

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

577-02573-11

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1                   A bill to be entitled  
2           An act relating to obsolete references and programs;  
3           amending s. 14.2015, F.S.; removing an obsolete  
4           reference to the Department of Commerce; amending s.  
5           20.18, F.S.; updating a reference to the Department of  
6           Commerce to refer instead to the Office of Tourism,  
7           Trade, and Economic Development; amending s. 45.031,  
8           F.S.; removing an obsolete reference to the Department  
9           of Labor and Employment Security; amending s. 69.041,  
10          F.S.; removing an obsolete reference to the Department  
11          of Labor and Employment Security; amending s. 112.044,  
12          F.S.; removing obsolete references to the Department  
13          of Labor and Employment Security; amending s. 252.85,  
14          F.S.; updating a reference to the Department of Labor  
15          and Employment Security; amending s. 252.87, F.S.;  
16          removing a reference to the Department of Labor and  
17          Employment Security; amending s. 252.937, F.S.;  
18          removing a reference to the Department of Labor and  
19          Employment Security; amending s. 287.09431, F.S.;  
20          updating references to the Department of Labor and  
21          Employment Security; amending s. 287.09451, F.S.;  
22          removing references to the Department of Labor and  
23          Employment Security; amending s. 287.0947, F.S.;  
24          removing a reference to the Department of Labor and  
25          Employment Security; correcting a cross-reference;  
26          amending s. 288.021, F.S.; updating a reference to the  
27          Department of Labor and Employment Security; amending  
28          s. 288.035, F.S.; removing a reference to the  
29          Department of Commerce; repealing s. 288.038, F.S.,

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30 relating to agreements of the Department of Labor and  
31 Employment Security with county tax collectors;  
32 amending s. 288.1168, F.S.; updating obsolete  
33 references to the Department of Commerce; amending s.  
34 288.1229, F.S.; removing a reference to the Department  
35 of Commerce; amending s. 288.1169, F.S.; updating  
36 references to the Department of Commerce; amending s.  
37 331.369, F.S.; updating references to the Workforce  
38 Development Board of Enterprise Florida, Inc.;  
39 amending s. 377.711, F.S.; removing a reference to the  
40 Department of Commerce; providing for standard compact  
41 provisions regarding recommendations by the Southern  
42 States Energy Board; amending s. 377.712, F.S.;

43 clarifying provisions governing participation in the  
44 compact by the state and its agencies; amending s.  
45 409.2576, F.S.; removing references to the Department  
46 of Labor and Employment Security; amending s. 414.24,  
47 F.S.; updating references to the Department of Labor  
48 and Employment Security; amending s. 414.40, F.S.;

49 updating provisions governing the Stop Inmate Fraud  
50 Program; updating a reference to the Department of  
51 Labor and Employment Security; amending s. 440.385,  
52 F.S.; updating a reference to the Department of Labor  
53 and Employment Security; removing obsolete provisions;  
54 amending s. 440.49, F.S.; removing a reference to the  
55 Department of Labor and Employment Security; removing  
56 obsolete provisions; repealing s. 446.60, F.S.,  
57 relating to assistance for displaced local exchange  
58 telecommunications company workers; amending s.

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59 450.161, F.S.; updating a reference to the Division of  
60 Jobs and Benefits; amending s. 464.203, F.S.; updating  
61 a reference to the Enterprise Florida Jobs and  
62 Education Partnership Grant; amending s. 489.1455,  
63 F.S.; updating a reference to the Department of Labor  
64 and Employment Security; amending s. 489.5335, F.S.;  
65 updating a reference to the Department of Labor and  
66 Employment Security; amending s. 553.62, F.S.;  
67 removing a reference to the Department of Labor and  
68 Employment Security; amending s. 597.006, F.S.;  
69 removing a reference to the Department of Labor and  
70 Employment Security; amending s. 944.012, F.S.;  
71 updating a reference to the Florida State Employment  
72 Service; amending s. 944.708, F.S.; removing a  
73 reference to the Agency for Workforce Innovation;  
74 repealing ss. 255.551-255.563, F.S., relating to the  
75 asbestos management program; amending s. 469.002,  
76 F.S.: conforming a cross-reference to changes made by  
77 the act; repealing s. 469.003(2)(b), F.S., relating to  
78 obsolete provisions governing the licensure of  
79 asbestos surveyors; providing an effective date.

80  
81 Be It Enacted by the Legislature of the State of Florida:

82  
83 Section 1. Subsection (8) of section 14.2015, Florida  
84 Statutes, is amended to read:

85 14.2015 Office of Tourism, Trade, and Economic Development;  
86 creation; powers and duties.—

87 (8) The Office of Tourism, Trade, and Economic Development

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88 shall ensure that the contract between the Florida Commission on  
89 Tourism and the commission's direct-support organization  
90 contains a provision to provide the data on the visitor counts  
91 and visitor profiles used in revenue estimating, ~~employing the~~  
92 ~~same methodology used in fiscal year 1995-1996 by the Department~~  
93 ~~of Commerce~~. The Office of Tourism, Trade, and Economic  
94 Development and the Florida Commission on Tourism must advise  
95 and consult with the Consensus Estimating Conference principals  
96 before making any changes in methodology used or information  
97 gathered.

98 Section 2. Subsection (4) of section 20.18, Florida  
99 Statutes, is amended to read:

100 20.18 Department of Community Affairs.—There is created a  
101 Department of Community Affairs.

102 (4) In addition to its other powers, duties, and functions,  
103 the department shall, under the general supervision of the  
104 secretary and the Interdepartmental Coordinating Council on  
105 Community Services, assist and encourage the development of  
106 state programs by the various departments for the productive use  
107 of human resources, and the department shall work with other  
108 state agencies in order that together they might:

109 (a) Effect the coordination, by the responsible agencies of  
110 the state, of the career and adult educational programs of the  
111 state in order to provide the maximum use and meaningful  
112 employment of persons completing courses of study from such  
113 programs;

114 (b) Assist the Office of Tourism, Trade, and Economic  
115 Development ~~Department of Commerce~~ in the development of  
116 employment opportunities; and

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117 (c) Improve the enforcement of special district reporting  
118 requirements and the communication among state agencies that  
119 receive mandatory reports from special districts.

120 Section 3. Paragraph (a) of subsection (7) of section  
121 45.031, Florida Statutes, is amended to read:

122 45.031 Judicial sales procedure.—In any sale of real or  
123 personal property under an order or judgment, the procedures  
124 provided in this section and ss. 45.0315-45.035 may be followed  
125 as an alternative to any other sale procedure if so ordered by  
126 the court.

