Intern	\$60 / \$50
Recovery Agency Manager	\$75 / \$50
Recovery Agent Instructor	\$60 / \$50
Firearms Instructor	\$100 / \$50

<sup>12</sup> Florida Department of Agriculture and Consumer Services, *Private Investigation, Security, Recovery: Chapter 493, Florida Statutes Fee Schedule*, available at [http://www.freshfromflorida.com/content/download/33389/815718/FS493\\_License\\_Fees.pdf](http://www.freshfromflorida.com/content/download/33389/815718/FS493_License_Fees.pdf) (last visited Jan. 8, 2015).

**Section 3** amends s. 493.6105(1), F.S., to waive the \$100 *initial application fee* for licensure as a:

- Private Investigator, Private Investigator Intern, Private Investigative/Security Agency Manager, or Private Investigative Agency Manager;
- Security Officer Instructor, or Security Manager;
- Recovery Agent, Recovery Agent Intern, Recovery Agency Manager, or Recovery Agent Instructor; and
- Firearms Instructor.

**Section 5** amends s. 493.6107, F.S., to waive the initial *license fee* for veterans who, within 24 months of their honorable discharge from the armed forces, apply for licensure as either a Private Investigative/Security Agency Manager or a Firearms Instructor.

**Section 8** amends s. 493.6202, F.S., to waive the initial *license fee* for veterans who, within 24 months of their honorable discharge from the armed forces, apply for licensure as a Private Investigator, Private Investigator Intern, or Private Investigative Agency Manager.

**Section 9** amends s. 493.6302, F.S., to waive the initial *license fee* for veterans who, within 24 months of their honorable discharge from the armed forces, apply for licensure as a Security Officer, Security Officer Instructor, or a Security Manager. A Class D license does not require an application fee.

**Section 10** amends s. 493.6402(4), F.S., to waive the initial *license fee* for veterans who, within 24 months of their honorable discharge from the armed forces, apply for licensure as a Recovery Agent, Recovery Agent Intern, Recovery Agent Manager, or Recovery Agent Instructor.

Eligible veteran applicants will still be subject to, e.g., applicable examination fees, fingerprint processing and retention fees, and renewal fees, in addition to applicable licensure fitness and general eligibility requirements.<sup>13</sup>

### **Fingerprint Retention and Processing for Private Investigators, Private Security Officers, and Repossession Services Officers**

The Federal Bureau of Investigation and the Florida Department of Law Enforcement perform criminal history background checks based on the fingerprint identification of specific applicants for licensure upon an agency's request for such an investigation, and of individuals in the criminal justice system.

The DACS currently requires applicants for licensure under ch. 493, F.S., to submit a full set of fingerprints and a fingerprint processing fee for a background check to be conducted by the Florida Department of Law Enforcement (FDLE).<sup>14</sup> The DACS has 156,266 currently valid licenses issued under ch. 493, F.S., to, e.g., private investigators, private security officers, and

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<sup>13</sup> See, e.g., ss. 493.6105, 493.6108, F.S.

<sup>14</sup> Section 493.6105(3)(j), F.S.

repossession services officers.<sup>15</sup> Once the initial background check has been performed by the FDLE, the DACS is required to discard the licensees' fingerprints. As a result, the DACS must perform a name-based search of arrest records to fulfill its duty to conduct ongoing investigations into its licensees' criminal activity, including upon a licensee's renewal of his or her license.<sup>16</sup>

**Section 3** amends s. 493.6105(3), F.S., to require initial applicants for licensure under ch. 493, F.S., to submit a fingerprint processing fee and a fingerprint retention fee. The fees for fingerprint processing and retention must be set by agency rule. Applicants for multiple licenses issued pursuant to ch. 493, F.S., will only be subject to one fingerprint processing and fingerprint retention fee.

**Section 6** creates ss. 493.6108(4) and (5), F.S., to require the FDLE to retain all fingerprints that are submitted to the DACS as part of an application for licensure as a private investigator, security officer, recovery agent, firearms instructor, or related license under ch. 493, F.S., and then enter the retained fingerprints into the statewide automated biometric identification system and the FBI's national retained print arrest notification program (FBI fingerprint check). The FDLE has not yet begun participation in the FBI's fingerprint check program, but expects to begin phasing in its participation in 2 months.<sup>17</sup> In addition, the bill requires the FDLE to search the retained fingerprints against all arrest fingerprints and report any arrest record match to the DACS. This will allow the DACS to receive updated arrest information on its licensees and applicants in a more efficient process.

**Section 7** amends ss. 493.6113(1) and (3), F.S., to require current ch. 493, F.S., licensees to submit the following as part of their renewal application: a copy of their fingerprints, a state fingerprint retention fee, and a license renewal fee. This will allow the FDLE and DACS to subject current licensees to the fingerprint retention and examination processes implemented in section 6 of the bill. Additionally, the bill clarifies that firearm instructors, class "K" licensees, are subject to a 3 year, rather than a 2 year, license cycle. This reflects an update originally made in 2011.<sup>18</sup>

## **Concealed Weapon or Firearm License**

### ***Firearms Instructors***

There are currently three certification courses available to those who wish to become licensed as a Firearms Instructor (Class K) by the DACS:

- The Florida Criminal Justice Standards and Training Commission,
- National Rifle Association (NRA) Private Security Firearm Instructor Certificate, and
- Federal Law Enforcement Agency firearms instructor certificate.

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<sup>15</sup> Florida Department of Agriculture and Consumer Services, Division of Licensing, *Number of Licensees by Type*, (Jan. 8, 2016). Available at [http://www.freshfromflorida.com/content/download/7471/118627/Number\\_of\\_Licensees\\_By\\_Type.pdf](http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf) (last visited January 8, 2016).

<sup>16</sup> Section 493.6118(1), F.S.

<sup>17</sup> Conversation with staff of the FDLE on Dec. 22, 2015.

<sup>18</sup> Ch. 2012-205, s. 6, Laws of Fla.

These certifications require that the applicant for certification be a federal or state law enforcement officer, have a statewide firearm or armed private security officer license for a minimum of 3 years, or be a current member of the U.S. Armed Forces. This prevents a broader population from becoming certified as a firearms instructor.

**Section 3** amends s. 493.6105(6)(a), F.S., to approve two new certification programs for firearm instructor, Class “K” licenses. The first is the International Association of Law Enforcement Firearms Instructors (IALEFI) course, which is open to individuals who have obtained military instructor certification.<sup>19</sup> The second is the Second Amendment Foundation (SAF) Training Division Firearms Instructors certification, which is open to those who complete specific coursework under the SAF curriculum.<sup>20</sup>

### ***Residency Requirement for Concealed Weapon or Firearm License***

In 2012, the U.S. Department of Justice effectuated a rule change<sup>21</sup> to 27 CFR, Pt. 478, to remove the requirement that lawfully present aliens prove that they have resided in a state within the U.S. for 90 days in order to purchase or acquire a firearm.

**Section 4** conforms s. 493.6106(1)(f), F.S., specific to applicants for statewide firearm licenses or firearms instructor licenses under ch. 493, F.S., to the above change by deleting the application requirement that a permanent legal resident alien show proof of his or her residency in Florida for at least 90 consecutive days prior to submission of an application for licensure.

### ***Concealed Weapon or Firearm Licensing***

Under current law, certain concealed weapons or firearms pre-licensing course instructors must maintain records certifying that they observed their student safely handle and discharge a firearm.

**Section 38** of the bill clarifies s. 790.06, F.S., to require that the instructor maintain records certifying that *while he or she was physically present*, the instructor observed the student safely handle and *actually* discharge (“live fire”) a firearm using a *firearm and ammunition as defined in s. 790.001, F.S.* This ensures that the instruction occurs in person rather than by video conference.

The bill also requires the DACS to expedite the application for a concealed weapon or firearm license for an applicant who is a service member or veteran, defined as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions.<sup>22</sup>

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<sup>19</sup> International Association of Law Enforcement Firearms Instructors, *Orientation and Course Overview*, available at <http://www.ialefi.com/IALEFI/InstCert/2015%20Instructor%20Certification.html> (last visited Jan. 8, 2016).

<sup>20</sup> Second Amendment Foundation, *SAF Training Division Instructor Courses*, available at <http://www.saftd.org/instructor-courses/instructor-firearms-courses/saftd-instructor-courses> (last visited Jan. 8, 2016).

<sup>21</sup> U.S. Federal Register, Vol. 77, no. 110 (June 7, 2012), available at <https://www.gpo.gov/fdsys/pkg/FR-2012-06-07/html/2012-13770.htm>. (Last visited Jan. 8, 2016). See also, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, *Questions and Answers – Revised ATF F4473 (April 2012 Edition)*, available at: <https://www.atf.gov/file/61841/download>. (Last visited Jan. 8, 2016).

<sup>22</sup> Section 1.01(14), F.S.

Subject to section 38 of the bill, application fees for concealed weapon and firearm licenses will be reduced from \$70 to \$60 for initial applicants, and from \$60 to \$50 for renewal applicants.

Section 38 of the bill clarifies licensing qualifications regarding applicants' criminal history. Previously, an applicant with a felony criminal record was eligible for licensure if his or her criminal record was sealed or expunged by a court. The bill proposes to allow only applicants whose felony criminal record has been expunged to qualify for licensure. Additionally, the bill clarifies that an applicant may not be granted a license if he or she has had adjudication of guilt withheld or has had an imposition of sentence suspended for any misdemeanor crime of domestic violence, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the criminal record of such offense has been either sealed or expunged.

Lastly, section 38 of the bill provides for notice of the suspension or revocation of a concealed weapon or firearm license by either personal delivery to the licensee or applicant or by certified mail, return receipt requested to the licensee's or applicant's last known mailing address provided to the DACS. If notice by certified mail fails, a second attempt by either first-class mail addressed to the last known mailing address furnished to the DACS by the licensee, or e-mail sent to an e-mail address provided by the licensee shall constitute notice. A request for hearing subsequent to such notice must be made within 21 days if notice was made by personal delivery, or within 26 days after the date the DACS deposited the second attempted notice by first-class mail in the U.S. mail, or sent the e-mail.

#### ***Affidavits Submitted With Concealed Weapon or Firearm Licenses***

Currently, s. 790.06(11), F.S., requires a licensee who seeks to renew his or her concealed weapon or firearm license to submit a *notarized affidavit* stating that the licensee remains qualified for the license. **Section 39** amends s. 790.06(11), F.S., to require an *affidavit submitted under oath and under penalty of perjury*. The DACS states that this will streamline their taxed firearm licensing system.<sup>23</sup>

#### ***Tax Collector Issuance of Concealed Weapon or Firearm Licenses***

As of July 1, 2014, tax collectors who entered into a memorandum of understanding with the DACS may collect initial and renewal applications for concealed weapon or firearm permits.

**Section 40** amends s. 790.0625(8), F.S., to expand the qualified tax collectors' capabilities to include the printing and delivery of a concealed weapon or firearm license to an individual who renews his or her license at the tax collector's office. Tax collectors may collect fees for such services.

### **Various DACS Licenses and Regulations**

#### ***Health Studios***

The Health Studio Act, ss. 501.012-501.019, F.S., regulates health studios that enter into contracts for health studio services with consumers. Regulations under the act include:

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<sup>23</sup> Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 10-11 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

- Registration with the DACS;
- Requirements that every contract with a consumer include certain provisions, such as the consumer's total payment obligations, and cancellation provisions;
- Provision of a security bond, generally ranging from \$10,000 to \$25,000, depending on the value of outstanding contracts with the studio; and
- Prohibited practices, such as committing an intentional fraud.

The DACS can seek an injunction or civil penalties for any violation of the act, and violations are generally misdemeanors. The DACS may also institute administrative prosecution of a health studio in violation of s. 501.015 or s. 501.016, F.S.

**Section 11** amends s. 501.0125(1), F.S., and adds s. 501.0125(6), F.S., to establish that personal trainers are not subject to the DACS' regulation of health studios, thus deregulating personal trainers. The bill defines "personal trainer" as an individual who:

- Does not have an established place of business for the primary purpose of physical exercise;
- Provides exercise equipment in incidental capacity to instruction provided; and
- Does not accept payment for services rendered more than 30 days after the date of payment.

According to the DACS, personal trainers traditionally do not issue binding contracts and do not collect a consumer's payment for services more than 30 days in advance, and therefore do not pose the same dangers to consumer's financial interests as brick and mortar health studios that use financing and long-term contracts.<sup>24</sup>

### *Commercial telephone sellers*

Commercial telephone sellers (telemarketers) must provide the address of each location at which he or she will do business. Current law allows telemarketers to provide a mail drop location as a physical address.

**Section 13** amends s. 501.605(2)(j), F.S., to require telemarketers to disclose the street address of each location from which he or she will be doing business, and no longer permits the use of a mail drop address.

### *Amusement Ride Safety Standards*

Florida has approximately 245 amusement parks and 190 traveling amusement companies that are subject to inspection by the DACS.<sup>25</sup> These parks include carnivals, water parks, go-kart courses, and bungee-jumping parks.<sup>26</sup> A temporary amusement ride must be inspected by the DACS each time it is moved or set up in a new location; permanent rides are inspected semi-annually.<sup>27</sup> Additionally, parks subject to the DACS' regulations must show proof of sufficient employee training and insurance.

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<sup>24</sup> Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 6 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

<sup>25</sup> Florida Department of Agriculture and Consumer Services, *Fair Rides Inspection*. Available at <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Business-Services/Fair-Rides> (last visited Jan. 8, 2016).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

**Section 36** amends s. 616.242, F.S., to exempt the following venues from the permitting, inspection, and insurance requirements for amusement rides:

- A water-related amusement ride operated as an incidental amenity to the core business of a lodging or food service establishment, or membership campground that does not offer a day rate.
- An amusement ride operated as an incidental amenity to the primary business of a membership-only facility that does not offer a day rate.
- A permanent facility that is not open to the general public, and that is operated by a nonprofit corporation registered under ch. 496, F.S.

These exemptions are targeted at generally smaller water attractions or rides at hotels or campsites, private country clubs or playgrounds, and facilities run by, e.g., the YMCA (two non-profit facilities currently qualify for this exemption).<sup>28</sup>

This bill also allows owners or managers of amusement rides to request to use alternate inspections and employee training forms than those prescribed by departmental rules, if the alternate form includes at least the information required by the prescribed form.

### **Weights and Measurements**

The Bureau of Standards within the DACS is generally responsible for the inspection of weights and measures devices or instruments in Florida. This includes, but is not limited to, the prescription of the appropriate unit of weight or measurement to be used, testing of weights and measuring instruments used by any city or county, and inspection of commercial weights and measures that are used to determine the weight, measurement or total count of commodities offered for sale, such as fruit and vegetables at a grocery store. For the purpose of consumer protection, the Bureau of Standards is also empowered under s. 531.42, F.S., to enforce the proper use of weights and measuring instruments or devices and the advertisement of the correct weight or measurement on a good for sale.

**Section 18** amends s. 531.37(1), F.S., to clarify that the DACS does not regulate aviation fuel under ch. 531, F.S. Instruments and devices used to inspect aviation fuel have been exempt from regulation and inspection by the DACS under ch. 531, F.S., since 2013.<sup>29</sup>

**Section 19** amends s. 531.415(1), F.S., to merge and clarify fees for metrology laboratory calibration and testing services performed by the Bureau of Standards. As a result, individuals who submit a subject for linear measure tests that are calibrated to determine actual values will realize a fee reduction from \$100<sup>30</sup> to not more than \$75; all other fees for testing services remain the same. Section 19 also amends s. 531.415(2), F.S., to require that items submitted for

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<sup>28</sup> Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 8 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

<sup>29</sup> Ch. 2013-251, s. 35, Laws of Fla.

<sup>30</sup> Metrology Fees, Florida Department of Agriculture and Consumer Services, available at: <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Business-Services/Standards/Metrology>. (Last visited Jan. 8, 2016.); Rule 5F-1.040(6), F.A.C.

testing be in a condition ready for testing, because the DACS cannot clean the subjects before testing.<sup>31</sup>

**Section 20** amends ss. 531.60(1) and (2), F.S., to clarify intent that commercial use permits issued by the DACS for commercially-used weights and measures instruments or devices (“instrument or device”) are granted to the *owner* of such weights and measures device, rather than to the *device* itself. The bill clarifies duties of the owner of permitted instruments and devices to require the owner and permit-holder to notify the DACS within 30 days of a change in permit status, including the expected non-renewal of the permit as a result of the instrument or device’s termination of use, or removal from the business location. Additionally, the bill requires new owners of currently permitted instruments or devices to apply for a new commercial use permit upon transfer of the item to the new owner; current law requires that a new permit “be issued” to the new owner. The DACS indicates that these changes will make their investigations more efficient.

Section 20 further amends s. 531.60(3), F.S., to remove language that allows properly permitted, non-commercial instruments and devices to be tested by the DACS.<sup>32</sup> The DACS no longer tests non-commercial instruments or devices.<sup>33</sup>

**Section 22** amends s. 531.62, F.S., to provide for an optional 2-year commercial-use permit. The DACS believes that this will reduce overall renewal permits, and make the process more efficient.<sup>34</sup>

**Sections 17 and 23** amend ss. 527.021(4) and 531.63(1)(a), F.S., respectively, to update the fee structure for weighing devices that are inspected by the DACS. Current law bases the maximum annual fee of such inspections on the number of devices per retail establishment, but the bill proposes to charge by number of devices in a single category instead. The bill also removes inspection of grain moisture meters from the fee schedule because the DACS no longer performs such inspections.<sup>35</sup> This section also creates a new \$150 fee for inspection of liquefied petroleum gas bulk delivery vehicles with a meter, which reflects the merger of the \$50 fee for registered transport vehicle inspection (currently found in s. 527.021(4), F.S.) and the \$100 fee for mass or volumetric flow meters (currently found in s. 531.63(2)(a) and (b), F.S.).

**Section 24** amends s. 531.65, F.S., to clarify that the DACS is authorized to apply more than one penalty if it is found that a weights or measures instrument or device is used commercially without a valid permit.

**Section 21** amends s. 531.61, F.S., to make conforming, technical changes.

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<sup>31</sup> Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 7 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

<sup>32</sup> Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 7 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

## Sellers of Travel

Part XI of ch. 559, F.S., the “Florida Sellers of Travel Act,” regulates business entities and individuals that sell pre-arranged travel, tourist-related services, or tour guide services.<sup>36</sup> These sellers of travel must annually register with the DACS, and post proof of a performance bond of up to \$50,000. The DACS may exercise its right to the performance bond for use and benefit of a traveler who is injured by a fraud, misrepresentation, breach of contract, financial failure, or violation of law by the seller of travel.<sup>37</sup>

**Section 27** amends s. 559.927, F.S., to clarify definitions used in ch. 559, F.S. Specifically, the bill proposes to:

- Delete tour-guide services and sightseeing tours in order to de-regulate the services;
- Amend the definition of “accommodations” to exclude long-term home rentals covered under a lease pursuant to ch. 83, F.S.; and
- Clarify the definition of “vacation certificates” to evince that a vacation certificate is necessary for any advanced travel for which no specific date for its use is designated, but is not necessary for travel for which dates are selected, guaranteed, and paid for at the time of purchase.

**Section 28** amends s. 559.928, F.S., to update seller of travel registration notice requirements and expand the DACS’ administrative enforcement power. Current law requires sellers of travel to place their registration number and a statement that their firm is “registered with the State of Florida as a Seller of Travel” on each contract and advertisement; this bill requires the same disclosure on certificates or any other travel documents.

The DACS is currently empowered to deny or refuse to renew a licensee’s or applicant’s license based on an applicant or licensee’s involvement in a crime involving fraud, dishonest dealing, or any other act of moral turpitude. The bill proposes to allow the DACS to revoke a license, in addition to its current administrative powers, for not only crimes involving fraud, dishonest dealing, or any other act of moral turpitude, but also any felony crime or pending criminal charges of theft, embezzlement or those that arise out of conduct as a seller of travel.

**Section 29** amends ss. 559.929(2) and (6), F.S., to make technical clarifications to existing statute.

**Sections 30, 31, and 32** amend s. 559.9295, 559.932, and 559.933, F.S., respectively, to update filing requirements placed on the seller of travel. The bill proposes to:

- Delete the requirement that the DACS review the filed vacation certificate disclosure within 10 days of its submission to the DACS. This allows the DACS more time to review the disclosure without it automatically being deemed in compliance as a result of passage of time alone;
- Amend DACS’ duty to review the vacation certificate or contract only for their compliance with legally-required disclosures under s. 595.932, F.S., rather than the contract or certificate

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<sup>36</sup> Sections 559.926-.927, F.S.

<sup>37</sup> Section 559.929(2), F.S.

in its entirety. The DACS indicates that this will still ensure consumer protection, but be more efficient;<sup>38</sup>

- Require at least 10-point font for disclosure language provided on vacation certificates; and
- Make technical, non-substantive changes to clean up required cancellation and refund notices that must be made by the seller of travel on vacation certificates.

**Sections 33 and 35** amend ss. 559.9335 and 559.936, F.S., respectively, to modernize the statute and expand prohibited practices, and to update cross-references. Specifically, section 33 prohibits making false statements in response to any inquiry made by the DACS or any other governmental agency, and knowingly selling vacation certificates in excess of the accommodations available at the time of the sale (where current law makes it a violation to sell in excess of the number of available accommodations that was disclosed to the DACS).

**Section 34** amends s. 559.935, F.S., to delete the requirement that affiliates of sellers of travel file an affidavit of exemption with the DACS in order to obtain an exemption from specific sections of the Sellers of Travel Act. Section 559.935, F.S., still appears to regulate such affiliates, but it is unclear how the DACS will grant or revoke such exemptions when no initial proof of eligibility for the exemption is required.

**Sections 42 and 43** amend ss. 559.9285 (1) and (3)(d), and 559.937(2), F.S., respectively, to make conforming changes to reflect the deregulation of tour-guide services.

### **Enforcement of Lien by Sale of Motor Vehicle**

The Motor Vehicle Advisory Council was created to advise and assist the DACS about issues relating to ss. 559.901-559.9221, F.S., the “Florida Motor Vehicle Repair Act” (act). The act generally requires motor vehicle repair shops to register with the DACS and perform various duties designed to ensure consumer protection.

The act also delineates rights and duties that accrue to the shop and vehicle owner if the owner fails to pay for authorized repairs that were performed. In essence, the shop (lienor) may assert its legal right to the vehicle, subject to the customer’s (lienholder’s) right to request a hearing to dispute the lien, or to file a bond for the value of the vehicle, plus the cost of any repairs, storage, or reasonable fees,

**Section 41** amends s. 559.917, F.S., to define “lienholder” as the person claiming an interest in a lien or on a vehicle, and “lienor” as a person claiming a lien for motor vehicle repair shop work. This expands the right to present a bond to release a possessory lien claimed by a motor vehicle repair shop to include any party with an interest in the vehicle, e.g., the vehicle dealer who holds title to the car, in addition to the customer who authorized the repairs on the vehicle.

**Section 37** amends s. 713.585, F.S., to reduce the number of days that the lienor is required to give notice to the registered owner of the vehicle, the customer who requested the repairs, and to

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<sup>38</sup> Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 8 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

all other persons who claim an interest in the vehicle, from 15 to 7 days from the initial assessment of storage charges on the motor vehicle.

In addition, section 37:

- Provides processes by which a lienholder who has posted a bond in favor of the vehicle may take possession of the vehicle, or, in cases in which the owner is not in default under his or her installment sales contract or title loan, must return the vehicle to the owner;
- Requires a court that hears a complaint relating to a vehicle subject to a s. 713.585, F.S., lien, to provide for immediate payment of any proceeds or awards, and the immediate release of the bond to the posting party, if applicable; and
- Makes technical, conforming changes to s. 713.585, F.S.

**Section 44** provides an effective date of July 1, 2016, except as where otherwise stated in the bill.

#### **IV. Constitutional Issues:**

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. Other Constitutional Issues:

The Due Process Clauses of the Fifth and Fourteenth Amendments contemplate fair process. “An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objection.”<sup>39</sup> Three factors must be weighed to determine the degree to which due process protections apply:

- The private interest that will be affected;
- The risk of erroneous deprivation of such interest through the procedures used; and
- The government’s interest, including fiscal and administrative burdens of additional process.<sup>40</sup>

The DACS seeks to preserve the public records exemption of personal identifying information of an individual who applied for or received a firearm or concealed weapon license by substituting direct mail or personal service for the publication of such

<sup>39</sup> *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

<sup>40</sup> *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Hadley v. Dept. of Admin.*, 411 So.2d 184 (Fla. 1982).

information in general circulation newspapers as a method of notice.<sup>41</sup> Courts have not ruled directly on whether replacing notice by publication with notice by first class mail without proof of knowledge of receipt is sufficient procedural due process.<sup>42</sup>

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Veterans, their spouses, and majority-owned veteran businesses will qualify for initial specific license fee and application fee waivers. Certain personal trainers will not be subject to registration as a health studio any longer, and will not have to pay an annual registration fee. Specific businesses will be exempt from amusement ride inspections and costs associated therewith.

Individuals seeking a first-time concealed weapon or firearm license will be subject to a \$60 application fee, reduced from \$70; renewal license fees will be \$50, reduced from \$60. A path to certification as a Firearms Instructor will be broadened, thereby allowing qualified individuals to more quickly obtain employment as a Firearms Instructor.

Automobile dealers will have an avenue to better preserve their interests in a lien on a vehicle they sold, but is now subject to a motor vehicle repair shop’s lien under s. 559.917, F.S. Additionally, parties involved in such lien disputes will possibly accrue smaller storage fees since the required term for notice prior to enforcement of the lien is reduced from 15 to 7 days.

**C. Government Sector Impact:**

Military Veteran Fee Waiver

The DACS expects a reduction in revenue generated from military veterans and their spouses who use the fee waiver provisions of this bill in the following amounts:

	FY 16-17	FY 17-18	FY 18-19
Division of Consumer Services Application Fees <sup>43</sup>	(\$51,250)	(\$51,250)	(\$51,250)

<sup>41</sup> See s. 790.0601, F.S.; Florida Department of Agriculture and Consumer Services, *Agency Bill Analysis for SB 772*, 10 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

<sup>42</sup> *Anderson v. State*, 87 So. 3d 774, 776 (Fla. 2012).

<sup>43</sup> This number is based on an estimated 231,000 veterans from the Afghanistan and Iraq wars who live in Florida, while this Committee’s research estimates that 165,000 veterans from the Afghanistan and Iraq wars live in Florida. Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 12 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

Division of Licensing Application & License Fees <sup>44</sup>	(\$164,965)	(\$164,965)	(\$164,965)
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### Chapter 493: Fingerprint Retention and Renewals Revenues

The DACS expects to generate the following from new fees related to Fingerprint Retention programs:

	FY 16-17	FY 17-18	FY 18-19
FBI Funds <sup>45</sup>	\$1,559,958	\$1,559,958	\$469,577
FDLE Operating Trust Fund <sup>46</sup>	\$1,050,237	\$1,050,237	\$709,840
Subtotal:	\$2,610,195	\$2,610,195	\$1,178,417

The FY 2018-2019 revenues from fingerprint retention fees decrease significantly because current licensees will have caught up on the one-time FBI fingerprint retention fee and the background check fingerprint fee, leaving only the annual \$6 Florida fingerprint retention fee.

The FDLE states that this bill, in concert with other background screening proposals currently in the Legislature, may necessitate an additional FTE or other resources.<sup>47</sup>

### Chapter 493: Fingerprint Retention and Renewals Expenditures

The DACS expects to spend the following for the processing through of costs and fees collected to the FBI and FDLE for the fingerprint retention and processing services provided:

	FY 16-17	FY 17-18	FY 18-19
Division of Licensing Trust Fund FBI/FDLE Disbursements	\$2,592,000	\$2,592,000	\$1,126,000

### Safety Standards for Amusement Rides

The DACS expects a reduction in revenue due to the use of the ch. 496, F.S. inspection exemption by two non-profit companies:

<sup>44</sup> This number assumes that veterans will constitute 10% of applicants for licensure under ch. 493, F.S. The DACS received 33,199 applications for licensure under ch. 493, F.S., in FY 2014-2015. Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 12 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

<sup>45</sup> According to the DACS, this total estimates that 33,944 new applicants, plus 40,313 renewal applicants will pay the one-time FBI fingerprint retention \$13.00 fee that covers the duration of a license; in addition, 39,650 renewal applicants will pay the "standard national background check fingerprint fee of \$14.75." *Id.* at 12-13.

<sup>46</sup> This total estimates that 33,944 new applicants plus 40,313 renewal applicants will be subject to the \$6.00 annual Florida fingerprint retention fee; in addition, 40,313 renewal applicants will also pay the standard FDLE background check fingerprint processing fee of \$15. *Id.*

<sup>47</sup> Florida Department of Law Enforcement, *Agency Analysis of SB 772*, 5 (Dec. 23, 2015) (on file with the Committee on Commerce and Tourism).

FY 16-17	FY 17-18	FY 18-19
(\$2,280)	(\$2,280)	(\$2,280)

Chapter 790 Fee Reductions

The DACS expects a reduction in revenue as a result of the proposed fee reduction for concealed weapon licenses. However, the Department states that “if this proposal is enacted, the division will absorb the additional workload of processing refunds for the substantial volume of new and renewal applications submitted for the previous fee amount, as well as costs for revised application forms, brochures, information materials and information system programming costs.”

	FY 16-17	FY 17-18	FY 18-19
New CW License Fee Reduction	(\$1,650,000)	(\$1,550,000)	(\$1,550,000)
Renewal CW License Fee Reduction	(\$1,294,010)	(\$1,240,260)	(\$1,162,230)
Total-Division of Licensing Trust Fund	(\$2,994,010)	(\$2,790,260)	(\$2,712,230)

Chapter 790: Notice of Service

The DACS expects the following recurring expenditure for provision of service of notice by personal service or U.S. mail. These expenditures represent a reduction in costs from the \$158,948 expended on publication fees for Service of Process during FY 2013-2014.

FY 16-17	FY 17-18	FY 18-19
(\$140,186)	(\$140,186)	(\$140,186)

Court filings may increase as a result of the expanded lienholder rights under s. 559.917, F.S. This may result in additional financial expenditures by circuit courts to accommodate the increase.

**VI. Technical Deficiencies:**

Section 34 should be clarified to evince how the DACS will grant or revoke a seller’s of travel affiliate’s exemptions when no initial proof of eligibility for the exemption is required.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 472.007, 472.015, 493.6105, 493.6106, 493.6107, 493.6108, 493.6113, 493.6202, 493.6302, 493.6402, 501.0125, 501.015, 501.605, 501.607, 507.03, 527.02, 527.021, 531.37, 531.415, 531.60, 531.61, 531.62, 531.63, 531.65, 539.001, 559.904, 559.927, 559.928, 559.929, 559.9295, 559.932, 559.933,

559.9335, 559.935, 559.936, 616.242, 790.06, 790.0625, 559.9285, 559.937, 713.585, and 559.917.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

**CS by Commerce and Tourism on January 11, 2016:**

- Makes a technical change to use consistent language to clarify that, in two specific instances, an applicant's *registration* fee will be waived;
- Amends the Service of Process requirements for licensees and applicants for a concealed weapon or firearm license to require either personal service or certified mail, return receipt requested to the licensee at his or her last known mailing address furnished to the DACS.
- Allows additional parties to assert their financial interest in a motor vehicle that is subject to a s. 713.585, F.S., motor vehicle repair lien. Additionally, the bill make conforming changes and reduces the number of days that a lienor (generally a motor vehicle repair shop) is required to give notice of their intent to enforce their interest in the lien on the car.

**B. Amendments:**

None.



799946

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2016	.	
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	.	

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The Committee on Commerce and Tourism (Richter) recommended the following:

**Senate Amendment**

Delete line 481

and insert:

initial registration fee for an honorably discharged veteran of the

Delete line 599

and insert:

(b) The department shall waive the initial registration fee for



735614

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2016	.	
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	.	
	.	

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The Committee on Commerce and Tourism (Richter) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1719 - 1979  
and insert:

Section 37. Subsections (1), (2), (5), (7), and (13) of section 713.585, Florida Statutes, are amended to read:

713.585 Enforcement of lien by sale of motor vehicle.—A person claiming a lien under s. 713.58 for performing labor or services on a motor vehicle may enforce such lien by sale of the vehicle in accordance with the following procedures:



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11 (1) The lienor must give notice, by certified mail, return  
12 receipt requested, within 7 ~~15~~ business days, excluding Saturday  
13 and Sunday, from the beginning date of the assessment of storage  
14 charges on said motor vehicle, to the registered owner of the  
15 vehicle, to the customer as indicated on the order for repair,  
16 and to all other persons claiming an interest in or lien  
17 thereon, as disclosed by the records of the Department of  
18 Highway Safety and Motor Vehicles or as disclosed by the records  
19 of any corresponding agency of any other state in which the  
20 vehicle is identified through a records check of the National  
21 Motor Vehicle Title Information System or an equivalent  
22 commercially available system as being the current state where  
23 the vehicle is titled. Such notice must contain:

24 (a) A description of the vehicle, including, at minimum,  
25 its ~~(year, make, vehicle identification number,)~~ and the  
26 vehicle's ~~its~~ location.

27 (b) The name and address of the owner of the vehicle, the  
28 customer as indicated on the order for repair, and any person  
29 claiming an interest in or lien thereon.

30 (c) The name, address, and telephone number of the lienor.

31 (d) Notice that the lienor claims a lien on the vehicle for  
32 labor and services performed and storage charges, if any, and  
33 the cash sum which, if paid to the lienor, would be sufficient  
34 to redeem the vehicle from the lien claimed by the lienor.

35 (e) Notice that the lien claimed by the lienor is subject  
36 to enforcement pursuant to this section and that the vehicle may  
37 be sold to satisfy the lien.

38 (f) If known, the date, time, and location of any proposed  
39 or scheduled sale of the vehicle. A ~~No~~ vehicle may not be sold



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40 earlier than 60 days after completion of the repair work.

41 (g) Notice that the owner of the vehicle or any person  
42 claiming an interest in or lien thereon has a right to a hearing  
43 at any time before ~~prior to~~ the scheduled date of sale by filing  
44 a demand for hearing with the clerk of the circuit court in the  
45 county in which the vehicle is held and mailing copies of the  
46 demand for hearing to all other owners and lienors as reflected  
47 on the notice.

48 (h) Notice that the owner of the vehicle has a right to  
49 recover possession of the vehicle without instituting judicial  
50 proceedings by posting bond in accordance with ~~the provisions of~~  
51 s. 559.917.

52 (i) Notice that any proceeds from the sale of the vehicle  
53 remaining after payment of the amount claimed to be due and  
54 owing to the lienor will be deposited with the clerk of the  
55 circuit court for disposition upon court order pursuant to  
56 subsection (8).

57 (j) Notice that a lienholder, if any, has the right, as  
58 specified in subsection (5), to demand a hearing or to post a  
59 bond.

60 (2) If attempts to locate the owner or lienholder are  
61 unsuccessful after a check of the records of the Department of  
62 Highway Safety and Motor Vehicles and any state disclosed by the  
63 check of the National Motor Vehicle Title Information System or  
64 an equivalent commercially available system, the lienor must  
65 notify the local law enforcement agency in writing by certified  
66 mail or acknowledged hand delivery that the lienor has been  
67 unable to locate the owner or lienholder, that a physical search  
68 of the vehicle has disclosed no ownership information, and that



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69 a good faith effort, including records checks of the Department  
70 of Highway Safety and Motor Vehicles database and the National  
71 Motor Vehicle Title Information System or an equivalent  
72 commercially available system, has been made. A description of  
73 the motor vehicle which includes the year, make, and  
74 identification number must be given on the notice. This  
75 notification must take place within 7 ~~15~~ business days,  
76 excluding Saturday and Sunday, from the beginning date of the  
77 assessment of storage charges on said motor vehicle. For  
78 purposes of this paragraph, the term "good faith effort" means  
79 that the following checks have been performed by the company to  
80 establish the prior state of registration and title:

81 (a) A check of the Department of Highway Safety and Motor  
82 Vehicles database for the owner and any lienholder;

83 (b) A check of the federally mandated electronic National  
84 Motor Vehicle Title Information System or an equivalent  
85 commercially available system to determine the state of  
86 registration when there is not a current title or registration  
87 record for the vehicle on file with the Department of Highway  
88 Safety and Motor Vehicles;

89 (c) A check of vehicle for any type of tag, tag record,  
90 temporary tag, or regular tag;

91 (d) A check of vehicle for inspection sticker or other  
92 stickers and decals that could indicate the state of possible  
93 registration; and

94 (e) A check of the interior of the vehicle for any papers  
95 that could be in the glove box, trunk, or other areas for the  
96 state of registration.

97 (5) At any time before ~~prior to~~ the proposed or scheduled



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98 date of sale of a vehicle, the owner of the vehicle, or any  
99 person claiming an interest in the vehicle or a lien thereon,  
100 may post a bond following the procedures outlined in s. 559.917  
101 or file a demand for hearing with the clerk of the circuit court  
102 in the county in which the vehicle is held to determine whether  
103 the vehicle has been wrongfully taken or withheld from her or  
104 him. Any person who files a demand for hearing shall mail copies  
105 of the demand to all other owners and lienors as reflected on  
106 the notice required in subsection (1).

107 (a) Upon the filing of a demand for hearing, a hearing  
108 shall be held before ~~prior to~~ the proposed or scheduled date of  
109 sale of the vehicle.

110 (b) Upon the posting of the bond and payment of the  
111 applicable fee set forth in s. 28.24, the clerk of the court  
112 shall issue a certificate notifying the lienor of the posting of  
113 the bond and directing the lienor to release the vehicle to the  
114 lienholder or the owner, based upon whomever posted the bond.

115 (c) If a lienholder obtains the vehicle and the owner of  
116 the vehicle is not in default under the installment sales  
117 contract or title loan at the time the lienholder has possession  
118 of the vehicle, the lienholder must return the vehicle to the  
119 owner within 5 days after the owner repays the lienholder for  
120 the amount of the bond, or makes arrangements to repay the  
121 lienholder for the bond under terms agreeable to the lienholder.  
122 A lienholder may retain possession of the vehicle if the owner  
123 is in default until such time as the default is cured and the  
124 amount of the bond is repaid by the owner, or an arrangement  
125 agreeable to the lienholder is made with the owner.

126 (7) At a ~~the~~ hearing on a complaint relating to the



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127 requirements of this section ~~on the complaint~~, the court shall  
128 ~~forthwith~~ issue an its order determining:

129 (a) Whether the vehicle is subject to a valid lien by the  
130 lienor and the amount thereof;

131 (b) The priority of the lien of the lienor as against any  
132 existing security interest in the vehicle;

133 (c) The distribution of any proceeds of the sale by the  
134 clerk of the circuit court;

135 (d) The awarding of damages, if any;

136 (e)-(d) The award of reasonable attorney attorney's fees and  
137 costs, at the court's discretion, to the prevailing party; and

138 (f)-(e) The reasonableness of storage charges.  
139

140 A final order, by the court, must also provide for immediate  
141 payment of any proceeds or awards, and the immediate release of  
142 the bond to the posting party, if applicable.

143 (13) A failure to make good faith efforts as defined in  
144 subsection (2) precludes the imposition of any storage charges  
145 against the vehicle. If a lienor fails to provide notice to any  
146 person claiming a lien on a vehicle under subsection (1) within  
147 7 ~~15~~ business days after the assessment of storage charges has  
148 begun, then the lienor is precluded from charging for more than  
149 7 ~~15~~ days of storage, but failure to provide timely notice does  
150 not affect charges made for repairs, adjustments, or  
151 modifications to the vehicle or the priority of liens on the  
152 vehicle.

153 Section 38. Subsections (2), (4), (5), and (10) of section  
154 790.06, Florida Statutes, are amended, and paragraph (f) is  
155 added to subsection (6) of that section, to read:



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156 790.06 License to carry concealed weapon or firearm.-

157 (2) The Department of Agriculture and Consumer Services  
158 shall issue a license if the applicant:

159 (a) Is a resident of the United States and a citizen of the  
160 United States or a permanent resident alien of the United  
161 States, as determined by the United States Bureau of Citizenship  
162 and Immigration Services, or is a consular security official of  
163 a foreign government that maintains diplomatic relations and  
164 treaties of commerce, friendship, and navigation with the United  
165 States and is certified as such by the foreign government and by  
166 the appropriate embassy in this country;

167 (b) Is 21 years of age or older;

168 (c) Does not suffer from a physical infirmity which  
169 prevents the safe handling of a weapon or firearm;

170 (d) Is not ineligible to possess a firearm pursuant to s.  
171 790.23 by virtue of having been convicted of a felony;

172 (e) Has not been committed for the abuse of a controlled  
173 substance or been found guilty of a crime under the provisions  
174 of chapter 893 or similar laws of any other state relating to  
175 controlled substances within a 3-year period immediately  
176 preceding the date on which the application is submitted;

177 (f) Does not chronically and habitually use alcoholic  
178 beverages or other substances to the extent that his or her  
179 normal faculties are impaired. It shall be presumed that an  
180 applicant chronically and habitually uses alcoholic beverages or  
181 other substances to the extent that his or her normal faculties  
182 are impaired if the applicant has been committed under chapter  
183 397 or under the provisions of former chapter 396 or has been  
184 convicted under s. 790.151 or has been deemed a habitual



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185 offender under s. 856.011(3), or has had two or more convictions  
186 under s. 316.193 or similar laws of any other state, within the  
187 3-year period immediately preceding the date on which the  
188 application is submitted;

189 (g) Desires a legal means to carry a concealed weapon or  
190 firearm for lawful self-defense;

191 (h) Demonstrates competence with a firearm by any one of  
192 the following:

193 1. Completion of any hunter education or hunter safety  
194 course approved by the Fish and Wildlife Conservation Commission  
195 or a similar agency of another state;

196 2. Completion of any National Rifle Association firearms  
197 safety or training course;

198 3. Completion of any firearms safety or training course or  
199 class available to the general public offered by a law  
200 enforcement agency, junior college, college, or private or  
201 public institution or organization or firearms training school,  
202 using ~~utilizing~~ instructors certified by the National Rifle  
203 Association, Criminal Justice Standards and Training Commission,  
204 or the Department of Agriculture and Consumer Services;

205 4. Completion of any law enforcement firearms safety or  
206 training course or class offered for security guards,  
207 investigators, special deputies, or any division or subdivision  
208 of a law enforcement agency or security enforcement;

209 5. Presents evidence of equivalent experience with a  
210 firearm through participation in organized shooting competition  
211 or military service;

212 6. Is licensed or has been licensed to carry a firearm in  
213 this state or a county or municipality of this state, unless



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214 such license has been revoked for cause; or

215 7. Completion of any firearms training or safety course or  
216 class conducted by a state-certified or National Rifle  
217 Association certified firearms instructor;

218

219 A photocopy of a certificate of completion of any of the courses  
220 or classes; ~~or~~ an affidavit from the instructor, school, club,  
221 organization, or group that conducted or taught such said course  
222 or class attesting to the completion of the course or class by  
223 the applicant; or a copy of any document that ~~which~~ shows  
224 completion of the course or class or evidences participation in  
225 firearms competition shall constitute evidence of qualification  
226 under this paragraph. ~~A; any~~ person who conducts a course  
227 pursuant to subparagraph 2., subparagraph 3., or subparagraph  
228 7., or who, as an instructor, attests to the completion of such  
229 courses, must maintain records certifying that he or she  
230 observed the student safely handle and discharge the firearm in  
231 his or her physical presence and that the discharge of the  
232 firearm included live fire using a firearm and ammunition as  
233 defined in s. 790.001;

234 (i) Has not been adjudicated an incapacitated person under  
235 s. 744.331, or similar laws of any other state, unless 5 years  
236 have elapsed since the applicant's restoration to capacity by  
237 court order;

238 (j) Has not been committed to a mental institution under  
239 chapter 394, or similar laws of any other state, unless the  
240 applicant produces a certificate from a licensed psychiatrist  
241 that he or she has not suffered from disability for at least 5  
242 years before ~~prior to~~ the date of submission of the application;



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243 (k) Has not had adjudication of guilt withheld or  
244 imposition of sentence suspended on any felony ~~or misdemeanor~~  
245 ~~crime of domestic violence~~ unless 3 years have elapsed since  
246 probation or any other conditions set by the court have been  
247 fulfilled, or expunction has occurred ~~the record has been sealed~~  
248 ~~or expunged;~~

249 (l) Has not had adjudication of guilt withheld or  
250 imposition of sentence suspended on any misdemeanor crime of  
251 domestic violence unless 3 years have elapsed since probation or  
252 any other conditions set by the court have been fulfilled, or  
253 the record has been sealed or expunged;

254 (m) ~~(l)~~ Has not been issued an injunction that is currently  
255 in force and effect and that restrains the applicant from  
256 committing acts of domestic violence or acts of repeat violence;  
257 and

258 (n) ~~(m)~~ Is not prohibited from purchasing or possessing a  
259 firearm by any other provision of Florida or federal law.