127 (7) DISBURSEMENTS OF PROCEEDS.—

128 (a) On filing a certificate of title, the clerk shall  
129 disburse the proceeds of the sale in accordance with the order  
130 or final judgment and shall file a report of such disbursements  
131 and serve a copy of it on each party, and on the Department of  
132 Revenue if the department was named as a defendant in the action  
133 or if the Agency for Workforce Innovation ~~or the former~~  
134 ~~Department of Labor and Employment Security~~ was named as a  
135 defendant while the Department of Revenue was providing  
136 unemployment tax collection services under contract with the  
137 Agency for Workforce Innovation through an interagency agreement  
138 pursuant to s. 443.1316.

139 Section 4. Paragraph (a) of subsection (4) of section  
140 69.041, Florida Statutes, is amended to read:

141 69.041 State named party; lien foreclosure, suit to quiet  
142 title.—

143 (4) (a) The Department of Revenue has the right to  
144 participate in the disbursement of funds remaining in the  
145 registry of the court after distribution pursuant to s.

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146 45.031(7). The department shall participate in accordance with  
147 applicable procedures in any mortgage foreclosure action in  
148 which the department has a duly filed tax warrant, or interests  
149 under a lien arising from a judgment, order, or decree for  
150 support, as defined in s. 409.2554, or interest in an  
151 unemployment compensation tax lien under contract with the  
152 Agency for Workforce Innovation through an interagency agreement  
153 pursuant to s. 443.1316, against the subject property and with  
154 the same priority, regardless of whether a default against the  
155 department or, the Agency for Workforce Innovation, ~~or the~~  
156 ~~former Department of Labor and Employment Security~~ has been  
157 entered for failure to file an answer or other responsive  
158 pleading.

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

161 112.044 Public employers, employment agencies, labor  
162 organizations; discrimination based on age prohibited;  
163 exceptions; remedy.—

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

165 ~~(d) "Department" means the Department of Labor and~~  
166 ~~Employment Security.~~

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

174 Section 6. Subsection (1) of section 252.85, Florida

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175 Statutes, is amended to read:

176 252.85 Fees.—

177 (1) Any owner or operator of a facility required under s.  
178 302 or s. 312 of EPCRA, or by s. 252.87, to submit a  
179 notification or an annual inventory form to the commission shall  
180 be required to pay an annual registration fee. The fee for any  
181 company, including all facilities under common ownership or  
182 control, shall not be less than \$25 nor more than \$2,000. The  
183 department shall establish a reduced fee, of not less than \$25  
184 nor more than \$500, applicable to any owner or operator  
185 regulated under part I of chapter 368, chapter 527, or s.  
186 376.303, which does not have present any extremely hazardous  
187 substance, as defined by EPCRA, in excess of a threshold  
188 planning quantity, as established by EPCRA. The department shall  
189 establish a reduced fee of not less than \$25 nor more than  
190 \$1,000, applicable to any owner or operator of a facility with a  
191 Standard Industrial Classification Code of 01, 02, or 07, which  
192 is eligible for the "routine agricultural use" exemption  
193 provided in ss. 311 and 312 of EPCRA. The fee under this  
194 subsection shall be based on the number of employees employed  
195 within the state at facilities under the common ownership or  
196 control of such owner or operator, which number shall be  
197 determined, to the extent possible, in accordance with data  
198 supplied by the Agency for Workforce Innovation or its tax  
199 collection service provider ~~Department of Labor and Employment~~  
200 ~~Security~~. In order to avoid the duplicative reporting of  
201 seasonal and temporary agricultural employees, fees applicable  
202 to owners or operators of agricultural facilities, which are  
203 eligible for the "routine agricultural use" reporting exemption

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204 provided in ss. 311 and 312 of EPCRA, shall be based on employee  
205 data which most closely reflects such owner or operator's  
206 permanent nonseasonal workforce. The department shall establish  
207 by rule the date by which the fee is to be paid, as well as a  
208 formula or method of determining the applicable fee under this  
209 subsection without regard to the number of facilities under  
210 common ownership or control. The department may require owners  
211 or operators of multiple facilities to demonstrate common  
212 ownership or control for purposes of this subsection.

213 Section 7. Subsection (7) of section 252.87, Florida  
214 Statutes, is amended to read:

215 252.87 Supplemental state reporting requirements.—

216 (7) The department shall avoid duplicative reporting  
217 requirements by utilizing the reporting requirements of other  
218 state agencies that regulate hazardous materials to the extent  
219 feasible and shall request the information authorized under  
220 EPCRA. With the advice and consent of the State Emergency  
221 Response Commission for Hazardous Materials, the department may  
222 require by rule that the maximum daily amount entry on the  
223 chemical inventory report required under s. 312 of EPCRA provide  
224 for reporting in estimated actual amounts. The department may  
225 also require by rule an entry for the Federal Employer  
226 Identification Number on this report. To the extent feasible,  
227 the department shall encourage and accept required information  
228 in a form initiated through electronic data interchange and  
229 shall describe by rule the format, manner of execution, and  
230 method of electronic transmission necessary for using such form.  
231 To the extent feasible, the Department of Financial Services,  
232 the Department of Agriculture and Consumer Services, the



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233 Department of Environmental Protection, the Public Service  
234 Commission, the Department of Revenue, ~~the Department of Labor~~  
235 ~~and Employment Security~~, and other state agencies which regulate  
236 hazardous materials shall coordinate with the department in  
237 order to avoid duplicative requirements contained in each  
238 agency's respective reporting or registration forms. The other  
239 state agencies that inspect facilities storing hazardous  
240 materials and suppliers and distributors of covered substances  
241 shall assist the department in informing the facility owner or  
242 operator of the requirements of this part. The department shall  
243 provide the other state agencies with the necessary information  
244 and materials to inform the owners and operators of the  
245 requirements of this part to ensure that the budgets of these  
246 agencies are not adversely affected.

247 Section 8. Subsection (2) of section 252.937, Florida  
248 Statutes, is amended to read:

249 252.937 Department powers and duties.—

250 (2) To ensure that this program is self-supporting, the  
251 department shall provide administrative support, including  
252 staff, facilities, materials, and services to implement this  
253 part for specified stationary sources subject to s. 252.939 and  
254 shall provide necessary funding to local emergency planning  
255 committees and county emergency management agencies for work  
256 performed to implement this part. Each state agency with  
257 regulatory, inspection, or technical assistance programs for  
258 specified stationary sources subject to this part shall enter  
259 into a memorandum of understanding with the department which  
260 specifically outlines how each agency's staff, facilities,  
261 materials, and services will be utilized to support

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262 implementation. At a minimum, these agencies and programs  
263 include: the Department of Environmental Protection's Division  
264 of Air Resources Management and Division of Water Resource  
265 Management, ~~and the Department of Labor and Employment~~  
266 ~~Security's Division of Safety~~. It is the Legislature's intent to  
267 implement this part as efficiently and economically as possible,  
268 using existing expertise and resources, if available and  
269 appropriate.

270 Section 9. Section 287.09431, Florida Statutes, is amended  
271 to read:

272 287.09431 Statewide and interlocal agreement on  
273 certification of business concerns for the status of minority  
274 business enterprise.—The statewide and interlocal agreement on  
275 certification of business concerns for the status of minority  
276 business enterprise is hereby enacted and entered into with all  
277 jurisdictions or organizations legally joining therein. If,  
278 within 2 years from the date that the certification core  
279 criteria are approved by the Department of Management Services  
280 ~~Department of Labor and Employment Security~~, the agreement  
281 included herein is not executed by a majority of county and  
282 municipal governing bodies that administer a minority business  
283 assistance program on the effective date of this act, then the  
284 Legislature shall review this agreement. It is the intent of the  
285 Legislature that if the agreement is not executed by a majority  
286 of the requisite governing bodies, then a statewide uniform  
287 certification process should be adopted, and that said agreement  
288 should be repealed and replaced by a mandatory state government  
289 certification process.

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## ARTICLE I

## PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for minority business assistance, declare that it is the policy of each of them, on the basis of cooperation with one another, to remedy social and economic disadvantage suffered by certain groups, resulting in their being historically underutilized in ownership and control of commercial enterprises. Thus, the parties seek to address this history by increasing the participation of the identified groups in opportunities afforded by government procurement.

(2) The parties find that the State of Florida presently certifies firms for participation in the minority business assistance programs of the state. The parties find further that some counties, municipalities, school boards, special districts, and other divisions of local government require a separate, yet similar, and in most cases redundant certification in order for businesses to participate in the programs sponsored by each government entity.

(3) The parties find further that this redundant certification has proven to be unduly burdensome to the minority-owned firms intended to benefit from the underlying purchasing incentives.

(4) The parties agree that:

(a) They will facilitate integrity, stability, and cooperation in the statewide and interlocal certification

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320 process, and in other elements of programs established to assist  
321 minority-owned businesses.

322 (b) They shall cooperate with agencies, organizations, and  
323 associations interested in certification and other elements of  
324 minority business assistance.

325 (c) It is the purpose of this agreement to provide for a  
326 uniform process whereby the status of a business concern may be  
327 determined in a singular review of the business information for  
328 these purposes, in order to eliminate any undue expense, delay,  
329 or confusion to the minority-owned businesses in seeking to  
330 participate in the minority business assistance programs of  
331 state and local jurisdictions.

332

333 ARTICLE II

334

335 DEFINITIONS.—As used in this agreement and contracts made  
336 pursuant to it, unless the context clearly requires otherwise:

337 (1) "Awarding organization" means any political subdivision  
338 or organization authorized by law, ordinance, or agreement to  
339 enter into contracts and for which the governing body has  
340 entered into this agreement.

341 (2) "Department" means the Department of Management  
342 Services ~~Department of Labor and Employment Security~~.

343 (3) "Minority" means a person who is a lawful, permanent  
344 resident of the state, having origins in one of the minority  
345 groups as described and adopted by the Department of Management  
346 Services ~~Department of Labor and Employment Security~~, hereby  
347 incorporated by reference.

348 (4) "Minority business enterprise" means any small business

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349 concern as defined in subsection (6) that meets all of the  
350 criteria described and adopted by the Department of Management  
351 Services ~~Department of Labor and Employment Security~~, hereby  
352 incorporated by reference.

353 (5) "Participating state or local organization" means any  
354 political subdivision of the state or organization designated by  
355 such that elects to participate in the certification process  
356 pursuant to this agreement, which has been approved according to  
357 s. 287.0943(3) and has legally entered into this agreement.

358 (6) "Small business concern" means an independently owned  
359 and operated business concern which is of a size and type as  
360 described and adopted by vote related to this agreement of the  
361 commission, hereby incorporated by reference.

362  
363 ARTICLE III  
364

365 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

366 (1) All awarding organizations shall accept a certification  
367 granted by any participating organization which has been  
368 approved according to s. 287.0943(3) and has entered into this  
369 agreement, as valid status of minority business enterprise.

370 (2) A participating organization shall certify a business  
371 concern that meets the definition of minority business  
372 enterprise in this agreement, in accordance with the duly  
373 adopted eligibility criteria.

374 (3) All participating organizations shall issue notice of  
375 certification decisions granting or denying certification to all  
376 other participating organizations within 14 days of the  
377 decision. Such notice may be made through electronic media.

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378 (4) No certification will be granted without an onsite  
379 visit to verify ownership and control of the prospective  
380 minority business enterprise, unless verification can be  
381 accomplished by other methods of adequate verification or  
382 assessment of ownership and control.

383 (5) The certification of a minority business enterprise  
384 pursuant to the terms of this agreement shall not be suspended,  
385 revoked, or otherwise impaired except on any grounds which would  
386 be sufficient for revocation or suspension of a certification in  
387 the jurisdiction of the participating organization.

388 (6) The certification determination of a party may be  
389 challenged by any other participating organization by the  
390 issuance of a timely written notice by the challenging  
391 organization to the certifying organization's determination  
392 within 10 days of receiving notice of the certification  
393 decision, stating the grounds therefor.

394 (7) The sole accepted grounds for challenge shall be the  
395 failure of the certifying organization to adhere to the adopted  
396 criteria or the certifying organization's rules or procedures,  
397 or the perpetuation of a misrepresentation or fraud by the firm.

398 (8) The certifying organization shall reexamine its  
399 certification determination and submit written notice to the  
400 applicant and the challenging organization of its findings  
401 within 30 days after the receipt of the notice of challenge.

402 (9) If the certification determination is affirmed, the  
403 challenging agency may subsequently submit timely written notice  
404 to the firm of its intent to revoke certification of the firm.

405

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## ARTICLE IV

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408 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement  
409 shall be construed to repeal or otherwise modify any ordinance,  
410 law, or regulation of a party relating to the existing minority  
411 business assistance provisions and procedures by which minority  
412 business enterprises participate therein.

413  
414 ARTICLE V

415  
416 TERM.—The term of the agreement shall be 5 years, after  
417 which it may be reexecuted by the parties.

418  
419 ARTICLE VI

420  
421 AGREEMENT EVALUATION.—The designated state and local  
422 officials may meet from time to time as a group to evaluate  
423 progress under the agreement, to formulate recommendations for  
424 changes, or to propose a new agreement.

425  
426 ARTICLE VII

427  
428 OTHER ARRANGEMENTS.—Nothing in this agreement shall be  
429 construed to prevent or inhibit other arrangements or practices  
430 of any party in order to comply with federal law.

431  
432 ARTICLE VIII

433  
434 EFFECT AND WITHDRAWAL.—

435 (1) This agreement shall become effective when properly

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436 executed by a legal representative of the participating  
437 organization, when enacted into the law of the state and after  
438 an ordinance or other legislation is enacted into law by the  
439 governing body of each participating organization. Thereafter it  
440 shall become effective as to any participating organization upon  
441 the enactment of this agreement by the governing body of that  
442 organization.