260 (4) The application shall be completed, under oath, on a  
261 form adopted ~~promulgated~~ by the Department of Agriculture and  
262 Consumer Services and shall include:

263 (a) The name, address, place of birth, ~~and~~ date of birth,  
264 and race, ~~and occupation~~ of the applicant;

265 (b) A statement that the applicant is in compliance with  
266 criteria contained within subsections (2) and (3);

267 (c) A statement that the applicant has been furnished a  
268 copy of this chapter and is knowledgeable of its provisions;

269 (d) A conspicuous warning that the application is executed  
270 under oath and that a false answer to any question, or the  
271 submission of any false document by the applicant, subjects the



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272 applicant to criminal prosecution under s. 837.06; ~~and~~  
273 (e) A statement that the applicant desires a concealed  
274 weapon or firearms license as a means of lawful self-defense;  
275 and-  
276 (f) Directions for an applicant who is a servicemember, as  
277 defined in s. 250.01, or a veteran, as defined in s. 1.01, to  
278 request expedited processing of his or her application.  
279 (5) The applicant shall submit to the Department of  
280 Agriculture and Consumer Services or an approved tax collector  
281 pursuant to s. 790.0625:  
282 (a) A completed application as described in subsection (4).  
283 (b) A nonrefundable license fee of up to \$60 ~~\$70~~ if he or  
284 she has not previously been issued a statewide license or of up  
285 to \$50 ~~\$60~~ for renewal of a statewide license. The cost of  
286 processing fingerprints as required in paragraph (c) shall be  
287 borne by the applicant. However, an individual holding an active  
288 certification from the Criminal Justice Standards and Training  
289 Commission as a law enforcement officer, correctional officer,  
290 or correctional probation officer as defined in s. 943.10(1),  
291 (2), (3), (6), (7), (8), or (9) is exempt from the licensing  
292 requirements of this section. If such individual wishes to  
293 receive a concealed weapon ~~weapons~~ or firearm ~~firearms~~ license,  
294 he or she is exempt from the background investigation and all  
295 background investigation fees, but must pay the current license  
296 fees regularly required to be paid by nonexempt applicants.  
297 Further, a law enforcement officer, a correctional officer, or a  
298 correctional probation officer as defined in s. 943.10(1), (2),  
299 or (3) is exempt from the required fees and background  
300 investigation for ~~a period of~~ 1 year after his or her



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301 retirement.

302 (c) A full set of fingerprints of the applicant  
303 administered by a law enforcement agency or the Division of  
304 Licensing of the Department of Agriculture and Consumer Services  
305 or an approved tax collector pursuant to s. 790.0625 together  
306 with any personal identifying information required by federal  
307 law to process fingerprints.

308 (d) A photocopy of a certificate, affidavit, or document as  
309 described in paragraph (2) (h).

310 (e) A full frontal view color photograph of the applicant  
311 taken within the preceding 30 days, in which the head, including  
312 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

313 (f) For expedited processing of an application:

314 1. A servicemember shall submit a copy of the Common Access  
315 Card, United States Uniformed Services Identification Card, or  
316 current deployment orders.

317 2. A veteran shall submit a copy of the DD Form 214, issued  
318 by the United States Department of Defense, or another  
319 acceptable form of identification as specified by the Department  
320 of Veterans' Affairs.

321 (6)

322 (f) The Department of Agriculture and Consumer Services  
323 shall, upon receipt of a completed application and the  
324 identifying information required under paragraph (5) (f),  
325 expedite the processing of a servicemember's or a veteran's  
326 concealed weapon or firearm license application.

327 (10) A license issued under this section shall be suspended  
328 or revoked pursuant to chapter 120 if the licensee:

329 (a) Is found to be ineligible under the criteria set forth



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330 in subsection (2);

331 (b) Develops or sustains a physical infirmity which  
332 prevents the safe handling of a weapon or firearm;

333 (c) Is convicted of a felony which would make the licensee  
334 ineligible to possess a firearm pursuant to s. 790.23;

335 (d) Is found guilty of a crime under the provisions of  
336 chapter 893, or similar laws of any other state, relating to  
337 controlled substances;

338 (e) Is committed as a substance abuser under chapter 397,  
339 or is deemed a habitual offender under s. 856.011(3), or similar  
340 laws of any other state;

341 (f) Is convicted of a second violation of s. 316.193, or a  
342 similar law of another state, within 3 years after ~~of~~ a first  
343 ~~previous~~ conviction of such section, or similar law of another  
344 state, even though the first violation may have occurred before  
345 ~~prior to~~ the date on which the application was submitted;

346 (g) Is adjudicated an incapacitated person under s.  
347 744.331, or similar laws of any other state; or

348 (h) Is committed to a mental institution under chapter 394,  
349 or similar laws of any other state.

350  
351 Notwithstanding s. 120.60(5), notice by the Department of  
352 Agriculture and Consumer Services of the suspension or  
353 revocation of a concealed weapon or firearm license of this  
354 state or the suspension of the processing of an application for  
355 such license must be by personal delivery to the licensee or  
356 applicant or by mail in an envelope, first class, postage  
357 prepaid, addressed to the licensee or applicant at his or her  
358 last known mailing address provided to the department. Such



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359 mailing by the department constitutes notice, and any failure by  
360 the person to receive the mailed notice does not stay the  
361 effective date or term of the suspension or revocation. A  
362 request for a hearing must be filed with the department within  
363 21 days if notice was received by personal delivery, or within  
364 26 days after the date the department deposited the notice in  
365 the United States mail (21 days plus 5 days for mailing). Proof  
366 of the giving of notice shall be made by entry in the records of  
367 the department that such notice was given. The entry is  
368 admissible in the courts of this state and constitutes  
369 sufficient proof that notice was given.

370 Section 39. Effective upon this act becoming a law,  
371 paragraph (a) of subsection (11) of section 790.06, Florida  
372 Statutes, is amended to read:

373 790.06 License to carry concealed weapon or firearm.—

374 (11) (a) At least ~~No less than~~ 90 days before the expiration  
375 date of the license, the Department of Agriculture and Consumer  
376 Services shall mail to each licensee a written notice of the  
377 expiration and a renewal form prescribed by the Department of  
378 Agriculture and Consumer Services. The licensee must renew his  
379 or her license on or before the expiration date by filing with  
380 the Department of Agriculture and Consumer Services the renewal  
381 form containing an a-notarized affidavit submitted under oath  
382 and under penalty of perjury stating that the licensee remains  
383 qualified pursuant to the criteria specified in subsections (2)  
384 and (3), a color photograph as specified in paragraph (5) (e),  
385 and the required renewal fee. Out-of-state residents must also  
386 submit a complete set of fingerprints and fingerprint processing  
387 fee. The license shall be renewed upon receipt of the completed



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388 renewal form, color photograph, appropriate payment of fees,  
389 and, if applicable, fingerprints. Additionally, a licensee who  
390 fails to file a renewal application on or before its expiration  
391 date must renew his or her license by paying a late fee of \$15.  
392 A license may not be renewed 180 days or more after its  
393 expiration date, and such a license is deemed to be permanently  
394 expired. A person whose license has been permanently expired may  
395 reapply for licensure; however, an application for licensure and  
396 fees under subsection (5) must be submitted, and a background  
397 investigation shall be conducted pursuant to this section. A  
398 person who knowingly files false information under this  
399 subsection is subject to criminal prosecution under s. 837.06.

400 Section 40. Subsection (8) is added to section 790.0625,  
401 Florida Statutes, to read:

402 790.0625 Appointment of tax collectors to accept  
403 applications for a concealed weapon or firearm license; fees;  
404 penalties.—

405 (8) Upon receipt of a completed renewal application, a new  
406 color photograph, and appropriate payment of fees, a tax  
407 collector authorized to accept renewal applications for  
408 concealed weapon or firearm licenses under this section may,  
409 upon approval and confirmation of license issuance by the  
410 department, print and deliver a concealed weapon or firearm  
411 license to a licensee renewing his or her license at the tax  
412 collector's office.

413 Section 41. Subsections (1) through (4) of section 559.917,  
414 Florida Statutes, are amended to read:

415 559.917 Bond to release possessory lien claimed by motor  
416 vehicle repair shop.—



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417           (1) As used in this section, the term:  
418           (a) "Lienholder" means a person claiming an interest in or  
419 a lien on a vehicle pursuant to s. 713.585(5).  
420           (b) "Lienor" means a person claiming a lien for motor  
421 vehicle repair shop work under part II of chapter 713.  
422           (2) ~~(1)~~ (a) A lienholder or Any customer may obtain the  
423 release of a ~~her or his~~ motor vehicle for which the lienholder  
424 or customer has a lien or ownership rights, respectively, from  
425 any lien claimed under part II of chapter 713 by a motor vehicle  
426 repair shop for repair work performed under a written repair  
427 estimate by filing with the clerk of the court in the circuit in  
428 which the disputed transaction occurred a cash or surety bond,  
429 payable to the person claiming the lien and conditioned for the  
430 payment of any judgment which may be entered on the lien. The  
431 bond shall be in the amount stated on the invoice required by s.  
432 559.911, plus accrued storage charges, if any, less any amount  
433 paid to the motor vehicle repair shop as indicated on the  
434 invoice. The lienholder or customer shall not be required to  
435 institute judicial proceedings in order to post the bond in the  
436 registry of the court, nor shall the lienholder or customer be  
437 required to use a particular form for posting the bond, unless  
438 the clerk provides ~~shall provide~~ such form to the lienholder or  
439 customer for filing. Upon the posting of such bond, the clerk of  
440 the court shall automatically issue a certificate notifying the  
441 lienor of the posting of the bond and directing the lienor to  
442 release the lienholder's or customer's motor vehicle.  
443           (b) The lienor shall have 60 days to file suit to recover  
444 the bond. The prevailing party in that action may be entitled to  
445 damages plus court costs and reasonable attorney ~~attorney's~~



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446 fees. If the lienor fails to file suit within 60 days after the  
447 posting of such bond, the bond shall be discharged.

448 (3)~~(2)~~ The failure of a lienor to release or return to the  
449 lienholder or customer the motor vehicle upon which any lien is  
450 claimed, upon receiving a copy of a certificate giving notice of  
451 the posting of the bond and directing release of the motor  
452 vehicle, shall subject the lienor to judicial proceedings which  
453 may be brought by the lienholder or customer to compel  
454 compliance with the certificate. ~~If whenever~~ a lienholder  
455 pursuant to s. 713.585 or customer brings an action to compel  
456 compliance with the certificate, the lienholder or customer need  
457 only establish that:

458 (a) Bond in the amount of the invoice, plus accrued storage  
459 charges, if any, less any amount paid to the motor vehicle  
460 repair shop as indicated on the invoice, was posted;

461 (b) A certificate was issued pursuant to this section;

462 (c) The motor vehicle repair shop, or any employee or agent  
463 thereof who is authorized to release the motor vehicle, received  
464 a copy of a certificate issued pursuant to this section; and

465 (d) The motor vehicle repair shop or employee authorized to  
466 release the motor vehicle failed to release the motor vehicle.

467  
468 The lienholder or customer, upon a judgment in her or his favor  
469 in an action brought under this subsection, may be entitled to  
470 damages plus court costs and reasonable attorney ~~attorney's~~ fees  
471 sustained by her or him by reason of such wrongful detention or  
472 retention. Upon a judgment in favor of the motor vehicle repair  
473 shop, the shop may be entitled to reasonable attorney ~~attorney's~~  
474 fees.



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475            ~~(4)-(3)~~ Any motor vehicle repair shop that ~~which~~, or any  
476 employee or agent thereof who is authorized to release the motor  
477 vehicle who, upon receiving a copy of a certificate giving  
478 notice of the posting of the bond in the required amount and  
479 directing release of the motor vehicle, fails to release or  
480 return the property to the lienholder or customer pursuant to  
481 this section commits ~~is guilty of~~ a misdemeanor of the second  
482 degree, punishable as provided in s. 775.082 or s. 775.083.

483            ~~(5)-(4)~~ Any lienholder or customer who stops payment on a  
484 credit card charge or a check drawn in favor of a motor vehicle  
485 repair shop on account of an invoice, or who fails to post a  
486 cash or surety bond pursuant to this section, shall be  
487 prohibited from any recourse under this section with respect to  
488 the motor vehicle repair shop.

489 ===== T I T L E   A M E N D M E N T =====  
490 And the title is amended as follows:

491            Delete lines 2 - 174

492 and insert:

493            An act relating to regulated service providers;  
494            amending s. 472.007, F.S.; revising the composition of  
495            the Board of Professional Surveyors and Mappers;  
496            amending s. 472.015, F.S.; requiring the Department of  
497            Agriculture and Consumer Services to waive the initial  
498            land surveying and mapping license fee for certain  
499            veterans, the spouses of such veterans, or certain  
500            business entities that have a majority ownership held  
501            by such veterans or spouses; amending s. 493.6105,  
502            F.S.; waiving the initial application fee for veterans  
503            for certain private investigative, private security,



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504 and repossession service licenses; revising certain  
505 fees for initial license applications; revising the  
506 submission requirements for a Class "K" license;  
507 amending s. 493.6106, F.S.; deleting a provision  
508 requiring that certain applicants submit additional  
509 documentation establishing state residency; amending  
510 s. 493.6107, F.S.; waiving the initial license fees  
511 for veterans for certain private investigative,  
512 private security, and repossession service licenses;  
513 amending s. 493.6108, F.S.; requiring the Department  
514 of Law Enforcement to retain fingerprints submitted  
515 for private investigative, private security, and  
516 repossession service licenses, to enter such  
517 fingerprints into the statewide automated biometric  
518 identification system and the Federal Bureau of  
519 Investigation's national retained print arrest  
520 notification program, and to report any arrest record  
521 information to the Department of Agriculture and  
522 Consumer Services; requiring the department to provide  
523 information about an arrest of a licensee for certain  
524 crime within the state to the agency that employs the  
525 licensee; amending s. 493.6113, F.S.; clarifying the  
526 renewal requirements for Class "K" licenses; requiring  
527 a person holding a private investigative, private  
528 security, or repossession service license issued  
529 before a certain date to submit, upon first renewal of  
530 the license, a full set of fingerprints and a  
531 fingerprint processing fee; amending ss. 493.6202,  
532 493.6302, and 493.6402, F.S.; waiving initial license



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533 fees for veterans for certain private investigative,  
534 private security, and repossession service licenses;  
535 amending s. 501.0125, F.S.; revising the definition of  
536 the term "health studio"; defining the term "personal  
537 trainer"; amending s. 501.015, F.S.; requiring the  
538 department to waive the initial health studio  
539 registration fee for certain veterans, the spouses of  
540 such veterans, or certain business entities that have  
541 a majority ownership held by such veterans or spouses;  
542 amending s. 501.605, F.S.; prohibiting the use of a  
543 mail drop as a street address for the principal  
544 location of a commercial telephone seller; requiring  
545 the department to waive the initial commercial  
546 telephone seller license fee for certain veterans, the  
547 spouses of such veterans, or certain business entities  
548 that have a majority ownership held by such veterans  
549 or spouses; amending s. 501.607, F.S.; requiring the  
550 department to waive the initial telephone salesperson  
551 license fees for certain veterans, the spouses of such  
552 veterans, or certain business entities that have a  
553 majority ownership held by such veterans or spouses;  
554 amending s. 507.03, F.S.; requiring the department to  
555 waive the initial registration fee for an intrastate  
556 mover for certain veterans, the spouses of such  
557 veterans, or certain business entities that have a  
558 majority ownership held by such veterans or spouses;  
559 amending s. 527.02, F.S.; requiring the department to  
560 waive the original liquefied petroleum gas license fee  
561 for certain veterans, the spouses of such veterans, or



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562 certain business entities that have a majority  
563 ownership held by such veterans or spouses; amending  
564 s. 527.021, F.S.; deleting a provision requiring a fee  
565 for registering transport vehicles; amending s.  
566 531.37, F.S.; revising the definition of the term  
567 "weights and measures"; amending s. 531.415, F.S.;  
568 revising the fees for actual metrology laboratory  
569 calibration and testing services; amending s. 531.60,  
570 F.S.; clarifying the applicability of permits for  
571 commercially operated or tested weights or measures  
572 instruments or devices; requiring a new permit  
573 application if a new owner acquires and moves an  
574 instrument or a device; requiring a business to notify  
575 the department of certain information under certain  
576 circumstances; deleting a provision authorizing the  
577 department to test weights and measures instruments or  
578 devices under certain circumstances; amending s.  
579 531.61, F.S.; clarifying provisions exempting certain  
580 instruments or devices from specified requirements;  
581 amending s. 531.62, F.S.; specifying that the  
582 commercial use permit fee is based upon the number and  
583 types of instruments or devices permitted; revising  
584 the expiration date of the commercial use permit;  
585 requiring annual and biennial commercial use permit  
586 renewals to meet the same requirements; amending s.  
587 531.63, F.S.; revising the commercial use permit fees  
588 and fee structures; amending s. 531.65, F.S.;  
589 clarifying that the department may use one or more of  
590 the prescribed penalties for the unauthorized use of a



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591 weights and measures instrument or device; amending s.  
592 539.001, F.S.; requiring the department to waive the  
593 initial pawnbroker license fee for certain veterans,  
594 the spouses of such veterans, or certain business  
595 entities that have a majority ownership held by such  
596 veterans or spouses; amending s. 559.904, F.S.;

597 requiring the department to waive the initial motor  
598 vehicle repair shop registration fee for certain  
599 veterans, the spouses of such veterans, or certain  
600 business entities that have a majority ownership held  
601 by such veterans or spouses; amending s. 559.927,  
602 F.S.; revising definitions; amending s. 559.928, F.S.;

603 revising the registration requirements for sellers of  
604 travel; requiring the department to waive the initial  
605 seller of travel registration fee for certain  
606 veterans, the spouses of such veterans, or certain  
607 business entities that have a majority ownership held  
608 by such veterans or spouses; requiring each  
609 advertisement, each certificate, or any other travel  
610 document to include a specified phrase; deleting a  
611 provision requiring an advertisement to include a  
612 specified phrase; revising the circumstances under  
613 which the department may deny or refuse to renew a  
614 registration; authorizing the department to revoke the  
615 registration of a seller of travel under certain  
616 circumstances; amending s. 559.929, F.S.; revising  
617 certain security requirements; amending s. 559.9295,  
618 F.S.; revising the requirements that certain sellers  
619 of travel submit and disclose to the department;



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620 deleting provisions relating to the duties of the  
621 department; amending s. 559.932, F.S.; requiring a  
622 specified typeface point size for certain disclosures;  
623 requiring the department to review copies of certain  
624 certificates and contracts for compliance with  
625 disclosure requirements; amending s. 559.933, F.S.;  
626 making technical changes; amending s. 559.9335, F.S.;  
627 revising violations relating to the sale of travel;  
628 amending s. 559.935, F.S.; deleting a provision  
629 requiring an affidavit of exemption to obtain a seller  
630 of travel affiliate exemption; adding embezzlement as  
631 a crime for which the department may revoke certain  
632 exemptions; amending s. 559.936, F.S.; conforming  
633 cross-references; amending s. 616.242, F.S.; exempting  
634 water-related amusement rides operated by lodging and  
635 food service establishments and membership  
636 campgrounds, amusement rides at private, membership-  
637 only facilities, and nonprofit permanent facilities  
638 from certain safety standards; authorizing owners or  
639 managers of amusement rides to use alternative forms  
640 to record ride inspections and employee training;  
641 amending s. 713.585, F.S.; revising certain notice  
642 requirements; authorizing the owner of a vehicle or a  
643 person claiming an interest in the vehicle or in a  
644 lien thereon to post a bond to recover possession of a  
645 vehicle held by a lienor; requiring the clerk of the  
646 court to issue a certificate notifying the lienor of  
647 the posting of bond; establishing procedures and  
648 requirements for a vehicle owner to reclaim such



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649 vehicles recovered by a lienholder; authorizing courts  
650 to award damages based on claims relating to the  
651 enforcement of certain lien and recovery rights;  
652 requiring courts to provide for the immediate payment  
653 of proceeds and awards and immediate release of bonds;  
654 amending s. 790.06, F.S.; revising the requirements  
655 for issuance of a concealed weapon or firearm license;  
656 requiring directions for expedited processing requests  
657 in the license application form; revising the initial  
658 and renewal fees for a concealed weapon or firearm  
659 license; providing a process for expediting  
660 applications for servicemembers and veterans;  
661 requiring that notice of the suspension or revocation  
662 of a concealed weapon or firearm license or the  
663 suspension of the processing of an application for  
664 such license be given by personal delivery or first-  
665 class mail; specifying deadlines for requests for a  
666 hearing for suspensions or revocations; specifying  
667 standards of proof for notice of suspensions or  
668 revocations; requiring concealed weapon or firearm  
669 license renewals to include an affidavit submitted  
670 under oath and under penalty of perjury, rather than a  
671 notarized affidavit; amending s. 790.0625, F.S.;  
672 authorizing certain tax collector offices, upon  
673 approval and confirmation of license issuance by the  
674 department, to print and deliver concealed weapon or  
675 firearm licenses; amending ss. 559.917, 559.9285, and  
676 559.937, F.S.; conforming terminology; providing  
677 effective dates.



836966

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2016	.	
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The Committee on Commerce and Tourism (Richter) recommended the following:

**Senate Amendment**

Delete lines 1918 - 1936

and insert:

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified



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11 mail is returned as undeliverable, a second attempt must be made  
12 to provide notice to the licensee at that address, by either  
13 first-class mail in an envelope, postage prepaid, addressed to  
14 the licensee at his or her last known mailing address furnished  
15 to the department, or, if the licensee has provided an e-mail  
16 address to the department, by e-mail. Such mailing by the  
17 department constitutes notice, and any failure by the licensee  
18 to receive such notice does not stay the effective date or term  
19 of the suspension or revocation. A request for hearing must be  
20 filed with the department within 21 days after notice is  
21 received by personal delivery, or within 26 days after the date  
22 the department deposits the notice in the United States mail (21  
23 days plus 5 days for mailing). The department shall document its  
24 attempts to provide notice and such documentation is admissible  
25 in the courts of this state and constitutes sufficient proof  
26 that notice was given.

By Senator Richter

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1 A bill to be entitled  
 2 An act relating to the Department of Agriculture and  
 3 Consumer Services; amending s. 472.007, F.S.; revising  
 4 the composition of the Board of Professional Surveyors  
 5 and Mappers; amending s. 472.015, F.S.; requiring the  
 6 Department of Agriculture and Consumer Services to  
 7 waive the initial land surveying and mapping license  
 8 fee for certain veterans, the spouses of such  
 9 veterans, or certain business entities that have a  
 10 majority ownership held by such veterans or spouses;  
 11 amending s. 493.6105, F.S.; waiving the initial  
 12 application fee for veterans for certain private  
 13 investigative, private security, and repossession  
 14 service licenses; revising certain fees for initial  
 15 license applications; revising the submission  
 16 requirements for a Class "K" license; amending s.  
 17 493.6106, F.S.; deleting a provision requiring that  
 18 certain applicants submit additional documentation  
 19 establishing state residency; amending s. 493.6107,  
 20 F.S.; waiving the initial license fees for veterans  
 21 for certain private investigative, private security,  
 22 and repossession service licenses; amending s.  
 23 493.6108, F.S.; requiring the Department of Law  
 24 Enforcement to retain fingerprints submitted for  
 25 private investigative, private security, and  
 26 repossession service licenses, to enter such  
 27 fingerprints into the statewide automated biometric  
 28 identification system and the Federal Bureau of  
 29 Investigation's national retained print arrest

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30 notification program, and to report any arrest record  
 31 information to the Department of Agriculture and  
 32 Consumer Services; requiring the department to provide  
 33 information about an arrest of a licensee for certain  
 34 crime within the state to the agency that employs the  
 35 licensee; amending s. 493.6113, F.S.; clarifying the  
 36 renewal requirements for Class "K" licenses; requiring  
 37 a person holding a private investigative, private  
 38 security, or repossession service license issued  
 39 before a certain date to submit, upon first renewal of  
 40 the license, a full set of fingerprints and a  
 41 fingerprint processing fee; amending ss. 493.6202,  
 42 493.6302, and 493.6402, F.S.; waiving initial license  
 43 fees for veterans for certain private investigative,  
 44 private security, and repossession service licenses;  
 45 amending s. 501.0125, F.S.; revising the definition of  
 46 the term "health studio"; defining the term "personal  
 47 trainer"; amending s. 501.015, F.S.; requiring the  
 48 department to waive the initial health studio  
 49 registration fee for certain veterans, the spouses of  
 50 such veterans, or certain business entities that have  
 51 a majority ownership held by such veterans or spouses;  
 52 amending s. 501.605, F.S.; prohibiting the use of a  
 53 mail drop as a street address for the principal  
 54 location of a commercial telephone seller; requiring  
 55 the department to waive the initial commercial  
 56 telephone seller license fee for certain veterans, the  
 57 spouses of such veterans, or certain business entities  
 58 that have a majority ownership held by such veterans

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59 or spouses; amending s. 501.607, F.S.; requiring the  
 60 department to waive the initial telephone salesperson  
 61 license fees for certain veterans, the spouses of such  
 62 veterans, or certain business entities that have a  
 63 majority ownership held by such veterans or spouses;  
 64 amending s. 507.03, F.S.; requiring the department to  
 65 waive the initial registration fee for an intrastate  
 66 mover for certain veterans, the spouses of such  
 67 veterans, or certain business entities that have a  
 68 majority ownership held by such veterans or spouses;  
 69 amending s. 527.02, F.S.; requiring the department to  
 70 waive the original liquefied petroleum gas license fee  
 71 for certain veterans, the spouses of such veterans, or  
 72 certain business entities that have a majority  
 73 ownership held by such veterans or spouses; amending  
 74 s. 527.021, F.S.; deleting a provision requiring a fee  
 75 for registering transport vehicles; amending s.  
 76 531.37, F.S.; revising the definition of the term  
 77 "weights and measures"; amending s. 531.415, F.S.;  
 78 revising the fees for actual metrology laboratory  
 79 calibration and testing services; amending s. 531.60,  
 80 F.S.; clarifying the applicability of permits for  
 81 commercially operated or tested weights or measures  
 82 instruments or devices; requiring a new permit  
 83 application if a new owner acquires and moves an  
 84 instrument or a device; requiring a business to notify  
 85 the department of certain information under certain  
 86 circumstances; deleting a provision authorizing the  
 87 department to test weights and measures instruments or

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88 devices under certain circumstances; amending s.  
 89 531.61, F.S.; clarifying provisions exempting certain  
 90 instruments or devices from specified requirements;  
 91 amending s. 531.62, F.S.; specifying that the  
 92 commercial use permit fee is based upon the number and  
 93 types of instruments or devices permitted; revising  
 94 the expiration date of the commercial use permit;  
 95 requiring annual and biennial commercial use permit  
 96 renewals to meet the same requirements; amending s.  
 97 531.63, F.S.; revising the commercial use permit fees  
 98 and fee structures; amending s. 531.65, F.S.;  
 99 clarifying that the department may use one or more of  
 100 the prescribed penalties for the unauthorized use of a  
 101 weights and measures instrument or device; amending s.  
 102 539.001, F.S.; requiring the department to waive the  
 103 initial pawnbroker license fee for certain veterans,  
 104 the spouses of such veterans, or certain business  
 105 entities that have a majority ownership held by such  
 106 veterans or spouses; amending s. 559.904, F.S.;  
 107 requiring the department to waive the initial motor  
 108 vehicle repair shop registration fee for certain  
 109 veterans, the spouses of such veterans, or certain  
 110 business entities that have a majority ownership held  
 111 by such veterans or spouses; amending s. 559.927,  
 112 F.S.; revising definitions; amending s. 559.928, F.S.;  
 113 revising the registration requirements for sellers of  
 114 travel; requiring the department to waive the initial  
 115 seller of travel registration fee for certain  
 116 veterans, the spouses of such veterans, or certain

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117 business entities that have a majority ownership held  
 118 by such veterans or spouses; requiring each  
 119 advertisement, each certificate, or any other travel  
 120 document to include a specified phrase; deleting a  
 121 provision requiring an advertisement to include a  
 122 specified phrase; revising the circumstances under  
 123 which the department may deny or refuse to renew a  
 124 registration; authorizing the department to revoke the  
 125 registration of a seller of travel under certain  
 126 circumstances; amending s. 559.929, F.S.; revising  
 127 certain security requirements; amending s. 559.9295,  
 128 F.S.; revising the requirements that certain sellers  
 129 of travel submit and disclose to the department;  
 130 deleting provisions relating to the duties of the  
 131 department; amending s. 559.932, F.S.; requiring a  
 132 specified typeface point size for certain disclosures;  
 133 requiring the department to review copies of certain  
 134 certificates and contracts for compliance with  
 135 disclosure requirements; amending s. 559.933, F.S.;  
 136 making technical changes; amending s. 559.9335, F.S.;  
 137 revising violations relating to the sale of travel;  
 138 amending s. 559.935, F.S.; deleting a provision  
 139 requiring an affidavit of exemption to obtain a seller  
 140 of travel affiliate exemption; adding embezzlement as  
 141 a crime for which the department may revoke certain  
 142 exemptions; amending s. 559.936, F.S.; conforming  
 143 cross-references; amending s. 616.242, F.S.; exempting  
 144 water-related amusement rides operated by lodging and  
 145 food service establishments and membership

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146 campgrounds, amusement rides at private, membership-  
 147 only facilities, and nonprofit permanent facilities  
 148 from certain safety standards; authorizing owners or  
 149 managers of amusement rides to use alternative forms  
 150 to record ride inspections and employee training;  
 151 amending s. 790.06, F.S.; revising the requirements  
 152 for issuance of a concealed weapon or firearm license;  
 153 requiring directions for expedited processing requests  
 154 in the license application form; revising the initial  
 155 and renewal fees for a concealed weapon or firearm  
 156 license; providing a process for expediting  
 157 applications for servicemembers and veterans;  
 158 requiring that notice of the suspension or revocation  
 159 of a concealed weapon or firearm license or the  
 160 suspension of the processing of an application for  
 161 such license be given by personal delivery or first-  
 162 class mail; specifying deadlines for requests for a  
 163 hearing for suspensions or revocations; specifying  
 164 standards of proof for notice of suspensions or  
 165 revocations; requiring concealed weapon or firearm  
 166 license renewals to include an affidavit submitted  
 167 under oath and under penalty of perjury, rather than a  
 168 notarized affidavit; amending s. 790.0625, F.S.;  
 169 authorizing certain tax collector offices, upon  
 170 approval and confirmation of license issuance by the  
 171 department, to print and deliver concealed weapon or  
 172 firearm licenses; amending ss. 559.9285 and 559.937,  
 173 F.S.; conforming terminology; providing effective  
 174 dates.

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175  
176 Be It Enacted by the Legislature of the State of Florida:

177  
178 Section 1. Subsection (1) of section 472.007, Florida  
179 Statutes, is amended to read:

180 472.007 Board of Professional Surveyors and Mappers.—There  
181 is created in the Department of Agriculture and Consumer  
182 Services the Board of Professional Surveyors and Mappers.

183 (1) The board shall consist of nine members, seven ~~six~~ of  
184 whom shall be registered surveyors and mappers primarily engaged  
185 in the practice of surveying and mapping, ~~one of whom shall be a~~  
186 ~~registered surveyor and mapper with the designation of~~  
187 ~~photogrammetrist~~, and two of whom shall be laypersons who are  
188 not and have never been surveyors and mappers or members of any  
189 closely related profession or occupation.

190 Section 2. Subsection (3) of section 472.015, Florida  
191 Statutes, is amended to read:

192 472.015 Licensure.—

193 (3) (a) Before the issuance of any license, the department  
194 may charge an initial license fee as determined by rule of the  
195 board. Upon receipt of the appropriate license fee, except as  
196 provided in subsection (6), the department shall issue a license  
197 to any person certified by the board, or its designee, as having  
198 met the applicable requirements imposed by law or rule. However,  
199 an applicant who is not otherwise qualified for licensure is not  
200 entitled to licensure solely based on a passing score on a  
201 required examination.

202 (b) The department shall waive the initial license fee for  
203 an honorably discharged veteran of the United States Armed

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204 Forces, the spouse of such a veteran, or a business entity that  
205 has a majority ownership held by such a veteran or spouse if the  
206 department receives an application, in a format prescribed by  
207 the department, within 60 months after the date of the veteran's  
208 discharge from any branch of the United States Armed Forces. To  
209 qualify for the waiver, a veteran must provide to the department  
210 a copy of his or her DD Form 214, as issued by the United States  
211 Department of Defense, or another acceptable form of  
212 identification as specified by the Department of Veterans'  
213 Affairs; the spouse of a veteran must provide to the department  
214 a copy of the veteran's DD Form 214, as issued by the United  
215 States Department of Defense, or another acceptable form of  
216 identification as specified by the Department of Veterans'  
217 Affairs, and a copy of a valid marriage license or certificate  
218 verifying that he or she was lawfully married to the veteran at  
219 the time of discharge; or a business entity must provide to the  
220 department proof that a veteran or the spouse of a veteran holds  
221 a majority ownership in the business, a copy of the veteran's DD  
222 Form 214, as issued by the United States Department of Defense,  
223 or another acceptable form of identification as specified by the  
224 Department of Veterans' Affairs, and, if applicable, a copy of a  
225 valid marriage license or certificate verifying that the spouse  
226 of the veteran was lawfully married to the veteran at the time  
227 of discharge.

228 Section 3. Paragraph (c) is added to subsection (1) of  
229 section 493.6105, Florida Statutes, and paragraph (j) of  
230 subsection (3) and paragraph (a) of subsection (6) of that  
231 section are amended, to read:

232 493.6105 Initial application for license.—

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233 (1) Each individual, partner, or principal officer in a  
 234 corporation, shall file with the department a complete  
 235 application accompanied by an application fee not to exceed \$60,  
 236 except that the applicant for a Class "D" or Class "G" license  
 237 is not required to submit an application fee. The application  
 238 fee is not refundable.

239 (c) The initial application fee for a veteran, as defined  
 240 in s. 1.01, if he or she applies for a Class "C," Class "CC,"  
 241 Class "DI," Class "E," Class "EE," Class "K," Class "M," Class  
 242 "MA," Class "MB," Class "MR," or Class "RI" license within 24  
 243 months after being discharged from a branch of the United States  
 244 Armed Forces shall be waived. An eligible veteran must include a  
 245 copy of his or her DD Form 214, as issued by the United States  
 246 Department of Defense, or another acceptable form of  
 247 identification as specified by the Department of Veterans'  
 248 Affairs with his or her application in order to obtain a waiver.

249 (3) The application must contain the following information  
 250 concerning the individual signing the application:

251 (j) A full set of fingerprints, a fingerprint processing  
 252 fee, and a fingerprint retention fee. The fingerprint processing  
 253 and retention fees shall ~~to~~ be established by rule of the  
 254 department based upon costs determined by state and federal  
 255 agency charges and department processing costs, which must  
 256 include the cost of retaining the fingerprints in the statewide  
 257 automated biometric identification system established in s.  
 258 943.05(2)(b) and the cost of enrolling the fingerprints in the  
 259 national retained print arrest notification program as required  
 260 under s. 493.6108. An applicant who has, within the immediately  
 261 preceding 6 months, submitted such fingerprints and ~~fees~~ fee for

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262 licensing purposes under this chapter and who still holds a  
 263 valid license is not required to submit another set of  
 264 fingerprints or another fingerprint processing fee. An applicant  
 265 who holds multiple licenses issued under this chapter is  
 266 required to pay only a single fingerprint retention fee.

267 (6) In addition to the requirements under subsection (3),  
 268 an applicant for a Class "K" license must:

269 (a) Submit one of the following:

270 1. The Florida Criminal Justice Standards and Training  
 271 Commission Instructor Certificate and written confirmation by  
 272 the commission that the applicant possesses an active firearms  
 273 certification.

274 2. The National Rifle Association Private Security Firearm  
 275 Instructor Certificate.

276 3. A firearms instructor certificate issued by a federal  
 277 law enforcement agency.

278 4. An International Association of Law Enforcement Firearms  
 279 Instructors certification.

280 5. A Second Amendment Foundation Training Division Firearms  
 281 Instructors certification.

282 Section 4. Paragraph (f) of subsection (1) of section  
 283 493.6106, Florida Statutes, is amended to read:

284 493.6106 License requirements; posting.—

285 (1) Each individual licensed by the department must:

286 (f) Be a citizen or permanent legal resident alien of the  
 287 United States or have appropriate authorization issued by the  
 288 United States Citizenship and Immigration Services of the United  
 289 States Department of Homeland Security.

290 1. An applicant for a Class "C," Class "CC," Class "D,"

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291 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class  
 292 "MB," Class "MR," or Class "RI" license who is not a United  
 293 States citizen must submit proof of current employment  
 294 authorization issued by the United States Citizenship and  
 295 Immigration Services or proof that she or he is deemed a  
 296 permanent legal resident alien by the United States Citizenship  
 297 and Immigration Services.

298 2. An applicant for a Class "G" or Class "K" license who is  
 299 not a United States citizen must submit proof that she or he is  
 300 deemed a permanent legal resident alien by the United States  
 301 Citizenship and Immigration Services, ~~together with additional~~  
 302 ~~documentation establishing that she or he has resided in the~~  
 303 ~~state of residence shown on the application for at least 90~~  
 304 ~~consecutive days before the date that the application is~~  
 305 ~~submitted.~~

306 3. An applicant for an agency or school license who is not  
 307 a United States citizen or permanent legal resident alien must  
 308 submit documentation issued by the United States Citizenship and  
 309 Immigration Services stating that she or he is lawfully in the  
 310 United States and is authorized to own and operate the type of  
 311 agency or school for which she or he is applying. An employment  
 312 authorization card issued by the United States Citizenship and  
 313 Immigration Services is not sufficient documentation.

314 Section 5. Subsection (6) is added to section 493.6107,  
 315 Florida Statutes, to read:

316 493.6107 Fees.—

317 (6) The initial license fee for a veteran, as defined in s.  
 318 1.01, shall be waived if he or she applies for a Class "M" or  
 319 Class "K" license within 24 months after being discharged from

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320 any branch of the United States Armed Forces. An eligible  
 321 veteran must include a copy of his or her DD Form 214, as issued  
 322 by the United States Department of Defense, or another  
 323 acceptable form of identification as specified by the Department  
 324 of Veterans' Affairs with his or her application in order to  
 325 obtain a waiver.

326 Section 6. Subsections (4) and (5) are added to section  
 327 493.6108, Florida Statutes, to read:

328 493.6108 Investigation of applicants by Department of  
 329 Agriculture and Consumer Services.—

330 (4) The Department of Law Enforcement shall:

331 (a) Retain and enter into the statewide automated biometric  
 332 identification system established in s. 943.05(2)(b) all  
 333 fingerprints submitted to the Department of Agriculture and  
 334 Consumer Services pursuant to this chapter.

335 (b) When the Department of Law Enforcement begins  
 336 participation in the Federal Bureau of Investigation's national  
 337 retained print arrest notification program, enroll such  
 338 fingerprints in the program. The fingerprints must thereafter be  
 339 available for arrest notifications and all purposes and uses  
 340 authorized for arrest fingerprint submissions entered into the  
 341 statewide automated biometric identification system established  
 342 in s. 943.05(2)(b).

343 (c) Search all arrest fingerprints against fingerprints  
 344 retained.

345 (d) Report to the Department of Agriculture and Consumer  
 346 Services any arrest record that it identifies or that is  
 347 identified by the Federal Bureau of Investigation.

348 (5) If the department receives information about an arrest

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349 within the state of a person who holds a valid license issued  
 350 under this chapter for a crime that could potentially disqualify  
 351 the person from holding such a license, the department must  
 352 provide the arrest information to the agency that employs the  
 353 licensee.

354 Section 7. Subsections (1) and (3) of section 493.6113,  
 355 Florida Statutes, are amended to read:

356 493.6113 Renewal application for licensure.—

357 (1) A license granted under the provisions of this chapter  
 358 shall be renewed biennially by the department, except for Class  
 359 "A," Class "B," Class "AB," Class "K," Class "R," and branch  
 360 agency licenses, which shall be renewed every 3 years.

361 (3) Each licensee is responsible for renewing his or her  
 362 license on or before its expiration by filing with the  
 363 department an application for renewal accompanied by payment of  
 364 the renewal fee and the fingerprint retention fee to cover the  
 365 cost of ongoing retention in the statewide automated biometric  
 366 identification system established in s. 943.05(2)(b) ~~prescribed~~  
 367 ~~license fee.~~ A person holding a valid license issued under this  
 368 chapter before January 1, 2017, must submit, upon first renewal  
 369 of the license, a full set of fingerprints and a fingerprint  
 370 processing fee to cover the cost of entering the fingerprints  
 371 into the statewide automated biometric identification system  
 372 under s. 493.6108(4)(a). Subsequent renewals may be completed  
 373 without submission of a set of fingerprints.

374 (a) Each Class "B" licensee shall additionally submit on a  
 375 form prescribed by the department a certification of insurance  
 376 that evidences that the licensee maintains coverage as required  
 377 under s. 493.6110.

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378 (b) Each Class "G" licensee shall additionally submit proof  
 379 that he or she has received during each year of the license  
 380 period a minimum of 4 hours of firearms recertification training  
 381 taught by a Class "K" licensee and has complied with such other  
 382 health and training requirements that the department shall adopt  
 383 by rule. Proof of completion of firearms recertification  
 384 training shall be submitted to the department upon completion of  
 385 the training. If the licensee fails to complete the required 4  
 386 hours of annual training during the first year of the 2-year  
 387 term of the license, the license shall be automatically  
 388 suspended. The licensee must complete the minimum number of  
 389 hours of range and classroom training required at the time of  
 390 initial licensure and submit proof of completion of such  
 391 training to the department before the license may be reinstated.  
 392 If the licensee fails to complete the required 4 hours of annual  
 393 training during the second year of the 2-year term of the  
 394 license, the licensee must complete the minimum number of hours  
 395 of range and classroom training required at the time of initial  
 396 licensure and submit proof of completion of such training to the  
 397 department before the license may be renewed. The department may  
 398 waive the firearms training requirement if:

399 1. The applicant provides proof that he or she is currently  
 400 certified as a law enforcement officer or correctional officer  
 401 under the Criminal Justice Standards and Training Commission and  
 402 has completed law enforcement firearms requalification training  
 403 annually during the previous 2 years of the licensure period;

404 2. The applicant provides proof that he or she is currently  
 405 certified as a federal law enforcement officer and has received  
 406 law enforcement firearms training administered by a federal law

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407 enforcement agency annually during the previous 2 years of the  
408 licensure period; or

409 3. The applicant submits a valid firearm certificate among  
410 those specified in s. 493.6105(6) (a) and provides proof of  
411 having completed requalification training during the previous 2  
412 years of the licensure period.