443 (2) Any party may withdraw from this agreement by enacting  
444 legislation repealing the same, but no such withdrawal shall  
445 take effect until one year after the governing body of the  
446 withdrawing party has given notice in writing of the withdrawal  
447 to the other parties.

448 (3) No withdrawal shall relieve the withdrawing party of  
449 any obligations imposed upon it by law.

#### 451 ARTICLE IX

##### 453 FINANCIAL RESPONSIBILITY.—

454 (1) A participating organization shall not be financially  
455 responsible or liable for the obligations of any other  
456 participating organization related to this agreement.

457 (2) The provisions of this agreement shall constitute  
458 neither a waiver of any governmental immunity under Florida law  
459 nor a waiver of any defenses of the parties under Florida law.  
460 The provisions of this agreement are solely for the benefit of  
461 its executors and not intended to create or grant any rights,  
462 contractual or otherwise, to any person or entity.

#### 464 ARTICLE X



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466 VENUE AND GOVERNING LAW.—The obligations of the parties to  
467 this agreement are performable only within the county where the  
468 participating organization is located, and statewide for the  
469 Office of Supplier Diversity, and venue for any legal action in  
470 connection with this agreement shall lie, for any participating  
471 organization except the Office of Supplier Diversity,  
472 exclusively in the county where the participating organization  
473 is located. This agreement shall be governed by and construed in  
474 accordance with the laws and court decisions of the state.

475

476

## ARTICLE XI

477

478 CONSTRUCTION AND SEVERABILITY.—This agreement shall be  
479 liberally construed so as to effectuate the purposes thereof.  
480 The provisions of this agreement shall be severable and if any  
481 phrase, clause, sentence, or provision of this agreement is  
482 declared to be contrary to the State Constitution or the United  
483 States Constitution, or the application thereof to any  
484 government, agency, person, or circumstance is held invalid, the  
485 validity of the remainder of this agreement and the  
486 applicability thereof to any government, agency, person, or  
487 circumstance shall not be affected thereby. If this agreement  
488 shall be held contrary to the State Constitution, the agreement  
489 shall remain in full force and effect as to all severable  
490 matters.

491

492

Section 10. Paragraphs (h) and (o) of subsection (4) of  
section 287.09451, Florida Statutes, are amended to read:

493

287.09451 Office of Supplier Diversity; powers, duties, and

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494 functions.—

495 (4) The Office of Supplier Diversity shall have the  
496 following powers, duties, and functions:

497 (h) To develop procedures to investigate complaints against  
498 minority business enterprises or contractors alleged to violate  
499 any provision related to this section or s. 287.0943, that may  
500 include visits to worksites or business premises, and to refer  
501 all information on businesses suspected of misrepresenting  
502 minority status to the Department of Management Services for  
503 investigation. When an investigation is completed and there is  
504 reason to believe that a violation has occurred, ~~the Department~~  
505 ~~of Labor and Employment Security shall refer~~ the matter shall be  
506 referred to the office of the Attorney General, Department of  
507 Legal Affairs, for prosecution.

508 (o)1. To establish a system to record and measure the use  
509 of certified minority business enterprises in state contracting.  
510 This system shall maintain information and statistics on  
511 certified minority business enterprise participation, awards,  
512 dollar volume of expenditures and agency goals, and other  
513 appropriate types of information to analyze progress in the  
514 access of certified minority business enterprises to state  
515 contracts and to monitor agency compliance with this section.  
516 Such reporting must include, but is not limited to, the  
517 identification of all subcontracts in state contracting by  
518 dollar amount and by number of subcontracts and the  
519 identification of the utilization of certified minority business  
520 enterprises as prime contractors and subcontractors by dollar  
521 amounts of contracts and subcontracts, number of contracts and  
522 subcontracts, minority status, industry, and any conditions or

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523 circumstances that significantly affected the performance of  
524 subcontractors. Agencies shall report their compliance with the  
525 requirements of this reporting system at least annually and at  
526 the request of the office. All agencies shall cooperate with the  
527 office in establishing this reporting system. Except in  
528 construction contracting, all agencies shall review contracts  
529 costing in excess of CATEGORY FOUR as defined in s. 287.017 to  
530 determine if such contracts could be divided into smaller  
531 contracts to be separately solicited and awarded, and shall,  
532 when economical, offer such smaller contracts to encourage  
533 minority participation.

534 2. To report agency compliance with the provisions of  
535 subparagraph 1. for the preceding fiscal year to the Governor  
536 and Cabinet, the President of the Senate, and the Speaker of the  
537 House of Representatives, ~~and the secretary of the Department of~~  
538 ~~Labor and Employment Security~~ on or before February 1 of each  
539 year. The report must contain, at a minimum, the following:

540 a. Total expenditures of each agency by industry.

541 b. The dollar amount and percentage of contracts awarded to  
542 certified minority business enterprises by each state agency.

543 c. The dollar amount and percentage of contracts awarded  
544 indirectly to certified minority business enterprises as  
545 subcontractors by each state agency.

546 d. The total dollar amount and percentage of contracts  
547 awarded to certified minority business enterprises, whether  
548 directly or indirectly, as subcontractors.

549 e. A statement and assessment of good faith efforts taken  
550 by each state agency.

551 f. A status report of agency compliance with subsection

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552 (6), as determined by the Minority Business Enterprise Office.

553 Section 11. Subsections (1) and (5) of section 287.0947,  
554 Florida Statutes, are amended to read:

555 287.0947 Florida Advisory Council on Small and Minority  
556 Business Development; creation; membership; duties.—

557 (1) ~~On or after October 1, 1996,~~ The Secretary of  
558 Management Services ~~the Department of Labor and Employment~~  
559 ~~Security~~ may create the Florida Advisory Council on Small and  
560 Minority Business Development with the purpose of advising and  
561 assisting the secretary in carrying out the secretary's duties  
562 with respect to minority businesses and economic and business  
563 development. It is the intent of the Legislature that the  
564 membership of such council include practitioners, laypersons,  
565 financiers, and others with business development experience who  
566 can provide invaluable insight and expertise for this state in  
567 the diversification of its markets and networking of business  
568 opportunities. The council shall initially consist of 19  
569 persons, each of whom is or has been actively engaged in small  
570 and minority business development, either in private industry,  
571 in governmental service, or as a scholar of recognized  
572 achievement in the study of such matters. Initially, the council  
573 shall consist of members representing all regions of the state  
574 and shall include at least one member from each group identified  
575 within the definition of "minority person" in s. 288.703(3),  
576 considering also gender and nationality subgroups, and shall  
577 consist of the following:

578 (a) Four members consisting of representatives of local and  
579 federal small and minority business assistance programs or  
580 community development programs.

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581 (b) Eight members composed of representatives of the  
582 minority private business sector, including certified minority  
583 business enterprises and minority supplier development councils,  
584 among whom at least two shall be women and at least four shall  
585 be minority persons.

586 (c) Two representatives of local government, one of whom  
587 shall be a representative of a large local government, and one  
588 of whom shall be a representative of a small local government.

589 (d) Two representatives from the banking and insurance  
590 industry.

591 (e) Two members from the private business sector,  
592 representing the construction and commodities industries.

593 (f) The chairperson of the Florida Black Business  
594 Investment Board or the chairperson's designee.

595

596 A candidate for appointment may be considered if eligible to be  
597 certified as an owner of a minority business enterprise, or if  
598 otherwise qualified under the criteria above. Vacancies may be  
599 filled by appointment of the secretary, in the manner of the  
600 original appointment.

601 (5) The powers and duties of the council include, but are  
602 not limited to: researching and reviewing the role of small and  
603 minority businesses in the state's economy; reviewing issues and  
604 emerging topics relating to small and minority business economic  
605 development; studying the ability of financial markets and  
606 institutions to meet small business credit needs and determining  
607 the impact of government demands on credit for small businesses;  
608 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,  
609 requiring a state economic development comprehensive plan, as it

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610 relates to small and minority businesses; assessing the  
611 reasonableness and effectiveness of efforts by any state agency  
612 or by all state agencies collectively to assist minority  
613 business enterprises; and advising the Governor, the secretary,  
614 and the Legislature on matters relating to small and minority  
615 business development which are of importance to the  
616 international strategic planning and activities of this state.

617 Section 12. Subsection (1) of section 288.021, Florida  
618 Statutes, is amended to read:

619 288.021 Economic development liaison.—

620 (1) The heads of the Department of Transportation, the  
621 Department of Environmental Protection and an additional member  
622 appointed by the secretary of the department, the Agency for  
623 Workforce Innovation ~~the Department of Labor and Employment~~  
624 ~~Security~~, the Department of Education, the Department of  
625 Community Affairs, the Department of Management Services, the  
626 Department of Revenue, the Fish and Wildlife Conservation  
627 Commission, each water management district, and each Department  
628 of Transportation District office shall designate a high-level  
629 staff member from within such agency to serve as the economic  
630 development liaison for the agency. This person shall report to  
631 the agency head and have general knowledge both of the state's  
632 permitting and other regulatory functions and of the state's  
633 economic goals, policies, and programs. This person shall also  
634 be the primary point of contact for the agency with the Office  
635 of Tourism, Trade, and Economic Development on issues and  
636 projects important to the economic development of Florida,  
637 including its rural areas, to expedite project review, to ensure  
638 a prompt, effective response to problems arising with regard to

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639 permitting and regulatory functions, and to work closely with  
640 the other economic development liaisons to resolve interagency  
641 conflicts.

642 Section 13. Subsection (1) of section 288.035, Florida  
643 Statutes, is amended to read:

644 288.035 Economic development activities.—

645 (1) The Florida Public Service Commission may authorize  
646 public utilities to recover reasonable economic development  
647 expenses. For purposes of this section, recoverable "economic  
648 development expenses" are those expenses described in subsection  
649 (2) which are consistent with criteria to be established by  
650 rules adopted by ~~the Department of Commerce as of June 30, 1996,~~  
651 ~~or as those criteria are later modified by~~ the Office of  
652 Tourism, Trade, and Economic Development.

653 Section 14. Section 288.038, Florida Statutes, is repealed.

654 Section 15. Subsections (1), (2), and (4) of section  
655 288.1168, Florida Statutes, are amended to read:

656 288.1168 Professional golf hall of fame facility.—

657 (1) The Office of Tourism, Trade, and Economic Development  
658 ~~Department of Commerce~~ shall serve as the state agency for  
659 screening applicants for state funding pursuant to s. 212.20 and  
660 for certifying one applicant as the professional golf hall of  
661 fame facility in the state.

662 (2) Prior to certifying the professional golf hall of fame  
663 facility, the Office of Tourism, Trade, and Economic Development  
664 ~~Department of Commerce~~ must determine that:

665 (a) The professional golf hall of fame facility is the only  
666 professional golf hall of fame in the United States recognized  
667 by the PGA Tour, Inc.

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668 (b) The applicant is a unit of local government as defined  
669 in s. 218.369 or a private sector group that has contracted to  
670 construct or operate the professional golf hall of fame facility  
671 on land owned by a unit of local government.

672 (c) The municipality in which the professional golf hall of  
673 fame facility is located, or the county if the facility is  
674 located in an unincorporated area, has certified by resolution  
675 after a public hearing that the application serves a public  
676 purpose.

677 (d) There are existing projections that the professional  
678 golf hall of fame facility will attract a paid attendance of  
679 more than 300,000 annually.

680 (e) There is an independent analysis or study, using  
681 methodology approved by the office ~~department~~, which  
682 demonstrates that the amount of the revenues generated by the  
683 taxes imposed under chapter 212 with respect to the use and  
684 operation of the professional golf hall of fame facility will  
685 equal or exceed \$2 million annually.

686 (f) The applicant has submitted an agreement to provide \$2  
687 million annually in national and international media promotion  
688 of the professional golf hall of fame facility, Florida, and  
689 Florida tourism, through the PGA Tour, Inc., or its affiliates,  
690 at the then-current commercial rate, during the period of time  
691 that the facility receives funds pursuant to s. 212.20. The  
692 Office of Tourism, Trade, and Economic Development and the PGA  
693 Tour, Inc., or its affiliates, must agree annually on a  
694 reasonable percentage of advertising specifically allocated for  
695 generic Florida advertising. The Office of Tourism, Trade, and  
696 Economic Development shall have final approval of all generic



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697 advertising. Failure on the part of the PGA Tour, Inc., or its  
698 affiliates to annually provide the advertising as provided in  
699 this paragraph or subsection (6) shall result in the termination  
700 of funding as provided in s. 212.20.

701 (g) Documentation exists that demonstrates that the  
702 applicant has provided, is capable of providing, or has  
703 financial or other commitments to provide more than one-half of  
704 the costs incurred or related to the improvement and development  
705 of the facility.

706 (h) The application is signed by an official senior  
707 executive of the applicant and is notarized according to Florida  
708 law providing for penalties for falsification.

709 (4) Upon determining that an applicant is or is not  
710 certifiable, the director of the Office of Tourism, Trade, and  
711 Economic Development ~~Secretary of Commerce~~ shall notify the  
712 applicant of his or her status by means of an official letter.  
713 If certifiable, the director ~~secretary~~ shall notify the  
714 executive director of the Department of Revenue and the  
715 applicant of such certification by means of an official letter  
716 granting certification. From the date of such certification, the  
717 applicant shall have 5 years to open the professional golf hall  
718 of fame facility to the public and notify the Office of Tourism,  
719 Trade, and Economic Development of such opening. The Department  
720 of Revenue shall not begin distributing funds until 30 days  
721 following notice by the Office of Tourism, Trade, and Economic  
722 Development that the professional golf hall of fame facility is  
723 open to the public.