413 (c) Each Class "DS" or Class "RS" licensee shall  
414 additionally submit the current curriculum, examination, and  
415 list of instructors.

416 (d) Each Class "K" licensee shall additionally submit one  
417 of the certificates specified under s. 493.6105(6) as proof that  
418 he or she remains certified to provide firearms instruction.

419 Section 8. Subsection (4) is added to section 493.6202,  
420 Florida Statutes, to read:

421 493.6202 Fees.—

422 (4) The initial license fee for a veteran, as defined in s.  
423 1.01, shall be waived if he or she applies for a Class "C,"  
424 Class "CC," or Class "MA" license within 24 months after being  
425 discharged from any branch of the United States Armed Forces. An  
426 eligible veteran must include a copy of his or her DD Form 214,  
427 as issued by the United States Department of Defense, or another  
428 acceptable form of identification as specified by the Department  
429 of Veterans' Affairs with his or her application in order to  
430 obtain a waiver.

431 Section 9. Subsection (4) is added to section 493.6302,  
432 Florida Statutes, to read:

433 493.6302 Fees.—

434 (4) The initial license fee for a veteran, as defined in s.  
435 1.01, shall be waived if he or she applies for a Class "D,"

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436 Class "DI," or Class "MB" license within 24 months after being  
437 discharged from any branch of the United States Armed Forces. An  
438 eligible veteran must include a copy of his or her DD Form 214,  
439 as issued by the United States Department of Defense, or another  
440 acceptable form of identification as specified by the Department  
441 of Veterans' Affairs with his or her application in order to  
442 obtain a waiver.

443 Section 10. Subsection (4) is added to section 493.6402,  
444 Florida Statutes, to read:

445 493.6402 Fees.—

446 (4) The initial license fee for a veteran, as defined in s.  
447 1.01, shall be waived if he or she applies for a Class "E,"  
448 Class "EE," Class "MR," or Class "RI" license within 24 months  
449 after being discharged from any branch of the United States  
450 Armed Forces. An eligible veteran must include a copy of his or  
451 her DD Form 214, as issued by the United States Department of  
452 Defense, or another acceptable form of identification as  
453 specified by the Department of Veterans' Affairs with his or her  
454 application in order to obtain a waiver.

455 Section 11. Subsection (1) of section 501.0125, Florida  
456 Statutes, is amended, and subsection (6) is added to that  
457 section, to read:

458 501.0125 Health studios; definitions.—For purposes of ss.  
459 501.012-501.019, the following terms shall have the following  
460 meanings:

461 (1) "Health studio" means any person who is engaged in the  
462 sale of services for instruction, training, or assistance in a  
463 program of physical exercise or in the sale of services for the  
464 right or privilege to use equipment or facilities in furtherance

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465 of a program of physical exercise. The term does not include an  
 466 individual acting as a personal trainer.

467 (6) "Personal trainer" means an individual:

468 (a) Who does not have an established place of business for  
 469 the primary purpose of the conducting of physical exercise;

470 (b) Whose provision of exercise equipment is incidental to  
 471 the instruction provided; and

472 (c) Who does not accept payment for services that are to be  
 473 rendered more than 30 days after the date of payment.

474 Section 12. Subsection (2) of section 501.015, Florida  
 475 Statutes, is amended to read:

476 501.015 Health studios; registration requirements and  
 477 fees.—Each health studio shall:

478 (2) Remit an annual registration fee of \$300 to the  
 479 department at the time of registration for each of the health  
 480 studio's business locations. The department shall waive the  
 481 initial license fee for an honorably discharged veteran of the  
 482 United States Armed Forces, the spouse of such a veteran, or a  
 483 business entity that has a majority ownership held by such a  
 484 veteran or spouse if the department receives an application, in  
 485 a format prescribed by the department, within 60 months after  
 486 the date of the veteran's discharge from any branch of the  
 487 United States Armed Forces. To qualify for the waiver, a veteran  
 488 must provide to the department a copy of his or her DD Form 214,  
 489 as issued by the United States Department of Defense, or another  
 490 acceptable form of identification as specified by the Department  
 491 of Veterans' Affairs; the spouse of a veteran must provide to  
 492 the department a copy of the veteran's DD Form 214, as issued by  
 493 the United States Department of Defense, or another acceptable

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494 form of identification as specified by the Department of  
 495 Veterans' Affairs, and a copy of a valid marriage license or  
 496 certificate verifying that he or she was lawfully married to the  
 497 veteran at the time of discharge; or a business entity must  
 498 provide to the department proof that a veteran or the spouse of  
 499 a veteran holds a majority ownership in the business, a copy of  
 500 the veteran's DD Form 214, as issued by the United States  
 501 Department of Defense, or another acceptable form of  
 502 identification as specified by the Department of Veterans'  
 503 Affairs, and, if applicable, a copy of a valid marriage license  
 504 or certificate verifying that the spouse of the veteran was  
 505 lawfully married to the veteran at the time of discharge.

506 Section 13. Paragraph (j) of subsection (2) and paragraph  
 507 (b) of subsection (5) of section 501.605, Florida Statutes, are  
 508 amended to read:

509 501.605 Licensure of commercial telephone sellers.—

510 (2) An applicant for a license as a commercial telephone  
 511 seller must submit to the department, in such form as it  
 512 prescribes, a written application for the license. The  
 513 application must set forth the following information:

514 (j) The complete street address of each location,  
 515 designating the principal location, from which the applicant  
 516 will be doing business. The street address may not be ~~If any~~  
 517 ~~location is a mail drop, this shall be disclosed as such.~~

518  
 519 The application shall be accompanied by a copy of any: Script,  
 520 outline, or presentation the applicant will require or suggest a  
 521 salesperson to use when soliciting, or, if no such document is  
 522 used, a statement to that effect; sales information or

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523 literature to be provided by the applicant to a salesperson; and  
 524 sales information or literature to be provided by the applicant  
 525 to a purchaser in connection with any solicitation.

526 (5) An application filed pursuant to this part must be  
 527 verified and accompanied by:

528 (b) A fee for licensing in the amount of \$1,500. The fee  
 529 shall be deposited into the General Inspection Trust Fund. The  
 530 department shall waive the initial license fee for an honorably  
 531 discharged veteran of the United States Armed Forces, the spouse  
 532 of such a veteran, or a business entity that has a majority  
 533 ownership held by such a veteran or spouse if the department  
 534 receives an application, in a format prescribed by the  
 535 department, within 60 months after the date of the veteran's  
 536 discharge from any branch of the United States Armed Forces. To  
 537 qualify for the waiver, a veteran must provide to the department  
 538 a copy of his or her DD Form 214, as issued by the United States  
 539 Department of Defense, or another acceptable form of  
 540 identification as specified by the Department of Veterans'  
 541 Affairs; the spouse of a veteran must provide to the department  
 542 a copy of the veteran's DD Form 214, as issued by the United  
 543 States Department of Defense, or another acceptable form of  
 544 identification as specified by the Department of Veterans'  
 545 Affairs, and a copy of a valid marriage license or certificate  
 546 verifying that he or she was lawfully married to the veteran at  
 547 the time of discharge; or a business entity must provide to the  
 548 department proof that a veteran or the spouse of a veteran holds  
 549 a majority ownership in the business, a copy of the veteran's DD  
 550 Form 214, as issued by the United States Department of Defense,  
 551 or another acceptable form of identification as specified by the

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552 Department of Veterans' Affairs, and, if applicable, a copy of a  
 553 valid marriage license or certificate verifying that the spouse  
 554 of the veteran was lawfully married to the veteran at the time  
 555 of discharge.

556 Section 14. Paragraph (b) of subsection (2) of section  
 557 501.607, Florida Statutes, is amended to read:

558 501.607 Licensure of salespersons.—

559 (2) An application filed pursuant to this section must be  
 560 verified and be accompanied by:

561 (b) A fee for licensing in the amount of \$50 per  
 562 salesperson. The fee shall be deposited into the General  
 563 Inspection Trust Fund. The fee for licensing may be paid after  
 564 the application is filed, but must be paid within 14 days after  
 565 the applicant begins work as a salesperson. The department shall  
 566 waive the initial license fee for an honorably discharged  
 567 veteran of the United States Armed Forces, the spouse of such a  
 568 veteran, or a business entity that has a majority ownership held  
 569 by such a veteran or spouse if the department receives an  
 570 application, in a format prescribed by the department, within 60  
 571 months after the date of the veteran's discharge from any branch  
 572 of the United States Armed Forces. To qualify for the waiver, a  
 573 veteran must provide to the department a copy of his or her DD  
 574 Form 214, as issued by the United States Department of Defense,  
 575 or another acceptable form of identification as specified by the  
 576 Department of Veterans' Affairs; the spouse of a veteran must  
 577 provide to the department a copy of the veteran's DD Form 214,  
 578 as issued by the United States Department of Defense, or another  
 579 acceptable form of identification as specified by the Department  
 580 of Veterans' Affairs, and a copy of a valid marriage license or

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581 certificate verifying that he or she was lawfully married to the  
 582 veteran at the time of discharge; or a business entity must  
 583 provide to the department proof that a veteran or the spouse of  
 584 a veteran holds a majority ownership in the business, a copy of  
 585 the veteran's DD Form 214, as issued by the United States  
 586 Department of Defense, or another acceptable form of  
 587 identification as specified by the Department of Veterans'  
 588 Affairs, and, if applicable, a copy of a valid marriage license  
 589 or certificate verifying that the spouse of the veteran was  
 590 lawfully married to the veteran at the time of discharge.

591 Section 15. Subsection (3) of section 507.03, Florida  
 592 Statutes, is amended to read:

593 507.03 Registration.—

594 (3) (a) Registration fees shall be calculated at the rate of  
 595 \$300 per year per mover or moving broker. All amounts collected  
 596 shall be deposited by the Chief Financial Officer to the credit  
 597 of the General Inspection Trust Fund of the department for the  
 598 sole purpose of administration of this chapter.

599 (b) The department shall waive the initial license fee for  
 600 an honorably discharged veteran of the United States Armed  
 601 Forces, the spouse of such a veteran, or a business entity that  
 602 has a majority ownership held by such a veteran or spouse if the  
 603 department receives an application, in a format prescribed by  
 604 the department, within 60 months after the date of the veteran's  
 605 discharge from any branch of the United States Armed Forces. To  
 606 qualify for the waiver, a veteran must provide to the department  
 607 a copy of his or her DD Form 214, as issued by the United States  
 608 Department of Defense, or another acceptable form of  
 609 identification as specified by the Department of Veterans'

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610 Affairs; the spouse of a veteran must provide to the department  
 611 a copy of the veteran's DD Form 214, as issued by the United  
 612 States Department of Defense, or another acceptable form of  
 613 identification as specified by the Department of Veterans'  
 614 Affairs, and a copy of a valid marriage license or certificate  
 615 verifying that he or she was lawfully married to the veteran at  
 616 the time of discharge; or a business entity must provide to the  
 617 department proof that a veteran or the spouse of a veteran holds  
 618 a majority ownership in the business, a copy of the veteran's DD  
 619 Form 214, as issued by the United States Department of Defense,  
 620 or another acceptable form of identification as specified by the  
 621 Department of Veterans' Affairs, and, if applicable, a copy of a  
 622 valid marriage license or certificate verifying that the spouse  
 623 of the veteran was lawfully married to the veteran at the time  
 624 of discharge.

625 Section 16. Subsection (3) of section 527.02, Florida  
 626 Statutes, is amended to read:

627 527.02 License; penalty; fees.—

628 (3) (a) ~~An Any~~ applicant for an original license who submits  
 629 an ~~whose application is submitted~~ during the last 6 months of  
 630 the license year may have the original license fee reduced by  
 631 one-half for the 6-month period. This provision applies ~~shall~~  
 632 ~~apply~~ only to those companies applying for an original license  
 633 and ~~may shall~~ not be applied to licensees who held a license  
 634 during the previous license year and failed to renew the  
 635 license. The department may refuse to issue an initial license  
 636 to an ~~any~~ applicant who is under investigation in any  
 637 jurisdiction for an action that would constitute a violation of  
 638 this chapter until such time as the investigation is complete.

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639 (b) The department shall waive the initial license fee for  
 640 an honorably discharged veteran of the United States Armed  
 641 Forces, the spouse of such a veteran, or a business entity that  
 642 has a majority ownership held by such a veteran or spouse if the  
 643 department receives an application, in a format prescribed by  
 644 the department, within 60 months after the date of the veteran's  
 645 discharge from any branch of the United States Armed Forces. To  
 646 qualify for the waiver, a veteran must provide to the department  
 647 a copy of his or her DD Form 214, as issued by the United States  
 648 Department of Defense or another acceptable form of  
 649 identification as specified by the Department of Veterans'  
 650 Affairs; the spouse of a veteran must provide to the department  
 651 a copy of the veteran's DD Form 214, as issued by the United  
 652 States Department of Defense, or another acceptable form of  
 653 identification as specified by the Department of Veterans'  
 654 Affairs, and a copy of a valid marriage license or certificate  
 655 verifying that he or she was lawfully married to the veteran at  
 656 the time of discharge; or a business entity must provide to the  
 657 department proof that a veteran or the spouse of a veteran holds  
 658 a majority ownership in the business, a copy of the veteran's DD  
 659 Form 214, as issued by the United States Department of Defense,  
 660 or another acceptable form of identification as specified by the  
 661 Department of Veterans' Affairs, and, if applicable, a copy of a  
 662 valid marriage license or certificate verifying that the spouse  
 663 of the veteran was lawfully married to the veteran at the time  
 664 of discharge.

665 Section 17. Subsection (4) of section 527.021, Florida  
 666 Statutes, is amended to read:  
 667 527.021 Registration of transport vehicles.-

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668 ~~(4) An inspection fee of \$50 shall be assessed for each~~  
 669 ~~registered vehicle inspected by the department pursuant to s.~~  
 670 ~~527.061. All inspection fees collected in connection with this~~  
 671 ~~section shall be deposited in the General Inspection Trust Fund~~  
 672 ~~for the purpose of administering the provisions of this chapter.~~

673 Section 18. Subsection (1) of section 531.37, Florida  
 674 Statutes, is amended to read:

675 531.37 Definitions.—As used in this chapter:

676 (1) "Weights and measures" means all weights and measures  
 677 of every kind, instruments, and devices for weighing and  
 678 measuring, and any appliance and accessories associated with any  
 679 or all such instruments and devices, excluding those weights and  
 680 measures used for the purpose of inspecting the accuracy of  
 681 devices used in conjunction with aviation fuel.

682 Section 19. Subsections (1) and (2) of section 531.415,  
 683 Florida Statutes, are amended to read:

684 531.415 Fees.—

685 (1) The department shall charge and collect fees of not  
 686 more than the following fees for actual metrology laboratory  
 687 calibration and testing services rendered:

688 (a) For each mass standard that is tested or certified to  
 689 meet tolerances less stringent than American National Standards  
 690 Institute/American Society for Testing and Materials (ANSI/ASTM)  
 691 Standard E617 Class 4, ~~the department shall charge a fee of not~~  
 692 ~~more than:~~

Weight	Fee/Unit
694 0 - 2 lb.	\$6
695 3 - 10 lb.	\$8
696 11 - 50 lb.	\$12

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697	51 - 500 lb.	\$20
698	501 - 1000 lb.	\$30
699	1001 - 2500 lb.	\$40
700	2501 - 5000 lb.	\$50
701	(b) For each mass standard that is tested or certified to	
702	meet ANSI/ASTM Standard Class 4 or National Institute of	
703	Standards and Technology Class P tolerances, <del>the department</del>	
704	<del>shall charge a fee of not more than:</del>	
705	Weight	Fee/Unit
706	0 - 10 lb.	\$20
707	11 - 50 lb.	\$30
708	51 - 500 lb.	\$40
709	501 - 1000 lb.	\$50
710	1001 - 2500 lb.	\$60
711	2501 - 5000 lb.	\$75
712	(c) For each mass standard that is calibrated to determine	
713	actual mass or apparent mass values, <del>the department shall charge</del>	
714	<del>a fee of not more than:</del>	
715	Weight	Fee/Unit
716	0 - 20 lb.	\$40
717	21 - 50 lb.	\$50
718	51 - 1000 lb.	\$70
719	1001 - 2500 lb.	\$150
720	2501 - 5000 lb.	\$250
721	(d) For each volumetric <del>flask, graduate, or test measure,</del>	
722	<del>the department shall charge a fee of not more than:</del>	
723	Vessel	Fee/Test Point
724	0 - 5 gal.	\$35
725	Over 5 gal.	Plus \$0.75 for each additional gallon

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726	<del>(e) For each linear measure that is tested or certified,</del>	
727	<del>the department shall charge a fee of not more than \$75.</del>	
728	<del>(e)(f) For each linear measure <u>test</u> that is calibrated to</del>	
729	<del>determine actual values, the department shall charge a fee of</del>	
730	<del>\$75 <u>not more than \$100.</u></del>	
731	<del>(g) For each liquid-in-glass or electronic thermometer that</del>	
732	<del>is tested or certified, the department shall charge a fee of not</del>	
733	<del>more than \$50.</del>	
734	<del>(f)(h) For each <u>temperature measuring device</u>, liquid-in-</del>	
735	<del>glass or electronic thermometer that is calibrated to determine</del>	
736	<del>actual values, the department shall charge a fee of <u>\$50 not more</u></del>	
737	<del>than \$100.</del>	
738	<del>(g)(i) For each special test or special preparation, <u>the</u></del>	
739	<del>department shall charge a fee of not more than \$50 per hour.</del>	
740	(2) Each fee is payable to the department at the time the	
741	testing is done, regardless of whether the item tested is	
742	certified. The department may refuse to accept for testing any	
743	item deemed by the department to be unsuitable for its intended	
744	use <u>or not to be in a condition ready for testing.</u> The	
745	department shall deposit all fees collected under this section	
746	into the General Inspection Trust Fund.	
747	Section 20. Section 531.60, Florida Statutes, is amended to	
748	read:	
749	531.60 Permit for commercially operated or tested weights	
750	or measures instrument or devices.-	
751	(1) A weights and measures instrument or device may not	
752	operate or be used for commercial purposes, as defined by	
753	department rule, within this state without <u>first being permitted</u>	
754	<u>through</u> a valid commercial use permit issued by the department	

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754 to the person who owns the weights and measures device, unless  
 755 exempted as provided in s. 531.61. Such permit applies only to  
 756 the specific location and instrument types or device types  
 757 listed on for which the permit was issued. However, the  
 758 department may allow such permit to be applicable to a  
 759 replacement for the original instrument or device.

760 (2) If ownership of a business an instrument or device for  
 761 which a permit has been issued changes and the instruments or  
 762 devices affected by the permit instrument or device:

763 (a) Remain ~~Remains~~ in the same location, the permit  
 764 transfers to the new owner and remains in effect until its  
 765 original expiration date. Within 30 days after the change in  
 766 ownership, the new owner shall notify the department of the  
 767 change and provide the pertinent information regarding the  
 768 change in ownership and an updated replacement permit shall be  
 769 issued if needed.

770 (b) Move ~~Moves~~ to a new location, the permit automatically  
 771 expires and a new permit must be applied for by the new owner of  
 772 the instruments or devices issued which will expire 1 year  
 773 following the date of issuance.

774 (3) A person who holds a permit that has been issued under  
 775 this section must notify the department within 30 days after a  
 776 change in permit status or if a permit will not be renewed due  
 777 to the termination in use or removal of all weighing and  
 778 measuring instruments or devices from the permitted location  
 779 Weights and measures instruments or devices that are not used  
 780 commercially may be tested by the department under this chapter  
 781 only if they are permitted and appropriate fees paid as  
 782 prescribed by this section and adopted rules.

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784 Section 21. Section 531.61, Florida Statutes, is amended to  
 785 read:

786 531.61 Exemptions from permit requirement.—Commercial  
 787 weights or measures instruments or devices are exempt from the  
 788 ~~permit~~ requirements of ss. 531.60-531.66 if:

789 (1) The device is a taximeter that is licensed, permitted,  
 790 or registered by a municipality, county, or other local  
 791 government and is tested for accuracy and compliance with state  
 792 standards by the local government in cooperation with the state  
 793 as authorized in s. 531.421.

794 (2) The device is used exclusively for weighing railroad  
 795 cars and is tested for accuracy and compliance with state  
 796 standards by a private testing agency.

797 (3) The device is used exclusively for measuring aviation  
 798 fuel or petroleum products inspected under chapter 525.

799 Section 22. Subsections (1), (2), and (4) of section  
 800 531.62, Florida Statutes, are amended to read:

801 531.62 Permit application and renewal.—

802 (1) An application for a ~~weights and measures~~ commercial  
 803 use permit shall be submitted to the department on a form  
 804 prescribed and furnished by the department and must contain such  
 805 information as the department may require by rule.

806 (2) The application must be accompanied by a fee in an  
 807 amount determined by the number and types of instruments or  
 808 devices covered by the permit as provided by department rule.  
 809 However, the fee for each instrument or device listed on the  
 810 permit may not exceed the maximum limits set forth in s. 531.63.

811 (4) A permit expires 2 years ~~1-year~~ following its date of  
 812 issue and must be renewed biennially ~~annually~~. If a complete an

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813 application package for renewal is not received by the  
814 department before the permit expires within 30 days after its  
815 ~~due date~~, a late fee of up to \$100 must be paid in addition to  
816 the ~~annual~~ commercial use permit fee. However, a person may  
817 elect to renew a commercial use permit on an annual basis rather  
818 than a biennial basis. An annual renewal must meet the same  
819 requirements and conditions as a biennial renewal.

820 Section 23. Paragraph (a) of subsection (1) and subsection  
821 (2) of section 531.63, Florida Statutes, are amended to read:  
822 531.63 Maximum permit fees.—The commercial use permit fees  
823 established for weights or measures instruments or devices shall  
824 be in an amount necessary to administer this chapter but may not  
825 exceed the amounts provided in this section.

826 (1) For weighing devices, the fees must be based on the  
827 manufacturer’s rated capacity or the device’s design and use and  
828 whether measuring by inch or pounds or the metric equivalent:

829 (a) For weighing devices of up to and including the 100-  
830 pound capacity which are used during any portion of the period  
831 covered by the permit, the maximum annual fees per category of  
832 device ~~retail establishment~~ may not exceed the following:

Number of devices in a single <u>category</u> <del>retail</del> <del>establishment</del>	Maximum Fee
1 to 5	\$60
6 to 10	\$150
11 to 30	\$200
More than 30	\$300

840 (2) For other measuring devices, the annual permit fees per  
841 device may not exceed the following:

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842 (a) Mass flow meters having a maximum flow rate of up to  
843 150 pounds per minute.....\$100.  
844 This includes all mass flow meters used to dispense compressed  
845 and liquefied natural gas for retail sale.

846 (b) Mass flow meters having a maximum flow rate greater  
847 than 150 pounds per minute.....\$500.

848 (c) Volumetric flow meters having a maximum flow rate of up  
849 to 20 gallons per minute.....\$50.  
850 This includes all devices used to dispense diesel exhaust fluid  
851 for retail sale.

852 (d) Volumetric flow meters having a maximum flow rate  
853 greater than 20 gallons per minute.....\$100.

854 (e) Tanks, under 500 gallons capacity, used as measure  
855 containers, with or without gage rods or markers.....\$100.

856 (f) Tanks, 500 or more gallons capacity, used as measure  
857 containers, with or without gage rods or markers.....\$200.

858 (g) Taximeters.....\$50.

859 ~~(h) Grain moisture meters.....\$25.~~

860 (h) ~~(i)~~ Multiple-dimension measuring  
861 devices.....\$100.

862 (i) Liquefied petroleum gas bulk delivery vehicles with a  
863 meter owned or leased by a liquefied petroleum gas licensee.\$150.

864 Section 24. Section 531.65, Florida Statutes, is amended to  
865 read:

866 531.65 Unauthorized use; penalties.—If a weights or  
867 measures instrument or device is used commercially without a  
868 valid commercial use permit, the department may do one or more  
869 of the following:

870 (1) Prohibit the further commercial use of the unpermitted

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871 instrument or device until the proper permit has been issued.~~†~~  
 872 (2) Employ and attach to the instrument or device such  
 873 form, notice, tag, or seal to prevent the continued unauthorized  
 874 use of the instrument or device.~~†~~

875 (3) In addition to the permit fees prescribed by rule for  
 876 the commercial use of a weights and measures instrument or  
 877 device, assess the late fee authorized under s. 531.62.~~†~~~~†~~

878 (4) Impose penalties as prescribed in s. 531.50 in addition  
 879 to the payment of appropriate permit fees for the commercial use  
 880 of a weights and measures instrument or device.

881 Section 25. Paragraph (c) of subsection (3) of section  
 882 539.001, Florida Statutes, is amended to read:

883 539.001 The Florida Pawnbroking Act.—

884 (3) LICENSE REQUIRED.—

885 (c) Each license is valid for a period of 1 year unless it  
 886 is earlier relinquished, suspended, or revoked. Each license  
 887 shall be renewed annually, and each licensee shall, initially  
 888 and annually thereafter, pay to the agency a license fee of \$300  
 889 for each license held. The agency shall waive the initial  
 890 license fee for an honorably discharged veteran of the United  
 891 States Armed Forces, the spouse of such a veteran, or a business  
 892 entity that has a majority ownership held by such a veteran or  
 893 spouse if the agency receives an application, in a format  
 894 prescribed by the agency, within 60 months after the date of the  
 895 veteran's discharge from any branch of the United States Armed  
 896 Forces. To qualify for the waiver, a veteran must provide to the  
 897 agency a copy of his or her DD Form 214, as issued by the United  
 898 States Department of Defense, or another acceptable form of  
 899 identification as specified by the Department of Veterans'

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900 Affairs; the spouse of a veteran must provide to the agency a  
 901 copy of the veteran's DD Form 214, as issued by the United  
 902 States Department of Defense, or another acceptable form of  
 903 identification as specified by the Department of Veterans'  
 904 Affairs, and a copy of a valid marriage license or certificate  
 905 verifying that he or she was lawfully married to the veteran at  
 906 the time of discharge; or a business entity must provide to the  
 907 agency proof that a veteran or the spouse of a veteran holds a  
 908 majority ownership in the business, a copy of the veteran's DD  
 909 Form 214, as issued by the United States Department of Defense,  
 910 or another acceptable form of identification as specified by the  
 911 Department of Veterans' Affairs, and, if applicable, a copy of a  
 912 valid marriage license or certificate verifying that the spouse  
 913 of the veteran was lawfully married to the veteran at the time  
 914 of discharge.

915 Section 26. Subsection (3) of section 559.904, Florida  
 916 Statutes, is amended to read:

917 559.904 Motor vehicle repair shop registration;  
 918 application; exemption.—

919 (3) (a) Each application for registration must be  
 920 accompanied by a registration fee calculated on a per-year basis  
 921 as follows:

922 1.~~(a)~~ If the place of business has 1 to 5 employees: \$50.  
 923 2.~~(b)~~ If the place of business has 6 to 10 employees: \$150.  
 924 3.~~(c)~~ If the place of business has 11 or more employees:  
 925 \$300.

926 (b) The department shall waive the initial registration fee  
 927 for an honorably discharged veteran of the United States Armed  
 928 Forces, the spouse of such a veteran, or a business entity that

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929 has a majority ownership held by such a veteran or spouse if the  
 930 department receives an application, in a format prescribed by  
 931 the department, within 60 months after the date of the veteran's  
 932 discharge from any branch of the United States Armed Forces. To  
 933 qualify for the waiver, a veteran must provide to the department  
 934 a copy of his or her DD Form 214, as issued by the United States  
 935 Department of Defense, or another acceptable form of  
 936 identification as specified by the Department of Veterans'  
 937 Affairs; the spouse of a veteran must provide to the department  
 938 a copy of the veteran's DD Form 214, as issued by the United  
 939 States Department of Defense, or another acceptable form of  
 940 identification as specified by the Department of Veterans'  
 941 Affairs, and a copy of a valid marriage license or certificate  
 942 verifying that he or she was lawfully married to the veteran at  
 943 the time of discharge; or a business entity must provide to the  
 944 department proof that a veteran or the spouse of a veteran holds  
 945 a majority ownership in the business, a copy of the veteran's DD  
 946 Form 214, as issued by the United States Department of Defense  
 947 or another acceptable form of identification as specified by the  
 948 Department of Veterans' Affairs, and, if applicable, a copy of a  
 949 valid marriage license or certificate verifying that the spouse  
 950 of the veteran was lawfully married to the veteran at the time  
 951 of discharge.

952 Section 27. Subsections (1), (7), (8), (10), (11), and (13)  
 953 of section 559.927, Florida Statutes, are amended to read:

954 559.927 Definitions.—For the purposes of this part, the  
 955 term:

956 (1) "Accommodations" means any hotel or motel room,  
 957 condominium or cooperative unit, cabin, lodge, or apartment; any

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958 other commercial structure designed for occupancy by one or more  
 959 individuals; or any lodging establishment as provided by law.  
 960 The term does not include long-term home rentals covered under a  
 961 lease pursuant to chapter 83.

962 (7) "Prearranged travel ~~or~~ tourist-related services, ~~or~~  
 963 ~~tour-guide services~~" includes, but is not limited to, car  
 964 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other  
 965 such services that which are reasonably related to air, sea,  
 966 rail, motor coach, or other medium of transportation, or  
 967 accommodations for which a purchaser receives a premium or  
 968 contracts or pays before ~~prior to~~ or after departure. This term  
 969 ~~These terms~~ also includes include services for which a  
 970 purchaser, whose legal residence is outside the United States,  
 971 contracts or pays before ~~prior to~~ departure, and any arrangement  
 972 by which a purchaser prepays for, receives a reservation or any  
 973 other commitment to provide services before ~~prior to~~ departure  
 974 for, or otherwise arranges for travel directly to a terrorist  
 975 state and which originates in Florida.

976 (8) "Purchaser" means the purchaser of, or person otherwise  
 977 entitled to receive, prearranged travel ~~or~~ tourist-related  
 978 services, ~~or tour-guide services~~, for a fee or commission, or  
 979 who has acquired a vacation certificate for personal use.

980 (10) "Satisfactory consumer complaint history" means no  
 981 unresolved complaints regarding prearranged travel ~~or~~ tourist-  
 982 related services, ~~or tour-guide services~~ are on file with the  
 983 department. A complaint is unresolved when a seller of travel  
 984 does not respond to the department's efforts to mediate the  
 985 complaint or a complaint where the department has determined  
 986 that a violation of this part has occurred and the complainant

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987 ~~complaint~~ has not been satisfied by the seller of travel.  
 988 (11) "Seller of travel" means any ~~resident or nonresident~~  
 989 person, firm, corporation, or business entity who offers for  
 990 sale, directly or indirectly, at wholesale or retail,  
 991 prearranged travel ~~or~~ tourist-related services, ~~or tour guide~~  
 992 ~~services~~ for individuals or groups, including, but not limited  
 993 to, vacation ~~or tour~~ packages, or vacation certificates in  
 994 exchange for a fee, commission, or other valuable consideration.  
 995 The term includes any business entity offering membership in a  
 996 travel club or travel services for an advance fee or payment,  
 997 even if no travel contracts or certificates or vacation or tour  
 998 packages are sold by the business entity.  
 999 (13) "Vacation certificate" means any advance travel  
 1000 purchase arrangement, plan, program, or vacation package that  
 1001 promotes, discusses, or discloses a destination or itinerary or  
 1002 type of travel, whereby a purchaser ~~for consideration paid in~~  
 1003 ~~advance~~ is entitled to the use of travel, accommodations, or  
 1004 facilities for any number of days, whether certain or uncertain,  
 1005 during the period in which the certificate can be exercised, and  
 1006 no specific date or dates for its use are designated. A vacation  
 1007 certificate does not include prearranged travel ~~or~~ tourist-  
 1008 related services, ~~or tour guide services~~ when a seller of travel  
 1009 remits full payment for the cost of such services to the  
 1010 provider or supplier within 10 business days of the purchaser's  
 1011 initial payment to the seller of travel. The term does not  
 1012 include travel if exact travel dates are selected, guaranteed,  
 1013 and paid for at the time of the purchase.  
 1014 Section 28. Section 559.928, Florida Statutes, is amended  
 1015 to read:

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1016 559.928 Registration.—  
 1017 (1) Each seller of travel shall annually register with the  
 1018 department, providing: its legal business or trade name, mailing  
 1019 address, and business locations; the full names, addresses, and  
 1020 telephone numbers of its owners or corporate officers and  
 1021 directors and the Florida agent of the corporation; a statement  
 1022 whether it is a domestic or foreign corporation, its state and  
 1023 date of incorporation, its charter number, and, if a foreign  
 1024 corporation, the date it registered with this state, and  
 1025 business tax receipt where applicable; ~~the date on which a~~  
 1026 ~~seller of travel registered its fictitious name if the seller of~~  
 1027 ~~travel is operating under a fictitious or trade name;~~ the name  
 1028 of all other corporations, business entities, and trade names  
 1029 through which each owner of the seller of travel operated, was  
 1030 known, or did business as a seller of travel within the  
 1031 preceding 5 years; a list of all authorized independent agents,  
 1032 including the agent's trade name, full name, mailing address,  
 1033 business address, and telephone numbers; the business location  
 1034 and address of each branch office and full name and address of  
 1035 the manager or supervisor; the certification required under s.  
 1036 559.9285; and proof of purchase of adequate bond as required in  
 1037 this part. A certificate evidencing proof of registration shall  
 1038 be issued by the department and must be prominently displayed in  
 1039 the seller of travel's primary place of business.  
 1040 (2) (a) Registration fees shall be as follows:  
 1041 1. Three hundred dollars per year per registrant certifying  
 1042 its business activities under s. 559.9285(1) (a).  
 1043 2. One thousand dollars per year per registrant certifying  
 1044 its business activities under s. 559.9285(1) (b).

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1045 3. Twenty-five hundred dollars per year per registrant  
 1046 certifying its business activities under s. 559.9285(1)(c).  
 1047 (b) All amounts collected shall be deposited by the Chief  
 1048 Financial Officer to the credit of the General Inspection Trust  
 1049 Fund of the Department of Agriculture and Consumer Services  
 1050 pursuant to s. 570.20, for the sole purpose of administration of  
 1051 this part.  
 1052 (c) The department shall waive the initial registration fee  
 1053 for an honorably discharged veteran of the United States Armed  
 1054 Forces, the spouse of such a veteran, or a business entity that  
 1055 has a majority ownership held by such a veteran or spouse if the  
 1056 department receives an application, in a format prescribed by  
 1057 the department, within 60 months after the date of the veteran's  
 1058 discharge from any branch of the United States Armed Forces. To  
 1059 qualify for the waiver, a veteran must provide to the department  
 1060 a copy of his or her DD Form 214, as issued by the United States  
 1061 Department of Defense, or another acceptable form of  
 1062 identification as specified by the Department of Veterans'  
 1063 Affairs; the spouse of a veteran must provide to the department  
 1064 a copy of the veteran's DD Form 214, as issued by the United  
 1065 States Department of Defense, or another acceptable form of  
 1066 identification as specified by the Department of Veterans'  
 1067 Affairs, and a copy of a valid marriage license or certificate  
 1068 verifying that he or she was lawfully married to the veteran at  
 1069 the time of discharge; or a business entity must provide to the  
 1070 department proof that a veteran or the spouse of a veteran holds  
 1071 a majority ownership in the business, a copy of the veteran's DD  
 1072 Form 214, as issued by the United States Department of Defense,  
 1073 or another acceptable form of identification as specified by the

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1074 Department of Veterans' Affairs, and, if applicable, a copy of a  
 1075 valid marriage license or certificate verifying that the spouse  
 1076 of the veteran was lawfully married to the veteran at the time  
 1077 of discharge.  
 1078 (3) Each independent agent shall annually file an affidavit  
 1079 with the department ~~before~~ ~~prior to~~ engaging in business in this  
 1080 state. This affidavit must include the independent agent's full  
 1081 name, legal business or trade name, mailing address, business  
 1082 address, telephone number, and the name and address of each  
 1083 seller of travel represented by the independent agent. A letter  
 1084 evidencing proof of filing must be issued by the department and  
 1085 must be prominently displayed in the independent agent's primary  
 1086 place of business. Each independent agent must also submit an  
 1087 annual registration fee of \$50. All moneys collected pursuant to  
 1088 the imposition of the fee shall be deposited by the Chief  
 1089 Financial Officer into the General Inspection Trust Fund of the  
 1090 Department of Agriculture and Consumer Services for the sole  
 1091 purpose of administering this part. As used in this subsection,  
 1092 the term "independent agent" means a person who represents a  
 1093 seller of travel by soliciting persons on its behalf; who has a  
 1094 written contract with a seller of travel which is operating in  
 1095 compliance with this part and any rules adopted thereunder; who  
 1096 does not receive a fee, commission, or other valuable  
 1097 consideration directly from the purchaser for the seller of  
 1098 travel; who does not at any time have any unissued ticket stock  
 1099 or travel documents in his or her possession; and who does not  
 1100 have the ability to issue tickets, vacation certificates, or any  
 1101 other travel document. The term "independent agent" does not  
 1102 include an affiliate of the seller of travel, as that term is

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1103 used in s. 559.935(3), or the employees of the seller of travel  
1104 or of such affiliates.

1105 (4) Any person applying for or renewing a local business  
1106 tax receipt to engage in business as a seller of travel must  
1107 exhibit a current registration certificate from the department  
1108 before the local business tax receipt may be issued or reissued.

1109 (5) Each contract, advertisement, or certificate, or any  
1110 other travel document, of a seller of travel must include the  
1111 phrase "...(NAME OF FIRM)... is registered with the State of  
1112 Florida as a Seller of Travel. Registration No....."

1113 ~~(6) Each advertisement of a seller of travel must include~~  
1114 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

1115 ~~(6)(7) A~~ No registration is not ~~shall be~~ valid for any  
1116 seller of travel transacting business at any place other than  
1117 that designated in its application, unless the department is  
1118 first notified in writing in advance of any change of location.  
1119 A ~~Not~~ shall the registration is not ~~be~~ valid for an affiliate of  
1120 the seller of travel who engages in the prearranged travel and  
1121 tourist business. A registration issued under this part may  
1122 ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not  
1123 be permitted to conduct business under more than one name except  
1124 as registered. A seller of travel desiring to change its  
1125 registered name or location or designated agent for service of  
1126 process at a time other than upon renewal of registration shall  
1127 notify the department of such change.

1128 ~~(7)(8)~~ Applications under this section are ~~shall be~~ subject  
1129 to ~~the provisions of~~ s. 120.60.

1130 ~~(8)(9)~~ The department may deny, ~~or~~ refuse to renew, or  
1131 revoke the registration of any seller of travel based upon a

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1132 determination that the seller of travel, or any of its  
1133 directors, officers, owners, or general partners:

1134 (a) Has failed to meet the requirements for registration as  
1135 provided in this part;

1136 (b) Has been convicted of a crime involving fraud, theft,  
1137 embezzlement, dishonest dealing, or any other act of moral  
1138 turpitude or any other act arising out of conduct as a seller of  
1139 travel;

1140 (c) Has not satisfied a civil fine or penalty arising out  
1141 of any administrative or enforcement action brought by any  
1142 governmental agency or private person based upon conduct  
1143 involving fraud, theft, embezzlement, dishonest dealing, or any  
1144 violation of this part;

1145 (d) Has pending against her or him any criminal,  
1146 administrative, or enforcement proceedings in any jurisdiction,  
1147 based upon conduct involving fraud, theft, embezzlement,  
1148 dishonest dealing, or any other act of moral turpitude or any  
1149 other act arising out of conduct as a seller of travel; or

1150 (e) Has had a judgment entered against her or him in any  
1151 action brought by the department or the Department of Legal  
1152 Affairs pursuant to ss. 501.201-501.213 or this act part.

1153 Section 29. Subsections (2) and (6) of section 559.929,  
1154 Florida Statutes, are amended to read:

1155 559.929 Security requirements.—

1156 (2) The bond must be filed with the department on a form  
1157 adopted by department rule and must be in favor of the  
1158 department for the use and benefit of a traveler who is injured  
1159 by the fraud, misrepresentation, breach of contract, or  
1160 financial failure, or any other violation of this part by the

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1161 seller of travel. Such liability may be enforced by proceeding  
 1162 in an administrative action as specified in subsection (3) or by  
 1163 filing a civil action. However, in such civil action the bond  
 1164 posted with the department ~~may shall~~ not be amenable or subject  
 1165 to a judgment or other legal process issuing out of or from such  
 1166 court in connection with such civil action, but such bond shall  
 1167 be amenable to and enforceable only by and through  
 1168 administrative proceedings before the department. It is the  
 1169 intent of the Legislature that such bond be applicable and  
 1170 liable only for the payment of claims duly adjudicated by order  
 1171 of the department. The bond must be open to successive claims,  
 1172 but the aggregate amount awarded may not exceed the amount of  
 1173 the bond. In addition to the foregoing, a bond provided by a  
 1174 registrant or applicant for registration which certifies its  
 1175 business activities under s. 559.9285(1)(b) or (c) must be in  
 1176 favor of the department, with payment in the following order of  
 1177 priority:

1178 (a) The expenses for prosecuting the registrant or  
 1179 applicant in an administrative or civil action under this part,  
 1180 including attorney fees and fees for other professionals, court  
 1181 costs or other costs of the proceedings, and all other expenses  
 1182 incidental to the action.

1183 (b) The costs and expenses of investigation before the  
 1184 commencement of an administrative or civil action under this  
 1185 part.

1186 (c) An unpaid administrative fine imposed by final order or  
 1187 an unpaid civil penalty imposed by final judgment under this  
 1188 part.

1189 (d) Damages or compensation for a traveler injured as

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1190 provided in this subsection.

1191 (6) The department may waive the bond requirement on an  
 1192 annual basis if the seller of travel has had 5 or more  
 1193 consecutive years of experience as a seller of travel in this  
 1194 state in compliance with this part, has not had a civil,  
 1195 criminal, or administrative action instituted against the seller  
 1196 of travel in the vacation and travel business by a governmental  
 1197 agency or an action involving fraud, theft, misappropriation of  
 1198 property, violation of a statute pertaining to business or  
 1199 commerce with a terrorist state, ~~or~~ moral turpitude, or other  
 1200 violation of this part and has a satisfactory consumer complaint  
 1201 history with the department, and certifies its business  
 1202 activities under s. 559.9285. Such waiver may be revoked if the  
 1203 seller of travel violates this part. A seller of travel which  
 1204 certifies its business activities under s. 559.9285(1)(b) or (c)  
 1205 is not entitled to the waiver provided in this subsection.