724 Section 16. Subsection (7) of section 288.1229, Florida  
725 Statutes, is amended to read:

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726 288.1229 Promotion and development of sports-related  
727 industries and amateur athletics; direct-support organization;  
728 powers and duties.-

729 (7) In exercising the power provided in this section, the  
730 Office of Tourism, Trade, and Economic Development may authorize  
731 and contract with the direct-support organization existing on  
732 June 30, 1996, ~~and authorized by the former Florida Department~~  
733 ~~of Commerce to promote sports-related industries. An appointed~~  
734 ~~member of the board of directors of such direct-support~~  
735 ~~organization as of June 30, 1996, may serve the remainder of his~~  
736 ~~or her unexpired term.~~

737 Section 17. Section 288.1169, Florida Statutes, is amended  
738 to read:

739 288.1169 International Game Fish Association World Center  
740 facility.-

741 (1) The Office of Tourism, Trade, and Economic Development  
742 ~~Department of Commerce~~ shall serve as the state agency approving  
743 applicants for funding pursuant to s. 212.20 and for certifying  
744 the applicant as the International Game Fish Association World  
745 Center facility. For purposes of this section, "facility" means  
746 the International Game Fish Association World Center, and  
747 "project" means the International Game Fish Association World  
748 Center and new colocated improvements by private sector concerns  
749 who have made cash or in-kind contributions to the facility of  
750 \$1 million or more.

751 (2) Prior to certifying this facility, the office  
752 ~~department~~ must determine that:

753 (a) The International Game Fish Association World Center is  
754 the only fishing museum, Hall of Fame, and international

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755 administrative headquarters in the United States recognized by  
756 the International Game Fish Association, and that one or more  
757 private sector concerns have committed to donate to the  
758 International Game Fish Association land upon which the  
759 International Game Fish Association World Center will operate.

760 (b) International Game Fish Association is a not-for-profit  
761 Florida corporation that has contracted to construct and operate  
762 the facility.

763 (c) The municipality in which the facility is located, or  
764 the county if the facility is located in an unincorporated area,  
765 has certified by resolution after a public hearing that the  
766 facility serves a public purpose.

767 (d) There are existing projections that the International  
768 Game Fish Association World Center facility and the colocated  
769 facilities of private sector concerns will attract an attendance  
770 of more than 1.8 million annually.

771 (e) There is an independent analysis or study, using  
772 methodology approved by the office ~~department~~, which  
773 demonstrates that the amount of the revenues generated by the  
774 taxes imposed under chapter 212 with respect to the use and  
775 operation of the project will exceed \$1 million annually.

776 (f) There are existing projections that the project will  
777 attract more than 300,000 persons annually who are not residents  
778 of the state.

779 (g) The applicant has submitted an agreement to provide  
780 \$500,000 annually in national and international media promotion  
781 of the facility, at the then-current commercial rates, during  
782 the period of time that the facility receives funds pursuant to  
783 s. 212.20. Failure on the part of the applicant to annually

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784 provide the advertising as provided in this paragraph shall  
785 result in the termination of the funding as provided in s.  
786 212.20. The applicant can discharge its obligation under this  
787 paragraph by contracting with other persons, including private  
788 sector concerns who participate in the project.

789 (h) Documentation exists that demonstrates that the  
790 applicant has provided, and is capable of providing, or has  
791 financial or other commitments to provide, more than one-half of  
792 the cost incurred or related to the improvements and the  
793 development of the facility.

794 (i) The application is signed by senior officials of the  
795 International Game Fish Association and is notarized according  
796 to Florida law providing for penalties for falsification.

797 (3) The applicant may use funds provided pursuant to s.  
798 212.20 for the purpose of paying for the construction,  
799 reconstruction, renovation, promotion, or operation of the  
800 facility, or to pay or pledge for payment of debt service on, or  
801 to fund debt service reserve funds, arbitrage rebate  
802 obligations, or other amounts payable with respect to, bonds  
803 issued for the construction, reconstruction, or renovation of  
804 the facility or for the reimbursement of such costs or by  
805 refinancing of bonds issued for such purposes.

806 (4) Upon determining that an applicant is or is not  
807 certifiable, the Office of Tourism, Trade, and Economic  
808 Development ~~Department of Commerce~~ shall notify the applicant of  
809 its status by means of an official letter. If certifiable, the  
810 Office of Tourism, Trade, and Economic Development ~~Department of~~  
811 ~~Commerce~~ shall notify the executive director of the Department  
812 of Revenue and the applicant of such certification by means of

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813 an official letter granting certification. From the date of such  
814 certification, the applicant shall have 5 years to open the  
815 facility to the public and notify the Office of Tourism, Trade,  
816 and Economic Development ~~Department of Commerce~~ of such opening.  
817 The Department of Revenue shall not begin distributing funds  
818 until 30 days following notice by the Office of Tourism, Trade,  
819 and Economic Development ~~Department of Commerce~~ that the  
820 facility is open to the public.

821 (5) The Department of Revenue may audit as provided in s.  
822 213.34 to verify that the contributions pursuant to this section  
823 have been expended as required by this section.

824 (6) The Office of Tourism, Trade, and Economic Development  
825 ~~Department of Commerce~~ must recertify every 10 years that the  
826 facility is open, that the International Game Fish Association  
827 World Center continues to be the only international  
828 administrative headquarters, fishing museum, and Hall of Fame in  
829 the United States recognized by the International Game Fish  
830 Association, and that the project is meeting the minimum  
831 projections for attendance or sales tax revenues as required at  
832 the time of original certification. If the facility is not  
833 recertified during this 10-year review as meeting the minimum  
834 projections, then funding shall be abated until certification  
835 criteria are met. If the project fails to generate \$1 million of  
836 annual revenues pursuant to paragraph (2)(e), the distribution  
837 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to  
838 an amount equal to \$83,333 multiplied by a fraction, the  
839 numerator of which is the actual revenues generated and the  
840 denominator of which is \$1 million. Such reduction remains in  
841 effect until revenues generated by the project in a 12-month

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842 period equal or exceed \$1 million.

843 Section 18. Subsections (2), (4), and (5) of section  
844 331.369, Florida Statutes, are amended to read:

845 331.369 Space Industry Workforce Initiative.—

846 (2) Workforce Florida, Inc., ~~The Workforce Development~~  
847 ~~Board of Enterprise Florida, Inc., or its successor entity,~~  
848 shall coordinate development of a Space Industry Workforce  
849 Initiative in partnership with Space Florida, public and private  
850 universities, community colleges, and other training providers  
851 approved by the board. The purpose of the initiative is to use  
852 or revise existing programs and to develop innovative new  
853 programs to address the workforce needs of the aerospace  
854 industry.

855 (4) Workforce Florida, Inc., ~~The Workforce Development~~  
856 ~~Board of Enterprise Florida, Inc., or its successor entity,~~ with  
857 the assistance of Space Florida, shall convene representatives  
858 from the aerospace industry to identify the priority training  
859 and education needs of the industry and to appoint a team to  
860 design programs to meet the priority needs.

861 (5) Workforce Florida, Inc., ~~The Workforce Development~~  
862 ~~Board of Enterprise Florida, Inc., or its successor entity,~~ as  
863 part of its statutorily prescribed annual report to the  
864 Legislature, shall provide recommendations for policies,  
865 programs, and funding to enhance the workforce needs of the  
866 aerospace industry.

867 Section 19. Paragraph (h) of subsection (5) of section  
868 377.711, Florida Statutes, is amended to read:

869 377.711 Florida party to Southern States Energy Compact.—  
870 The Southern States Energy Compact is enacted into law and

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871 entered into by the state as a party, and is of full force and  
872 effect between the state and any other states joining therein in  
873 accordance with the terms of the compact, which compact is  
874 substantially as follows:

875 (5) POWERS.—The board shall have the power to:

876 (h) Recommend such changes in, or amendments or additions  
877 to, the laws, codes, rules, regulations, administrative  
878 procedures and practices, or ordinances of the party states in  
879 any of the fields of its interest and competence as in its  
880 judgment may be appropriate. Any such recommendation shall be  
881 made through the appropriate state agency with due consideration  
882 of the desirability of uniformity but shall also give  
883 appropriate weight to any special circumstances that may justify  
884 variations to meet local conditions. ~~Any such recommendation~~  
885 ~~shall be made, in the case of Florida, through the Department of~~  
886 ~~Commerce.~~

887 Section 20. Subsection (3) of section 377.712, Florida  
888 Statutes, is amended to read:

889 377.712 Florida participation.—

890 (3) Departments ~~The department~~, agencies, and officers of  
891 this state, and its subdivisions are authorized to cooperate  
892 with the board in the furtherance of any of its activities  
893 pursuant to the compact, provided such proposed activities have  
894 been made known to, and have the approval of, either the  
895 Governor or the Department of Health.

896 Section 21. Subsection (1), paragraph (b) of subsection  
897 (3), and subsection (8) of section 409.2576, Florida Statutes,  
898 are amended to read:

899 409.2576 State Directory of New Hires.—

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900 (1) DIRECTORY CREATED.—The State Directory of New Hires is  
901 hereby created and shall be administered by the Department of  
902 Revenue or its agent. ~~The Department of Labor and Employment~~  
903 ~~Security will act as the agent until a date not later than~~  
904 ~~October 1, 1998.~~ All employers in the state shall furnish a  
905 report consistent with subsection (3) for each newly hired or  
906 rehired employee unless the employee is employed by a federal or  
907 state agency performing intelligence or counterintelligence  
908 functions and the head of such agency has determined that  
909 reporting pursuant to this section could endanger the safety of  
910 the employee or compromise an ongoing investigation or  
911 intelligence mission.

912 (3) EMPLOYERS TO FURNISH REPORTS.—

913 (b) ~~Upon termination of the contract with the Department of~~  
914 ~~Labor and Employment Security, but not later than October 1,~~  
915 ~~1998,~~ All employers shall furnish a report to the State  
916 Directory of New Hires of the state in which the newly hired or  
917 rehired employee works. The report required in this section  
918 shall be made on a W-4 form or, at the option of the employer,  
919 an equivalent form, and can be transmitted magnetically,  
920 electronically, by first-class mail, or other methods which may  
921 be prescribed by the State Directory. Each report shall include  
922 the name, address, date of hire, and social security number of  
923 every new and rehired employee and the name, address, and  
924 federal employer identification number of the reporting  
925 employer. If available, the employer may also include the  
926 employee's date of birth in the report. Multistate employers  
927 that report new hire information electronically or magnetically  
928 may designate a single state to which it will transmit the above



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929 noted report, provided the employer has employees in that state  
930 and the employer notifies the Secretary of Health and Human  
931 Services in writing to which state the information will be  
932 provided. Agencies of the United States Government shall report  
933 directly to the National Directory of New Hires.

934 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~  
935 ~~than October 1, 1997,~~ The State Directory of New Hires must  
936 furnish information regarding newly hired or rehired employees  
937 to the National Directory of New Hires for matching with the  
938 records of other state case registries within 3 business days of  
939 entering such information from the employer into the State  
940 Directory of New Hires. The State Directory of New Hires shall  
941 enter into an agreement with the Agency for Workforce Innovation  
942 or its tax collection service provider ~~Florida Department of~~  
943 ~~Labor and Employment Security~~ for the quarterly reporting to the  
944 National Directory of New Hires information on wages and  
945 unemployment compensation taken from the quarterly report to the  
946 Secretary of Labor, now required by Title III of the Social  
947 Security Act, except that no report shall be filed with respect  
948 to an employee of a state or local agency performing  
949 intelligence or counterintelligence functions, if the head of  
950 such agency has determined that filing such a report could  
951 endanger the safety of the employee or compromise an ongoing  
952 investigation or intelligence mission.

953 Section 22. Section 414.24, Florida Statutes, is amended to  
954 read:

955 414.24 Integrated welfare reform and child welfare  
956 services.—The department shall develop integrated service  
957 delivery strategies to better meet the needs of families subject

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958 to work activity requirements who are involved in the child  
959 welfare system or are at high risk of involvement in the child  
960 welfare system. To the extent that resources are available, the  
961 department and the Agency for Workforce Innovation ~~Department of~~  
962 ~~Labor and Employment Security~~ shall provide funds to one or more  
963 service districts to promote development of integrated,  
964 nonduplicative case management within the department, the Agency  
965 for Workforce Innovation ~~Department of Labor and Employment~~  
966 ~~Security~~, other participating government agencies, and community  
967 partners. Alternative delivery systems shall be encouraged which  
968 include well-defined, pertinent outcome measures. Other factors  
969 to be considered shall include innovation regarding training,  
970 enhancement of existing resources, and increased private sector  
971 and business sector participation.

972 Section 23. Section 414.40, Florida Statutes, is amended to  
973 read:

974 414.40 Stop Inmate Fraud Program established; guidelines.-

975 (1) There is created within the Department of Financial  
976 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud  
977 Program.

978 (2) The Department of Financial Services ~~Department of Law~~  
979 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud  
980 Program in accordance with the following guidelines:

981 (a) The program shall establish procedures for sharing  
982 public records not exempt from the public records law among  
983 social services agencies regarding the identities of persons  
984 incarcerated in state correctional institutions, as defined in  
985 s. 944.02, or in county, municipal, or regional jails or other  
986 detention facilities of local governments under chapter 950 or

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987 chapter 951 who are wrongfully receiving public assistance  
988 benefits or entitlement benefits.