1206 Section 30. Subsections (10), (14), and (17) of section  
 1207 559.9295, Florida Statutes, are amended to read:

1208 559.9295 Submission of vacation certificate documents.—  
 1209 Sellers of travel who offer vacation certificates must submit  
 1210 and disclose to the department with the application for  
 1211 registration, and any time such document is changed, but prior  
 1212 to the sale of any vacation certificate, the following  
 1213 materials:

1214 ~~(10) A statement of the number of certificates to be issued~~  
 1215 ~~and the date of their expiration.~~

1216 (13)(14) A listing of the full name, address, and telephone  
 1217 number of each person through which the distribution and sale of  
 1218 vacation certificates is to be carried out, ~~including the number~~

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1219 ~~of vacation certificates allocated or sold to each such person~~  
 1220 ~~and the name and address of a Florida registered agent for~~  
 1221 ~~service of process.~~

1222 ~~(17) Within 10 working days after receipt of any materials~~  
 1223 ~~submitted subsequent to filing an initial registration~~  
 1224 ~~application or any annual renewal thereof, the department shall~~  
 1225 ~~determine whether such materials are adequate to meet the~~  
 1226 ~~requirements of this section. The department shall notify the~~  
 1227 ~~seller of travel that materials submitted are in substantial~~  
 1228 ~~compliance, or shall notify the seller of travel of any specific~~  
 1229 ~~deficiencies. If the department fails to notify the seller of~~  
 1230 ~~travel of its determination within the period specified in this~~  
 1231 ~~subsection, the materials shall be deemed in compliance;~~  
 1232 ~~however, the failure of the department to send notification in~~  
 1233 ~~either case will not relieve the seller of travel from the duty~~  
 1234 ~~of complying with this section. Neither the submission of these~~  
 1235 ~~materials nor the department's response implies approval,~~  
 1236 ~~recommendation, or endorsement by the department or that the~~  
 1237 ~~contents of said materials have been verified by the department.~~

1238 Section 31. Section 559.932, Florida Statutes, is amended  
 1239 to read:

1240 559.932 Vacation certificate disclosure.—

1241 (1) A ~~It shall be unlawful for any~~ seller of travel must to  
 1242 ~~fail to~~ provide each person solicited with a contract that  
 1243 includes which shall include the following in a 10-point font,  
 1244 unless otherwise specified:

1245 (a) A space for the date, name, address, and signature of  
 1246 the purchaser.

1247 (b) The expiration date of the vacation certificate and the

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1248 terms and conditions of its extension or renewal, if available.

1249 (c) The name and business address of any seller of travel  
 1250 who may solicit vacation certificate purchasers for further  
 1251 purchases, and a full and complete statement as to the nature  
 1252 and method of that solicitation.

1253 (d) The total financial obligation of the purchaser which  
 1254 shall include the initial purchase price and any additional  
 1255 charges to which the purchaser may be subject, including, but  
 1256 not limited to, any per diem, seasonal, reservation, or  
 1257 recreational charge.

1258 (e) The name and street address of any person who has the  
 1259 right to alter, amend, or add to the charges to which the  
 1260 purchaser may be subject and the terms and conditions under  
 1261 which such charges may be imposed.

1262 (f) If any accommodation or facility which a purchaser  
 1263 acquires the right to use pursuant to the vacation certificate  
 1264 is not completed at the time the certificate is offered for  
 1265 sale, the date of availability of each component of the  
 1266 accommodation or facility.

1267 (g) By means of a section entitled "terms and conditions":

1268 1. All eligibility requirements for use of the vacation  
 1269 certificate, including, but not limited to, age, sex, marital  
 1270 status, group association, residency, or geographic limitations.

1271 2. All eligibility requirements for use of any discount or  
 1272 complimentary coupon or ticket.

1273 3. A statement as to whether transportation and meals are  
 1274 provided pursuant to use of the certificate.

1275 4. Any room deposit requirement, including all conditions  
 1276 for its return or refund.

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1277 5. The manner in which reservation requests are to be made  
1278 and the method by which they are to be confirmed.

1279 6. Any identification, credential, or other means by which  
1280 a purchaser must establish her or his entitlement to the rights,  
1281 benefits, or privileges of the vacation certificate.

1282 7. Any restriction or limitation upon transfer of the  
1283 vacation certificate or any right, benefit, or privilege  
1284 thereunder.

1285 8. Any other term, limitation, condition, or requirement  
1286 material to use of the vacation certificate or any right,  
1287 benefit, or privilege thereunder.

1288 (h) In immediate proximity to the space reserved in the  
1289 contract for the date and the name, address, and signature of  
1290 the purchaser, the following statement in boldfaced type of a  
1291 size of 10 points:

1292 "YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR  
1293 OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT  
1294 OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER."

1295 "YOU MAY ALSO CANCEL THIS CONTRACT IF ACCOMMODATIONS OR  
1296 FACILITIES ARE NOT AVAILABLE PURSUANT TO A REQUEST FOR USE AS  
1297 PROVIDED IN THE CONTRACT."

1298 "IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN  
1299 WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE  
1300 AND SENDING NOTICE TO: ...(NAME OF SELLER)... AT ...(SELLER'S  
1301 ADDRESS)...."

1302 (i) In immediate proximity to the statement required in  
1303 paragraph (h), the following statement in boldfaced type of a  
1304  
1305

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1306 size of 12 ~~10~~ points:

1307

1308 "NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN  
1309 THOSE INCLUDED IN THIS CONTRACT."

1310

1311 However, inclusion of this statement shall not impair any  
1312 purchaser's right to bring legal action based on verbal  
1313 statements.

1314 (j) In immediate proximity to the statement required in  
1315 paragraph (i), the following statement:

1316 "This contract is for the purchase of a vacation  
1317 certificate and puts all assignees on notice of the consumer's  
1318 right to cancel under section 559.933, Florida Statutes."

1319 (2) If a sale or agreement to purchase a vacation  
1320 certificate is completed over the telephone, the seller shall  
1321 inform the purchaser over the telephone that:

1322 (a) The purchaser may cancel the contract without any  
1323 penalty or obligation within 30 days from the date of purchase  
1324 or receipt of the vacation certificate, whichever occurs later.

1325 (b) The purchaser may also cancel the contract if  
1326 accommodations or facilities are not available upon request for  
1327 use as provided in the contract.

1328 (3) Upon receipt of a copy of a vacation certificate or  
1329 contract required pursuant to s. 559.9295, the department must  
1330 review the certificate or contract for compliance with the  
1331 disclosures required under this section.

1332 Section 32. Section 559.933, Florida Statutes, is amended  
1333 to read:

1334 559.933 Vacation certificate cancellation and refund

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1335 provisions.-

1336 (1) A seller of travel or  
 1337 assignee must honor a purchaser's request to cancel a vacation  
 1338 certificate if such request is made:

1339 ~~(1) To fail or refuse to honor a purchaser's vacation~~  
 1340 ~~certificate request to cancel if such request is made.~~

1341 (a) Within 30 days after ~~from~~ the date of purchase or  
 1342 receipt of the vacation certificate, whichever occurs later; or

1343 (b) At any time accommodations or facilities are not  
 1344 available pursuant to a request for use as provided in the  
 1345 contract, provided that:

1346 1. The contract may ~~shall~~ not require notice greater than  
 1347 60 days in advance of the date requested for use;

1348 2. If acceptable to the purchaser, comparable alternate  
 1349 accommodations or facilities in a city, or reservations for a  
 1350 date different than that requested, may be provided.

1351 (2) A seller of travel or assignee must ~~To fail to~~ refund  
 1352 any and all payments made by the vacation certificate purchaser  
 1353 within 30 days after receipt of the certificate and notice of  
 1354 cancellation made pursuant to this section, if the purchaser has  
 1355 not received any benefits pursuant to the vacation certificate.

1356 (3) A seller of travel or assignee must, if the purchaser  
 1357 has received any benefits pursuant to the vacation certificate,  
 1358 ~~to fail to~~ refund within 30 days after receipt of the  
 1359 certificate and notice of cancellation made pursuant to this  
 1360 section any and all payments made by the purchaser which exceed  
 1361 a pro rata portion of the total price, representing the portion  
 1362 of any benefits actually received by the vacation certificate  
 1363 purchaser during the time preceding cancellation.

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1364 (4) If ~~Where~~ any purchaser has received confirmation of  
 1365 reservations in advance and is refused accommodations upon  
 1366 arrival, a seller of travel or assignee must ~~to fail to~~ procure  
 1367 comparable alternate accommodations for the purchaser in the  
 1368 same city at no expense to the purchaser, or ~~to fail to~~ fully  
 1369 compensate the purchaser for the room rate incurred in securing  
 1370 comparable alternate accommodations himself or herself.

1371 (5) A seller of travel or assignee may not ~~To~~ collect more  
 1372 than the full contract price from the purchaser.

1373 (6) A seller of travel or assignee may not ~~To~~ sell, assign,  
 1374 or otherwise transfer any interest in a seller of travel  
 1375 business, or ~~to~~ sell, assign, or otherwise transfer to a third  
 1376 party any interest in any vacation certificate unless:

1377 (a) The third party agrees in writing to fully honor the  
 1378 rights of vacation certificate purchasers to cancel and to  
 1379 receive an appropriate refund or reimbursement as provided in  
 1380 this section.

1381 (b) The third party agrees in writing to comply with all  
 1382 other provisions of this part for as long as the third party  
 1383 continues the sale of vacation certificates or for the duration  
 1384 of the period of validity of outstanding vacation certificates,  
 1385 whichever is longer in time.

1386 (c) The seller of travel agrees to be liable for and fully  
 1387 indemnify a purchaser from any loss occasioned by the failure of  
 1388 the third party to honor the purchaser's right to cancel and  
 1389 failure to make prompt and complete refund to the purchaser of  
 1390 all sums paid to the third party, or occasioned by the third  
 1391 party's failure to comply with the provisions of this part.

1392 (7) A seller of travel or assignee must ~~To fail to~~ fulfill

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1393 the terms of a vacation certificate within 18 months after ~~of~~  
 1394 the initial payment of any consideration by the purchaser to a  
 1395 seller of travel or third party.

1396 Section 33. Section 559.9335, Florida Statutes, is amended  
 1397 to read:

1398 559.9335 Violations.—It is a violation of this part for any  
 1399 seller of travel, independent agent, or other person:

1400 (1) To conduct business as a seller of travel without  
 1401 registering annually with the department unless exempt pursuant  
 1402 to s. 559.935.

1403 (2) To conduct business as a seller of travel without an  
 1404 annual purchase of a performance bond in the amount set by the  
 1405 department unless exempt pursuant to s. 559.935.

1406 (3) Knowingly to make any false statement, representation,  
 1407 or certification in any application, document, or record  
 1408 required to be submitted or retained under this part or in any  
 1409 response to an inquiry or investigation conducted by the  
 1410 department or any other governmental agency.

1411 (4) Knowingly to sell or market any ~~number of~~ vacation  
 1412 certificates that exceed the accommodations available at the  
 1413 time of sale ~~the number disclosed to the department pursuant to~~  
 1414 ~~this section.~~

1415 (5) Knowingly to sell or market vacation certificates with  
 1416 an expiration date of more than 18 months from the date of  
 1417 issuance.

1418 ~~(6) Knowingly to require, request, encourage, or suggest,~~  
 1419 ~~directly or indirectly, that payment for the right to obtain a~~  
 1420 ~~travel contract, certificate, or vacation package must be by~~  
 1421 ~~credit card authorization or to otherwise announce a preference~~

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1422 ~~for that method of payment over any other when no correct and~~  
 1423 ~~true explanation for such preference is likewise stated.~~

1424 ~~(6)~~<sup>(7)</sup> Knowingly to state, represent, indicate, suggest, or  
 1425 imply, directly or indirectly, that the travel contract,  
 1426 certificate, or vacation package being offered by the seller of  
 1427 travel cannot be purchased at some later time or may not  
 1428 otherwise be available after the initial contact, or that  
 1429 callbacks by the prospective purchaser are not accepted, when no  
 1430 such restrictions or limitations in fact exist.

1431 ~~(7)~~<sup>(8)</sup> To misrepresent ~~in any manner~~ the purchaser's right  
 1432 to cancel and to receive an appropriate refund or reimbursement  
 1433 as provided by this part.

1434 ~~(8)~~<sup>(9)</sup> To sell any vacation certificate the duration of  
 1435 which exceeds the duration of any agreement between the seller  
 1436 and any business entity obligated thereby to provide  
 1437 accommodations or facilities pursuant to the vacation  
 1438 certificate.

1439 ~~(9)~~<sup>(10)</sup> To misrepresent or deceptively represent:

1440 (a) The amount of time or period of time accommodations or  
 1441 facilities will be available.

1442 (b) The location of accommodations or facilities offered.

1443 (c) The price, size, nature, extent, qualities, or  
 1444 characteristics of accommodations or facilities offered.

1445 (d) The nature or extent of other goods, services, or  
 1446 amenities offered.

1447 (e) A purchaser's rights, privileges, or benefits.

1448 (f) The conditions under which the purchaser may obtain a  
 1449 reservation for the use of offered accommodations or facilities.

1450 (g) That the recipient of an advertisement or promotional

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1451 materials is a winner, or has been selected, or is otherwise  
 1452 being involved in a select group for receipt, of a gift, award,  
 1453 or prize, unless this fact is the truth.

1454 ~~(10)(11)~~ To fail to inform a purchaser of a nonrefundable  
 1455 cancellation policy ~~before~~ prior to the seller of travel  
 1456 accepting any fee, commission, or other valuable consideration.

1457 ~~(12) To fail to include, when offering to sell a vacation~~  
 1458 ~~certificate, in any advertisement or promotional material, the~~  
 1459 ~~following statement: "This is an offer to sell travel."~~

1460 ~~(11)(13)~~ To fail to honor and comply with all provisions of  
 1461 the vacation certificate regarding the purchaser's rights,  
 1462 benefits, and privileges thereunder.

1463 ~~(12)(14)~~ (a) To include in any vacation certificate or  
 1464 contract any provision purporting to waive or limit any right or  
 1465 benefit provided to purchasers under this part; or

1466 (b) To seek or solicit such waiver or acceptance of  
 1467 limitation from a purchaser concerning rights or benefits  
 1468 provided under this part.

1469 ~~(13)(15)~~ To offer vacation certificates for any  
 1470 accommodation or facility for which there is no contract with  
 1471 the owner of the accommodation or facility securing the  
 1472 purchaser's right to occupancy and use, unless the seller is the  
 1473 owner.

1474 ~~(16) To use a local mailing address, registration facility,~~  
 1475 ~~drop box, or answering service in the promotion, advertising,~~  
 1476 ~~solicitation, or sale of vacation certificates, unless the~~  
 1477 ~~seller's fixed business address is clearly disclosed during any~~  
 1478 ~~telephone solicitation and is prominently and conspicuously~~  
 1479 ~~disclosed on all solicitation materials and on the contract.~~

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1480 ~~(14)(17)~~ To use any registered trademark, trade name, or  
 1481 trade logo in any promotional, advertising, or solicitation  
 1482 materials without written authorization from the holder of such  
 1483 trademark, trade name, or trade logo.

1484 ~~(15)(18)~~ To represent, directly or by implication, any  
 1485 affiliation with, or endorsement by, any governmental,  
 1486 charitable, educational, medical, religious, fraternal, or civic  
 1487 organization or body, or any individual, in the promotion,  
 1488 advertisement, solicitation, or sale of vacation certificates  
 1489 without express written authorization.

1490 ~~(16)(19)~~ To sell a vacation certificate to any purchaser  
 1491 who is ineligible for its use.

1492 ~~(20) To sell any number of vacation certificates exceeding~~  
 1493 ~~the number disclosed pursuant to this part.~~

1494 ~~(17)(21)~~ During the period of a vacation certificate's  
 1495 validity, in the event, for any reason whatsoever, of lapse or  
 1496 breach of an agreement for the provision of accommodations or  
 1497 facilities to purchasers, to fail to procure similar agreement  
 1498 for the provision of comparable alternate accommodations or  
 1499 facilities in the same city or surrounding area.

1500 ~~(18)(22)~~ To offer to sell, at wholesale or retail,  
 1501 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 1502 ~~services~~ for individuals or groups directly to any terrorist  
 1503 state and which originate in Florida, without disclosing such  
 1504 business activities in a certification filed under s.  
 1505 559.9285(1)(b) or (c).

1506 ~~(19)(23)~~ To violate any state or federal law restricting or  
 1507 prohibiting commerce with terrorist states.

1508 ~~(20)(24)~~ To engage in ~~do~~ any other fraudulent action that

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1509 ~~act which constitutes fraud, misrepresentation, or failure to~~  
 1510 ~~disclose a material fact, or to commit any other violation of,~~  
 1511 ~~or fail to comply with, this part.~~

1512 ~~(21)(25)~~ To refuse or fail, or for any of its principal  
 1513 officers to refuse or fail, after notice, to produce any  
 1514 document or record or disclose any information required to be  
 1515 produced or disclosed.

1516 ~~(22)(26)~~ Knowingly to make a material false statement in  
 1517 response to any request or investigation by the department, the  
 1518 Department of Legal Affairs, or the state attorney.

1519 Section 34. Subsections (3) and (4) of section 559.935,  
 1520 Florida Statutes, are amended to read:  
 1521 559.935 Exemptions.—

1522 (3) Sections 559.928, 559.929, 559.9295, 559.931, and  
 1523 559.932 ~~shall~~ also do not apply to a seller of travel that is an  
 1524 affiliate of an entity exempt pursuant to subsection (2) subject  
 1525 to the following conditions:

1526 (a) ~~If in the event~~ the department finds the affiliate does  
 1527 not have a satisfactory consumer complaint history or the  
 1528 affiliate fails to respond to a consumer complaint within 30  
 1529 days, the related seller of travel exempt pursuant to subsection  
 1530 (2) is ~~shall be~~ liable for the actions of the affiliate, subject  
 1531 to the remedies provided in ss. 559.9355 and 559.936.

1532 (b) ~~If in the event~~ the department is unable to locate an  
 1533 affiliate, the related seller of travel exempt pursuant to  
 1534 subsection (2) is ~~shall be~~ fully liable for the actions of the  
 1535 affiliate, subject to the remedies provided in ss. 559.9355 and  
 1536 559.936.

1537 ~~(c) In order to obtain an exemption under this subsection,~~

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1538 ~~the affiliate shall file an affidavit of exemption on a form~~  
 1539 ~~prescribed by the department and shall certify its business~~  
 1540 ~~activities under s. 559.9285(1)(a). The affidavit of exemption~~  
 1541 ~~shall be executed by a person who exercises identical control~~  
 1542 ~~over the seller of travel exempt pursuant to subsection (2) and~~  
 1543 ~~the affiliate. Failure to file an affidavit of exemption or~~  
 1544 ~~certification under s. 559.9285(1)(a) prior to engaging in~~  
 1545 ~~seller of travel activities shall subject the affiliate to the~~  
 1546 ~~remedies provided in ss. 559.9355 and 559.936.~~

1547 ~~(c)(d)~~ Revocation by the department of an exemption  
 1548 provided to a seller of travel under subsection (2) shall  
 1549 constitute automatic revocation by law of an exemption obtained  
 1550 by an affiliate under the subsection.

1551 ~~(d)(e)~~ This subsection does ~~shall~~ not apply to:

1552 1. An affiliate that independently qualifies for another  
 1553 exemption under this section.

1554 2. An affiliate that sells, or offers for sale, vacation  
 1555 certificates.

1556 3. An affiliate that certifies its business activities  
 1557 under s. 559.9285(1)(b) or (c).

1558 ~~(e)(f)~~ For purposes of this section, the term an  
 1559 "affiliate" means an entity that meets the following:

1560 1. The entity has the identical ownership as the seller of  
 1561 travel that is exempt under subsection (2).

1562 2. The ownership controlling the seller of travel that is  
 1563 exempt under subsection (2) also exercises identical control  
 1564 over the entity.

1565 3. The owners of the affiliate hold the identical  
 1566 percentage of voting shares as they hold in the seller of travel

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1567 that is exempt under subsection (2).

1568 (4) The department may revoke the exemption provided in  
 1569 subsection (2) or subsection (3) if the department finds that  
 1570 the seller of travel does not have a satisfactory consumer  
 1571 complaint history, has been convicted of a crime involving  
 1572 fraud, theft, embezzlement, misappropriation of property,  
 1573 deceptive or unfair trade practices, or moral turpitude, or has  
 1574 not complied with the terms of any order or settlement agreement  
 1575 arising out of an administrative or enforcement action brought  
 1576 by a governmental agency or private person based on conduct  
 1577 involving fraud, theft, embezzlement, misappropriation of  
 1578 property, deceptive or unfair trade practices, or moral  
 1579 turpitude.

1580 Section 35. Subsection (3) of section 559.936, Florida  
 1581 Statutes, is amended to read:

1582 559.936 Civil penalties; remedies.—

1583 (3) The department may seek a civil penalty in the Class  
 1584 III category pursuant to s. 570.971 for each act or omission in  
 1585 violation of s. 559.9335(18) or (19) ~~s. 559.9335(22) or (23)~~.

1586 Section 36. Paragraph (b) of subsection (5), paragraph (a)  
 1587 of subsection (10), and subsections (15) and (16) of section  
 1588 616.242, Florida Statutes, are amended to read:

1589 616.242 Safety standards for amusement rides.—

1590 (5) ANNUAL PERMIT.—

1591 (b) To apply for an annual permit, an owner must submit to  
 1592 the department a written application on a form prescribed by  
 1593 rule of the department, which must include the following:

1594 1. The legal name, address, and primary place of business  
 1595 of the owner.

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1596 2. A description, manufacturer's name, serial number, model  
 1597 number and, if previously assigned, the United States Amusement  
 1598 Identification Number of the amusement ride.

1599 3. A valid certificate of insurance ~~or bond~~ for each  
 1600 amusement ride.

1601 4. An affidavit of compliance that the amusement ride was  
 1602 inspected in person by the affiant and that the amusement ride  
 1603 is in general conformance with the requirements of this section  
 1604 and all applicable rules adopted by the department. The  
 1605 affidavit must be executed by a professional engineer or a  
 1606 qualified inspector no earlier than 60 days before, but not  
 1607 later than, the date of the filing of the application with the  
 1608 department. The owner shall request inspection and permitting of  
 1609 the amusement ride within 60 days of the date of filing the  
 1610 application with the department. The department shall inspect  
 1611 and permit the amusement ride within 60 days after filing the  
 1612 application with the department.

1613 5. If required by subsection (6), an affidavit of  
 1614 nondestructive testing dated and executed no earlier than 60  
 1615 days before ~~prior to~~, but not later than, the date of the filing  
 1616 of the application with the department. The owner shall request  
 1617 inspection and permitting of the amusement ride within 60 days  
 1618 of the date of filing the application with the department. The  
 1619 department shall inspect and permit the amusement ride within 60  
 1620 days after filing the application with the department.

1621 6. A request for inspection.

1622 7. Upon request, the owner shall, at no cost to the  
 1623 department, provide the department a copy of the manufacturer's  
 1624 current recommended operating instructions in the possession of

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1625 the owner, the owner's operating fact sheet, and any written  
 1626 bulletins in the possession of the owner concerning the safety,  
 1627 operation, or maintenance of the amusement ride.

1628 (10) EXEMPTIONS.—

1629 (a) This section does not apply to:

1630 1. Permanent facilities that employ at least 1,000 full-  
 1631 time employees and that maintain full-time, in-house safety  
 1632 inspectors. Furthermore, the permanent facilities must file an  
 1633 affidavit of the annual inspection with the department, on a  
 1634 form prescribed by rule of the department. Additionally, the  
 1635 Department of Agriculture and Consumer Services may consult  
 1636 annually with the permanent facilities regarding industry safety  
 1637 programs.

1638 2. Any playground operated by a school, local government,  
 1639 or business licensed under chapter 509, if the playground is an  
 1640 incidental amenity and the operating entity is not primarily  
 1641 engaged in providing amusement, pleasure, thrills, or  
 1642 excitement.

1643 3. Museums or other institutions principally devoted to the  
 1644 exhibition of products of agriculture, industry, education,  
 1645 science, religion, or the arts.

1646 4. Conventions or trade shows for the sale or exhibit of  
 1647 amusement rides if there are a minimum of 15 amusement rides on  
 1648 display or exhibition, and if any operation of such amusement  
 1649 rides is limited to the registered attendees of the convention  
 1650 or trade show.

1651 5. Skating rinks, arcades, ~~laser lazer~~ or paint ball war  
 1652 games, bowling alleys, miniature golf courses, mechanical bulls,  
 1653 inflatable rides, trampolines, ball crawls, exercise equipment,

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1654 jet skis, paddle boats, airboats, helicopters, airplanes,  
 1655 parasails, hot air or helium balloons whether tethered or  
 1656 untethered, theatres, batting cages, stationary spring-mounted  
 1657 fixtures, rider-propelled merry-go-rounds, games, side shows,  
 1658 live animal rides, or live animal shows.

1659 6. Go-karts operated in competitive sporting events if  
 1660 participation is not open to the public.

1661 7. Nonmotorized playground equipment that is not required  
 1662 to have a manager.

1663 8. Coin-actuated amusement rides designed to be operated by  
 1664 depositing coins, tokens, credit cards, debit cards, bills, or  
 1665 other cash money and which are not required to have a manager,  
 1666 and which have a capacity of six persons or less.

1667 9. Facilities described in s. 549.09(1)(a) when such  
 1668 facilities are operating cars, trucks, or motorcycles only.

1669 10. Battery-powered cars or other vehicles that are  
 1670 designed to be operated by children 7 years of age or under and  
 1671 that cannot exceed a speed of 4 miles per hour.

1672 11. Mechanically driven vehicles that pull train cars,  
 1673 carts, wagons, or other similar vehicles, that are not confined  
 1674 to a metal track or confined to an area but are steered by an  
 1675 operator and do not exceed a speed of 4 miles per hour.

1676 12. A water-related amusement ride operated by a business  
 1677 licensed under chapter 509 if the water-related amusement ride  
 1678 is an incidental amenity and the operating business is not  
 1679 primarily engaged in providing amusement, pleasure, thrills, or  
 1680 excitement and does not offer day rates.

1681 13. An amusement ride at a private, membership-only  
 1682 facility if the amusement ride is an incidental amenity and the

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1683 facility is not open to the general public; is not primarily  
 1684 engaged in providing amusement, pleasure, thrills, or  
 1685 excitement; and does not offer day rates.

1686 14. A nonprofit permanent facility registered under chapter  
 1687 496 which is not open to the general public.

1688 (15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ ~~Prior~~ ~~to~~  
 1689 opening on each day of operation and ~~before~~ ~~prior~~ ~~to~~ any  
 1690 inspection by the department, the owner or manager of an  
 1691 amusement ride must inspect and test the amusement ride to  
 1692 ensure compliance with all requirements of this section. Each  
 1693 inspection must be recorded on a form prescribed by rule of the  
 1694 department and signed by the person who conducted the  
 1695 inspection. In lieu of the form prescribed by rule of the  
 1696 department, the owner or manager may request approval of an  
 1697 alternative form if the alternative form includes, at a minimum,  
 1698 the information required on the form prescribed by rule of the  
 1699 department. Inspection records of the last 14 daily inspections  
 1700 must be kept on site by the owner or manager and made  
 1701 immediately available to the department upon request.

1702 (16) TRAINING OF EMPLOYEES.—The owner or manager of ~~an any~~  
 1703 amusement ride shall maintain a record of employee training for  
 1704 each employee authorized to operate, assemble, disassemble,  
 1705 transport, or conduct maintenance on an amusement ride, on a  
 1706 form prescribed by rule of the department. In lieu of the form  
 1707 prescribed by rule of the department, the owner or manager may  
 1708 request approval of an alternative form if the alternative form  
 1709 includes, at a minimum, the information required on the form  
 1710 prescribed by rule of the department. The training record must  
 1711 be kept on site by the owner or manager and made immediately

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1712 available to the department upon request. Training may not be  
 1713 conducted when an amusement ride is open to the public unless  
 1714 the training is conducted under the supervision of an employee  
 1715 who is trained in the operation of that ride. The owner or  
 1716 manager shall certify that each employee is trained, as required  
 1717 by this section and any rules adopted thereunder, on the  
 1718 amusement ride for which the employee is responsible.

1719 Section 37. Subsections (2), (4), and (5) of section  
 1720 790.06, Florida Statutes, are amended, paragraph (f) is added to  
 1721 subsection (6) of that section, and subsection (10) of that  
 1722 section is amended, to read:

1723 790.06 License to carry concealed weapon or firearm.—

1724 (2) The Department of Agriculture and Consumer Services  
 1725 shall issue a license if the applicant:

1726 (a) Is a resident of the United States and a citizen of the  
 1727 United States or a permanent resident alien of the United  
 1728 States, as determined by the United States Bureau of Citizenship  
 1729 and Immigration Services, or is a consular security official of  
 1730 a foreign government that maintains diplomatic relations and  
 1731 treaties of commerce, friendship, and navigation with the United  
 1732 States and is certified as such by the foreign government and by  
 1733 the appropriate embassy in this country;

1734 (b) Is 21 years of age or older;

1735 (c) Does not suffer from a physical infirmity which  
 1736 prevents the safe handling of a weapon or firearm;

1737 (d) Is not ineligible to possess a firearm pursuant to s.  
 1738 790.23 by virtue of having been convicted of a felony;

1739 (e) Has not been committed for the abuse of a controlled  
 1740 substance or been found guilty of a crime under the provisions

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1741 of chapter 893 or similar laws of any other state relating to  
 1742 controlled substances within a 3-year period immediately  
 1743 preceding the date on which the application is submitted;

1744 (f) Does not chronically and habitually use alcoholic  
 1745 beverages or other substances to the extent that his or her  
 1746 normal faculties are impaired. It shall be presumed that an  
 1747 applicant chronically and habitually uses alcoholic beverages or  
 1748 other substances to the extent that his or her normal faculties  
 1749 are impaired if the applicant has been committed under chapter  
 1750 397 or under the provisions of former chapter 396 or has been  
 1751 convicted under s. 790.151 or has been deemed a habitual  
 1752 offender under s. 856.011(3), or has had two or more convictions  
 1753 under s. 316.193 or similar laws of any other state, within the  
 1754 3-year period immediately preceding the date on which the  
 1755 application is submitted;

1756 (g) Desires a legal means to carry a concealed weapon or  
 1757 firearm for lawful self-defense;

1758 (h) Demonstrates competence with a firearm by any one of  
 1759 the following:

1760 1. Completion of any hunter education or hunter safety  
 1761 course approved by the Fish and Wildlife Conservation Commission  
 1762 or a similar agency of another state;

1763 2. Completion of any National Rifle Association firearms  
 1764 safety or training course;

1765 3. Completion of any firearms safety or training course or  
 1766 class available to the general public offered by a law  
 1767 enforcement agency, junior college, college, or private or  
 1768 public institution or organization or firearms training school,  
 1769 using ~~utilizing~~ instructors certified by the National Rifle

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1770 Association, Criminal Justice Standards and Training Commission,  
 1771 or the Department of Agriculture and Consumer Services;

1772 4. Completion of any law enforcement firearms safety or  
 1773 training course or class offered for security guards,  
 1774 investigators, special deputies, or any division or subdivision  
 1775 of a law enforcement agency or security enforcement;

1776 5. Presents evidence of equivalent experience with a  
 1777 firearm through participation in organized shooting competition  
 1778 or military service;

1779 6. Is licensed or has been licensed to carry a firearm in  
 1780 this state or a county or municipality of this state, unless  
 1781 such license has been revoked for cause; or

1782 7. Completion of any firearms training or safety course or  
 1783 class conducted by a state-certified or National Rifle  
 1784 Association certified firearms instructor;

1785  
 1786 A photocopy of a certificate of completion of any of the courses  
 1787 or classes; ~~or~~ an affidavit from the instructor, school, club,  
 1788 organization, or group that conducted or taught such ~~said~~ course  
 1789 or class attesting to the completion of the course or class by  
 1790 the applicant; or a copy of any document that ~~which~~ shows  
 1791 completion of the course or class or evidences participation in  
 1792 firearms competition shall constitute evidence of qualification  
 1793 under this paragraph. ~~At any~~ person who conducts a course  
 1794 pursuant to subparagraph 2., subparagraph 3., or subparagraph  
 1795 7., or who, as an instructor, attests to the completion of such  
 1796 courses, must maintain records certifying that he or she  
 1797 observed the student safely handle and discharge the firearm in  
 1798 his or her physical presence and that the discharge of the

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1799 firearm included live fire using a firearm and ammunition as  
 1800 defined in s. 790.001;

1801 (i) Has not been adjudicated an incapacitated person under  
 1802 s. 744.331, or similar laws of any other state, unless 5 years  
 1803 have elapsed since the applicant's restoration to capacity by  
 1804 court order;

1805 (j) Has not been committed to a mental institution under  
 1806 chapter 394, or similar laws of any other state, unless the  
 1807 applicant produces a certificate from a licensed psychiatrist  
 1808 that he or she has not suffered from disability for at least 5  
 1809 years before ~~prior to~~ the date of submission of the application;

1810 (k) Has not had adjudication of guilt withheld or  
 1811 imposition of sentence suspended on any felony ~~or misdemeanor~~  
 1812 ~~crime of domestic violence~~ unless 3 years have elapsed since  
 1813 probation or any other conditions set by the court have been  
 1814 fulfilled, or expunction has occurred ~~the record has been sealed~~  
 1815 ~~or expunged;~~

1816 (l) Has not had adjudication of guilt withheld or  
 1817 imposition of sentence suspended on any misdemeanor crime of  
 1818 domestic violence unless 3 years have elapsed since probation or  
 1819 any other conditions set by the court have been fulfilled, or  
 1820 the record has been sealed or expunged;

1821 ~~(m)~~ (l) Has not been issued an injunction that is currently  
 1822 in force and effect and that restrains the applicant from  
 1823 committing acts of domestic violence or acts of repeat violence;  
 1824 and

1825 ~~(n)~~ (m) Is not prohibited from purchasing or possessing a  
 1826 firearm by any other provision of Florida or federal law.

1827 (4) The application shall be completed, under oath, on a

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1828 form adopted ~~promulgated~~ by the Department of Agriculture and  
 1829 Consumer Services and shall include:

1830 (a) The name, address, place of birth, ~~and~~ date of birth,  
 1831 and race, ~~and~~ occupation of the applicant;

1832 (b) A statement that the applicant is in compliance with  
 1833 criteria contained within subsections (2) and (3);

1834 (c) A statement that the applicant has been furnished a  
 1835 copy of this chapter and is knowledgeable of its provisions;

1836 (d) A conspicuous warning that the application is executed  
 1837 under oath and that a false answer to any question, or the  
 1838 submission of any false document by the applicant, subjects the  
 1839 applicant to criminal prosecution under s. 837.06; ~~and~~

1840 (e) A statement that the applicant desires a concealed  
 1841 weapon or firearms license as a means of lawful self-defense;  
 1842 ~~and-~~

1843 (f) Directions for an applicant who is a servicemember, as  
 1844 defined in s. 250.01, or a veteran, as defined in s. 1.01, to  
 1845 request expedited processing of his or her application.

1846 (5) The applicant shall submit to the Department of  
 1847 Agriculture and Consumer Services or an approved tax collector  
 1848 pursuant to s. 790.0625:

1849 (a) A completed application as described in subsection (4).

1850 (b) A nonrefundable license fee of up to ~~\$60~~ \$70 if he or  
 1851 she has not previously been issued a statewide license or of up  
 1852 to ~~\$50~~ \$60 for renewal of a statewide license. The cost of  
 1853 processing fingerprints as required in paragraph (c) shall be  
 1854 borne by the applicant. However, an individual holding an active  
 1855 certification from the Criminal Justice Standards and Training  
 1856 Commission as a law enforcement officer, correctional officer,

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1857 or correctional probation officer as defined in s. 943.10(1),  
 1858 (2), (3), (6), (7), (8), or (9) is exempt from the licensing  
 1859 requirements of this section. If such individual wishes to  
 1860 receive a concealed ~~weapon~~ ~~weapons~~ or ~~firearm~~ ~~firearms~~ license,  
 1861 he or she is exempt from the background investigation and all  
 1862 background investigation fees, but must pay the current license  
 1863 fees regularly required to be paid by nonexempt applicants.  
 1864 Further, a law enforcement officer, a correctional officer, or a  
 1865 correctional probation officer as defined in s. 943.10(1), (2),  
 1866 or (3) is exempt from the required fees and background  
 1867 investigation for a ~~period of~~ 1 year after his or her  
 1868 retirement.

1869 (c) A full set of fingerprints of the applicant  
 1870 administered by a law enforcement agency or the Division of  
 1871 Licensing of the Department of Agriculture and Consumer Services  
 1872 or an approved tax collector pursuant to s. 790.0625 together  
 1873 with any personal identifying information required by federal  
 1874 law to process fingerprints.

1875 (d) A photocopy of a certificate, affidavit, or document as  
 1876 described in paragraph (2) (h).

1877 (e) A full frontal view color photograph of the applicant  
 1878 taken within the preceding 30 days, in which the head, including  
 1879 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

1880 (f) For expedited processing of an application:

1881 1. A servicemember shall submit a copy of the Common Access  
 1882 Card, United States Uniformed Services Identification Card, or  
 1883 current deployment orders.

1884 2. A veteran shall submit a copy of the DD Form 214, issued  
 1885 by the United States Department of Defense, or another

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1886 acceptable form of identification as specified by the Department  
 1887 of Veterans' Affairs.

1888 (6)

1889 (f) The Department of Agriculture and Consumer Services  
 1890 shall, upon receipt of a completed application and the  
 1891 identifying information required under paragraph (5) (f),  
 1892 expedite the processing of a servicemember's or a veteran's  
 1893 concealed weapon or firearm license application.

1894 (10) A license issued under this section shall be suspended  
 1895 or revoked pursuant to chapter 120 if the licensee:

1896 (a) Is found to be ineligible under the criteria set forth  
 1897 in subsection (2);

1898 (b) Develops or sustains a physical infirmity which  
 1899 prevents the safe handling of a weapon or firearm;

1900 (c) Is convicted of a felony which would make the licensee  
 1901 ineligible to possess a firearm pursuant to s. 790.23;

1902 (d) Is found guilty of a crime under the provisions of  
 1903 chapter 893, or similar laws of any other state, relating to  
 1904 controlled substances;

1905 (e) Is committed as a substance abuser under chapter 397,  
 1906 or is deemed a habitual offender under s. 856.011(3), or similar  
 1907 laws of any other state;

1908 (f) Is convicted of a second violation of s. 316.193, or a  
 1909 similar law of another state, within 3 years ~~after~~ ~~of~~ a first  
 1910 ~~previous~~ conviction of such section, or similar law of another  
 1911 state, even though the first violation may have occurred before  
 1912 ~~prior to~~ the date on which the application was submitted;

1913 (g) Is adjudicated an incapacitated person under s.  
 1914 744.331, or similar laws of any other state; or

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1915 (h) Is committed to a mental institution under chapter 394,  
1916 or similar laws of any other state.

1917  
1918 Notwithstanding s. 120.60(5), notice by the Department of  
1919 Agriculture and Consumer Services of the suspension or  
1920 revocation of a concealed weapon or firearm license of this  
1921 state or the suspension of the processing of an application for  
1922 such license must be by personal delivery to the licensee or  
1923 applicant or by mail in an envelope, first class, postage  
1924 prepaid, addressed to the licensee or applicant at his or her  
1925 last known mailing address provided to the department. Such  
1926 mailing by the department constitutes notice, and any failure by  
1927 the person to receive the mailed notice does not stay the  
1928 effective date or term of the suspension or revocation. A  
1929 request for a hearing must be filed with the department within  
1930 21 days if notice was received by personal delivery, or within  
1931 26 days after the date the department deposited the notice in  
1932 the United States mail (21 days plus 5 days for mailing). Proof  
1933 of the giving of notice shall be made by entry in the records of  
1934 the department that such notice was given. The entry is  
1935 admissible in the courts of this state and constitutes  
1936 sufficient proof that notice was given.

1937 Section 38. Effective upon this act becoming a law,  
1938 paragraph (a) of subsection (11) of section 790.06, Florida  
1939 Statutes, is amended to read:

1940 790.06 License to carry concealed weapon or firearm.—

1941 (11) (a) At least ~~No less than~~ 90 days before the expiration  
1942 date of the license, the Department of Agriculture and Consumer  
1943 Services shall mail to each licensee a written notice of the

Page 67 of 70

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

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1944 expiration and a renewal form prescribed by the Department of  
1945 Agriculture and Consumer Services. The licensee must renew his  
1946 or her license on or before the expiration date by filing with  
1947 the Department of Agriculture and Consumer Services the renewal  
1948 form containing ~~an a notarized~~ submitted under oath  
1949 and under penalty of perjury stating that the licensee remains  
1950 qualified pursuant to the criteria specified in subsections (2)  
1951 and (3), a color photograph as specified in paragraph (5) (e),  
1952 and the required renewal fee. Out-of-state residents must also  
1953 submit a complete set of fingerprints and fingerprint processing  
1954 fee. The license shall be renewed upon receipt of the completed  
1955 renewal form, color photograph, appropriate payment of fees,  
1956 and, if applicable, fingerprints. Additionally, a licensee who  
1957 fails to file a renewal application on or before its expiration  
1958 date must renew his or her license by paying a late fee of \$15.  
1959 A license may not be renewed 180 days or more after its  
1960 expiration date, and such a license is deemed to be permanently  
1961 expired. A person whose license has been permanently expired may  
1962 reapply for licensure; however, an application for licensure and  
1963 fees under subsection (5) must be submitted, and a background  
1964 investigation shall be conducted pursuant to this section. A  
1965 person who knowingly files false information under this  
1966 subsection is subject to criminal prosecution under s. 837.06.

1967 Section 39. Subsection (8) is added to section 790.0625,  
1968 Florida Statutes, to read:

1969 790.0625 Appointment of tax collectors to accept

1970 applications for a concealed weapon or firearm license; fees;  
1971 penalties.—

1972 (8) Upon receipt of a completed renewal application, a new

Page 68 of 70

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

23-00064C-16

2016772\_\_

1973 color photograph, and appropriate payment of fees, a tax  
 1974 collector authorized to accept renewal applications for  
 1975 concealed weapon or firearm licenses under this section may,  
 1976 upon approval and confirmation of license issuance by the  
 1977 department, print and deliver a concealed weapon or firearm  
 1978 license to a licensee renewing his or her license at the tax  
 1979 collector's office.

1980 Section 40. Subsection (1) and paragraph (d) of subsection  
 1981 (3) of section 559.9285, Florida Statutes, are amended to read:  
 1982 559.9285 Certification of business activities.—

1983 (1) Each certifying party, as defined in s. 559.927(2):

1984 (a) Which does not offer for sale, at wholesale or retail,  
 1985 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 1986 ~~services~~ for individuals or groups directly to any terrorist  
 1987 state and which originate in Florida;

1988 (b) Which offers for sale, at wholesale or retail, only  
 1989 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 1990 ~~services~~ for individuals or groups directly to any terrorist  
 1991 state and which originate in Florida, but engages in no other  
 1992 business dealings or commerce with any terrorist state; or

1993 (c) Which offers for sale, at wholesale or retail,  
 1994 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 1995 ~~services~~ for individuals or groups directly to any terrorist  
 1996 state and which originate in Florida, and also engages in any  
 1997 other business dealings or commerce with any terrorist state,  
 1998

1999 shall annually certify its business activities by filing a  
 2000 disclosure statement with the department which accurately  
 2001 represents the scope of the seller's business activities

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2016772\_\_

2002 according to the criteria provided in paragraph (a), paragraph  
 2003 (b), or paragraph (c).

2004 (3) The department shall specify by rule the form of each  
 2005 certification under this section which shall include the  
 2006 following information:

2007 (d) The type of all prearranged travel or, tourist-related  
 2008 ~~services, or tour-guide services~~ that the certifying party  
 2009 offers for sale to individuals or groups traveling directly to  
 2010 any terrorist state and that originate in Florida, and the  
 2011 frequency with which such services are offered.

2012 Section 41. Subsection (2) of section 559.937, Florida  
 2013 Statutes, is amended to read:

2014 559.937 Criminal penalties.—Any person or business that  
 2015 violates this part:

2016 (2) Which violation directly or indirectly pertains to an  
 2017 offer to sell, at wholesale or retail, prearranged travel or  
 2018 tourist-related services, ~~or tour-guide services~~ for individuals  
 2019 or groups directly to any terrorist state and which originate in  
 2020 Florida, commits a felony of the third degree, punishable as  
 2021 provided in s. 775.082 or s. 775.083.

2022 Section 42. Except as otherwise expressly provided in this  
 2023 act, this act shall take effect July 1, 2016.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/11/16  
Meeting Date

SB 772  
Bill Number (if applicable)

Topic Florida Department of Agriculture and Consumer Services

Amendment Barcode (if applicable)

Name Jonathan Rees

Job Title Deputy Director, Legislative Affairs

Address 400 S. Monroe St.

Phone (850) 617-7700

Street

Tallahassee

FL

32399

City

State

Zip

Email Jonathan.Rees@freshfrom  
florida.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Department of Agriculture and Consumer Services

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/2016  
Meeting Date

772  
Bill Number (if applicable)

Topic Second Hand Dealers

Amendment Barcode (if applicable)

Name DAVID SIGERSON  
DAVID

Job Title \_\_\_\_\_

Address 1121 S Military Tr  
Street  
Deerfield Bch FL 33442  
City State Zip

Phone 954 336 3544  
Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLA Pawnbrokers Assn & Capital Pawn

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.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/11/16

Meeting Date

SB 772

Bill Number (if applicable)

Topic DACS Legislation

Amendment Barcode (if applicable)

Name Carole Jean Jordan

Job Title Tax Collector

Address PO Box 1509  
Street

Phone 772-226-1337

Vero Beach FL 32961  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Tax Collectors Association

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.**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/11/16

Meeting Date

SB772

Bill Number (if applicable)

Topic DACS Legislation

Amendment Barcode (if applicable)

Name Larry Hart

Job Title Tax Collector - Lee County

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Ft Myers

FL

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Tax Collectors Association

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 (10/14/14)

**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.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: SB 812

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Reciprocal Insurers

DATE: January 8, 2016

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Billmeier</u>	<u>Knudson</u>	<u>BI</u>	<b>Favorable</b>
2.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

---

**I. Summary:**

SB 812 creates an alternative process for a domestic reciprocal insurer to distribute unassigned funds, such as unused premiums, savings, and credits, to policyholders. The process created by the bill differs from current law primarily by not requiring the reciprocal insurer to create subscriber accounts to make distributions to policyholders. Distributions using this method may not exceed 50 percent of the insurer's net income from the previous calendar year and may be up to 10 percent of the insurer's surplus.

**II. Present Situation:**

A reciprocal insurance company is an unincorporated group of subscribers who exchange risk, with each member serving both as the insurer and insured.<sup>1</sup> The subscribers operate through an attorney in fact to provide reciprocal insurance among themselves.<sup>2</sup> Reciprocal insurers may transact any line of insurance other than life or title.<sup>3</sup> Reciprocal insurers are not common and primarily write motor vehicle insurance.<sup>4</sup> Two of the larger reciprocal insurance companies are Farmers Insurance and United Services Automobile Association (USAA). In Florida, authorized reciprocal insurers are governed by the provisions of ch. 629, F.S.

A domestic reciprocal insurer may be organized by 25 or more persons domiciled in Florida, provided the reciprocal is formed in accordance with the requirements of ch. 629, F.S., and is

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<sup>1</sup> Robert W. Klein, *A Regulator's Introduction to the Insurance Industry*, 5-4 (National Association of Insurance Commissioners 1999) available at [http://www.naic.org/documents/prod\\_serv\\_marketreg\\_rii\\_zb.pdf](http://www.naic.org/documents/prod_serv_marketreg_rii_zb.pdf) (last visited Jan. 5, 2016).

<sup>2</sup> Section 629.021, F.S.

<sup>3</sup> Section 629.041, F.S.

<sup>4</sup> See *supra* note 1, at 61.

approved by the Office of Insurance Regulation.<sup>5</sup> A reciprocal insurer is required to maintain surplus funds of not less than \$250,000.<sup>6</sup> The reciprocal insurer must also have a subscribers' advisory committee with powers set forth in the subscribers' agreement. These powers must include supervising the finances of the insurer, supervising the insurer's operations to assure conformity with the subscribers' agreement and power of attorney, and procuring the audit of the accounts and records of the insurer and the attorney in fact.<sup>7</sup>

Section 629.271, F.S., governs the distribution of savings from reciprocal insurers to their subscribers. Reciprocal insurers may distribute to subscribers unused premiums, savings, or credits accruing to their subscriber savings accounts. Distributions may not unfairly discriminate between classes of risks, or policies, or between subscribers, but may vary as to classes of subscribers based upon the experience of such subscriber classes.

The Internal Revenue Code provides that a reciprocal insurer may claim a deduction from taxable income for amounts that are added to subscriber savings accounts.<sup>8</sup> For an insurer to claim the deduction, the amounts in subscriber savings accounts must be immediately payable to the subscriber at the end of the taxable year if the subscriber terminates his or her account. The credits to the subscriber accounts are considered a paid or declared dividend by the subscriber.

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

SB 812 amends s. 629.271, F.S., to create an alternative process for a domestic reciprocal insurer to distribute to policyholders unassigned funds such as unused premiums, savings, and credits. The process created by the bill differs from current law primarily by not requiring the reciprocal insurer to create subscriber accounts to make distributions to policyholders. Only domestic reciprocal insurers may use the distribution process created by the bill.

The new policyholder distribution process created by the bill instead creates limits on the total amount of distributions if subscriber accounts are not used and also subjects such distributions to the Office of Insurance Regulation for approval. The distribution may not exceed 50 percent of the insurer's net income from the previous calendar year and may be up to 10 percent of the insurer's surplus. As under current law for distributions using subscriber accounts, distributions using this method may not unfairly discriminate between classes of risks, policies, or subscribers, but may vary as to classes of subscribers based upon the experience of such subscriber classes.

The effective date of the bill is July 1, 2016.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

---

<sup>5</sup> Section 629.081, F.S.

<sup>6</sup> Section 629.071, F.S.

<sup>7</sup> Section 629.201, F.S.

<sup>8</sup> 26 U.S.C. 832(f).

**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:**

A domestic reciprocal insurer may save administrative costs by using the distribution method created by this bill rather than establishing and maintaining subscriber savings accounts. The method created by this bill will create savings for those domestic reciprocal insurers for whom the federal tax deduction for monies placed in subscriber accounts is exceeded by the administrative savings of using the procedure created by the bill.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 629.271 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

---

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

---

By Senator Diaz de la Portilla

40-01089-16

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1                           A bill to be entitled  
2           An act relating to reciprocal insurers; amending s.  
3           629.271, F.S.; authorizing domestic reciprocal  
4           insurers to pay a portion of unassigned funds to their  
5           subscribers; providing limitations; providing an  
6           effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9

10           Section 1. Section 629.271, Florida Statutes, is amended to  
11   read:

12           629.271 Distribution of savings.—

13           (1) A reciprocal insurer may ~~from time to time~~ return to  
14   its subscribers any unused premiums, savings, or credits  
15   accruing to their accounts. ~~Any~~ Such distribution may ~~shall~~ not  
16   unfairly discriminate between classes of risks, or policies, or  
17   between subscribers, but ~~such distribution~~ may vary as to  
18   classes of subscribers based on ~~upon~~ the experience of the ~~such~~  
19   classes.

20           (2) In addition to the option provided in subsection (1), a  
21   domestic reciprocal insurer may, upon the prior written approval  
22   of the office, pay to its subscribers a portion of unassigned  
23   funds of up to 10 percent of surplus, with distribution limited  
24   to 50 percent of net income from the previous calendar year.  
25   Such distribution may not unfairly discriminate between classes  
26   of risks or policies, or between subscribers, but may vary as to  
27   classes of subscribers based on the experience of the classes.

28           Section 2. This act shall take effect July 1, 2016.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Chair*  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Community Affairs  
Finance and Tax  
Regulated Industries  
Rules

**SENATOR MIGUEL DIAZ de la PORTILLA**

40th District

December 1, 2015

The Honorable Nancy Detert  
Chair  
Commerce and Tourism

Re: Senate Bill 812 (House Bill 699)

Dear Chair Detert:

Senate Bill 812 passed unanimously out of the Banking and Insurance Committee today. The same bill passed all committees last Session (SB678, Diaz de la Portilla, 2015). However, it died on the House Calendar.

The next reference is Commerce and Tourism and I would appreciate it if you would agenda SB 812 at the next available opportunity.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla  
State Senator, District 40

Cc: Mr. Todd McKay, Staff Director; Ms. Patty Blackburn, Committee Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Chair*  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Community Affairs  
Finance and Tax  
Regulated Industries  
Rules

**SENATOR MIGUEL DIAZ de la PORTILLA**

40th District

January 11, 2016

The Honorable Nancy Detert  
Chair  
Commerce and Tourism

Dear Chair Detert:

Due to a conflict with another committee meeting (Finance and Tax), I respectfully request that my assistant, Patricia Gosney, be permitted to present SB 812 in Commerce and Tourism Today.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla  
Senator, District 40

Copy: Mr. Todd McKay, Staff Director;  
Ms. Patty Blackburn, Committee Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-12-16

Meeting Date

F12

Bill Number (if applicable)

Topic Reciprocal Insurers

Amendment Barcode (if applicable)

Name Sean Stafford

Job Title Consultant

Address 115 E Park Ave

Phone 727-5000

Street

Tallahassee FL

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Star & Shield Insurance

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.**

# **Florida's Vision for the Implementation of the federal Workforce Innovation and Opportunity Act**

**Senate Committee on Commerce and Tourism  
January 11, 2016**



# Workforce Innovation and Opportunity Act

- Replaced the federal Workforce Investment Act (WIA) of 1998.
- Passed by Congress with wide bipartisan majority. Signed into law on July 22, 2014. Effective date July 1, 2015.\*
- Designed to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with skilled workers they need to compete in the global economy.
- Promotes program coordination and alignment of key employment, education, and training programs at the federal, state, local and regional levels.

\* In general, WIOA took effect on July 1, 2015; however, one-stop career center infrastructure cost requirements, unified or combined state plans and new performance system requirements take effect on July 1, 2016.

# WIOA Goals

1. **Increase access to employment, education, training and support services — particularly for people with barriers to employment.**
2. **Create a comprehensive, high-quality workforce development system by aligning workforce investment, education and economic development.**
3. **Improve the quality and labor market relevance of workforce investment, education and economic development efforts.**
4. **Promote improvement in the structure and delivery of workforce services.**
5. **Increase the prosperity of workers and employers.**
6. **Reduce welfare dependency, increase economic self-sufficiency, meet employer needs and enhance productivity and competitiveness.**



# Stakeholder Input

## CareerSource Florida Board of Directors

- Strategic Policy Council
  - ✓ Board Meetings in September and November Council Webinars in August and October

## Florida WIOA Task Force

- ✓ Six Meetings April-August (Four in-person meetings, broadcast via the Florida Channel; two webinars)
  - Invited speakers included representatives from business and industry, education and employment advocacy for Floridians with disabilities

## Core Partners Group

- ✓ Monthly Meetings

## WIOA Staff Work Groups

- Planning Process Alignment
- Performance Management
  - ✓ Weekly Meetings

## Florida WIOA Resource Page and Public Comment Submission

- [careersourceflorida.com/wioa](http://careersourceflorida.com/wioa)

# Recommendations

- **24 regional planning areas**
- **Inclusive one-stop career centers**
- **Infrastructure cost sharing**
- **Unified planning**
- **Board participation and performance expectations**
- **Align IT systems for WIOA compliance**
- **Universal design principles**

# Questions?

**Chris Hart IV**

**850-410-2315**

**[chart@careersourceflorida.com](mailto:chart@careersourceflorida.com)**

**Michelle Dennard**

**850-921-3657**

**[mdennard@careersourceflorida.com](mailto:mdennard@careersourceflorida.com)**



**Thank You**

**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.)

---

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

---

BILL: SPB 7040

INTRODUCER: Commerce and Tourism Committee

SUBJECT: Federal Workforce Innovation and Opportunity Act

DATE: January 11, 2016

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

---

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Little	McKay		<b>CM Submitted as Committee Bill</b>

---

**I. Summary:**

SPB 7040 modifies Florida's current program for workforce services in order to implement the federal Workforce Innovation and Opportunity Act of 2014. The federal law requires coordination between core programs in the delivery of workforce services. The four core programs are those under the Adult, Dislocated Worker and Youth Programs, Employment Services under the Wagner-Peyser Employment Act, Vocational Rehabilitation Services, and Adult Education and Literacy Activities.

The bill provides membership guidelines for the state workforce board, CareerSource Florida, Inc., to include membership representation for each of the core programs and the vice chairperson of Enterprise Florida, Inc. The bill also changes methods of measuring performance accountability and preparing the state plan in order to conform to federal law. The state plan must be based on a 4-year strategy, rather than 5 years, and is required to include operational and strategic elements for the core programs.

The bill requires the Florida Department of Education to enter into a memorandum of understanding with CareerSource Florida, Inc., in order to ensure compliance with federal law. Local workforce development boards are also required to enter into a memorandum of understanding with each one-stop delivery partner regarding infrastructure costs. The bill grants the Governor the authority to establish policy guidelines for the allocation of infrastructure costs when no agreement can be reached between a local workforce development board and a one-stop delivery partner.

The bill deletes or replaces references to the federal Workforce Investment Act of 1998, which has been replaced by the federal Workforce Innovation and Opportunity Act of 2014. The bill also makes technical, grammatical, and stylistic changes due to the repeal of the earlier act.

The bill has an effective date of July 1, 2016.

## II. Present Situation:

### Florida's Workforce Development System

The federal Workforce Investment Act of 1998 (WIA) was passed by Congress in an effort to improve the quality of the nation's workforce through implementation of a comprehensive workforce investment system.<sup>1</sup> The WIA required each state to establish an investment board at the state level and to also establish workforce investment boards to represent local service areas.<sup>2</sup> The WIA also called for the delivery of workforce development services through a system of "one-stop" centers in local communities.<sup>3</sup> Some key principles of the WIA were to better integrate workforce services, empower individuals, provide universal access to participants, increase accountability, and improve youth programs.<sup>4</sup>

In response to the WIA, Florida established its current workforce development system under the Workforce Investment Act of 2000.<sup>5</sup> The act aimed to better connect the state's economic development strategies with its workforce development system and to implement the principles of the federal WIA.<sup>6</sup>

In 2012, Florida's workforce development system was modified by the Regional Workforce Board Accountability Act.<sup>7</sup> The act, among other things, strengthened financial accountability measures, refined board membership requirements, required board members to submit financial disclosures, authorized the Governor to remove a board member or executive for cause, and provided additional standards for the expenditure of training funds. The act also required a single, statewide brand for workforce services to be established in order to promote uniformity and increase access to services.<sup>8</sup>

In 2014, CareerSource Florida, Inc. (CareerSource), became the statewide brand and established a unified logo for Florida's workforce system.<sup>9</sup> Under the current workforce development system, the Department of Economic Opportunity (DEO), CareerSource, and 24 regional workforce boards (RWBs) act as partners in administering Florida's comprehensive system for the delivery of workforce strategies, services, and programs.

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<sup>1</sup> Workforce Investment Act of 1998, 29 U.S.C. § 2801 (1998), *repealed by* Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, H.R. 803, 113th Cong. (July 22, 2014)(codified at 29 U.S.C. § 3101, et seq.).

<sup>2</sup> *See* 29 U.S.C. § 2821 and 29 U.S.C. § 2832 (1998).

<sup>3</sup> *See* 29 U.S.C. § 2841 (1998).

<sup>4</sup> *See* 29 U.S.C. § 2811 (1998).

<sup>5</sup> Chapter 2000-165, Laws of Fla.

<sup>6</sup> *See* s. 445.003, F.S.

<sup>7</sup> Chapter 2012-29, ss. 1-3, Laws of Fla.

<sup>8</sup> Prior to the implementation of the statewide brand, each of the 24 regional workforce boards maintained individual names, logos, and branding. *See* s. 445.007(13), F.S. (2013) and CareerSource Florida, Inc., *Statewide Brand Implementation Plan* (October 21, 2013), p.7, available at [http://careersourceflorida.com/docking/StatewideBrandImplementationPlan\\_102113.pdf](http://careersourceflorida.com/docking/StatewideBrandImplementationPlan_102113.pdf) (last visited Jan. 4, 2016).

<sup>9</sup> Chapter 2015-98, Laws of Fla.

***The Department of Economic Opportunity***

The DEO serves as Florida's lead workforce agency.<sup>10</sup> The DEO is responsible for the fiscal and administrative affairs of the workforce development system.<sup>11</sup> Employment-related services programs are over 96 percent federally funded.<sup>12</sup> The DEO receives and distributes federal funds for employment-related programs to the RWBs.<sup>13</sup> The DEO is also responsible for financial and performance reports, which are provided to the U.S. Department of Labor (USDOL) and other federal organizations.<sup>14</sup> The DEO provides one-stop program support to the RWBs through guidance, training, and technical assistance.<sup>15</sup> The DEO also monitors the RWBs and one-stop career centers to ensure compliance with federal and state requirements.<sup>16</sup>

***CareerSource Florida, Inc.***

CareerSource Florida, Inc., a not-for-profit corporation, serves as Florida's state-level workforce investment board.<sup>17</sup> CareerSource, is responsible for development and implementation of a 5-year plan for the statewide workforce system<sup>18</sup> and collaborates with the DEO, RWBs, and one-stop career centers to ensure workforce services are consistent with state and local plans.<sup>19</sup> CareerSource, also provides state-level policy, planning, performance evaluation, and oversight of the delivery of workforce services.<sup>20</sup>

***Regional Workforce Boards***

Twenty-four RWBs deliver Florida's workforce development services through nearly 100 one-stop career centers.<sup>21</sup> One-stop career service centers provide Floridians access to available workforce services; including job placement, career counseling, and skills training.<sup>22</sup> Collectively, the RWBs serve as Florida's local workforce investment board and operate under a charter approved by CareerSource.<sup>23</sup> Each RWB develops a local budget and oversees career centers within its region to establish a one-stop delivery system of workforce services.<sup>24</sup>

**Federal Workforce Innovation and Opportunity Act of 2014**

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.<sup>25</sup> The WIOA requires each state to develop a

<sup>10</sup> Primarily through the Division of Workforce Services. *See* s. 20.60, F.S.

<sup>11</sup> Section 445.009(3)(c), F.S.

<sup>12</sup> Examples of federally funded, employment-related programs include Temporary Assistance to Needy Families, the Wagner-Peyser Act, and the Workforce Investment Act. Data from the Sunset Review Report for the Agency for Workforce Innovation (June 30, 2010) on file with the Commerce and Tourism Committee.

<sup>13</sup> *See* s. 445.003, F.S.

<sup>14</sup> *See* s. 20.60, F.S.

<sup>15</sup> Section 20.60(4)(c), F.S.

<sup>16</sup> Section 445.007(3), F.S.

<sup>17</sup> Section 445.004(5)(a), F.S.

<sup>18</sup> Section 445.003(2), F.S.

<sup>19</sup> *See* s. 445.004, F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Florida Department of Economic Opportunity, *CareerSource Florida Center Directory*, <http://www.floridajobs.org/onestop/onestopdir/> (last visited Jan. 4, 2016).

<sup>22</sup> *See* s. 445.009, F.S.

<sup>23</sup> *See* ss. 445.007 and 445.004, F.S.

<sup>24</sup> Section 445.007(12), F.S.

<sup>25</sup> Workforce Innovation and Opportunity Act, 29 U.S.C. § 3101 et seq. (2014).

single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.<sup>26</sup> In general, the WIOA maintains the one-stop framework of the WIA, and encompasses provisions aimed at streamlining services, easing reporting requirements, and reducing administrative barriers.<sup>27</sup> The WIOA officially became effective on July 1, 2015, the first full program year after enactment.<sup>28</sup>

### ***Core Programs***

The WIOA identifies four core programs that must coordinate and complement each other in a manner that ensures job seekers have access to needed resources.<sup>29</sup> The core programs are:

- Adult, Dislocated Worker and Youth Programs;
- Employment Services under the Wagner-Peyser Employment Act;
- Vocational Rehabilitation Services; and
- Adult Education and Literacy Activities.

### ***Performance Measures***

In an effort to promote transparency and accountability, the WIOA created a single set of common measures for the evaluation of core programs.<sup>30</sup> The WIOA requires performance reports to be provided at the state, local, and trainer provider levels. The performance measures that now apply across all core programs are:

- The percentage of participants in unsubsidized employment during second quarter after exit;
- The percentage of participants in unsubsidized employment during fourth quarter after exit;
- The median earnings of participants during second quarter after exit;
- The percentage of participants who obtain a postsecondary credential or secondary school diploma within 1 year after exit;
- The achievement of measureable skill gains toward credential or employment; and
- The effectiveness in serving employers.

### ***State Workforce Development Plan***

Using the common performance measures for core programs, the WIOA requires each state to develop and submit a unified state plan based on a 4-year strategy for workforce development.<sup>31</sup> The state plan must describe an overall strategy for the core programs and how the strategy will meet needs for workers, job seekers, and employers.<sup>32</sup> The WIOA also provides an option for states to submit a combined plan that outlines plans for the core programs along with additional workforce programs.<sup>33</sup> The WIOA requires each state to submit a unified or combined plan by March 3, 2016.<sup>34</sup>

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<sup>26</sup> See 29 U.S.C. § 3112(a).

<sup>27</sup> See 29 U.S.C. § 3111.

<sup>28</sup> However, some provisions, such as those related to state unified planning and common performance accountability do not become effective until 2016. The USDOL and the United States Department of Education began the process of promulgating rules, publishing proposed rules in April of 2015. The rules are expected to be finalized in January 2016. Until the final rules are published, the law's specific implementation procedures and processes will remain unclear.

<sup>29</sup> See 29 U.S.C. § 3102(13).

<sup>30</sup> See 29 U.S.C. § 3141.

<sup>31</sup> See 29 U.S.C. § 3111.

<sup>32</sup> See 29 U.S.C. § 3112(b).

<sup>33</sup> See 29 U.S.C. § 3113.

<sup>34</sup> See 29 U.S.C. § 3112(c).

### ***Regional Planning and Local Workforce Development Boards***

The WIOA requires states to identify regional planning areas for workforce development strategies.<sup>35</sup> Within each area, a local workforce development board must be established.<sup>36</sup> Each local workforce development board is required to coordinate planning and service delivery strategies within their area.<sup>37</sup> Formulated strategies are then used by the local workforce development board to develop and submit a local plan for the delivery of workforce services.<sup>38</sup>

### ***One-Stop Career Centers***

The WIOA aims to strengthen the one-stop delivery system by requiring each local area to have at least one comprehensive one-stop career center.<sup>39</sup> A comprehensive one-stop career center provides physical access to services provided by core partners, as well as other mandatory partners.<sup>40</sup> The WIOA mandates that each partner shares in the funding of services and infrastructure costs of the one-stop delivery system.<sup>41</sup> If the local areas fail to reach an agreement by July 1, 2016, the WIOA authorizes the Governor to allocate all costs.<sup>42</sup>

### ***Other Changes***

The WIOA touches on a number of additional areas that may change how local boards operate. Some of these changes include:

- Changes in terminology, such as regional boards are now to be called local workforce development boards;
- Changes in how funds may be used, including requiring more resources to be directed towards youth workforce activities;
- Changes in the minimum requirements of the state board membership; and
- Allowing greater access to other types of training, such as apprenticeship programs, incumbent worker training, and other customized training.

### **WIOA applied to Florida's Workforce System**

Florida's state plan is due to the USDOL on March 3, 2016.<sup>43</sup> The USDOL recommended that state workforce systems take actions to prepare for the ultimate implementation of the law, including engaging with "core programs and other partners to begin strategic planning" and developing transition plans.<sup>44</sup>

<sup>35</sup> See 29 U.S.C. § 3121.

<sup>36</sup> *Id.*

<sup>37</sup> See 29 U.S.C. § 3122.

<sup>38</sup> See 29 U.S.C. § 3123.

<sup>39</sup> See 29 U.S.C. § 3151.

<sup>40</sup> Other mandatory partners may include programs under the Older American Act, Welfare-to-Work, Trade Adjustment Assistance, Veterans Employment and Training, Department of Housing and Urban Development, Unemployment Insurance, Perkins Career and Technical Education Act, and the Community Service Block Grant Act. 29 U.S.C. § 3151(b)(2).

<sup>41</sup> See 29 U.S.C. § 3151(c).

<sup>42</sup> See 29 U.S.C. § 3151(h).

<sup>43</sup> U.S. Department of Labor, Workforce Innovation and Opportunity Act (WIOA) – Key Statutorily – Required Implementation Dates For Programs Administered by The Department of Labor, *available at* <https://www.doleta.gov/wioa/docs/WIOA-Key-Implementation-Dates.pdf> (last visited Jan. 4, 2016).

<sup>44</sup> U.S. Department of Labor, Employment and Training Administration, *Training and Employment Guidance Letter No. 19-14* (Feb. 19, 2015), *available at* [http://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_19-14.pdf](http://wdr.doleta.gov/directives/attach/TEGL/TEGL_19-14.pdf) (last visited Jan 4, 2016).

### ***Florida's WIOA Task Force***

To facilitate the needed preparations and planning, the Florida Legislature created a 20-member task force to develop recommendations for the implementation of the WIOA.<sup>45</sup> The task force, led by CareerSource included members from the education, social services, criminal justice, and workforce development sectors. The task force was responsible for preparing recommendations for approval by the Board of Directors of CareerSource. Approved recommendations were submitted as part of a report to the Legislature and the Governor's Office.<sup>46</sup> CareerSource must implement the recommendations in the state plan required by the WIOA.

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

SPB 7040 makes necessary changes to Florida's existing workforce development laws to conform to the new federal guidelines under the WIOA. Specifically, the bill updates the language and references that conflict with the WIOA changes to state and local plans and responsibilities, the composition of state and local workforce development boards, timelines, local and regional collaboration, and the one-stop delivery system.

#### **Workforce Innovation and Opportunity Act**

**Sections 17, 22 – 24, 26, 32, 34, and 40** amend ss. 420.624, 433.1116, 445.003, 445.004, 445.007, 445.022, 445.025, and 985.622, F.S., respectively, to replace references to the Workforce Investment Act with references to the new federal statute, the Workforce Innovation and Opportunity Act.

#### **Local Workforce Development Boards**

**Sections 1 – 16, 18 – 21, 23, 24, 26 – 39, and 41 – 49** amend ss. 20.60, 212.08, 220.183, 250.10, 288.047, 290.0056, 322.34, 341.052, 414.045, 414.065, 414.085, 414.095, 414.105, 414.106, 414.295, 420.623, 427.013, 427.0155, 427.0157, 433.091, 445.003, 445.004, 445.007, 445.0071, 445.009, 445.014, 445.017, 445.021, 445.022, 445.024, 445.025, 445.026, 445.030, 445.031, 445.048, 445.051, 1002.83, 1003.491, 1003.492, 1003.4935, 1003.52, 1004.93, 1006.261, and 1009.25, F.S., respectively, to replace references to regional workforce boards with the new name of local workforce development boards.

#### **State Workforce Development Plan**

**Section 23** amends s. 445.003, F.S., to ensure the delivery of Florida's workforce services are in compliance with the WIOA. The bill requires implementation of the WIOA through a 4-year plan, rather than a 5-year plan, for the delivery of workforce services. The 4-year state plan will detail Florida's goals, objectives, and strategies for preparing an educated and skilled workforce. The bill maintains the requirement that mandatory and optional partners under the one-stop program are involved in designing the state plan. The bill deletes the choice for optional federal

<sup>45</sup> Chapter 2015-98, Laws of Fla.

<sup>46</sup> CareerSource Florida, Florida Workforce Innovation and Opportunity Act Implementation Recommendations, *available at* [http://careersourceflorida.com/wp-content/uploads/2015/12/151201\\_CombinedAttachments.pdf](http://careersourceflorida.com/wp-content/uploads/2015/12/151201_CombinedAttachments.pdf) (last visited Jan. 4, 2016).

partners to integrate into the state plan in order to clarify that both federally mandated and optional federal partners must be fully integrated into the state plan.

The bill deletes the WIA-based references to optional partners and the Incumbent Worker Training Program. The bill maintains priority guidelines for grant funding under the Incumbent Worker Training Program, but removes certain eligibility requirements for businesses applying to receive grant funding. Businesses that may not have been eligible to receive grant funding under current law may now be eligible to apply for consideration by CareerSource. The bill deletes authority granted to CareerSource to negotiate and settle outstanding issues with the USDOL relating to the Job Training Partnership Act of 1982 (JTPA). The JTPA was repealed by the WIA in 1998 and is no longer relevant to Florida's workforce services.

The bill creates a requirement that CareerSource and the Florida Department of Education must enter into a memorandum of understanding in order to ensure the state plan complies with the requirements of the WIOA.

**Section 24** amends s. 445.004, F.S., to provide membership guidelines for the state workforce board in order to comply with the WIOA. Specifically, the bill requires the board of directors of CareerSource to include the vice-chairperson of Enterprise Florida, Inc., and at least one member from each of the WIOA core services. The bill also revises performance accountability measures used to gauge performance of state and local workforce delivery services in order to comply with the WIOA. The bill deletes references to the WIA-based, outcome tier method of measuring performance accountability.

**Section 25** amends s. 445.006, F.S., to revise the structure and criteria of the state plan. The bill requires the state plan to incorporate strategic and operational planning elements and requires CareerSource to collaborate with state and local partners in developing the state plan for the delivery of workforce services. The bill authorizes the Governor to submit the state plan to the United States Department of Labor.

### **Regional Planning and Local Workforce Development Boards**

**Sections 26** amends s. 445.007, F.S., to revise membership requirements for local workforce development boards and creates a requirement that CareerSource must establish regional planning areas by March 1, 2018, in order for those areas to prepare regional workforce development plans. Currently, the 24 local workforce development boards also serve as 24 regional planning areas.

**Section 28** amends s. 445.009, F.S., to require each partner participating in the one-stop delivery program and local workforce development boards to enter into a memorandum of understanding regarding infrastructure costs. Pursuant to the WIOA, the bill also authorizes the Governor to establish policy guidelines for the allocation of costs when an agreement as to the infrastructure is not reached at the local level.

### **Effective Date**

**Section 50** provides that the bill takes effect on July 1, 2016.

**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:

To the extent that a private organization refers to the Workforce Investment Act of 1998 in any literature it produces, the private organization may incur costs associated with updating the literature to Florida's modified workforce delivery system under the Workforce Opportunity Act of 2014.

## C. Government Sector Impact:

The memorandum of understanding at the local level requires one-stop partners to contribute to infrastructure costs, which may increase costs for entities that act as one-stop partners. Governmental organizations that refer to the Workforce Investment Act of 1998 in any literature that they produce, may incur costs associated with updating the literature to Florida's modified workforce delivery system under the Workforce Opportunity Act of 2014.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.60, 212.08, 220.183, 250.10, 288.047, 290.0056, 322.34, 341.052, 414.045, 414.065, 414.085, 414.095, 414.105, 414.106, 414.295, 420.623, 420.624, 427.013, 427.0155, 427.0157, 433.091, 433.1116,

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445.003, 445.004, 445.006, 445.007, 445.0071, 445.009, 445.014, 445.017, 445.021, 445.022, 445.024, 445.025, 445.026, 445.030, 445.031, 445.048, 445.051, 985.622, 1002.83, 1003.491, 1003.492, 1003.493, 1003.4935, 1003.52, 1004.93, 1006.261, and 1009.25.

**IX. Additional Information:**

**A. Committee Substitute – Statement of 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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FOR CONSIDERATION By the Committee on Commerce and Tourism

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1 A bill to be entitled  
 2 An act relating to the federal Workforce Innovation  
 3 and Opportunity Act; amending ss. 20.60, 212.08,  
 4 220.183, 250.10, 288.047, 290.0056, 322.34, 341.052,  
 5 414.045, 414.065, 414.085, 414.095, 414.105, 414.106,  
 6 414.295, 420.623, 420.624, 427.013, 427.0155,  
 7 427.0157, 443.091, and 443.1116, F.S.; conforming  
 8 provisions to changes made by the act; amending s.  
 9 445.003, F.S.; providing implementation of the federal  
 10 Workforce Innovation and Opportunity Act through a 4-  
 11 year plan; revising the requirements of the plan;  
 12 deleting a provision authorizing an optional federal  
 13 partner to fulfill certain state planning and  
 14 reporting requirements; deleting a provision requiring  
 15 all optional federal program partners to participate  
 16 in the second year of the plan; providing for program  
 17 administration; deleting certain eligibility  
 18 requirements for businesses; deleting the authority of  
 19 CareerSource Florida, Inc., to negotiate and settle  
 20 certain issues with the United States Department of  
 21 Labor; requiring CareerSource Florida, Inc., to enter  
 22 into a memorandum with the Florida Department of  
 23 Education to ensure compliance with the state plan for  
 24 workforce development; conforming provisions to  
 25 changes made by the act; amending s. 445.004, F.S.;  
 26 specifying membership requirements for the  
 27 CareerSource Florida, Inc., board of directors;  
 28 revising the entities required to collaborate with  
 29 CareerSource Florida, Inc., to establish certain  
 30 performance accountability measures; revising  
 31 requirements for the performance accountability  
 32 measures; deleting references to outcome tiers for

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33 such measures; deleting a provision requiring certain  
 34 job placement reporting; conforming provisions to  
 35 changes made by the act; amending s. 445.006, F.S.;  
 36 providing for the development of a state plan to  
 37 include strategic and operational elements; deleting a  
 38 requirement that the strategic plan be updated or  
 39 modified each year; revising requirements for the  
 40 strategic and operational plans; conforming provisions  
 41 to changes made by the act; amending s. 445.007, F.S.;  
 42 revising local workforce development board membership  
 43 requirements; requiring CareerSource Florida, Inc., to  
 44 establish regional planning areas subject to certain  
 45 requirements by a certain date; requiring local  
 46 workforce development boards and selected officials to  
 47 prepare a regional workforce development plan;  
 48 conforming provisions to changes made by the act;  
 49 amending s. 445.0071, F.S.; conforming provisions to  
 50 changes made by the act; amending s. 445.009, F.S.;  
 51 requiring the local workforce development board to  
 52 enter into a memorandum of understanding with each  
 53 mandatory or optional partner detailing certain  
 54 contributions; providing that costs will be allocated  
 55 pursuant to a policy established by the Governor under  
 56 certain circumstances; specifying the systems that may  
 57 be accessed with the one-stop delivery system;  
 58 conforming provisions to changes made by the act;  
 59 amending ss. 445.014, 445.017, 445.021, 445.022,  
 60 445.024, 445.025, 445.026, 445.030, 445.031, 445.048,  
 61 445.051, 985.622, 1002.83, 1003.491, 1003.492,

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62 1003.493, 1003.4935, 1003.52, 1004.93, 1006.261, and  
 63 1009.25, F.S.; conforming provisions to changes made  
 64 by this act; providing an effective date.

65  
 66 Be It Enacted by the Legislature of the State of Florida:

67  
 68 Section 1. Paragraph (c) of subsection (5) of section  
 69 20.60, Florida Statutes, is amended to read:

70 20.60 Department of Economic Opportunity; creation; powers  
 71 and duties.—

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

75 (c) The Division of Workforce Services shall:

76 1. Prepare and submit a unified budget request for  
 77 workforce development in accordance with chapter 216 for, and in  
 78 conjunction with, CareerSource Florida, Inc., and its board.

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

84 a. All program and fiscal instructions to local ~~regional~~  
 85 workforce development boards shall emanate from the Department  
 86 of Economic Opportunity pursuant to plans and policies of  
 87 CareerSource Florida, Inc., which shall be responsible for all  
 88 policy directions to the local ~~regional~~ workforce development  
 89 boards.

90 b. Unless otherwise provided by agreement with CareerSource

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91 Florida, Inc., administrative and personnel policies of the  
 92 Department of Economic Opportunity apply.

93 3. Implement the state's reemployment assistance program.  
 94 The Department of Economic Opportunity shall ensure that the  
 95 state appropriately administers the reemployment assistance  
 96 program pursuant to state and federal law.

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

99 Section 2. Paragraph (p) of subsection (5) of section  
 100 212.08, Florida Statutes, is amended to read:

101 212.08 Sales, rental, use, consumption, distribution, and  
 102 storage tax; specified exemptions.—The sale at retail, the  
 103 rental, the use, the consumption, the distribution, and the  
 104 storage to be used or consumed in this state of the following  
 105 are hereby specifically exempt from the tax imposed by this  
 106 chapter.

107 (5) EXEMPTIONS; ACCOUNT OF USE.—

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

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

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

116 b. The credit shall be granted as a refund against state  
 117 sales and use taxes reported on returns and remitted in the 12  
 118 months preceding the date of application to the department for  
 119 the credit as required in sub-subparagraph 3.c. If the annual

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120 credit is not fully used through such refund because of  
 121 insufficient tax payments during the applicable 12-month period,  
 122 the unused amount may be included in an application for a refund  
 123 made pursuant to sub-subparagraph 3.c. in subsequent years  
 124 against the total tax payments made for such year. Carryover  
 125 credits may be applied for a 3-year period without regard to any  
 126 time limitation that would otherwise apply under s. 215.26.

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

130 d. All proposals for the granting of the tax credit require  
 131 the prior approval of the Department of Economic Opportunity.

132 e. The total amount of tax credits which may be granted for  
 133 all programs approved under this paragraph, s. 220.183, and s.  
 134 624.5105 is \$18.4 million in the 2015-2016 fiscal year, \$21.4  
 135 million in the 2016-2017 fiscal year, and \$21.4 million in the  
 136 2017-2018 fiscal year for projects that provide housing  
 137 opportunities for persons with special needs or homeownership  
 138 opportunities for low-income households or very-low-income  
 139 households and \$3.5 million annually for all other projects. As  
 140 used in this paragraph, the term "person with special needs" has  
 141 the same meaning as in s. 420.0004 and the terms "low-income  
 142 person," "low-income household," "very-low-income person," and  
 143 "very-low-income household" have the same meanings as in s.  
 144 420.9071.

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

148 2. Eligibility requirements.-

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

151 (I) Cash or other liquid assets;

152 (II) Real property;

153 (III) Goods or inventory; or

154 (IV) Other physical resources identified by the Department  
 155 of Economic Opportunity.

156 b. All community contributions must be reserved exclusively  
 157 for use in a project. As used in this sub-subparagraph, the term  
 158 "project" means activity undertaken by an eligible sponsor which  
 159 is designed to construct, improve, or substantially rehabilitate  
 160 housing that is affordable to low-income households or very-low-  
 161 income households; designed to provide housing opportunities for  
 162 persons with special needs; designed to provide commercial,  
 163 industrial, or public resources and facilities; or designed to  
 164 improve entrepreneurial and job-development opportunities for  
 165 low-income persons. A project may be the investment necessary to  
 166 increase access to high-speed broadband capability in a rural  
 167 community that had an enterprise zone designated pursuant to  
 168 chapter 290 as of May 1, 2015, including projects that result in  
 169 improvements to communications assets that are owned by a  
 170 business. A project may include the provision of museum  
 171 educational programs and materials that are directly related to  
 172 a project approved between January 1, 1996, and December 31,  
 173 1999, and located in an area which was in an enterprise zone  
 174 designated pursuant to s. 290.0065 as of May 1, 2015. This  
 175 paragraph does not preclude projects that propose to construct  
 176 or rehabilitate housing for low-income households or very-low-  
 177 income households on scattered sites or housing opportunities

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178 for persons with special needs. With respect to housing,  
 179 contributions may be used to pay the following eligible special  
 180 needs, low-income, and very-low-income housing-related  
 181 activities:

182 (I) Project development impact and management fees for  
 183 special needs, low-income, or very-low-income housing projects;

184 (II) Down payment and closing costs for persons with  
 185 special needs, low-income persons, and very-low-income persons;

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

190 (IV) Removal of liens recorded against residential property  
 191 by municipal, county, or special district local governments if  
 192 satisfaction of the lien is a necessary precedent to the  
 193 transfer of the property to a low-income person or very-low-  
 194 income person for the purpose of promoting home ownership.  
 195 Contributions for lien removal must be received from a  
 196 nonrelated third party.

197 c. The project must be undertaken by an "eligible sponsor,"  
 198 which includes:

199 (I) A community action program;

200 (II) A nonprofit community-based development organization  
 201 whose mission is the provision of housing for persons with  
 202 special needs, low-income households, or very-low-income  
 203 households or increasing entrepreneurial and job-development  
 204 opportunities for low-income persons;

205 (III) A neighborhood housing services corporation;

206 (IV) A local housing authority created under chapter 421;

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207 (V) A community redevelopment agency created under s.

208 163.356;

209 (VI) A historic preservation district agency or  
 210 organization;

211 (VII) A local ~~regional~~ workforce development board;

212 (VIII) A direct-support organization as provided in s.

213 1009.983;

214 (IX) An enterprise zone development agency created under s.

215 290.0056;

216 (X) A community-based organization incorporated under  
 217 chapter 617 which is recognized as educational, charitable, or  
 218 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
 219 and whose bylaws and articles of incorporation include  
 220 affordable housing, economic development, or community  
 221 development as the primary mission of the corporation;

222 (XI) Units of local government;

223 (XII) Units of state government; or

224 (XIII) Any other agency that the Department of Economic  
 225 Opportunity designates by rule.

226

227 A contributing person may not have a financial interest in the  
 228 eligible sponsor.

229

230 d. The project must be located in an area which was in an  
 231 enterprise zone designated pursuant to chapter 290 as of May 1,  
 232 2015, or a Front Porch Florida Community, unless the project  
 233 increases access to high-speed broadband capability in a rural  
 234 community that had an enterprise zone designated pursuant to  
 235 chapter 290 as of May 1, 2015, but is physically located outside  
 the designated rural zone boundaries. Any project designed to

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236 construct or rehabilitate housing for low-income households or  
 237 very-low-income households or housing opportunities for persons  
 238 with special needs is exempt from the area requirement of this  
 239 sub-subparagraph.

240 e.(I) If, during the first 10 business days of the state  
 241 fiscal year, eligible tax credit applications for projects that  
 242 provide housing opportunities for persons with special needs or  
 243 homeownership opportunities for low-income households or very-  
 244 low-income households are received for less than the annual tax  
 245 credits available for those projects, the Department of Economic  
 246 Opportunity shall grant tax credits for those applications and  
 247 grant remaining tax credits on a first-come, first-served basis  
 248 for subsequent eligible applications received before the end of  
 249 the state fiscal year. If, during the first 10 business days of  
 250 the state fiscal year, eligible tax credit applications for  
 251 projects that provide housing opportunities for persons with  
 252 special needs or homeownership opportunities for low-income  
 253 households or very-low-income households are received for more  
 254 than the annual tax credits available for those projects, the  
 255 Department of Economic Opportunity shall grant the tax credits  
 256 for those applications as follows:

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

261 (B) If tax credit applications submitted for approved  
 262 projects of an eligible sponsor exceed \$200,000 in total, the  
 263 amount of tax credits granted pursuant to sub-sub-sub-  
 264 subparagraph (A) shall be subtracted from the amount of

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265 available tax credits, and the remaining credits shall be  
 266 granted to each approved tax credit application on a pro rata  
 267 basis.

268 (II) If, during the first 10 business days of the state  
 269 fiscal year, eligible tax credit applications for projects other  
 270 than those that provide housing opportunities for persons with  
 271 special needs or homeownership opportunities for low-income  
 272 households or very-low-income households are received for less  
 273 than the annual tax credits available for those projects, the  
 274 Department of Economic Opportunity shall grant tax credits for  
 275 those applications and shall grant remaining tax credits on a  
 276 first-come, first-served basis for subsequent eligible  
 277 applications received before the end of the state fiscal year.  
 278 If, during the first 10 business days of the state fiscal year,  
 279 eligible tax credit applications for projects other than those  
 280 that provide housing opportunities for persons with special  
 281 needs or homeownership opportunities for low-income households  
 282 or very-low-income households are received for more than the  
 283 annual tax credits available for those projects, the Department  
 284 of Economic Opportunity shall grant the tax credits for those  
 285 applications on a pro rata basis.

286 3. Application requirements.-

287 a. An eligible sponsor seeking to participate in this  
 288 program must submit a proposal to the Department of Economic  
 289 Opportunity which sets forth the name of the sponsor, a  
 290 description of the project, and the area in which the project is  
 291 located, together with such supporting information as is  
 292 prescribed by rule. The proposal must also contain a resolution  
 293 from the local governmental unit in which the project is located

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294 certifying that the project is consistent with local plans and  
295 regulations.

296 b. A person seeking to participate in this program must  
297 submit an application for tax credit to the Department of  
298 Economic Opportunity which sets forth the name of the sponsor, a  
299 description of the project, and the type, value, and purpose of  
300 the contribution. The sponsor shall verify, in writing, the  
301 terms of the application and indicate its receipt of the  
302 contribution, and such verification must accompany the  
303 application for tax credit. The person must submit a separate  
304 tax credit application to the Department of Economic Opportunity  
305 for each individual contribution that it makes to each  
306 individual project.

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

314 4. Administration.—

315 a. The Department of Economic Opportunity may adopt rules  
316 necessary to administer this paragraph, including rules for the  
317 approval or disapproval of proposals by a person.

318 b. The decision of the Department of Economic Opportunity  
319 must be in writing, and, if approved, the notification shall  
320 state the maximum credit allowable to the person. Upon approval,  
321 the Department of Economic Opportunity shall transmit a copy of  
322 the decision to the department.

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

328 d. The Department of Economic Opportunity shall, in  
329 consultation with the statewide and regional housing and  
330 financial intermediaries, market the availability of the  
331 community contribution tax credit program to community-based  
332 organizations.

333 5. Expiration.—This paragraph expires June 30, 2018;  
334 however, any accrued credit carryover that is unused on that  
335 date may be used until the expiration of the 3-year carryover  
336 period for such credit.

337 Section 3. Paragraph (c) of subsection (2) of section  
338 220.183, Florida Statutes, is amended to read:

339 220.183 Community contribution tax credit.—

340 (2) ELIGIBILITY REQUIREMENTS.—

341 (c) The project must be undertaken by an "eligible  
342 sponsor," defined here as:

343 1. A community action program;

344 2. A nonprofit community-based development organization  
345 whose mission is the provision of housing for persons with  
346 special needs or low-income or very-low-income households or  
347 increasing entrepreneurial and job-development opportunities for  
348 low-income persons;

349 3. A neighborhood housing services corporation;

350 4. A local housing authority, created pursuant to chapter

351 421;

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- 352 5. A community redevelopment agency, created pursuant to s.  
353 163.356;
- 354 6. A historic preservation district agency or organization;
- 355 7. A local ~~regional~~ workforce development board;
- 356 8. A direct-support organization as provided in s.  
357 1009.983;
- 358 9. An enterprise zone development agency created pursuant  
359 to s. 290.0056;
- 360 10. A community-based organization incorporated under  
361 chapter 617 which is recognized as educational, charitable, or  
362 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
363 and whose bylaws and articles of incorporation include  
364 affordable housing, economic development, or community  
365 development as the primary mission of the corporation;
- 366 11. Units of local government;
- 367 12. Units of state government; or
- 368 13. Such other agency as the Department of Economic  
369 Opportunity may, from time to time, designate by rule.

370  
371 In no event shall a contributing business firm have a financial  
372 interest in the eligible sponsor.

373 Section 4. Paragraph (1) of subsection (2) of section  
374 250.10, Florida Statutes, is amended to read:

375 250.10 Appointment and duties of the Adjutant General.—

376 (2) The Adjutant General shall:

- 377 (1) Subject to annual appropriations, administer youth  
378 About Face programs and adult Forward March programs at sites to  
379 be selected by the Adjutant General. Both programs must provide  
380 schoolwork assistance, focusing on the skills needed to master

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381 basic high school competencies and functional life skills,  
382 including teaching students to work effectively in groups;  
383 providing basic instruction in computer skills; teaching basic  
384 problem-solving, decisionmaking, and reasoning skills; teaching  
385 how the business world and free enterprise work through computer  
386 simulations; and teaching home finance and budgeting and other  
387 daily living skills.

388 1. About Face is a summer and year-round after-school life-  
389 preparation program for economically disadvantaged and at-risk  
390 youths from 13 through 17 years of age. The program must provide  
391 training in academic study skills, and the basic skills that  
392 businesses require for employment consideration.

393 2. Forward March is a job-readiness program for  
394 economically disadvantaged participants who are directed to  
395 Forward March by the local ~~regional~~ workforce development  
396 boards. The Forward March program shall provide training on  
397 topics that directly relate to the skills required for real-  
398 world success. The program shall emphasize functional life  
399 skills, computer literacy, interpersonal relationships,  
400 critical-thinking skills, business skills, preemployment and  
401 work maturity skills, job-search skills, exploring careers  
402 activities, how to be a successful and effective employee, and  
403 some job-specific skills. The program also shall provide  
404 extensive opportunities for participants to practice generic job  
405 skills in a supervised work setting. Upon completion of the  
406 program, Forward March shall return participants to the local  
407 ~~regional~~ workforce development boards for placement in a job  
408 placement pool.

409 Section 5. Subsection (8) of section 288.047, Florida

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410 Statutes, is amended to read:

411 288.047 Quick-response training for economic development.—

412 (8) The Quick-Response Training Program is created to  
 413 provide assistance to participants in the welfare transition  
 414 program. CareerSource Florida, Inc., may award quick-response  
 415 training grants and develop applicable guidelines for the  
 416 training of participants in the welfare transition program. In  
 417 addition to a local economic development organization, grants  
 418 must be endorsed by the applicable local ~~regional~~ workforce  
 419 development board.

420 (a) Training funded pursuant to this subsection may not  
 421 exceed 12 months, and may be provided by the local community  
 422 college, school district, local ~~regional~~ workforce development  
 423 board, or the business employing the participant, including on-  
 424 the-job training. Training will provide entry-level skills to  
 425 new workers, including those employed in retail, who are  
 426 participants in the welfare transition program.

427 (b) Participants trained pursuant to this subsection must  
 428 be employed at a job paying at least \$6 per hour.

429 (c) Funds made available pursuant to this subsection may be  
 430 expended in connection with the relocation of a business from  
 431 one community to another if approved by CareerSource Florida,  
 432 Inc.

433 Section 6. Subsection (2) of section 290.0056, Florida  
 434 Statutes, is amended to read:

435 290.0056 Enterprise zone development agency.—

436 (2) When the governing body creates an enterprise zone  
 437 development agency, that body shall appoint a board of  
 438 commissioners of the agency, which shall consist of not fewer

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439 than 8 or more than 13 commissioners. The governing body may  
 440 appoint at least one representative from each of the following:  
 441 the local chamber of commerce; local financial or insurance  
 442 entities; local businesses and, where possible, businesses  
 443 operating within the nominated area; the residents residing  
 444 within the nominated area; nonprofit community-based  
 445 organizations operating within the nominated area; the local  
 446 ~~regional~~ workforce development board; the local code enforcement  
 447 agency; and the local law enforcement agency. The terms of  
 448 office of the commissioners shall be for 4 years, except that,  
 449 in making the initial appointments, the governing body shall  
 450 appoint two members for terms of 3 years, two members for terms  
 451 of 2 years, and one member for a term of 1 year; the remaining  
 452 initial members shall serve for terms of 4 years. A vacancy  
 453 occurring during a term shall be filled for the unexpired term.  
 454 The importance of including individuals from the nominated area  
 455 shall be considered in making appointments. Further, the  
 456 importance of minority representation on the agency shall be  
 457 considered in making appointments so that the agency generally  
 458 reflects the gender and ethnic composition of the community as a  
 459 whole.

460 Section 7. Paragraph (c) of subsection (9) of section  
 461 322.34, Florida Statutes, is amended to read:

462 322.34 Driving while license suspended, revoked, canceled,  
 463 or disqualified.—

464 (9)

465 (c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when  
 466 the seizing agency obtains a final judgment granting forfeiture  
 467 of the motor vehicle under this section, 30 percent of the net

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468 proceeds from the sale of the motor vehicle shall be retained by  
 469 the seizing law enforcement agency and 70 percent shall be  
 470 deposited in the General Revenue Fund for use by local ~~regional~~  
 471 workforce development boards in providing transportation  
 472 services for participants of the welfare transition program. In  
 473 a forfeiture proceeding under this section, the court may  
 474 consider the extent that the family of the owner has other  
 475 public or private means of transportation.

476 Section 8. Subsection (1) of section 341.052, Florida  
 477 Statutes, is amended to read:

478 341.052 Public transit block grant program; administration;  
 479 eligible projects; limitation.—

480 (1) There is created a public transit block grant program  
 481 which shall be administered by the department. Block grant funds  
 482 shall only be provided to "Section 9" providers and "Section 18"  
 483 providers designated by the United States Department of  
 484 Transportation and community transportation coordinators as  
 485 defined in chapter 427. Eligible providers must establish public  
 486 transportation development plans consistent, to the maximum  
 487 extent feasible, with approved local government comprehensive  
 488 plans of the units of local government in which the provider is  
 489 located. In developing public transportation development plans,  
 490 eligible providers must solicit comments from local ~~regional~~  
 491 workforce development boards established under chapter 445. The  
 492 development plans must address how the public transit provider  
 493 will work with the appropriate local ~~regional~~ workforce  
 494 development board to provide services to participants in the  
 495 welfare transition program. Eligible providers must provide  
 496 information to the local ~~regional~~ workforce development board

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497 serving the county in which the provider is located regarding  
 498 the availability of transportation services to assist program  
 499 participants.

500 Section 9. Subsection (2) of section 414.045, Florida  
 501 Statutes, is amended to read:

502 414.045 Cash assistance program.—Cash assistance families  
 503 include any families receiving cash assistance payments from the  
 504 state program for temporary assistance for needy families as  
 505 defined in federal law, whether such funds are from federal  
 506 funds, state funds, or commingled federal and state funds. Cash  
 507 assistance families may also include families receiving cash  
 508 assistance through a program defined as a separate state  
 509 program.

510 (2) Oversight by the board of directors of CareerSource  
 511 Florida, Inc., and the service delivery and financial planning  
 512 responsibilities of the local ~~regional~~ workforce development  
 513 boards apply to the families defined as work-eligible cases in  
 514 paragraph (1) (a). The department shall be responsible for  
 515 program administration related to families in groups defined in  
 516 paragraph (1) (b), and the department shall coordinate such  
 517 administration with the board of directors of CareerSource  
 518 Florida, Inc., to the extent needed for operation of the  
 519 program.

520 Section 10. Paragraphs (a), (d), and (e) of subsection (4)  
 521 of section 414.065, Florida Statutes, are amended to read:

522 414.065 Noncompliance with work requirements.—

523 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless otherwise  
 524 provided, the situations listed in this subsection shall  
 525 constitute exceptions to the penalties for noncompliance with

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526 participation requirements, except that these situations do not  
 527 constitute exceptions to the applicable time limit for receipt  
 528 of temporary cash assistance:

529 (a) *Noncompliance related to child care.*—Temporary cash  
 530 assistance may not be terminated for refusal to participate in  
 531 work activities if the individual is a single parent caring for  
 532 a child who has not attained 6 years of age, and the adult  
 533 proves to the local regional workforce development board an  
 534 inability to obtain needed child care for one or more of the  
 535 following reasons, as defined in the Child Care and Development  
 536 Fund State Plan required by 45 C.F.R. part 98:

- 537 1. Unavailability of appropriate child care within a
- 538 reasonable distance from the individual's home or worksite.
- 539 2. Unavailability or unsuitability of informal child care
- 540 by a relative or under other arrangements.
- 541 3. Unavailability of appropriate and affordable formal
- 542 child care arrangements.

543 (d) *Noncompliance related to medical incapacity.*—If an  
 544 individual cannot participate in assigned work activities due to  
 545 a medical incapacity, the individual may be excepted from the  
 546 activity for a specific period, except that the individual shall  
 547 be required to comply with the course of treatment necessary for  
 548 the individual to resume participation. A participant may not be  
 549 excused from work activity requirements unless the participant's  
 550 medical incapacity is verified by a physician licensed under  
 551 chapter 458 or chapter 459, in accordance with procedures  
 552 established by rule of the department. An individual for whom  
 553 there is medical verification of limitation to participate in  
 554 work activities shall be assigned to work activities consistent

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555 with such limitations. Evaluation of an individual's ability to  
 556 participate in work activities or development of a plan for work  
 557 activity assignment may include vocational assessment or work  
 558 evaluation. The department or a local regional workforce  
 559 development board may require an individual to cooperate in  
 560 medical or vocational assessment necessary to evaluate the  
 561 individual's ability to participate in a work activity.

562 (e) *Noncompliance related to outpatient mental health or*  
 563 *substance abuse treatment.*—If an individual cannot participate  
 564 in the required hours of work activity due to a need to become  
 565 or remain involved in outpatient mental health or substance  
 566 abuse counseling or treatment, the individual may be exempted  
 567 from the work activity for up to 5 hours per week, not to exceed  
 568 100 hours per year. An individual may not be excused from a work  
 569 activity unless a mental health or substance abuse professional  
 570 recognized by the department or local regional workforce  
 571 development board certifies the treatment protocol and provides  
 572 verification of attendance at the counseling or treatment  
 573 sessions each week.

574 Section 11. Paragraph (d) of subsection (1) of section  
 575 414.085, Florida Statutes, is amended to read:

576 414.085 Income eligibility standards.—

577 (1) For purposes of program simplification and effective  
 578 program management, certain income definitions, as outlined in  
 579 the food assistance regulations at 7 C.F.R. s. 273.9, shall be  
 580 applied to the temporary cash assistance program as determined  
 581 by the department to be consistent with federal law regarding  
 582 temporary cash assistance and Medicaid for needy families,  
 583 except as to the following:

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584 (d) An incentive payment to a participant authorized by a  
 585 local regional workforce development board may shall not be  
 586 considered income.

587 Section 12. Subsection (1) of section 414.095, Florida  
 588 Statutes, is amended to read:

589 414.095 Determining eligibility for temporary cash  
 590 assistance.—

591 (1) ELIGIBILITY.—An applicant must meet eligibility  
 592 requirements of this section before receiving services or  
 593 temporary cash assistance under this chapter, except that an  
 594 applicant shall be required to register for work and engage in  
 595 work activities in accordance with s. 445.024, as designated by  
 596 the local regional workforce development board, and may receive  
 597 support services or child care assistance in conjunction with  
 598 such requirement. The department shall make a determination of  
 599 eligibility based on the criteria listed in this chapter. The  
 600 department shall monitor continued eligibility for temporary  
 601 cash assistance through periodic reviews consistent with the  
 602 food assistance eligibility process. Benefits may shall not be  
 603 denied to an individual solely based on a felony drug  
 604 conviction, unless the conviction is for trafficking pursuant to  
 605 s. 893.135. To be eligible under this section, an individual  
 606 convicted of a drug felony must be satisfactorily meeting the  
 607 requirements of the temporary cash assistance program, including  
 608 all substance abuse treatment requirements. Within the limits  
 609 specified in this chapter, the state opts out of the provision  
 610 of Pub. L. No. 104-193, s. 115, that eliminates eligibility for  
 611 temporary cash assistance and food assistance for any individual  
 612 convicted of a controlled substance felony.

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613 Section 13. Subsections (3) and (10) of section 414.105,  
 614 Florida Statutes, are amended to read:

615 414.105 Time limitations of temporary cash assistance.—  
 616 Except as otherwise provided in this section, an applicant or  
 617 current participant shall receive temporary cash assistance for  
 618 no more than a lifetime cumulative total of 48 months, unless  
 619 otherwise provided by law.

620 (3) The department, in cooperation with CareerSource  
 621 Florida, Inc., shall establish a procedure for approving  
 622 hardship exemptions and for reviewing hardship cases at least  
 623 once every 2 years. Local Regional workforce development boards  
 624 may assist in making these determinations.

625 (10) A member of the staff of the local regional workforce  
 626 development board shall interview and assess the employment  
 627 prospects and barriers of each participant who is within 6  
 628 months of reaching the 48-month time limit. The staff member  
 629 shall assist the participant in identifying actions necessary to  
 630 become employed before ~~prior to~~ reaching the benefit time limit  
 631 for temporary cash assistance and, if appropriate, shall refer  
 632 the participant for services that could facilitate employment.

633 Section 14. Section 414.106, Florida Statutes, is amended  
 634 to read:

635 414.106 Exemption from public meetings law.—That portion of  
 636 a meeting held by the department, CareerSource Florida, Inc., or  
 637 a local regional workforce development board or local committee  
 638 created pursuant to s. 445.007 at which personal identifying  
 639 information contained in records relating to temporary cash  
 640 assistance is discussed is exempt from s. 286.011 and s. 24(b),  
 641 Art. I of the State Constitution if the information identifies a

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642 participant, a participant's family, or a participant's family  
643 or household member.

644 Section 15. Subsection (1) of section 414.295, Florida  
645 Statutes, is amended to read:

646 414.295 Temporary cash assistance programs; public records  
647 exemption.—

648 (1) Personal identifying information of a temporary cash  
649 assistance program participant, a participant's family, or a  
650 participant's family or household member, except for information  
651 identifying a parent who does not live in the same home as the  
652 child, which is held by the department, the Office of Early  
653 Learning, CareerSource Florida, Inc., the Department of Health,  
654 the Department of Revenue, the Department of Education, or a  
655 local regional workforce development board or local committee  
656 created pursuant to s. 445.007 is confidential and exempt from  
657 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
658 Such confidential and exempt information may be released for  
659 purposes directly connected with:

660 (a) The administration of the temporary assistance for  
661 needy families plan under Title IV-A of the Social Security Act,  
662 as amended, by the department, the Office of Early Learning,  
663 CareerSource Florida, Inc., the Department of Military Affairs,  
664 the Department of Health, the Department of Revenue, the  
665 Department of Education, a local regional workforce development  
666 board or local committee created pursuant to s. 445.007, or a  
667 school district.

668 (b) The administration of the state's plan or program  
669 approved under Title IV-B, Title IV-D, or Title IV-E of the  
670 Social Security Act, as amended, or under Title I, Title X,

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671 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
672 Social Security Act, as amended.

673 (c) An investigation, prosecution, or criminal, civil, or  
674 administrative proceeding conducted in connection with the  
675 administration of any of the plans or programs specified in  
676 paragraph (a) or paragraph (b) by a federal, state, or local  
677 governmental entity, upon request by that entity, if such  
678 request is made pursuant to the proper exercise of that entity's  
679 duties and responsibilities.

680 (d) The administration of any other state, federal, or  
681 federally assisted program that provides assistance or services  
682 on the basis of need, in cash or in kind, directly to a  
683 participant.

684 (e) An audit or similar activity, such as a review of  
685 expenditure reports or financial review, conducted in connection  
686 with the administration of plans or programs specified in  
687 paragraph (a) or paragraph (b) by a governmental entity  
688 authorized by law to conduct such audit or activity.

689 (f) The administration of the reemployment assistance  
690 program.

691 (g) The reporting to the appropriate agency or official of  
692 information about known or suspected instances of physical or  
693 mental injury, sexual abuse or exploitation, or negligent  
694 treatment or maltreatment of a child or elderly person receiving  
695 assistance, if circumstances indicate that the health or welfare  
696 of the child or elderly person is threatened.

697 (h) The administration of services to elderly persons under  
698 ss. 430.601-430.606.

699 Section 16. Paragraph (e) of subsection (1) of section

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700 420.623, Florida Statutes, is amended to read:

701 420.623 Local coalitions for the homeless.—

702 (1) ESTABLISHMENT.—The department shall establish local  
703 coalitions to plan, network, coordinate, and monitor the  
704 delivery of services to the homeless. Appropriate local groups  
705 and organizations involved in providing services for the  
706 homeless and interested business groups and associations shall  
707 be given an opportunity to participate in such coalitions,  
708 including, but not limited to:

709 (e) Local Regional workforce development boards.

710 Section 17. Subsection (8) of section 420.624, Florida  
711 Statutes, is amended to read:

712 420.624 Local homeless assistance continuum of care.—

713 (8) Continuum of care plans must promote participation by  
714 all interested individuals and organizations and may not exclude  
715 individuals and organizations on the basis of race, color,  
716 national origin, sex, handicap, familial status, or religion.  
717 Faith-based organizations must be encouraged to participate. To  
718 the extent possible, these components should be coordinated and  
719 integrated with other mainstream health, social services, and  
720 employment programs for which homeless populations may be  
721 eligible, including Medicaid, State Children's Health Insurance  
722 Program, Temporary Assistance for Needy Families, Food  
723 Assistance Program, and services funded through the Mental  
724 Health and Substance Abuse Block Grant, the Workforce Innovation  
725 and Opportunity Investment Act, and the welfare-to-work grant  
726 program.

727 Section 18. Subsection (27) of section 427.013, Florida  
728 Statutes, is amended to read:

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729 427.013 The Commission for the Transportation

730 Disadvantaged; purpose and responsibilities.—The purpose of the  
731 commission is to accomplish the coordination of transportation  
732 services provided to the transportation disadvantaged. The goal  
733 of this coordination is to assure the cost-effective provision  
734 of transportation by qualified community transportation  
735 coordinators or transportation operators for the transportation  
736 disadvantaged without any bias or presumption in favor of  
737 multioperator systems or not-for-profit transportation operators  
738 over single operator systems or for-profit transportation  
739 operators. In carrying out this purpose, the commission shall:

740 (27) Ensure that local community transportation  
741 coordinators work cooperatively with local regional workforce  
742 development boards established in chapter 445 to provide  
743 assistance in the development of innovative transportation  
744 services for participants in the welfare transition program.

745 Section 19. Subsection (9) of section 427.0155, Florida  
746 Statutes, is amended to read:

747 427.0155 Community transportation coordinators; powers and  
748 duties.—Community transportation coordinators shall have the  
749 following powers and duties:

750 (9) Work cooperatively with local regional workforce  
751 development boards established in chapter 445 to provide  
752 assistance in the development of innovative transportation  
753 services for participants in the welfare transition program.

754 Section 20. Subsection (7) of section 427.0157, Florida  
755 Statutes, is amended to read:

756 427.0157 Coordinating boards; powers and duties.—The  
757 purpose of each coordinating board is to develop local service

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758 needs and to provide information, advice, and direction to the  
 759 community transportation coordinators on the coordination of  
 760 services to be provided to the transportation disadvantaged. The  
 761 commission shall, by rule, establish the membership of  
 762 coordinating boards. The members of each board shall be  
 763 appointed by the metropolitan planning organization or  
 764 designated official planning agency. The appointing authority  
 765 shall provide each board with sufficient staff support and  
 766 resources to enable the board to fulfill its responsibilities  
 767 under this section. Each board shall meet at least quarterly and  
 768 shall:

769 (7) Work cooperatively with local ~~regional~~ workforce  
 770 development boards established in chapter 445 to provide  
 771 assistance in the development of innovative transportation  
 772 services for participants in the welfare transition program.

773 Section 21. Paragraphs (b) and (c) of subsection (1) of  
 774 section 443.091, Florida Statutes, are amended to read:

775 443.091 Benefit eligibility conditions.—

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

779 (b) She or he has completed the department's online work  
 780 registration and subsequently reports to the one-stop career  
 781 center as directed by the local ~~regional~~ workforce development  
 782 board for reemployment services. This requirement does not apply  
 783 to persons who are:

- 784 1. Non-Florida residents;
- 785 2. On a temporary layoff;
- 786 3. Union members who customarily obtain employment through

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787 a union hiring hall;

788 4. Claiming benefits under an approved short-time  
 789 compensation plan as provided in s. 443.1116; or

790 5. Unable to complete the online work registration due to  
 791 illiteracy, physical or mental impairment, a legal prohibition  
 792 from using a computer, or a language impediment. If a person is  
 793 exempted from the online work registration under this  
 794 subparagraph, then the filing of his or her claim constitutes  
 795 registration for work.

796 (c) To make continued claims for benefits, she or he is  
 797 reporting to the department in accordance with this paragraph  
 798 and department rules. Department rules may not conflict with s.  
 799 443.111(1)(b), which requires that each claimant continue to  
 800 report regardless of any pending appeal relating to her or his  
 801 eligibility or disqualification for benefits.

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

806 2. The department shall offer an online assessment aimed at  
 807 identifying an individual's skills, abilities, and career  
 808 aptitude. The skills assessment must be voluntary, and the  
 809 department shall allow a claimant to choose whether to take the  
 810 skills assessment. The online assessment shall be made available  
 811 to any person seeking services from a local ~~regional~~ workforce  
 812 development board or a one-stop career center.

813 a. If the claimant chooses to take the online assessment,  
 814 the outcome of the assessment shall be made available to the  
 815 claimant, local ~~regional~~ workforce development board, and one-

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816 stop career center. The department, local workforce development  
 817 board, or one-stop career center shall use the assessment to  
 818 develop a plan for referring individuals to training and  
 819 employment opportunities. Aggregate data on assessment outcomes  
 820 may be made available to CareerSource Florida, Inc., and  
 821 Enterprise Florida, Inc., for use in the development of policies  
 822 related to education and training programs that will ensure that  
 823 businesses in this state have access to a skilled and competent  
 824 workforce.

825 b. Individuals shall be informed of and offered services  
 826 through the one-stop delivery system, including career  
 827 counseling, the provision of skill match and job market  
 828 information, and skills upgrade and other training  
 829 opportunities, and shall be encouraged to participate in such  
 830 services at no cost to the individuals. The department shall  
 831 coordinate with CareerSource Florida, Inc., the local workforce  
 832 development boards, and the one-stop career centers to identify,  
 833 develop, and use best practices for improving the skills of  
 834 individuals who choose to participate in skills upgrade and  
 835 other training opportunities. The department may contract with  
 836 an entity to create the online assessment in accordance with the  
 837 competitive bidding requirements in s. 287.057. The online  
 838 assessment must work seamlessly with the Reemployment Assistance  
 839 Claims and Benefits Information System.

840 Section 22. Paragraph (c) of subsection (5) of section  
 841 443.1116, Florida Statutes, is amended to read:

842 443.1116 Short-time compensation.—

843 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION  
 844 BENEFITS.—

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845 (c) The department may not deny short-time compensation  
 846 benefits to an individual who is otherwise eligible for these  
 847 benefits for any week because such individual is participating  
 848 in an employer-sponsored training or a training under the  
 849 Workforce Innovation and Opportunity Investment Act to improve  
 850 job skills when the training is approved by the department.

851 Section 23. Section 445.003, Florida Statutes, is amended  
 852 to read:

853 445.003 Implementation of the federal Workforce Innovation  
 854 and Opportunity Investment Act ~~of 1998~~.—

855 (1) WORKFORCE INNOVATION AND OPPORTUNITY INVESTMENT ACT  
 856 PRINCIPLES.—The state's approach to implementing the federal  
 857 Workforce Innovation and Opportunity Investment Act ~~of 1998~~,  
 858 Pub. L. No. 113-128 ~~105-220~~, should have six elements:

859 (a) Streamlining services.—Florida's employment and  
 860 training programs must be coordinated and consolidated at  
 861 locally managed one-stop delivery system centers.

862 (b) Empowering individuals.—Eligible participants will make  
 863 informed decisions, choosing the qualified training program that  
 864 best meets their needs.

865 (c) Universal access.—Through a one-stop delivery system,  
 866 every Floridian will have access to employment services.

867 (d) Increased accountability.—The state, localities, and  
 868 training providers will be held accountable for their  
 869 performance.

870 (e) Local board and private sector leadership.—Local  
 871 workforce development boards will focus on strategic planning,  
 872 policy development, and oversight of the local system, choosing  
 873 local managers to direct the operational details of their one-

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874 stop delivery system centers.

875 (f) *Local flexibility and integration.*—Localities will have  
876 exceptional flexibility to build on existing reforms. Unified  
877 planning will free local groups from conflicting  
878 micromanagement, while waivers and WorkFlex will allow local  
879 innovations.

880 (2) ~~FOUR-YEAR FIVE-YEAR PLAN.~~—CareerSource Florida, Inc.,  
881 shall prepare and submit a 4-year 5-year plan, consistent with  
882 the requirements of the Workforce Innovation and Opportunity Act  
883 ~~which must include secondary career education, to fulfill the~~  
884 ~~early implementation requirements of Pub. L. No. 105-220 and~~  
885 ~~applicable state statutes.~~ Mandatory and optional federal  
886 partners shall be fully involved in designing the plan's one-  
887 stop delivery system strategy. The plan must shall clearly  
888 define each program's statewide duties and role relating to the  
889 system. ~~Any optional federal partner may immediately choose to~~  
890 ~~fully integrate its program's plan with this plan, which shall,~~  
891 ~~notwithstanding any other state provisions, fulfill all their~~  
892 ~~state planning and reporting requirements as they relate to the~~  
893 ~~one-stop delivery system.~~ The plan must detail a process that  
894 would fully integrate all federally mandated and optional  
895 partners ~~by the second year of the plan. All optional federal~~  
896 ~~program partners in the planning process shall be mandatory~~  
897 ~~participants in the second year of the plan.~~

898 (3) FUNDING.—

899 (a) Title I, Workforce Innovation and Opportunity  
900 ~~Investment Act of 1998~~ funds; Wagner-Peyser funds; and  
901 NAFTA/Trade Act funds will be expended based on the 4-year 5-  
902 ~~year~~ plan of CareerSource Florida, Inc. The plan must shall

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903 outline and direct the method used to administer and coordinate  
904 various funds and programs that are operated by various  
905 agencies. The following provisions apply to these funds:

906 1. At least 50 percent of the Title I funds for Adults and  
907 Dislocated Workers which are passed through to local ~~regional~~  
908 workforce development boards shall be allocated to and expended  
909 on Individual Training Accounts unless a local ~~regional~~  
910 workforce development board obtains a waiver from CareerSource  
911 Florida, Inc. Tuition, books, and fees of training providers and  
912 other training services prescribed and authorized by the  
913 Workforce Innovation and Opportunity Investment Act of 1998  
914 qualify as Individual Training Account expenditures.

915 2. Fifteen percent of Title I funding shall be retained at  
916 the state level and dedicated to state administration and shall  
917 be used to design, develop, induce, and fund innovative  
918 Individual Training Account pilots, demonstrations, and  
919 programs. Of such funds retained at the state level, \$2 million  
920 shall be reserved for the Incumbent Worker Training Program  
921 created under subparagraph 3. Eligible state administration  
922 costs include the costs of+ funding for the board and staff of  
923 CareerSource Florida, Inc.; operating fiscal, compliance, and  
924 management accountability systems through CareerSource Florida,  
925 Inc.; conducting evaluation and research on workforce  
926 development activities; and providing technical and capacity  
927 building assistance to local workforce development areas ~~regions~~  
928 at the direction of CareerSource Florida, Inc. Notwithstanding  
929 s. 445.004, such administrative costs may not exceed 25 percent  
930 of these funds. An amount not to exceed 75 percent of these  
931 funds shall be allocated to Individual Training Accounts and

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932 other workforce development strategies for other training  
 933 designed and tailored by CareerSource Florida, Inc., including,  
 934 but not limited to, programs for incumbent workers, displaced  
 935 homemakers, nontraditional employment, and enterprise zones.  
 936 CareerSource Florida, Inc., shall design, adopt, and fund  
 937 Individual Training Accounts for distressed urban and rural  
 938 communities.

939 3. The Incumbent Worker Training Program is created for the  
 940 purpose of providing grant funding for continuing education and  
 941 training of incumbent employees at existing Florida businesses.  
 942 The program will provide reimbursement grants to businesses that  
 943 pay for preapproved, direct, training-related costs.

944 a. The Incumbent Worker Training Program will be  
 945 administered by CareerSource Florida, Inc., which may, at its  
 946 discretion, contract with a private business organization to  
 947 serve as grant administrator.

948 b. The program shall be administered pursuant to section  
 949 134(d)(4) of the Workforce Innovation and Opportunity Act ~~To be~~  
 950 ~~eligible for the program's grant funding, a business must have~~  
 951 ~~been in operation in Florida for a minimum of 1 year prior to~~  
 952 ~~the application for grant funding; have at least one full-time~~  
 953 ~~employee; demonstrate financial viability; and be current on all~~  
 954 ~~state tax obligations.~~ Priority for funding shall be given to  
 955 businesses with 25 employees or fewer, businesses in rural  
 956 areas, businesses in distressed inner-city areas, businesses in  
 957 a qualified targeted industry, businesses whose grant proposals  
 958 represent a significant upgrade in employee skills, or  
 959 businesses whose grant proposals represent a significant layoff  
 960 avoidance strategy.

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961 c. All costs reimbursed by the program must be preapproved  
 962 by CareerSource Florida, Inc., or the grant administrator. The  
 963 program may not reimburse businesses for trainee wages, the  
 964 purchase of capital equipment, or the purchase of any item or  
 965 service that may possibly be used outside the training project.  
 966 A business approved for a grant may be reimbursed for  
 967 preapproved, direct, training-related costs including tuition,  
 968 fees, books and training materials, and overhead or indirect  
 969 costs not to exceed 5 percent of the grant amount.

970 d. A business that is selected to receive grant funding  
 971 must provide a matching contribution to the training project,  
 972 including, but not limited to, wages paid to trainees or the  
 973 purchase of capital equipment used in the training project; must  
 974 sign an agreement with CareerSource Florida, Inc., or the grant  
 975 administrator to complete the training project as proposed in  
 976 the application; must keep accurate records of the project's  
 977 implementation process; and must submit monthly or quarterly  
 978 reimbursement requests with required documentation.

979 e. All Incumbent Worker Training Program grant projects  
 980 shall be performance-based with specific measurable performance  
 981 outcomes, including completion of the training project and job  
 982 retention. CareerSource Florida, Inc., or the grant  
 983 administrator shall withhold the final payment to the grantee  
 984 until a final grant report is submitted and all performance  
 985 criteria specified in the grant contract have been achieved.

986 f. CareerSource Florida, Inc., may establish guidelines  
 987 necessary to implement the Incumbent Worker Training Program.

988 g. No more than 10 percent of the Incumbent Worker Training  
 989 Program's total appropriation may be used for overhead or

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990 indirect purposes.

991 4. At least 50 percent of Rapid Response funding shall be  
 992 dedicated to Intensive Services Accounts and Individual Training  
 993 Accounts for dislocated workers and incumbent workers who are at  
 994 risk of dislocation. CareerSource Florida, Inc., shall also  
 995 maintain an Emergency Preparedness Fund from Rapid Response  
 996 funds, which will immediately issue Intensive Service Accounts,  
 997 Individual Training Accounts, and other federally authorized  
 998 assistance to eligible victims of natural or other disasters. At  
 999 the direction of the Governor, these Rapid Response funds shall  
 1000 be released to local ~~regional~~ workforce development boards for  
 1001 immediate use after events that qualify under federal law.  
 1002 Funding shall also be dedicated to maintain a unit at the state  
 1003 level to respond to Rapid Response emergencies and to work with  
 1004 state emergency management officials and local ~~regional~~  
 1005 workforce development boards. All Rapid Response funds must be  
 1006 expended based on a plan developed by CareerSource Florida,  
 1007 Inc., and approved by the Governor.

1008 (b) The administrative entity for Title I, Workforce  
 1009 Innovation and Opportunity Investment Act of 1998 funds, and  
 1010 Rapid Response activities is the Department of Economic  
 1011 Opportunity, which shall provide direction to local ~~regional~~  
 1012 workforce development boards regarding Title I programs and  
 1013 Rapid Response activities pursuant to the direction of  
 1014 CareerSource Florida, Inc.

1015 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED  
 1016 MODIFICATIONS.—

1017 (a) CareerSource Florida, Inc., may provide indemnification  
 1018 from audit liabilities to local ~~regional~~ workforce development

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1019 boards that act in full compliance with state law and board  
 1020 policy.

1021 ~~(b) CareerSource Florida, Inc., may negotiate and settle~~  
 1022 ~~all outstanding issues with the United States Department of~~  
 1023 ~~Labor relating to decisions made by CareerSource Florida, Inc.,~~  
 1024 ~~any predecessor workforce organization, and the Legislature with~~  
 1025 ~~regard to the Job Training Partnership Act, making settlements~~  
 1026 ~~and closing out all JTPA program year grants.~~

1027 ~~(b)(e)~~ CareerSource Florida, Inc., may make modifications  
 1028 to the state's plan, policies, and procedures to comply with  
 1029 federally mandated requirements that in its judgment must be  
 1030 complied with to maintain funding provided pursuant to Pub. L.  
 1031 No. ~~113-128~~ ~~105-220~~. The board shall provide written notice to  
 1032 the Governor, the President of the Senate, and the Speaker of  
 1033 the House of Representatives within 30 days after any such  
 1034 changes or modifications.

1035 (c) CareerSource Florida, Inc., shall enter into a  
 1036 memorandum of understanding with the Florida Department of  
 1037 Education to ensure that federally mandated requirements of Pub.  
 1038 L. No. 113-128 are met and are in compliance with the state plan  
 1039 for workforce development.

1040 (5) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.—  
 1041 CareerSource Florida, Inc., may recommend workforce-related  
 1042 divisions, bureaus, units, programs, duties, commissions,  
 1043 boards, and councils for elimination, consolidation, or  
 1044 privatization.

1045 Section 24. Subsections (3), (4), (5), (9), (11), and (12)  
 1046 of section 445.004, Florida Statutes, are amended to read:

1047 445.004 CareerSource Florida, Inc.; creation; purpose;

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1048 membership; duties and powers.—

1049 (3) (a) CareerSource Florida, Inc., shall be governed by a  
 1050 board of directors, whose membership and appointment must be  
 1051 consistent with Pub. L. No. 113-128, Title I, s. 101(b) ~~105-220,~~  
 1052 ~~Title I, s. 111(b)~~. Members described in Pub. L. No. 113-128,  
 1053 Title I, s. 101(b)(1)(C)(iii)(I)(aa) ~~105-220, Title I, s.~~  
 1054 ~~111(b)(1)(C)(vi)~~ shall be nonvoting members. The number of  
 1055 directors shall be determined by the Governor, who shall  
 1056 consider the importance of minority, gender, and geographic  
 1057 representation in making appointments to the board. When the  
 1058 Governor is in attendance, he or she shall preside at all  
 1059 meetings of the board of directors.

1060 (b) The board of directors of CareerSource Florida, Inc.,  
 1061 shall be chaired by a board member designated by the Governor  
 1062 pursuant to Pub. L. No. 113-128 ~~105-220~~. A member may not serve  
 1063 more than two terms.

1064 (c) Members appointed by the Governor may serve no more  
 1065 than two terms and must be appointed for 3-year terms. However,  
 1066 in order to establish staggered terms for board members, the  
 1067 Governor shall appoint or reappoint one-third of the board  
 1068 members for 1-year terms, one-third of the board members for 2-  
 1069 year terms, and one-third of the board members for 3-year terms  
 1070 beginning July 1, 2016 ~~2005~~. Subsequent appointments or  
 1071 reappointments shall be for 3-year terms, except that a member  
 1072 appointed to fill a vacancy on the board shall be appointed to  
 1073 serve only the remainder of the term of the member whom he or  
 1074 she is replacing, and may be appointed for a subsequent 3-year  
 1075 term. Private sector representatives of businesses, appointed by  
 1076 the Governor pursuant to Pub. L. No. 113-128 ~~105-220~~, shall

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1077 constitute a majority of the membership of the board. Private  
 1078 sector representatives shall be appointed from nominations  
 1079 received by the Governor, including, but not limited to, those  
 1080 nominations made by the President of the Senate and the Speaker  
 1081 of the House of Representatives. Private sector appointments to  
 1082 the board must be representative of the business community of  
 1083 this state; no fewer than one-half of the appointments must be  
 1084 representative of small businesses, and at least five members  
 1085 must have economic development experience. Members appointed by  
 1086 the Governor serve at the pleasure of the Governor and are  
 1087 eligible for reappointment.

1088 (d) The board must include the vice chairperson of the  
 1089 board of directors of Enterprise Florida, Inc., and one member  
 1090 representing each of the Workforce Innovation and Opportunity  
 1091 Act partners, including the Division of Career and Adult  
 1092 Education, and other entities representing programs identified  
 1093 in the Workforce Innovation and Opportunity Act, as determined  
 1094 necessary.

1095 (e) ~~(d)~~ A member of the board of directors of CareerSource  
 1096 Florida, Inc., may be removed by the Governor for cause. Absence  
 1097 from three consecutive meetings results in automatic removal.  
 1098 The chair of CareerSource Florida, Inc., shall notify the  
 1099 Governor of such absences.

1100 (f) ~~(e)~~ Representatives of businesses appointed to the board  
 1101 of directors may not include providers of workforce services.

1102 (4) (a) The president of CareerSource Florida, Inc., shall  
 1103 be hired by the board of directors of CareerSource Florida,  
 1104 Inc., and shall serve at the pleasure of the Governor in the  
 1105 capacity of an executive director and secretary of CareerSource

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1106 Florida, Inc.

1107 (b) The board of directors of CareerSource Florida, Inc.,  
 1108 shall meet at least quarterly and at other times upon the call  
 1109 of its chair. The board and its committees, subcommittees, or  
 1110 other subdivisions may use any method of telecommunications to  
 1111 conduct meetings, including establishing a quorum through  
 1112 telecommunications, if the public is given proper notice of the  
 1113 telecommunications meeting and is given reasonable access to  
 1114 observe and, if appropriate, participate.

1115 (c) A majority of the total current membership of the board  
 1116 of directors of CareerSource Florida, Inc., constitutes a  
 1117 quorum.

1118 (d) A majority of those voting is required to organize and  
 1119 conduct the business of the board, except that a majority of the  
 1120 entire board of directors is required to adopt or amend the  
 1121 bylaws.

1122 (e) Except as delegated or authorized by the board of  
 1123 directors of CareerSource Florida, Inc., individual members have  
 1124 no authority to control or direct the operations of CareerSource  
 1125 Florida, Inc., or the actions of its officers and employees,  
 1126 including the president.

1127 (f) Members of the board of directors of CareerSource  
 1128 Florida, Inc., and its committees serve without compensation,  
 1129 but these members, the president, and the employees of  
 1130 CareerSource Florida, Inc., may be reimbursed for all  
 1131 reasonable, necessary, and actual expenses pursuant to s.  
 1132 112.061.

1133 (g) The board of directors of CareerSource Florida, Inc.,  
 1134 may establish an executive committee consisting of the chair and

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1135 at least six additional board members selected by the chair, one  
 1136 of whom must be a representative of organized labor. The  
 1137 executive committee and the president have such authority as the  
 1138 board delegates to them, except that the board of directors may  
 1139 not delegate to the executive committee authority to take action  
 1140 that requires approval by a majority of the entire board of  
 1141 directors.

1142 (h) The chair may appoint committees to fulfill the board's  
 1143 responsibilities, to comply with federal requirements, or to  
 1144 obtain technical assistance, and must incorporate members of  
 1145 local ~~regional~~ workforce development boards into its structure.

1146 (i) Each member of the board of directors who is not  
 1147 otherwise required to file a financial disclosure pursuant to s.  
 1148 8, Art. II of the State Constitution or s. 112.3144 must file  
 1149 disclosure of financial interests pursuant to s. 112.3145.

1150 (5) CareerSource Florida, Inc., shall have all the powers  
 1151 and authority not explicitly prohibited by statute which are  
 1152 necessary or convenient to carry out and effectuate its purposes  
 1153 as determined by statute, Pub. L. No. 113-128 ~~105-220~~, and the  
 1154 Governor, as well as its functions, duties, and  
 1155 responsibilities, including, but not limited to, the following:

1156 (a) Serving as the state's Workforce Development Investment  
 1157 Board pursuant to Pub. L. No. 113-128 ~~105-220~~. Unless otherwise  
 1158 required by federal law, at least 90 percent of workforce  
 1159 development funding must go toward direct customer service.

1160 (b) Providing oversight and policy direction to ensure that  
 1161 the following programs are administered by the department in  
 1162 compliance with approved plans and under contract with  
 1163 CareerSource Florida, Inc.:

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1164 1. Programs authorized under Title I of the Workforce  
 1165 ~~Investment Innovation and Opportunity Act of 1998~~, Pub. L. No.  
 1166 ~~113-128 105-220~~, with the exception of programs funded directly  
 1167 by the United States Department of Labor under Title I, s. 167.  
 1168 2. Programs authorized under the Wagner-Peyser Act of 1933,  
 1169 as amended, 29 U.S.C. ss. 49 et seq.  
 1170 3. Activities authorized under Title II of the Trade Act of  
 1171 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
 1172 Adjustment Assistance Program.  
 1173 4. Activities authorized under 38 U.S.C. chapter 41,  
 1174 including job counseling, training, and placement for veterans.  
 1175 5. Employment and training activities carried out under  
 1176 funds awarded to this state by the United States Department of  
 1177 Housing and Urban Development.  
 1178 6. Welfare transition services funded by the Temporary  
 1179 Assistance for Needy Families Program, created under the  
 1180 Personal Responsibility and Work Opportunity Reconciliation Act  
 1181 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
 1182 of the Social Security Act, as amended.  
 1183 7. Displaced homemaker programs, provided under s. 446.50.  
 1184 8. The Florida Bonding Program, provided under Pub. L. No.  
 1185 97-300, s. 164(a)(1).  
 1186 9. The Food Assistance Employment and Training Program,  
 1187 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
 1188 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
 1189 and the Hunger Prevention Act, Pub. L. No. 100-435.  
 1190 10. The Quick-Response Training Program, provided under ss.  
 1191 288.046-288.047. Matching funds and in-kind contributions that  
 1192 are provided by clients of the Quick-Response Training Program

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1193 shall count toward the requirements of s. 288.904, pertaining to  
 1194 the return on investment from activities of Enterprise Florida,  
 1195 Inc.  
 1196 11. The Work Opportunity Tax Credit, provided under the Tax  
 1197 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and  
 1198 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.  
 1199 12. Offender placement services, provided under ss.  
 1200 944.707-944.708.  
 1201 (c) The department may adopt rules necessary to administer  
 1202 ~~the provisions of this chapter~~ which relate to implementing and  
 1203 administering the programs listed in paragraph (b) as well as  
 1204 rules related to eligible training providers and auditing and  
 1205 monitoring subrecipients of the workforce system grant funds.  
 1206 (d) Contracting with public and private entities as  
 1207 necessary to further the directives of this section. All  
 1208 contracts executed by CareerSource Florida, Inc., must include  
 1209 specific performance expectations and deliverables. All  
 1210 CareerSource Florida, Inc., contracts, including those  
 1211 solicited, managed, or paid by the department pursuant to s.  
 1212 20.60(5)(c) are exempt from s. 112.061, but shall be governed by  
 1213 subsection (1).  
 1214 (e) Notifying the Governor, the President of the Senate,  
 1215 and the Speaker of the House of Representatives of noncompliance  
 1216 by the department or other agencies or obstruction of the  
 1217 board's efforts by such agencies. Upon such notification, the  
 1218 Executive Office of the Governor shall assist agencies to bring  
 1219 them into compliance with board objectives.  
 1220 (f) Ensuring that the state does not waste valuable  
 1221 training resources. The board shall direct that all resources,

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1222 including equipment purchased for training Workforce Innovation  
 1223 and Opportunity Investment Act clients, be available for use at  
 1224 all times by eligible populations as first priority users. At  
 1225 times when eligible populations are not available, such  
 1226 resources shall be used for any other state-authorized education  
 1227 and training purpose. CareerSource Florida, Inc., may authorize  
 1228 expenditures to award suitable framed certificates, pins, or  
 1229 other tokens of recognition for performance by a local ~~regional~~  
 1230 workforce development board, its committees and subdivisions,  
 1231 and other units of the workforce system. CareerSource Florida,  
 1232 Inc., may also authorize expenditures for promotional items,  
 1233 such as t-shirts, hats, or pens printed with messages promoting  
 1234 the state's workforce system to employers, job seekers, and  
 1235 program participants. However, such expenditures are subject to  
 1236 federal regulations applicable to the expenditure of federal  
 1237 funds.

1238 (g) Establishing a dispute resolution process for all  
 1239 memoranda of understanding or other contracts or agreements  
 1240 entered into between the department and local ~~regional~~ workforce  
 1241 development boards.

1242 (h) Archiving records with the Bureau of Archives and  
 1243 Records Management of the Division of Library and Information  
 1244 Services of the Department of State.

1245 (9) CareerSource Florida, Inc., in collaboration with the  
 1246 local ~~regional~~ workforce development boards and appropriate  
 1247 state agencies and local public and private service providers  
 1248 ~~and in consultation with the Office of Program Policy Analysis~~  
 1249 ~~and Government Accountability~~, shall establish uniform  
 1250 performance accountability measures that apply across the core

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1251 ~~programs and standards~~ to gauge the performance of the state and  
 1252 local areas in achieving the workforce development strategy.  
 1253 ~~These measures and standards must be organized into three~~  
 1254 ~~outcome tiers.~~

1255 (a) The performance accountability measures for the core  
 1256 programs consist of the primary indicators of performance, any  
 1257 additional indicators of performance, and a state-adjusted level  
 1258 of performance for each indicator pursuant to Pub. L. No. 113-  
 1259 128, Title I, s. 116(b) first tier of measures must be organized  
 1260 ~~to provide benchmarks for systemwide outcomes. CareerSource~~  
 1261 ~~Florida, Inc., shall, in collaboration with the Office of~~  
 1262 ~~Program Policy Analysis and Government Accountability, establish~~  
 1263 ~~goals for the tier one outcomes. Systemwide outcomes may include~~  
 1264 ~~employment in occupations demonstrating continued growth in~~  
 1265 ~~wages; continued employment after 3, 6, 12, and 24 months;~~  
 1266 ~~reduction in and elimination of public assistance reliance; job~~  
 1267 ~~placement; employer satisfaction; and positive return on~~  
 1268 ~~investment of public resources.~~

1269 (b) The performance accountability measures for each local  
 1270 area consist of the primary indicators of performance, any  
 1271 additional indicators of performance, and a local level of  
 1272 performance for each indicator pursuant to Pub. L. No. 113-128.  
 1273 The local level of performance is determined by the local board,  
 1274 the chief elected official, and the Governor pursuant to Pub. L.  
 1275 No. 113-128, Title I, s. 116(c) second tier of measures must be  
 1276 ~~organized to provide a set of benchmark outcomes for the~~  
 1277 ~~strategic components of the workforce development strategy. Cost~~  
 1278 ~~per entered employment, earnings at placement, retention in~~  
 1279 ~~employment, job placement, and entered employment rate must be~~

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1280 ~~included among the performance outcome measures.~~

1281 (c) Performance accountability measures shall be used to  
 1282 generate performance reports pursuant to Pub. L. No. 113-128,  
 1283 Title I, s. 116(d) ~~The third tier of measures must be the~~  
 1284 ~~operational output measures to be used by the agency~~  
 1285 ~~implementing programs, which may be specific to federal~~  
 1286 ~~requirements. The tier three measures must be developed by the~~  
 1287 ~~agencies implementing programs, which may consult with~~  
 1288 ~~CareerSource Florida, Inc., in this effort. Such measures must~~  
 1289 ~~be reported to CareerSource Florida, Inc., by the appropriate~~  
 1290 ~~implementing agency.~~

1291 ~~(d) Regional differences must be reflected in the~~  
 1292 ~~establishment of performance goals and may include job~~  
 1293 ~~availability, unemployment rates, average worker wage, and~~  
 1294 ~~available employable population.~~

1295 ~~(e) Job placement must be reported pursuant to s. 1008.39.~~  
 1296 ~~Positive outcomes for providers of education and training must~~  
 1297 ~~be consistent with ss. 1008.42 and 1008.43.~~

1298 (d)(f) ~~The performance accountability uniform~~ measures of  
 1299 success that are adopted by CareerSource Florida, Inc., or the  
 1300 local regional workforce development boards must be developed in  
 1301 a manner that provides for an equitable comparison of the  
 1302 relative success or failure of any service provider in terms of  
 1303 positive outcomes.

1304 ~~(g) By December 1 of each year, CareerSource Florida, Inc.,~~  
 1305 ~~shall provide the Legislature with a report detailing the~~  
 1306 ~~performance of Florida's workforce development system, as~~  
 1307 ~~reflected in the three tier measurement system. The report also~~  
 1308 ~~must benchmark Florida outcomes for all tiers as compared with~~

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1309 ~~other states that collect data similarly.~~

1310 (11) The workforce development system must use a charter-  
 1311 process approach aimed at encouraging local design and control  
 1312 of service delivery and targeted activities. CareerSource  
 1313 Florida, Inc., shall be responsible for granting charters to  
 1314 local regional workforce development boards that have a  
 1315 membership consistent with the requirements of federal and state  
 1316 law and have developed a plan consistent with the state's  
 1317 workforce development strategy. The plan must specify methods  
 1318 for allocating the resources and programs in a manner that  
 1319 eliminates unwarranted duplication, minimizes administrative  
 1320 costs, meets the existing job market demands and the job market  
 1321 demands resulting from successful economic development  
 1322 activities, ensures access to quality workforce development  
 1323 services for all Floridians, allows for pro rata or partial  
 1324 distribution of benefits and services, prohibits the creation of  
 1325 a waiting list or other indication of an unserved population,  
 1326 serves as many individuals as possible within available  
 1327 resources, and maximizes successful outcomes. As part of the  
 1328 charter process, CareerSource Florida, Inc., shall establish  
 1329 incentives for effective coordination of federal and state  
 1330 programs, outline rewards for successful job placements, and  
 1331 institute collaborative approaches among local service  
 1332 providers. Local decisionmaking and control shall be important  
 1333 components for inclusion in this charter application.

1334 (12) CareerSource Florida, Inc., shall enter into agreement  
 1335 with Space Florida and collaborate with vocational institutes,  
 1336 community colleges, colleges, and universities in this state, to  
 1337 develop a workforce development strategy to implement the

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1338 workforce provisions of s. 331.3051.

1339 Section 25. Section 445.006, Florida Statutes, is amended  
1340 to read:

1341 445.006 State plan ~~Strategic and operational plans~~ for  
1342 workforce development.—

1343 (1) STATE PLAN.—CareerSource Florida, Inc., in conjunction  
1344 with state and local partners in the workforce system, shall  
1345 develop a state plan that produces an educated and skilled  
1346 workforce. The state plan must consist of strategic and  
1347 operational planning elements. The state plan shall be submitted  
1348 by the Governor to the United States Department of Labor  
1349 pursuant to the requirements of Pub. L. No. 113-128 ~~strategic~~  
1350 ~~plan that produces skilled employees for employers in the state.~~  
1351 ~~The strategic plan shall be updated or modified by January 1 of~~  
1352 ~~each year.~~

1353 (2) STRATEGIC PLANNING ELEMENTS.—CareerSource Florida,  
1354 Inc., in conjunction with state and local partners in the  
1355 workforce system, shall develop strategic planning elements,  
1356 pursuant to Pub. L. No. 113-128, Title I, s. 102, for the state  
1357 plan.

1358 (a) The strategic planning elements of the state plan must  
1359 include, but need not be limited to, strategies for:

1360 1. ~~(a)~~ Fulfilling the workforce system goals and strategies  
1361 prescribed in s. 445.004;

1362 2. ~~(b)~~ Aggregating, integrating, and leveraging workforce  
1363 system resources;

1364 3. ~~(c)~~ Coordinating the activities of federal, state, and  
1365 local workforce system partners;

1366 4. ~~(d)~~ Addressing the workforce needs of small businesses;

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1367 and

1368 ~~5.~~ ~~(e)~~ Fostering the participation of rural communities and  
1369 distressed urban cores in the workforce system.

1370 ~~(2) CareerSource Florida, Inc., shall establish an~~  
1371 ~~operational plan to implement the state strategic plan. The~~  
1372 ~~operational plan shall be submitted to the Governor and the~~  
1373 ~~Legislature along with the strategic plan and must reflect the~~  
1374 ~~allocation of resources as appropriated by the Legislature to~~  
1375 ~~specific responsibilities enumerated in law. As a component of~~  
1376 ~~the operational plan required under this section, CareerSource~~  
1377 ~~Florida, Inc., shall develop a workforce marketing plan, with~~  
1378 ~~the goal of educating individuals inside and outside the state~~  
1379 ~~about the employment market and employment conditions in the~~  
1380 ~~state. The marketing plan must include, but need not be limited~~  
1381 ~~to, strategies for:~~

1382 ~~(a) Distributing information to secondary and postsecondary~~  
1383 ~~education institutions about the diversity of businesses in the~~  
1384 ~~state, specific clusters of businesses or business sectors in~~  
1385 ~~the state, and occupations by industry which are in demand by~~  
1386 ~~employers in the state;~~

1387 ~~(b) Distributing information about and promoting use of the~~  
1388 ~~Internet-based job matching and labor market information system~~  
1389 ~~authorized under s. 445.011; and~~

1390 ~~(c) Coordinating with Enterprise Florida, Inc., to ensure~~  
1391 ~~that workforce marketing efforts complement the economic~~  
1392 ~~development marketing efforts of the state.~~

1393 ~~(3) The operational plan must include performance measures,~~  
1394 ~~standards, measurement criteria, and contract guidelines in the~~  
1395 ~~following areas with respect to participants in the welfare~~

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1396 ~~transition program:~~1397 ~~(a) Work participation rates, by type of activity;~~1398 ~~(b) Caseload trends;~~1399 ~~(c) Recidivism;~~1400 ~~(d) Participation in diversion and relocation assistance~~  
1401 ~~programs;~~1402 ~~(e) Employment retention;~~1403 ~~(f) Wage growth; and~~1404 ~~(g) Other issues identified by the board of directors of~~  
1405 ~~CareerSource Florida, Inc.~~1406 (b)(4) The strategic planning elements plan must include  
1407 criteria for allocating workforce resources to local regional  
1408 workforce development boards. With respect to allocating funds  
1409 to serve customers of the welfare transition program, such  
1410 criteria may include weighting factors that indicate the  
1411 relative degree of difficulty associated with securing and  
1412 retaining employment placements for specific subsets of the  
1413 welfare transition caseload.1414 (3) OPERATIONAL PLANNING ELEMENTS.—CareerSource Florida,  
1415 Inc., in conjunction with state and local partners in the  
1416 workforce system, shall develop operational planning elements,  
1417 pursuant to Pub. L. No. 113-128, Title I, s. 102, for the state  
1418 plan.1419 ~~(5)(a) The operational plan may include a performance-based~~  
1420 ~~payment structure to be used for all welfare transition program~~  
1421 ~~customers which takes into account:~~1422 ~~1. The degree of difficulty associated with placement and~~  
1423 ~~retention;~~1424 ~~2. The quality of the placement with respect to salary,~~

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1425 ~~benefits, and opportunities for advancement; and~~1426 ~~3. The employee's retention in the placement.~~1427 ~~(b) The payment structure may provide for bonus payments of~~  
1428 ~~up to 10 percent of the contract amount to providers that~~  
1429 ~~achieve notable success in achieving contract objectives,~~  
1430 ~~including, but not limited to, success in diverting families in~~  
1431 ~~which there is an adult who is subject to work requirements from~~  
1432 ~~receiving cash assistance and in achieving long-term job~~  
1433 ~~retention and wage growth with respect to welfare transition~~  
1434 ~~program customers. A service provider shall be paid a maximum of~~  
1435 ~~one payment per service for each participant during any given 6-~~  
1436 ~~month period.~~1437 ~~(6)(a) The operational plan must include strategies that~~  
1438 ~~are designed to prevent or reduce the need for a person to~~  
1439 ~~receive public assistance, including:~~1440 ~~1. A teen pregnancy prevention component that includes, but~~  
1441 ~~is not limited to, a plan for implementing the Teen Pregnancy~~  
1442 ~~Prevention Community Initiative within each county of the~~  
1443 ~~services area in which the teen birth rate is higher than the~~  
1444 ~~state average;~~1445 ~~2. A component that encourages community-based welfare~~  
1446 ~~prevention and reduction initiatives that increase support~~  
1447 ~~provided by noncustodial parents to their welfare-dependent~~  
1448 ~~children and are consistent with program and financial~~  
1449 ~~guidelines developed by CareerSource Florida, Inc., and the~~  
1450 ~~Commission on Responsible Fatherhood. These initiatives may~~  
1451 ~~include improved paternity establishment, work activities for~~  
1452 ~~noncustodial parents, programs aimed at decreasing out-of-~~  
1453 ~~wedlock pregnancies, encouraging involvement of fathers with~~

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1454 their children which includes court-ordered supervised  
 1455 visitation, and increasing child support payments;  
 1456 ~~3. A component that encourages formation and maintenance of~~  
 1457 ~~two-parent families through, among other things, court-ordered~~  
 1458 ~~supervised visitation;~~  
 1459 ~~4. A component that fosters responsible fatherhood in~~  
 1460 ~~families receiving assistance; and~~  
 1461 ~~5. A component that fosters the provision of services that~~  
 1462 ~~reduce the incidence and effects of domestic violence on women~~  
 1463 ~~and children in families receiving assistance.~~  
 1464 ~~(b) Specifications for welfare transition program services~~  
 1465 ~~that are to be delivered include, but are not limited to:~~  
 1466 ~~1. Initial assessment services prior to an individual being~~  
 1467 ~~placed in an employment service, to determine whether the~~  
 1468 ~~individual should be referred for relocation, up-front~~  
 1469 ~~diversion, education, or employment placement. Assessment~~  
 1470 ~~services shall be paid on a fixed unit rate and may not provide~~  
 1471 ~~educational or employment placement services.~~  
 1472 ~~2. Referral of participants to diversion and relocation~~  
 1473 ~~programs.~~  
 1474 ~~3. Preplacement services, including assessment, staffing,~~  
 1475 ~~career plan development, work orientation, and employability~~  
 1476 ~~skills enhancement.~~  
 1477 ~~4. Services necessary to secure employment for a welfare~~  
 1478 ~~transition program participant.~~  
 1479 ~~5. Services necessary to assist participants in retaining~~  
 1480 ~~employment, including, but not limited to, remedial education,~~  
 1481 ~~language skills, and personal and family counseling.~~  
 1482 ~~6. Desired quality of job placements with regard to salary,~~

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1483 ~~benefits, and opportunities for advancement.~~  
 1484 ~~7. Expectations regarding job retention.~~  
 1485 ~~8. Strategies to ensure that transition services are~~  
 1486 ~~provided to participants for the mandated period of eligibility.~~  
 1487 ~~9. Services that must be provided to the participant~~  
 1488 ~~throughout an education or training program, such as monitoring~~  
 1489 ~~attendance and progress in the program.~~  
 1490 ~~10. Services that must be delivered to welfare transition~~  
 1491 ~~program participants who have a deferral from work requirements~~  
 1492 ~~but wish to participate in activities that meet federal~~  
 1493 ~~participation requirements.~~  
 1494 ~~11. Expectations regarding continued participant awareness~~  
 1495 ~~of available services and benefits.~~  
 1496 Section 26. Section 445.007, Florida Statutes, is amended  
 1497 to read:  
 1498 445.007 Local Regional workforce development boards.-  
 1499 (1) One regional workforce development board shall be  
 1500 appointed in each designated service delivery area and shall  
 1501 serve as the local workforce development investment board  
 1502 pursuant to Pub. L. No. 113-128 105-220. The membership of the  
 1503 board must shall be consistent with Pub. L. No. 113-128 105-220,  
 1504 Title I, s. 107(b) s. 117(b) but may not exceed the minimum  
 1505 membership required in Pub. L. No. 105-220, Title I, s.  
 1506 117(b)(2)(A) and in this subsection. Upon approval by the  
 1507 Governor, the chief elected official may appoint additional  
 1508 members above the limit set by this subsection. If a public  
 1509 education or training provider is represented on the board, a  
 1510 representative of a private nonprofit provider and a  
 1511 representative of a private for-profit provider must also be

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1512 appointed to the board. The board shall include one nonvoting  
 1513 representative from a military installation if a military  
 1514 installation is located within the region and the appropriate  
 1515 military command or organization authorizes such representation.  
 1516 ~~It is the intent of the Legislature that membership of a~~  
 1517 ~~regional workforce board include persons who are current or~~  
 1518 ~~former recipients of welfare transition assistance as defined in~~  
 1519 ~~s. 445.002(2) or workforce services as provided in s. 445.009(1)~~  
 1520 ~~or that such persons be included as ex officio members of the~~  
 1521 ~~board or of committees organized by the board.~~ The importance of  
 1522 minority and gender representation shall be considered when  
 1523 making appointments to the board. The board, its committees,  
 1524 subcommittees, and subdivisions, and other units of the  
 1525 workforce system, including units that may consist in whole or  
 1526 in part of local governmental units, may use any method of  
 1527 telecommunications to conduct meetings, including establishing a  
 1528 quorum through telecommunications, provided that the public is  
 1529 given proper notice of the telecommunications meeting and  
 1530 reasonable access to observe and, when appropriate, participate.  
 1531 Local Regional workforce development boards are subject to  
 1532 chapters 119 and 286 and s. 24, Art. I of the State  
 1533 Constitution. If the local regional workforce development board  
 1534 enters into a contract with an organization or individual  
 1535 represented on the board of directors, the contract must be  
 1536 approved by a two-thirds vote of the board, a quorum having been  
 1537 established, and the board member who could benefit financially  
 1538 from the transaction must abstain from voting on the contract. A  
 1539 board member must disclose any such conflict in a manner that is  
 1540 consistent with the procedures outlined in s. 112.3143. Each

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1541 member of a local regional workforce development board who is  
 1542 not otherwise required to file a full and public disclosure of  
 1543 financial interests pursuant to s. 8, Art. II of the State  
 1544 Constitution or s. 112.3144 shall file a statement of financial  
 1545 interests pursuant to s. 112.3145. The executive director or  
 1546 designated person responsible for the operational and  
 1547 administrative functions of the local regional workforce  
 1548 development board who is not otherwise required to file a full  
 1549 and public disclosure of financial interests pursuant to s. 8,  
 1550 Art. II of the State Constitution or s. 112.3144 shall file a  
 1551 statement of financial interests pursuant to s. 112.3145.  
 1552 (2) (a) The local regional workforce development board shall  
 1553 elect a chair from among the representatives described in Pub.  
 1554 L. No. 113-128 105-220, Title I, s. 107(b)(2)(A) ~~s.~~  
 1555 ~~117(b)(2)(A)(i)~~ to serve for a term of no more than 2 years and  
 1556 shall serve no more than two terms.  
 1557 (b) The Governor may remove a member of the board, the  
 1558 executive director of the board, or the designated person  
 1559 responsible for the operational and administrative functions of  
 1560 the board for cause. As used in this paragraph, the term "cause"  
 1561 includes, but is not limited to, engaging in fraud or other  
 1562 criminal acts, incapacity, unfitness, neglect of duty, official  
 1563 incompetence and irresponsibility, misfeasance, malfeasance,  
 1564 nonfeasance, or lack of performance.  
 1565 (3) The Department of Economic Opportunity, under the  
 1566 direction of CareerSource Florida, Inc., shall assign staff to  
 1567 meet with each local regional workforce development board  
 1568 annually to review the board's performance and to certify that  
 1569 the board is in compliance with applicable state and federal

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1570 law.

1571 (4) In addition to the duties and functions specified by  
 1572 CareerSource Florida, Inc., and by the interlocal agreement  
 1573 approved by the local county or city governing bodies, the local  
 1574 ~~regional~~ workforce development board shall have the following  
 1575 responsibilities:

1576 (a) Develop, submit, ratify, or amend the local plan  
 1577 pursuant to Pub. L. No. 113-128, Title I, s. 108 ~~105-220, Title~~  
 1578 ~~I, s. 118, and the provisions of~~ this act.

1579 (b) Conclude agreements necessary to designate the fiscal  
 1580 agent and administrative entity. A public or private entity,  
 1581 including an entity established pursuant to s. 163.01, which  
 1582 makes a majority of the appointments to a local regional  
 1583 workforce development board may serve as the board's  
 1584 administrative entity if approved by CareerSource Florida, Inc.,  
 1585 based upon a showing that a fair and competitive process was  
 1586 used to select the administrative entity.

1587 (c) Complete assurances required for the charter process of  
 1588 CareerSource Florida, Inc., and provide ongoing oversight  
 1589 related to administrative costs, duplicated services, career  
 1590 counseling, economic development, equal access, compliance and  
 1591 accountability, and performance outcomes.

1592 (d) Oversee the one-stop delivery system in its local area.

1593 (5) CareerSource Florida, Inc., shall implement a training  
 1594 program for the local regional workforce development boards to  
 1595 familiarize board members with the state's workforce development  
 1596 goals and strategies.

1597 (6) The local regional workforce development board shall  
 1598 designate all local service providers and may not transfer this

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1599 authority to a third party. Consistent with the intent of the  
 1600 Workforce Innovation and Opportunity Investment Act, local  
 1601 ~~regional~~ workforce development boards should provide the  
 1602 greatest possible choice of training providers to those who  
 1603 qualify for training services. A local regional workforce  
 1604 development board may not restrict the choice of training  
 1605 providers based upon cost, location, or historical training  
 1606 arrangements. However, a board may restrict the amount of  
 1607 training resources available to any one client. Such  
 1608 restrictions may vary based upon the cost of training in the  
 1609 client's chosen occupational area. The local regional workforce  
 1610 development board may be designated as a one-stop operator and  
 1611 direct provider of intake, assessment, eligibility  
 1612 determinations, or other direct provider services except  
 1613 training services. Such designation may occur only with the  
 1614 agreement of the chief elected official and the Governor as  
 1615 specified in 29 U.S.C. s. 2832(f)(2). CareerSource Florida,  
 1616 Inc., shall establish procedures by which a local regional  
 1617 workforce development board may request permission to operate  
 1618 under this section and the criteria under which such permission  
 1619 may be granted. The criteria shall include, but need not be  
 1620 limited to, a reduction in the cost of providing the permitted  
 1621 services. Such permission shall be granted for a period not to  
 1622 exceed 3 years for any single request submitted by the local  
 1623 ~~regional~~ workforce development board.

1624 (7) Local Regional workforce development boards shall adopt  
 1625 a committee structure consistent with applicable federal law and  
 1626 state policies established by CareerSource Florida, Inc.

1627 (8) The importance of minority and gender representation

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1628 shall be considered when appointments are made to any committee  
 1629 established by the local ~~regional~~ workforce development board.  
 1630 (9) For purposes of procurement, local ~~regional~~ workforce  
 1631 development boards and their administrative entities are not  
 1632 state agencies and are exempt from chapters 120 and 287. The  
 1633 local ~~regional~~ workforce development boards shall apply the  
 1634 procurement and expenditure procedures required by federal law  
 1635 and policies of the Department of Economic Opportunity and  
 1636 CareerSource Florida, Inc., for the expenditure of federal,  
 1637 state, and nonpass-through funds. The making or approval of  
 1638 smaller, multiple payments for a single purchase with the intent  
 1639 to avoid or evade the monetary thresholds and procedures  
 1640 established by federal law and policies of the Department of  
 1641 Economic Opportunity and CareerSource Florida, Inc., is grounds  
 1642 for removal for cause. Local ~~Regional~~ workforce development  
 1643 boards, their administrative entities, committees, and  
 1644 subcommittees, and other workforce units may authorize  
 1645 expenditures to award suitable framed certificates, pins, or  
 1646 other tokens of recognition for performance by units of the  
 1647 workforce system. Local ~~Regional~~ workforce development boards;  
 1648 their administrative entities, committees, and subcommittees;  
 1649 and other workforce units may authorize expenditures for  
 1650 promotional items, such as t-shirts, hats, or pens printed with  
 1651 messages promoting Florida's workforce system to employers, job  
 1652 seekers, and program participants. However, such expenditures  
 1653 are subject to federal regulations applicable to the expenditure  
 1654 of federal funds. All contracts executed by local ~~regional~~  
 1655 workforce development boards must include specific performance  
 1656 expectations and deliverables.

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1657 (10) State and federal funds provided to the local ~~regional~~  
 1658 workforce development boards may not be used directly or  
 1659 indirectly to pay for meals, food, or beverages for board  
 1660 members, staff, or employees of local ~~regional~~ workforce  
 1661 development boards, CareerSource Florida, Inc., or the  
 1662 Department of Economic Opportunity except as expressly  
 1663 authorized by state law. Preapproved, reasonable, and necessary  
 1664 per diem allowances and travel expenses may be reimbursed. Such  
 1665 reimbursement shall be at the standard travel reimbursement  
 1666 rates established in s. 112.061 and shall be in compliance with  
 1667 all applicable federal and state requirements. CareerSource  
 1668 Florida, Inc., shall develop a statewide fiscal policy  
 1669 applicable to the state board and all local ~~regional~~ workforce  
 1670 development boards, to hold both the state and local ~~regional~~  
 1671 workforce development boards strictly accountable for adherence  
 1672 to the policy and subject to regular and periodic monitoring by  
 1673 the Department of Economic Opportunity, the administrative  
 1674 entity for CareerSource Florida, Inc. Boards are prohibited from  
 1675 expending state or federal funds for entertainment costs and  
 1676 recreational activities for board members and employees as these  
 1677 terms are defined by 2 C.F.R. part 230.  
 1678 (11) To increase transparency and accountability, a local  
 1679 ~~regional~~ workforce development board must comply with the  
 1680 requirements of this section before contracting with a member of  
 1681 the board or a relative, as defined in s. 112.3143(1)(c), of a  
 1682 board member or of an employee of the board. Such contracts may  
 1683 not be executed before or without the approval of CareerSource  
 1684 Florida, Inc. Such contracts, as well as documentation  
 1685 demonstrating adherence to this section as specified by

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1686 CareerSource Florida, Inc., must be submitted to the Department  
 1687 of Economic Opportunity for review and recommendation according  
 1688 to criteria to be determined by CareerSource Florida, Inc. Such  
 1689 a contract must be approved by a two-thirds vote of the board, a  
 1690 quorum having been established; all conflicts of interest must  
 1691 be disclosed before the vote; and any member who may benefit  
 1692 from the contract, or whose relative may benefit from the  
 1693 contract, must abstain from the vote. A contract under \$25,000  
 1694 between a local ~~regional~~ workforce development board and a  
 1695 member of that board or between a relative, as defined in s.  
 1696 112.3143(1)(c), of a board member or of an employee of the board  
 1697 is not required to have the prior approval of CareerSource  
 1698 Florida, Inc., but must be approved by a two-thirds vote of the  
 1699 board, a quorum having been established, and must be reported to  
 1700 the Department of Economic Opportunity and CareerSource Florida,  
 1701 Inc., within 30 days after approval. If a contract cannot be  
 1702 approved by CareerSource Florida, Inc., a review of the decision  
 1703 to disapprove the contract may be requested by the local  
 1704 ~~regional~~ workforce development board or other parties to the  
 1705 disapproved contract.

1706 (12) Each local ~~regional~~ workforce development board shall  
 1707 develop a budget for the purpose of carrying out the duties of  
 1708 the board under this section, subject to the approval of the  
 1709 chief elected official. Each local ~~regional~~ workforce  
 1710 development board shall submit its annual budget for review to  
 1711 CareerSource Florida, Inc., no later than 2 weeks after the  
 1712 chair approves the budget.

1713 (13) By March 1, 2018, CareerSource Florida, Inc., shall  
 1714 establish regional planning areas in accordance with Pub. L. No.

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1715 113-128, Title I, s. 106(a)(2). Local workforce development  
 1716 boards and chief elected officials within identified regional  
 1717 planning areas shall prepare a regional workforce development  
 1718 plan as required under Pub. L. No. 113-128, Title I, s.  
 1719 106(c)(2).

1720 Section 27. Subsections (4) and (5) of section 445.0071,  
 1721 Florida Statutes, are amended to read:

1722 445.0071 Florida Youth Summer Jobs Pilot Program.—

1723 (4) GOVERNANCE.—

1724 (a) The pilot program shall be administered by the local  
 1725 ~~regional~~ workforce development board in consultation with  
 1726 CareerSource Florida, Inc.

1727 (b) The local ~~regional~~ workforce development board shall  
 1728 report to CareerSource Florida, Inc., the number of at-risk and  
 1729 disadvantaged children who enter the program, the types of work  
 1730 activities they participate in, and the number of children who  
 1731 return to school, go on to postsecondary school, or enter the  
 1732 workforce full time at the end of the program. CareerSource  
 1733 Florida, Inc., shall report to the Legislature by November 1 of  
 1734 each year on the performance of the program.

1735 (5) FUNDING.—

1736 (a) The local ~~regional~~ workforce development board shall,  
 1737 consistent with state and federal laws, use funds appropriated  
 1738 specifically for the pilot program to provide youth wage  
 1739 payments and educational enrichment activities. The local  
 1740 ~~regional~~ workforce development board and local communities may  
 1741 obtain private or state and federal grants or other sources of  
 1742 funds in addition to any appropriated funds.

1743 (b) Program funds shall be used as follows:

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1744 1. No less than 85 percent of the funds shall be used for  
 1745 youth wage payments or educational enrichment activities. These  
 1746 funds shall be matched on a one-to-one basis by each local  
 1747 community that participates in the program.

1748 2. No more than 2 percent of the funds may be used for  
 1749 administrative purposes.

1750 3. The remainder of the funds may be used for  
 1751 transportation assistance, child care assistance, or other  
 1752 assistance to enable a program participant to enter or remain in  
 1753 the program.

1754 (c) The local regional workforce development board shall  
 1755 pay a participating employer an amount equal to one-half of the  
 1756 wages paid to a youth participating in the program. Payments  
 1757 shall be made monthly for the duration that the youth  
 1758 participant is employed as documented by the employer and  
 1759 confirmed by the local regional workforce development board.

1760 Section 28. Subsections (2) through (7), paragraphs (b),  
 1761 (c), and (d) of subsection (8), paragraph (b) of subsection (9),  
 1762 and subsection (10) of section 445.009, Florida Statutes, are  
 1763 amended to read:

1764 445.009 One-stop delivery system.—

1765 (2) (a) Subject to a process designed by CareerSource  
 1766 Florida, Inc., and in compliance with Pub. L. No. 113-128 ~~105-~~  
 1767 ~~220~~, local regional workforce development boards shall designate  
 1768 one-stop delivery system operators.

1769 (b) A local regional workforce development board may  
 1770 designate as its one-stop delivery system operator any public or  
 1771 private entity that is eligible to provide services under any  
 1772 state or federal workforce program that is a mandatory or

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1773 discretionary partner in the local workforce development area's  
 1774 ~~region's~~ one-stop delivery system if approved by CareerSource  
 1775 Florida, Inc., upon a showing by the local regional workforce  
 1776 development board that a fair and competitive process was used  
 1777 in the selection. As a condition of authorizing a local regional  
 1778 workforce development board to designate such an entity as its  
 1779 one-stop delivery system operator, CareerSource Florida, Inc.,  
 1780 must require the local regional workforce development board to  
 1781 demonstrate that safeguards are in place to ensure that the one-  
 1782 stop delivery system operator will not exercise an unfair  
 1783 competitive advantage or unfairly refer or direct customers of  
 1784 the one-stop delivery system to services provided by that one-  
 1785 stop delivery system operator. A local regional workforce  
 1786 development board may retain its current one-stop career center  
 1787 operator without further procurement action if the board has an  
 1788 established one-stop career center that has complied with  
 1789 federal and state law.

1790 (c) The local workforce development board must enter into a  
 1791 memorandum of understanding with each mandatory or optional  
 1792 partner participating in the one-stop delivery system which  
 1793 details the partner's required contribution to infrastructure  
 1794 costs, as required by Pub. L. No. 113-128, s. 121(h). If the  
 1795 local workforce development board and the one-stop partner are  
 1796 unable to come to an agreement regarding infrastructure costs by  
 1797 July 1, 2016, the costs shall be allocated pursuant to a policy  
 1798 established by the Governor.

1799 (3) Local Regional workforce development boards shall enter  
 1800 into a memorandum of understanding with the Department of  
 1801 Economic Opportunity for the delivery of employment services

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1802 authorized by the federal Wagner-Peyser Act. This memorandum of  
1803 understanding must be performance based.

1804 (a) Unless otherwise required by federal law, at least 90  
1805 percent of the Wagner-Peyser funding must go into direct  
1806 customer service costs.

1807 (b) Employment services must be provided through the one-  
1808 stop delivery system, under the guidance of one-stop delivery  
1809 system operators. One-stop delivery system operators shall have  
1810 overall authority for directing the staff of the workforce  
1811 system. Personnel matters shall remain under the ultimate  
1812 authority of the department. However, the one-stop delivery  
1813 system operator shall submit to the department information  
1814 concerning the job performance of employees of the department  
1815 who deliver employment services. The department shall consider  
1816 any such information submitted by the one-stop delivery system  
1817 operator in conducting performance appraisals of the employees.

1818 (c) The department shall retain fiscal responsibility and  
1819 accountability for the administration of funds allocated to the  
1820 state under the Wagner-Peyser Act. An employee of the department  
1821 who is providing services authorized under the Wagner-Peyser Act  
1822 shall be paid using Wagner-Peyser Act funds.

1823 (4) One-stop delivery system partners shall enter into a  
1824 memorandum of understanding pursuant to Pub. L. No. 113-128 ~~105-~~  
1825 ~~220~~, Title I, s. 121, with the local ~~regional~~ workforce  
1826 development board. Failure of a local partner to participate  
1827 cannot unilaterally block the majority of partners from moving  
1828 forward with their one-stop delivery system, and CareerSource  
1829 Florida, Inc., pursuant to s. 445.004(5)(e), may make  
1830 notification of a local partner that fails to participate.

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1831 (5) To the extent possible, local ~~regional~~ workforce  
1832 development boards shall include as partners in the local one-  
1833 stop delivery system entities that provide programs or  
1834 activities designed to meet the needs of homeless persons.

1835 (6) (a) To the extent possible, core services, as defined by  
1836 Pub. L. No. 113-128 ~~105-220~~, shall be provided electronically,  
1837 using existing systems. These electronic systems shall be linked  
1838 and integrated into a comprehensive service system to simplify  
1839 access to core services by:

1840 1. Maintaining staff to serve as the first point of contact  
1841 with the public seeking access to employment services who are  
1842 knowledgeable about each program located in each one-stop  
1843 delivery system center as well as related services. An initial  
1844 determination of the programs for which a customer is likely to  
1845 be eligible and any referral for a more thorough eligibility  
1846 determination must be made at this first point of contact; and

1847 2. Establishing an automated, integrated intake screening  
1848 and eligibility process where customers will provide information  
1849 through a self-service intake process that may be accessed by  
1850 staff from any participating program.

1851 (b) To expand electronic capabilities, CareerSource  
1852 Florida, Inc., working with local ~~regional~~ workforce development  
1853 boards, shall develop a centralized help center to assist local  
1854 ~~regional~~ workforce development boards in fulfilling core  
1855 services, minimizing the need for fixed-site one-stop delivery  
1856 system centers.

1857 (c) To the extent feasible, core services shall be  
1858 accessible through the Internet. Through this technology, core  
1859 services shall be made available at public libraries, public and

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1860 private educational institutions, community centers, kiosks,  
 1861 neighborhood facilities, and satellite one-stop delivery system  
 1862 sites. Each local ~~regional~~ workforce development board's web  
 1863 page shall serve as a portal for contacting potential employees  
 1864 by integrating the placement efforts of universities and private  
 1865 companies, including staffing services firms, into the existing  
 1866 one-stop delivery system.

1867 (7) Intensive services and training provided pursuant to  
 1868 Pub. L. No. 113-128 ~~105-220~~, shall be provided to individuals  
 1869 through Intensive Service Accounts and Individual Training  
 1870 Accounts. CareerSource Florida, Inc., shall develop an  
 1871 implementation plan, including identification of initially  
 1872 eligible training providers, transition guidelines, and criteria  
 1873 for use of these accounts. Individual Training Accounts must be  
 1874 compatible with Individual Development Accounts for education  
 1875 allowed in federal and state welfare reform statutes.

1876 (8)

1877 (b) For each approved training program, local ~~regional~~  
 1878 workforce development boards, in consultation with training  
 1879 providers, shall establish a fair-market purchase price to be  
 1880 paid through an Individual Training Account. The purchase price  
 1881 must be based on prevailing costs and reflect local economic  
 1882 factors, program complexity, and program benefits, including  
 1883 time to beginning of training and time to completion. The price  
 1884 shall ensure the fair participation of public and nonpublic  
 1885 postsecondary educational institutions as authorized service  
 1886 providers and shall prohibit the use of unlawful remuneration to  
 1887 the student in return for attending an institution. Unlawful  
 1888 remuneration does not include student financial assistance

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1889 programs.

1890 (c) CareerSource Florida, Inc., shall periodically review  
 1891 Individual Training Account pricing schedules developed by local  
 1892 ~~regional~~ workforce development boards and present findings and  
 1893 recommendations for process improvement to the President of the  
 1894 Senate and the Speaker of the House of Representatives.

1895 (d) To the maximum extent possible, training providers  
 1896 shall use funding sources other than the funding provided under  
 1897 Pub. L. No. 113-128 ~~105-220~~. CareerSource Florida, Inc., shall  
 1898 develop a system to encourage the leveraging of appropriated  
 1899 resources for the workforce system and shall report on such  
 1900 efforts as part of the required annual report.

1901 (9)

1902 (b) The network shall assure that a uniform method is used  
 1903 to determine eligibility for and management of services provided  
 1904 by agencies that conduct workforce development activities. The  
 1905 Department of Management Services shall develop strategies to  
 1906 allow access to the databases and information management systems  
 1907 of the following systems in order to link information in those  
 1908 databases with the one-stop delivery system:

- 1909 1. The Reemployment Assistance Program under chapter 443.
- 1910 2. The public employment service described in s. 443.181.
- 1911 3. The public assistance information system used by the  
 1912 Department of Children and Families ~~FLORIDA System~~ and the  
 1913 components related to temporary cash assistance, food  
 1914 assistance, and Medicaid eligibility.
- 1915 4. The Student Financial Assistance System of the  
 1916 Department of Education.
- 1917 5. Enrollment in the public postsecondary education system.

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1918 6. Other information systems determined appropriate by  
 1919 CareerSource Florida, Inc.

1920 (10) To the maximum extent feasible, the one-stop delivery  
 1921 system may use private sector staffing services firms in the  
 1922 provision of workforce services to individuals and employers in the  
 1923 state. Local ~~Regional~~ workforce development boards may  
 1924 collaborate with staffing services firms in order to facilitate  
 1925 the provision of workforce services. Local ~~Regional~~ workforce  
 1926 development boards may contract with private sector staffing  
 1927 services firms to design programs that meet the employment needs  
 1928 of the local workforce development area ~~region~~. All such  
 1929 contracts must be performance-based and require a specific  
 1930 period of job tenure before ~~prior to~~ payment.

1931 Section 29. Subsections (1) and (3) of section 445.014,  
 1932 Florida Statutes, are amended to read:

1933 445.014 Small business workforce service initiative.—

1934 (1) Subject to legislative appropriation, CareerSource  
 1935 Florida, Inc., shall establish a program to encourage local  
 1936 ~~regional~~ workforce development boards to establish one-stop  
 1937 delivery systems that maximize the provision of workforce and  
 1938 human-resource support services to small businesses. Under the  
 1939 program, a local ~~regional~~ workforce development board may apply,  
 1940 on a competitive basis, for funds to support the provision of  
 1941 such services to small businesses through the local workforce  
 1942 development area's ~~region's~~ one-stop delivery system.

1943 (3) CareerSource Florida, Inc., shall establish guidelines  
 1944 governing the administration of this program and shall establish  
 1945 criteria to be used in evaluating applications for funding. Such  
 1946 criteria must include, but need not be limited to, a showing

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1947 that the local ~~regional~~ board has in place a detailed plan for  
 1948 establishing a one-stop delivery system designed to meet the  
 1949 workforce needs of small businesses and for leveraging other  
 1950 funding sources in support of such activities.

1951 Section 30. Subsections (3), (4), and (5) of section  
 1952 445.017, Florida Statutes, are amended to read:

1953 445.017 Diversion.—

1954 (3) Before finding an applicant family eligible for up-  
 1955 front diversion services, the local ~~regional~~ workforce  
 1956 development board must determine that all requirements of  
 1957 eligibility for diversion services would likely be met.

1958 (4) The local ~~regional~~ workforce development board shall  
 1959 screen each family on a case-by-case basis for barriers to  
 1960 obtaining or retaining employment. The screening shall identify  
 1961 barriers that, if corrected, may prevent the family from  
 1962 receiving temporary cash assistance on a regular basis.  
 1963 Assistance to overcome a barrier to employment is not limited to  
 1964 cash, but may include vouchers or other in-kind benefits.

1965 (5) The family receiving up-front diversion must sign an  
 1966 agreement restricting the family from applying for temporary  
 1967 cash assistance for 3 months, unless an emergency is  
 1968 demonstrated to the local ~~regional~~ workforce development board.  
 1969 If a demonstrated emergency forces the family to reapply for  
 1970 temporary cash assistance within 3 months after receiving a  
 1971 diversion payment, the diversion payment shall be prorated over  
 1972 an 8-month period and deducted from any temporary assistance for  
 1973 which the family is eligible.

1974 Section 31. Subsection (2) of section 445.021, Florida  
 1975 Statutes, is amended to read:

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1976 445.021 Relocation assistance program.—

1977 (2) The relocation assistance program shall involve five  
1978 steps by the local regional workforce development board, in  
1979 cooperation with the Department of Children and Families:

1980 (a) A determination that the family is receiving temporary  
1981 cash assistance or that all requirements of eligibility for  
1982 diversion services would likely be met.

1983 (b) A determination that there is a basis for believing  
1984 that relocation will contribute to the ability of the applicant  
1985 to achieve self-sufficiency. For example, the applicant:

1986 1. Is unlikely to achieve economic self-sufficiency at the  
1987 current community of residence;

1988 2. Has secured a job that provides an increased salary or  
1989 improved benefits and that requires relocation to another  
1990 community;

1991 3. Has a family support network that will contribute to job  
1992 retention in another community;

1993 4. Is determined, pursuant to criteria or procedures  
1994 established by the board of directors of CareerSource Florida,  
1995 Inc., to be a victim of domestic violence who would experience  
1996 reduced probability of further incidents through relocation; or

1997 5. Must relocate in order to receive education or training  
1998 that is directly related to the applicant's employment or career  
1999 advancement.

2000 (c) Establishment of a relocation plan that includes such  
2001 requirements as are necessary to prevent abuse of the benefit  
2002 and provisions to protect the safety of victims of domestic  
2003 violence and avoid provisions that place them in anticipated  
2004 danger. The payment to defray relocation expenses shall be

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2005 determined based on criteria approved by the board of directors  
2006 of CareerSource Florida, Inc. Participants in the relocation  
2007 program shall be eligible for diversion or transitional  
2008 benefits.

2009 (d) A determination, pursuant to criteria adopted by the  
2010 board of directors of CareerSource Florida, Inc., that a  
2011 community receiving a relocated family has the capacity to  
2012 provide needed services and employment opportunities.

2013 (e) Monitoring the relocation.

2014 Section 32. Section 445.022, Florida Statutes, is amended  
2015 to read:

2016 445.022 Retention Incentive Training Accounts.—To promote  
2017 job retention and to enable upward job advancement into higher  
2018 skilled, higher paying employment, the board of directors of  
2019 CareerSource Florida, Inc., and the local regional workforce  
2020 development boards may assemble a list of programs and courses  
2021 offered by postsecondary educational institutions which may be  
2022 available to participants who have become employed to promote  
2023 job retention and advancement.

2024 (1) The board of directors of CareerSource Florida, Inc.,  
2025 may establish Retention Incentive Training Accounts (RITAs) to  
2026 use Temporary Assistance to Needy Families (TANF) block grant  
2027 funds specifically appropriated for this purpose. RITAs must  
2028 complement the Individual Training Account required by the  
2029 federal Workforce Innovation and Opportunity Investment Act of  
2030 ~~1998~~, Pub. L. No. 113-128 ~~105-220~~.

2031 (2) RITAs may pay for tuition, fees, educational materials,  
2032 coaching and mentoring, performance incentives, transportation  
2033 to and from courses, child care costs during education courses,

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2034 and other such costs as the local ~~regional~~ workforce development  
 2035 boards determine are necessary to effect successful job  
 2036 retention and advancement.

2037 (3) Local ~~Regional~~ workforce development boards shall  
 2038 retain only those courses that continue to meet their  
 2039 performance standards as established in their local plan.

2040 (4) Local ~~Regional~~ workforce development boards shall  
 2041 report annually to the Legislature on the measurable retention  
 2042 and advancement success of each program provider and the  
 2043 effectiveness of RITAs, making recommendations for any needed  
 2044 changes or modifications.

2045 Section 33. Subsections (4) and (5) of section 445.024,  
 2046 Florida Statutes, are amended to read:

2047 445.024 Work requirements.—

2048 (4) PRIORITIZATION OF WORK REQUIREMENTS.—Local ~~Regional~~  
 2049 workforce development boards shall require participation in work  
 2050 activities to the maximum extent possible, subject to federal  
 2051 and state funding. If funds are projected to be insufficient to  
 2052 allow full-time work activities by all program participants who  
 2053 are required to participate in work activities, local ~~regional~~  
 2054 workforce development boards shall screen participants and  
 2055 assign priority based on the following:

2056 (a) In accordance with federal requirements, at least one  
 2057 adult in each two-parent family shall be assigned priority for  
 2058 full-time work activities.

2059 (b) Among single-parent families, a family that has older  
 2060 preschool children or school-age children shall be assigned  
 2061 priority for work activities.

2062 (c) A participant who has access to child care services may

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2063 be assigned priority for work activities.

2064 (d) Priority may be assigned based on the amount of time  
 2065 remaining until the participant reaches the applicable time  
 2066 limit for program participation or may be based on requirements  
 2067 of a case plan.  
 2068

2069 Local ~~Regional~~ workforce development boards may limit a  
 2070 participant's weekly work requirement to the minimum required to  
 2071 meet federal work activity requirements. Local ~~Regional~~  
 2072 workforce development boards may develop screening and  
 2073 prioritization procedures based on the allocation of resources,  
 2074 the availability of community resources, the provision of  
 2075 supportive services, or the work activity needs of the service  
 2076 area.

2077 (5) USE OF CONTRACTS.—Local ~~Regional~~ workforce development  
 2078 boards shall provide work activities, training, and other  
 2079 services, as appropriate, through contracts. In contracting for  
 2080 work activities, training, or services, the following applies:

2081 (a) A contract must be performance-based. Payment shall be  
 2082 tied to performance outcomes that include factors such as, but  
 2083 not limited to, diversion from cash assistance, job entry, job  
 2084 entry at a target wage, job retention, and connection to  
 2085 transition services rather than tied to completion of training  
 2086 or education or any other phase of the program participation  
 2087 process.

2088 (b) A contract may include performance-based incentive  
 2089 payments that may vary according to the extent to which the  
 2090 participant is more difficult to place. Contract payments may be  
 2091 weighted proportionally to reflect the extent to which the

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2092 participant has limitations associated with the long-term  
 2093 receipt of welfare and difficulty in sustaining employment. The  
 2094 factors may include the extent of prior receipt of welfare, lack  
 2095 of employment experience, lack of education, lack of job skills,  
 2096 and other factors determined appropriate by the local ~~regional~~  
 2097 workforce development board.

2098 (c) Notwithstanding the exemption from the competitive  
 2099 sealed bid requirements provided in s. 287.057(3)(e) for certain  
 2100 contractual services, each contract awarded under this chapter  
 2101 must be awarded on the basis of a competitive sealed bid, except  
 2102 for a contract with a governmental entity as determined by the  
 2103 local ~~regional~~ workforce development board.

2104 (d) Local ~~Regional~~ workforce development boards may  
 2105 contract with commercial, charitable, or religious  
 2106 organizations. A contract must comply with federal requirements  
 2107 with respect to nondiscrimination and other requirements that  
 2108 safeguard the rights of participants. Services may be provided  
 2109 under contract, certificate, voucher, or other form of  
 2110 disbursement.

2111 (e) The administrative costs associated with a contract for  
 2112 services provided under this section may not exceed the  
 2113 applicable administrative cost ceiling established in federal  
 2114 law. An agency or entity that is awarded a contract under this  
 2115 section may not charge more than 7 percent of the value of the  
 2116 contract for administration unless an exception is approved by  
 2117 the local ~~regional~~ workforce development board. A list of any  
 2118 exceptions approved must be submitted to the board of directors  
 2119 of CareerSource Florida, Inc., for review, and the board may  
 2120 rescind approval of the exception.

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2121 (f) Local ~~Regional~~ workforce development boards may enter  
 2122 into contracts to provide short-term work experience for the  
 2123 chronically unemployed as provided in this section.

2124 (g) A tax-exempt organization under s. 501(c) of the  
 2125 Internal Revenue Code of 1986 which receives funds under this  
 2126 chapter must disclose receipt of federal funds on any  
 2127 advertising, promotional, or other material in accordance with  
 2128 federal requirements.

2129 Section 34. Section 445.025, Florida Statutes, is amended  
 2130 to read:

2131 445.025 Other support services.—Support services shall be  
 2132 provided, if resources permit, to assist participants in  
 2133 complying with work activity requirements outlined in s.  
 2134 445.024. If resources do not permit the provision of needed  
 2135 support services, the local ~~regional~~ workforce development board  
 2136 may prioritize or otherwise limit provision of support services.  
 2137 This section does not constitute an entitlement to support  
 2138 services. Lack of provision of support services may be  
 2139 considered as a factor in determining whether good cause exists  
 2140 for failing to comply with work activity requirements but does  
 2141 not automatically constitute good cause for failing to comply  
 2142 with work activity requirements, and does not affect any  
 2143 applicable time limit on the receipt of temporary cash  
 2144 assistance or the provision of services under chapter 414.  
 2145 Support services shall include, but need not be limited to:

2146 (1) TRANSPORTATION.—Transportation expenses may be provided  
 2147 to any participant when the assistance is needed to comply with  
 2148 work activity requirements or employment requirements, including  
 2149 transportation to and from a child care provider. Payment may be

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2150 made in cash or tokens in advance or through reimbursement paid  
 2151 against receipts or invoices. Transportation services may  
 2152 include, but are not limited to, cooperative arrangements with  
 2153 the following: public transit providers; community  
 2154 transportation coordinators designated under chapter 427; school  
 2155 districts; churches and community centers; donated motor vehicle  
 2156 programs, van pools, and ridesharing programs; small enterprise  
 2157 developments and entrepreneurial programs that encourage  
 2158 participants to become transportation providers; public and  
 2159 private transportation partnerships; and other innovative  
 2160 strategies to expand transportation options available to program  
 2161 participants.

2162 (a) Local Regional workforce development boards may provide  
 2163 payment for vehicle operational and repair expenses, including  
 2164 repair expenditures necessary to make a vehicle functional;  
 2165 vehicle registration fees; driver license fees; and liability  
 2166 insurance for the vehicle for a period of up to 6 months.  
 2167 Request for vehicle repairs must be accompanied by an estimate  
 2168 of the cost prepared by a repair facility registered under s.  
 2169 559.904.

2170 (b) Transportation disadvantaged funds as defined in  
 2171 chapter 427 do not include support services funds or funds  
 2172 appropriated to assist persons eligible under the Workforce  
 2173 Innovation and Opportunity Act ~~Job Training Partnership Act~~. It  
 2174 is the intent of the Legislature that local regional workforce  
 2175 development boards consult with local community transportation  
 2176 coordinators designated under chapter 427 regarding the  
 2177 availability and cost of transportation services through the  
 2178 coordinated transportation system ~~before prior to~~ contracting

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2179 for comparable transportation services outside the coordinated  
 2180 system.

2181 (2) ANCILLARY EXPENSES.—Ancillary expenses such as books,  
 2182 tools, clothing, fees, and costs necessary to comply with work  
 2183 activity requirements or employment requirements may be  
 2184 provided.

2185 (3) MEDICAL SERVICES.—A family that meets the eligibility  
 2186 requirements for Medicaid shall receive medical services under  
 2187 the Medicaid program.

2188 (4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling  
 2189 may be provided to participants who have a personal or family  
 2190 problem or problems caused by substance abuse that is a barrier  
 2191 to compliance with work activity requirements or employment  
 2192 requirements. In providing these services, local regional  
 2193 workforce development boards shall use services that are  
 2194 available in the community at no additional cost. If these  
 2195 services are not available, local regional workforce development  
 2196 boards may use support services funds. Personal or family  
 2197 counseling not available through Medicaid may not be considered  
 2198 a medical service for purposes of the required statewide  
 2199 implementation plan or use of federal funds.

2200 Section 35. Subsection (5) of section 445.026, Florida  
 2201 Statutes, is amended to read:

2202 445.026 Cash assistance severance benefit.—An individual  
 2203 who meets the criteria listed in this section may choose to  
 2204 receive a lump-sum payment in lieu of ongoing cash assistance  
 2205 payments, provided the individual:

2206 (5) Provides employment and earnings information to the  
 2207 local regional workforce development board, so that the local

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2208 ~~regional~~ workforce development board can ensure that the  
 2209 family's eligibility for severance benefits can be evaluated.  
 2210  
 2211 Such individual may choose to accept a one-time, lump-sum  
 2212 payment of \$1,000 in lieu of receiving ongoing cash assistance.  
 2213 Such payment shall only count toward the time limitation for the  
 2214 month in which the payment is made in lieu of cash assistance. A  
 2215 participant choosing to accept such payment shall be terminated  
 2216 from cash assistance. However, eligibility for Medicaid, food  
 2217 assistance, or child care shall continue, subject to the  
 2218 eligibility requirements of those programs.  
 2219 Section 36. Subsections (2) and (4) of section 445.030,  
 2220 Florida Statutes, are amended to read:  
 2221 445.030 Transitional education and training.—In order to  
 2222 assist former recipients of temporary cash assistance who are  
 2223 working or actively seeking employment in continuing their  
 2224 training and upgrading their skills, education, or training,  
 2225 support services may be provided for up to 2 years after the  
 2226 family is no longer receiving temporary cash assistance. This  
 2227 section does not constitute an entitlement to transitional  
 2228 education and training. If funds are not sufficient to provide  
 2229 services under this section, the board of directors of  
 2230 CareerSource Florida, Inc., may limit or otherwise prioritize  
 2231 transitional education and training.  
 2232 (2) Local ~~Regional~~ workforce development boards may  
 2233 authorize child care or other support services in addition to  
 2234 services provided in conjunction with employment. For example, a  
 2235 participant who is employed full time may receive child care  
 2236 services related to that employment and may also receive

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2237 additional child care services in conjunction with training to  
 2238 upgrade the participant's skills.  
 2239 (4) A local ~~Regional~~ workforce development board may enter  
 2240 into an agreement with an employer to share the costs relating  
 2241 to upgrading the skills of participants hired by the employer.  
 2242 For example, a local ~~regional~~ workforce development board may  
 2243 agree to provide support services such as transportation or a  
 2244 wage subsidy in conjunction with training opportunities provided  
 2245 by the employer.  
 2246 Section 37. Section 445.031, Florida Statutes, is amended  
 2247 to read:  
 2248 445.031 Transitional transportation.—In order to assist  
 2249 former recipients of temporary cash assistance in maintaining  
 2250 and sustaining employment or educational opportunities,  
 2251 transportation may be provided, if funds are available, for up  
 2252 to 2 years after the participant is no longer in the program.  
 2253 This does not constitute an entitlement to transitional  
 2254 transportation. If funds are not sufficient to provide services  
 2255 under this section, local ~~regional~~ workforce development boards  
 2256 may limit or otherwise prioritize transportation services.  
 2257 (1) Transitional transportation must be job or education  
 2258 related.  
 2259 (2) Transitional transportation may include expenses  
 2260 identified in s. 445.025, paid directly or by voucher, as well  
 2261 as a vehicle valued at not more than \$8,500 if the vehicle is  
 2262 needed for training, employment, or educational purposes.  
 2263 Section 38. Subsection (1), paragraph (b) of subsection  
 2264 (4), and subsection (5) of section 445.048, Florida Statutes,  
 2265 are amended to read:

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2266 445.048 Passport to Economic Progress program.—  
 2267 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,  
 2268 CareerSource Florida, Inc., in conjunction with the Department  
 2269 of Children and Families and the Department of Economic  
 2270 Opportunity, shall implement a Passport to Economic Progress  
 2271 program consistent with ~~the provisions of~~ this section.  
 2272 CareerSource Florida, Inc., may designate local ~~regional~~  
 2273 workforce development boards to participate in the program.  
 2274 Expenses for the program may come from appropriated revenues or  
 2275 from funds otherwise available to a local ~~regional~~ workforce  
 2276 development board which may be legally used for such purposes.  
 2277 CareerSource Florida, Inc., must consult with the applicable  
 2278 local ~~regional~~ workforce development boards and the applicable  
 2279 local offices of the Department of Children and Families which  
 2280 serve the program areas and must encourage community input into  
 2281 the implementation process.  
 2282 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—  
 2283 (b) CareerSource Florida, Inc., in cooperation with the  
 2284 Department of Children and Families and the Department of  
 2285 Economic Opportunity, shall offer performance-based incentive  
 2286 bonuses as a component of the Passport to Economic Progress  
 2287 program. The bonuses do not represent a program entitlement and  
 2288 are contingent on achieving specific benchmarks prescribed in  
 2289 the self-sufficiency plan. If the funds appropriated for this  
 2290 purpose are insufficient to provide this financial incentive,  
 2291 the board of directors of CareerSource Florida, Inc., may reduce  
 2292 or suspend the bonuses in order not to exceed the appropriation  
 2293 or may direct the local ~~regional~~ boards to use resources  
 2294 otherwise given to the local workforce development board

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2295 ~~regional workforce~~ to pay such bonuses if such payments comply  
 2296 with applicable state and federal laws.  
 2297 (5) EVALUATIONS AND RECOMMENDATIONS.—CareerSource Florida,  
 2298 Inc., in conjunction with the Department of Children and  
 2299 Families, the Department of Economic Opportunity, and the local  
 2300 ~~regional~~ workforce development boards, shall conduct a  
 2301 comprehensive evaluation of the effectiveness of the program  
 2302 operated under this section. Evaluations and recommendations for  
 2303 the program shall be submitted by CareerSource Florida, Inc., as  
 2304 part of its annual report to the Legislature.  
 2305 Section 39. Paragraph (b) of subsection (2), paragraph (d)  
 2306 of subsection (4), and subsections (6) and (7) of section  
 2307 445.051, Florida Statutes, are amended to read:  
 2308 445.051 Individual development accounts.—  
 2309 (2) As used in this section, the term:  
 2310 (b) "Qualified entity" means:  
 2311 1. A not-for-profit organization described in s. 501(c)(3)  
 2312 of the Internal Revenue Code of 1986, as amended, and exempt  
 2313 from taxation under s. 501(a) of such code; or  
 2314 2. A state or local government agency acting in cooperation  
 2315 with an organization described in subparagraph 1. For purposes  
 2316 of this section, a local ~~regional~~ workforce development board is  
 2317 a government agency.  
 2318 (4)  
 2319 (d) Eligible participants may receive matching funds for  
 2320 contributions to the individual development account, pursuant to  
 2321 the strategic plan for workforce development. When not  
 2322 restricted to the contrary, matching funds may be paid from  
 2323 state and federal funds under the control of the local ~~regional~~

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2324 workforce development board, from local agencies, or from  
2325 private donations.

2326 (6) CareerSource Florida, Inc., shall establish procedures  
2327 for local ~~regional~~ workforce development boards to include in  
2328 their annual program and financial plan an application to offer  
2329 an individual development account program as part of their TANF  
2330 allocation. These procedures must include, but need not be  
2331 limited to, administrative costs permitted for the fiduciary  
2332 organization and policies relative to identifying the match  
2333 ratio and limits on the deposits for which the match will be  
2334 provided in the application process. CareerSource Florida, Inc.,  
2335 shall establish policies and procedures necessary to ensure that  
2336 funds held in an individual development account are not  
2337 withdrawn except for one or more of the qualified purposes  
2338 described in this section.

2339 (7) Fiduciary organizations shall be the local ~~regional~~  
2340 workforce development board or other community-based  
2341 organizations designated by the local ~~regional~~ workforce  
2342 development board to serve as intermediaries between individual  
2343 account holders and financial institutions holding accounts.  
2344 Responsibilities of such fiduciary organizations may include  
2345 marketing participation, soliciting matching contributions,  
2346 counseling program participants, and conducting verification and  
2347 compliance activities.

2348 Section 40. Paragraph (a) of subsection (1) of section  
2349 985.622, Florida Statutes, is amended to read:

2350 985.622 Multiagency plan for career and professional  
2351 education (CAPE).—

2352 (1) The Department of Juvenile Justice and the Department

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2353 of Education shall, in consultation with the statewide Workforce  
2354 Development Youth Council, school districts, providers, and  
2355 others, jointly develop a multiagency plan for career and  
2356 professional education (CAPE) that establishes the curriculum,  
2357 goals, and outcome measures for CAPE programs in juvenile  
2358 justice education programs. The plan must be reviewed annually,  
2359 revised as appropriate, and include:

2360 (a) Provisions for maximizing appropriate state and federal  
2361 funding sources, including funds under the Workforce Innovation  
2362 and Opportunity Act ~~Workforce Investment Act~~ and the Perkins  
2363 Act.

2364 Section 41. Paragraph (c) of subsection (4) of section  
2365 1002.83, Florida Statutes, is amended to read:

2366 1002.83 Early learning coalitions.—

2367 (4) Each early learning coalition must include the  
2368 following member positions; however, in a multicounty coalition,  
2369 each ex officio member position may be filled by multiple  
2370 nonvoting members but no more than one voting member shall be  
2371 seated per member position. If an early learning coalition has  
2372 more than one member representing the same entity, only one of  
2373 such members may serve as a voting member:

2374 (c) A local ~~regional~~ workforce development board executive  
2375 director or his or her permanent designee.

2376 Section 42. Subsections (2) and (3) and paragraph (b) of  
2377 subsection (4) of section 1003.491, Florida Statutes, are  
2378 amended to read:

2379 1003.491 Florida Career and Professional Education Act.—The  
2380 Florida Career and Professional Education Act is created to  
2381 provide a statewide planning partnership between the business

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2382 and education communities in order to attract, expand, and  
 2383 retain targeted, high-value industry and to sustain a strong,  
 2384 knowledge-based economy.

2385 (2) Each district school board shall develop, in  
 2386 collaboration with local ~~regional~~ workforce development boards,  
 2387 economic development agencies, and postsecondary institutions  
 2388 approved to operate in the state, a strategic 3-year plan to  
 2389 address and meet local and regional workforce demands. If  
 2390 involvement of a local ~~regional~~ workforce development board or  
 2391 an economic development agency in the strategic plan development  
 2392 is not feasible, the local school board, with the approval of  
 2393 the Department of Economic Opportunity, shall collaborate with  
 2394 the most appropriate regional business leadership board. Two or  
 2395 more school districts may collaborate in the development of the  
 2396 strategic plan and offer career-themed courses, as defined in s.  
 2397 1003.493(1)(b), or a career and professional academy as a joint  
 2398 venture. The strategic plan must describe in detail provisions  
 2399 for the efficient transportation of students, the maximum use of  
 2400 shared resources, access to courses aligned to state curriculum  
 2401 standards through virtual education providers legislatively  
 2402 authorized to provide part-time instruction to middle school  
 2403 students, and an objective review of proposed career and  
 2404 professional academy courses and other career-themed courses to  
 2405 determine if the courses will lead to the attainment of industry  
 2406 certifications included on the Industry Certified Funding List  
 2407 pursuant to rules adopted by the State Board of Education. Each  
 2408 strategic plan shall be reviewed, updated, and jointly approved  
 2409 every 3 years by the local school district, local ~~regional~~  
 2410 workforce development boards, economic development agencies, and

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2411 state-approved postsecondary institutions.

2412 (3) The strategic 3-year plan developed jointly by the  
 2413 local school district, local ~~regional~~ workforce development  
 2414 boards, economic development agencies, and state-approved  
 2415 postsecondary institutions shall be constructed and based on:

2416 (a) Research conducted to objectively determine local and  
 2417 regional workforce needs for the ensuing 3 years, using labor  
 2418 projections of the United States Department of Labor and the  
 2419 Department of Economic Opportunity;

2420 (b) Strategies to develop and implement career academies or  
 2421 career-themed courses based on those careers determined to be  
 2422 high-wage, high-skill, and high-demand;

2423 (c) Strategies to provide shared, maximum use of private  
 2424 sector facilities and personnel;

2425 (d) Strategies that ensure instruction by industry-  
 2426 certified faculty and standards and strategies to maintain  
 2427 current industry credentials and for recruiting and retaining  
 2428 faculty to meet those standards;

2429 (e) Strategies to provide personalized student advisement,  
 2430 including a parent-participation component, and coordination  
 2431 with middle grades to promote and support career-themed courses  
 2432 and education planning as required under s. 1003.4156;

2433 (f) Alignment of requirements for middle school career  
 2434 planning under s. 1003.4156(1)(e), middle and high school career  
 2435 and professional academies or career-themed courses leading to  
 2436 industry certification or postsecondary credit, and high school  
 2437 graduation requirements;

2438 (g) Provisions to ensure that career-themed courses and  
 2439 courses offered through career and professional academies are

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2440 academically rigorous, meet or exceed appropriate state-adopted  
 2441 subject area standards, result in attainment of industry  
 2442 certification, and, when appropriate, result in postsecondary  
 2443 credit;

2444 (h) Plans to sustain and improve career-themed courses and  
 2445 career and professional academies;

2446 (i) Strategies to improve the passage rate for industry  
 2447 certification examinations if the rate falls below 50 percent;

2448 (j) Strategies to recruit students into career-themed  
 2449 courses and career and professional academies which include  
 2450 opportunities for students who have been unsuccessful in  
 2451 traditional classrooms but who are interested in enrolling in  
 2452 career-themed courses or a career and professional academy.

2453 School boards shall provide opportunities for students who may  
 2454 be deemed as potential dropouts to enroll in career-themed  
 2455 courses or participate in career and professional academies;

2456 (k) Strategies to provide sufficient space within academies  
 2457 to meet workforce needs and to provide access to all interested  
 2458 and qualified students;

2459 (l) Strategies to implement career-themed courses or career  
 2460 and professional academy training that lead to industry  
 2461 certification in juvenile justice education programs;

2462 (m) Opportunities for high school students to earn weighted  
 2463 or dual enrollment credit for higher-level career and technical  
 2464 courses;

2465 (n) Promotion of the benefits of the Gold Seal Bright  
 2466 Futures Scholarship;

2467 (o) Strategies to ensure the review of district pupil-  
 2468 progression plans and to amend such plans to include career-

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2469 themed courses and career and professional academy courses and  
 2470 to include courses that may qualify as substitute courses for  
 2471 core graduation requirements and those that may be counted as  
 2472 elective courses;

2473 (p) Strategies to provide professional development for  
 2474 secondary certified school counselors on the benefits of career  
 2475 and professional academies and career-themed courses that lead  
 2476 to industry certification; and

2477 (q) Strategies to redirect appropriated career funding in  
 2478 secondary and postsecondary institutions to support career  
 2479 academies and career-themed courses that lead to industry  
 2480 certification.

2481 (4) The State Board of Education shall establish a process  
 2482 for the continual and uninterrupted review of newly proposed  
 2483 core secondary courses and existing courses requested to be  
 2484 considered as core courses to ensure that sufficient rigor and  
 2485 relevance is provided for workforce skills and postsecondary  
 2486 education and aligned to state curriculum standards.

2487 (b) The curriculum review committee shall review newly  
 2488 proposed core courses electronically. Each proposed core course  
 2489 shall be approved or denied within 30 days after submission by a  
 2490 district school board or local regional ~~regional~~ workforce development  
 2491 board. All courses approved as core courses for purposes of  
 2492 middle school promotion and high school graduation shall be  
 2493 immediately added to the Course Code Directory. Approved core  
 2494 courses shall also be reviewed and considered for approval for  
 2495 dual enrollment credit. The Board of Governors and the  
 2496 Commissioner of Education shall jointly recommend an annual  
 2497 deadline for approval of new core courses to be included for

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2498 purposes of postsecondary admissions and dual enrollment credit  
 2499 the following academic year. The State Board of Education shall  
 2500 establish an appeals process in the event that a proposed course  
 2501 is denied which shall require a consensus ruling by the  
 2502 Department of Economic Opportunity and the Commissioner of  
 2503 Education within 15 days.

2504 Section 43. Paragraph (a) of subsection (3) of section  
 2505 1003.492, Florida Statutes, is amended to read:

2506 1003.492 Industry-certified career education programs.—

2507 (3) The State Board of Education shall use the expertise of  
 2508 CareerSource Florida, Inc., and the Department of Agriculture  
 2509 and Consumer Services to develop and adopt rules pursuant to ss.  
 2510 120.536(1) and 120.54 for implementing an industry certification  
 2511 process.

2512 (a) For nonfarm occupations, industry certification must be  
 2513 based upon the highest available national standards for specific  
 2514 industry certification to ensure student skill proficiency and  
 2515 to address emerging labor market and industry trends. A local  
 2516 ~~regional~~ workforce development board or a school principal may  
 2517 apply to CareerSource Florida, Inc., to request additions to the  
 2518 approved list of industry certifications based on high-skill,  
 2519 high-wage, and high-demand job requirements in the local  
 2520 ~~regional~~ economy.

2521 Section 44. Subsection (1) and paragraph (d) of subsection  
 2522 (4) of section 1003.493, Florida Statutes, are amended to read:

2523 1003.493 Career and professional academies and career-  
 2524 themed courses.—

2525 (1) (a) A "career and professional academy" is a research-  
 2526 based program that integrates a rigorous academic curriculum

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2527 with an industry-specific curriculum aligned directly to  
 2528 priority workforce needs established by the local ~~regional~~  
 2529 workforce development board or the Department of Economic  
 2530 Opportunity. Career and professional academies shall be offered  
 2531 by public schools and school districts. The Florida Virtual  
 2532 School is encouraged to develop and offer rigorous career and  
 2533 professional courses as appropriate. Students completing career  
 2534 and professional academy programs must receive a standard high  
 2535 school diploma, the highest available industry certification,  
 2536 and opportunities to earn postsecondary credit if the academy  
 2537 partners with a postsecondary institution approved to operate in  
 2538 the state.

2539 (b) A "career-themed course" is a course, or a course in a  
 2540 series of courses, that leads to an industry certification  
 2541 identified in the CAPE Industry Certification Funding List  
 2542 pursuant to rules adopted by the State Board of Education.  
 2543 Career-themed courses have industry-specific curriculum aligned  
 2544 directly to priority workforce needs established by the local  
 2545 ~~regional~~ workforce development board or the Department of  
 2546 Economic Opportunity. School districts shall offer at least two  
 2547 career-themed courses, and each secondary school is encouraged  
 2548 to offer at least one career-themed course. The Florida Virtual  
 2549 School is encouraged to develop and offer rigorous career-themed  
 2550 courses as appropriate. Students completing a career-themed  
 2551 course must be provided opportunities to earn postsecondary  
 2552 credit if the credit for the career-themed course can be  
 2553 articulated to a postsecondary institution approved to operate  
 2554 in the state.

2555 (4) Each career and professional academy and secondary

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2556 school providing a career-themed course must:

2557 (d) Provide instruction in careers designated as high-  
2558 skill, high-wage, and high-demand by the local ~~regional~~  
2559 workforce development board, the chamber of commerce, economic  
2560 development agencies, or the Department of Economic Opportunity.

2561 Section 45. Subsection (1) of section 1003.4935, Florida  
2562 Statutes, is amended to read:

2563 1003.4935 Middle grades career and professional academy  
2564 courses and career-themed courses.—

2565 (1) Beginning with the 2011-2012 school year, each district  
2566 school board, in collaboration with local ~~regional~~ workforce  
2567 development boards, economic development agencies, and state-  
2568 approved postsecondary institutions, shall include plans to  
2569 implement a career and professional academy or a career-themed  
2570 course, as defined in s. 1003.493(1)(b), in at least one middle  
2571 school in the district as part of the strategic 3-year plan  
2572 pursuant to s. 1003.491(2). The strategic plan must provide  
2573 students the opportunity to transfer from a middle school career  
2574 and professional academy or a career-themed course to a high  
2575 school career and professional academy or a career-themed course  
2576 currently operating within the school district. Students who  
2577 complete a middle school career and professional academy or a  
2578 career-themed course must have the opportunity to earn an  
2579 industry certificate and high school credit and participate in  
2580 career planning, job shadowing, and business leadership  
2581 development activities.

2582 Section 46. Paragraph (a) of subsection (1) of section  
2583 1003.52, Florida Statutes, is amended to read:

2584 1003.52 Educational services in Department of Juvenile

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2585 Justice programs.—

2586 (1) The Department of Education shall serve as the lead  
2587 agency for juvenile justice education programs, curriculum,  
2588 support services, and resources. To this end, the Department of  
2589 Education and the Department of Juvenile Justice shall each  
2590 designate a Coordinator for Juvenile Justice Education Programs  
2591 to serve as the point of contact for resolving issues not  
2592 addressed by district school boards and to provide each  
2593 department's participation in the following activities:

2594 (a) Training, collaborating, and coordinating with district  
2595 school boards, local ~~regional~~ workforce development boards, and  
2596 local youth councils, educational contract providers, and  
2597 juvenile justice providers, whether state operated or  
2598 contracted.

2599  
2600 Annually, a cooperative agreement and plan for juvenile justice  
2601 education service enhancement shall be developed between the  
2602 Department of Juvenile Justice and the Department of Education  
2603 and submitted to the Secretary of Juvenile Justice and the  
2604 Commissioner of Education by June 30. The plan shall include, at  
2605 a minimum, each agency's role regarding educational program  
2606 accountability, technical assistance, training, and coordination  
2607 of services.

2608 Section 47. Paragraph (a) of subsection (3) and paragraph  
2609 (e) of subsection (4) of section 1004.93, Florida Statutes, are  
2610 amended to read:

2611 1004.93 Adult general education.—

2612 (3) (a) Each district school board or Florida College System  
2613 institution board of trustees shall negotiate with the local

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2614 ~~regional~~ workforce development board for basic and functional  
 2615 literacy skills assessments for participants in the welfare  
 2616 transition employment and training programs. Such assessments  
 2617 shall be conducted at a site mutually acceptable to the district  
 2618 school board or Florida College System institution board of  
 2619 trustees and the local ~~regional~~ workforce development board.

(4)

2621 (e) A district school board or a Florida College System  
 2622 institution board of trustees may negotiate a contract with the  
 2623 local ~~regional~~ workforce development board for specialized  
 2624 services for participants in the welfare transition program,  
 2625 beyond what is routinely provided for the general public, to be  
 2626 funded by the local ~~regional~~ workforce development board.

2627 Section 48. Paragraph (b) of subsection (1) of section  
 2628 1006.261, Florida Statutes, is amended to read:

2629 1006.261 Use of school buses for public purposes.—

(1)

2631 (b) Each district school board may enter into agreements  
 2632 with local ~~regional~~ workforce development boards for the  
 2633 provision of transportation services to participants in the  
 2634 welfare transition program. Agreements must provide for  
 2635 reimbursement in full or in part for the proportionate share of  
 2636 fixed and operating costs incurred by the district school board  
 2637 attributable to the use of buses in accordance with the  
 2638 agreement.

2639 Section 49. Paragraph (e) of subsection (1) of section  
 2640 1009.25, Florida Statutes, is amended to read:

2641 1009.25 Fee exemptions.—

2642 (1) The following students are exempt from the payment of

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2643 tuition and fees, including lab fees, at a school district that  
 2644 provides workforce education programs, Florida College System  
 2645 institution, or state university:

2646 (e) A student enrolled in an employment and training  
 2647 program under the welfare transition program. The local ~~regional~~  
 2648 workforce development board shall pay the state university,  
 2649 Florida College System institution, or school district for costs  
 2650 incurred for welfare transition program participants.

2651 Section 50. This act shall take effect July 1, 2016.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/11/15  
Meeting Date

SPB 7040  
Bill Number (if applicable)

Topic Workforce Innovation and Opportunity Act

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title \_\_\_\_\_

Address 104 West Jefferson Street  
Street

Phone (850) 224-3427

Tallahassee FL 32301  
City State Zip

Email kelly@rlbookpa.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Workforce Development Association

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.**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-11-16

Meeting Date

SPB 7040

Bill Number (if applicable)

Topic Implementation Recs of the WIOA Task Force

Amendment Barcode (if applicable)

Name Chris Hart

Job Title CEO/President

Address 1580 Waldo Palmer Dr.

Phone 921-3645

Street

Tallahassee

City

FL

State

32308

Zip

Email charta@careersourceflorida.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Career Source Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-11-16

Meeting Date

SPB 7040

Bill Number (if applicable)

Topic Implementation Recs of the WIOA Task Force

Amendment Barcode (if applicable)

Name Michelle Dennard

Job Title V.P. of Policy

Address 1580 Waldo Palmer Dr.

Phone 921-3645

Street

Tallahassee

City

FL

State

32308

Zip

Email mdennard@careersource

florida.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing Career Source 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 (10/14/14)

# CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Commerce and Tourism Committee

Judge:

Started: 1/11/2016 1:31:56 PM

Ends: 1/11/2016 2:26:39 PM

Length: 00:54:44

1:31:55 PM Roll Call  
1:32:16 PM Opening comments  
1:32:35 PM Tab 1 SB 98 by Senator Hukill  
1:32:55 PM Tab 1 SB 98 by Senator Hukill  
1:32:57 PM Senator Hukill Presenting bill  
1:34:39 PM Senator Thompson with question regarding concrete mixer  
1:34:56 PM Senator Richter with question  
1:35:57 PM Senator Richter with question  
1:35:59 PM Senator Hukill  
1:36:26 PM Brian Rist, Manufacturing Association of Florida  
1:38:37 PM Mike Murtha, Florida Concrete and Products Association  
1:39:43 PM Senator Latvala with question  
1:40:00 PM Senator Hukill responding  
1:40:28 PM Senator Latvala with follow up  
1:40:58 PM Senator Deteret  
1:41:02 PM Senator Latvala with follow up  
1:41:24 PM Senator Hukill responding  
1:42:17 PM Senator Latvala with follow up  
1:42:30 PM Senator Hukill responding  
1:43:12 PM Senator Latvala with follow up  
1:43:40 PM Senator Detert  
1:43:48 PM Senator Latvala with follow up  
1:44:23 PM Senator Richter with question  
1:45:30 PM Rich Templin, AFLCIO  
1:48:44 PM Karen Woodall, Florida Center for Fiscal and Economic  
1:51:35 PM Robert Weissert, Florida Taxwatch  
1:53:49 PM Senator Richter in debate  
1:55:16 PM Senator Richter in debate  
1:55:30 PM Senator Richter in debate  
1:55:31 PM Senator Richter in debate  
1:55:34 PM Senator Richter in debate  
1:55:36 PM Senator Richter in debate  
1:55:44 PM Senator Latvala in debate re; concrete issue  
1:56:09 PM Senator Latvala in debate re; concrete issue  
1:56:11 PM Senator Thompson in debate  
1:57:15 PM Senator Detert in debate  
1:59:17 PM Senator Detert in debate  
1:59:17 PM senator Hukill to close  
1:59:53 PM SB 98 by Senator Hukill passes  
2:00:17 PM SB 772 by Senator Richter, Department of Agriculture and Consumer Services  
2:00:46 PM SB 772 by Senator Richter, Department of Agriculture and Consumer Services  
2:00:46 PM Senator Richter explaining bill  
2:01:56 PM Senator Richter explaining bill  
2:01:59 PM Amendment 799946  
2:02:08 PM Amendment passes  
2:02:13 PM 735614 amendment by Sen. Richter  
2:02:46 PM 735614 passes  
2:03:19 PM amendment 83696 by Sen. Richter  
2:03:38 PM Amendment 836966 passes  
2:04:33 PM Senator Richer close  
2:04:44 PM SB 722 made CS  
2:05:03 PM CS/772 passes

**2:05:19 PM** SB 812 by Senator Diaz de La Portilla  
**2:05:30 PM** Pat Gosney explaining the bill  
**2:06:28 PM** Pat Gosney explaining the bill  
**2:06:43 PM** SB 812 by Senator Diaz de la Portilla passes  
**2:07:15 PM** SB 812 by Senator Diaz de la Portilla passes  
**2:07:22 PM** Chris Hart, President and CEO, Career Source Florida  
**2:08:05 PM** Florida Vision presentation  
**2:13:08 PM** Florida Vision presentation  
**2:13:09 PM** Michelle Dennard Career Source Florida  
**2:16:17 PM** Senator Detert question on employed  
**2:16:45 PM** Chris Hart responding  
**2:18:37 PM** Senator Detert with comments  
**2:19:12 PM** Senator Detert with comments  
**2:19:15 PM** Chris Hart responding  
**2:21:36 PM** Senator Detert with comments  
**2:22:09 PM** SPB 7040 Federal Worforce Innovation and Opportunity Act  
**2:22:34 PM** Valerie Ltte explaining the bill  
**2:24:35 PM** Senator Detert  
**2:25:09 PM** Senator Detert  
**2:25:09 PM** Senator Thompson moves SPB 7040 moved as committee bill  
**2:25:27 PM** SPB 7040 reported favorbly as committee bill  
**2:25:49 PM** Senator Bean  
**2:25:58 PM** Senator Thompson moves to rise  
**2:26:16 PM** Meeting adjourned