989 (b) Pursuant to these procedures, the program shall have  
990 access to records containing correctional information not exempt  
991 from the public records law on incarcerated persons which have  
992 been generated as criminal justice information. As used in this  
993 paragraph, the term "record" is defined as provided in s.  
994 943.045(7), and the term "criminal justice information" is  
995 defined as provided in s. 943.045(3).

996 (c) Database searches shall be conducted of the inmate  
997 population at each correctional institution or other detention  
998 facility. A correctional institution or a detention facility  
999 shall provide the Stop Inmate Fraud Program with the information  
1000 necessary to identify persons wrongfully receiving benefits in  
1001 the medium requested by the Stop Inmate Fraud Program if the  
1002 correctional institution or detention facility maintains the  
1003 information in that medium.

1004 (d) Data obtained from correctional institutions or other  
1005 detention facilities shall be compared with the client files of  
1006 the Department of Children and Family Services, the Agency for  
1007 Workforce Innovation ~~Department of Labor and Employment~~  
1008 ~~Security~~, and other state or local agencies as needed to  
1009 identify persons wrongfully obtaining benefits. Data comparisons  
1010 shall be accomplished during periods of low information demand  
1011 by agency personnel to minimize inconvenience to the agency.

1012 (e) Results of data comparisons shall be furnished to the  
1013 appropriate office for use in the county in which the data  
1014 originated. The program may provide reports of the data it  
1015 obtains to appropriate state, federal, and local government

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1016 agencies or governmental entities, including, but not limited  
1017 to:

1018 1. The Child Support Enforcement Program of the Department  
1019 of Revenue, so that the data may be used as locator information  
1020 on persons being sought for purposes of child support.

1021 2. The Social Security Administration, so that the data may  
1022 be used to reduce federal entitlement fraud within the state.

1023 (f) Reports by the program to another agency or entity  
1024 shall be generated bimonthly, or as otherwise directed, and  
1025 shall be designed to accommodate that agency's or entity's  
1026 particular needs for data.

1027 (g) Only those persons with active cases, or with cases  
1028 that were active during the incarceration period, shall be  
1029 reported, in order that the funding agency or entity, upon  
1030 verification of the data, may take whatever action is deemed  
1031 appropriate.

1032 (h) For purposes of program review and analysis, each  
1033 agency or entity receiving data from the program shall submit  
1034 reports to the program which indicate the results of how the  
1035 data was used.

1036 Section 24. Subsection (5) of section 440.385, Florida  
1037 Statutes, is amended to read:

1038 440.385 Florida Self-Insurers Guaranty Association,  
1039 Incorporated.—

1040 (5) PLAN OF OPERATION.—The association shall operate  
1041 pursuant to a plan of operation approved by the board of  
1042 directors. The plan of operation must be in effect on January 1,  
1043 2002, and approved by the Department of Financial Services and  
1044 Department of Labor and Employment Security shall remain in

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1045 ~~effect. However,~~ any amendments to the plan shall not become  
1046 effective until approved by the department ~~of Financial~~  
1047 ~~Services.~~

1048 (a) The purpose of the plan of operation shall be to  
1049 provide the association and the board of directors with the  
1050 authority and responsibility to establish the necessary programs  
1051 and to take the necessary actions to protect against the  
1052 insolvency of a member of the association. In addition, the plan  
1053 shall provide that the members of the association shall be  
1054 responsible for maintaining an adequate Insolvency Fund to meet  
1055 the obligations of insolvent members provided for under this act  
1056 and shall authorize the board of directors to contract and  
1057 employ those persons with the necessary expertise to carry out  
1058 this stated purpose. ~~By January 1, 2003,~~ The board of directors  
1059 shall submit to the department a proposed plan of operation for  
1060 the administration of the association. The department shall  
1061 approve the plan by order, consistent with this section. The  
1062 department shall approve any amendments to the plan, consistent  
1063 with this section, which are determined appropriate to carry out  
1064 the duties and responsibilities of the association.

1065 (b) All member employers shall comply with the plan of  
1066 operation.

1067 (c) The plan of operation shall:

1068 1. Establish the procedures whereby all the powers and  
1069 duties of the association under subsection (3) will be  
1070 performed.

1071 2. Establish procedures for handling assets of the  
1072 association.

1073 3. Establish the amount and method of reimbursing members

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1074 of the board of directors under subsection (2).

1075 4. Establish procedures by which claims may be filed with  
1076 the association and establish acceptable forms of proof of  
1077 covered claims. Notice of claims to the receiver or liquidator  
1078 of the insolvent employer shall be deemed notice to the  
1079 association or its agent, and a list of such claims shall be  
1080 submitted periodically to the association or similar  
1081 organization in another state by the receiver or liquidator.

1082 5. Establish regular places and times for meetings of the  
1083 board of directors.

1084 6. Establish procedures for records to be kept of all  
1085 financial transactions of the association and its agents and the  
1086 board of directors.

1087 7. Provide that any member employer aggrieved by any final  
1088 action or decision of the association may appeal to the  
1089 department within 30 days after the action or decision.

1090 8. Establish the procedures whereby recommendations of  
1091 candidates for the board of directors shall be submitted to the  
1092 department.

1093 9. Contain additional provisions necessary or proper for  
1094 the execution of the powers and duties of the association.

1095 (d) The plan of operation may provide that any or all of  
1096 the powers and duties of the association, except those specified  
1097 under subparagraphs (c)1. and 2., be delegated to a corporation,  
1098 association, or other organization which performs or will  
1099 perform functions similar to those of this association or its  
1100 equivalent in two or more states. Such a corporation,  
1101 association, or organization shall be reimbursed as a servicing  
1102 facility would be reimbursed and shall be paid for its

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1103 performance of any other functions of the association. A  
1104 delegation of powers or duties under this subsection shall take  
1105 effect only with the approval of both the board of directors and  
1106 the department and may be made only to a corporation,  
1107 association, or organization which extends protection which is  
1108 not substantially less favorable and effective than the  
1109 protection provided by this section.

1110 Section 25. Paragraph (b) of subsection (9) of section  
1111 440.49, Florida Statutes, is amended to read:

1112 440.49 Limitation of liability for subsequent injury  
1113 through Special Disability Trust Fund.—

1114 (9) SPECIAL DISABILITY TRUST FUND.—

1115 (b)1. The Special Disability Trust Fund shall be maintained  
1116 by annual assessments upon the insurance companies writing  
1117 compensation insurance in the state, the commercial self-  
1118 insurers under ss. 624.462 and 624.4621, the assessable mutuals  
1119 as defined in s. 628.6011, and the self-insurers under this  
1120 chapter, which assessments shall become due and be paid  
1121 quarterly at the same time and in addition to the assessments  
1122 provided in s. 440.51. The department shall estimate annually in  
1123 advance the amount necessary for the administration of this  
1124 subsection and the maintenance of this fund and shall make such  
1125 assessment in the manner hereinafter provided.

1126 2. The annual assessment shall be calculated to produce  
1127 during the ensuing fiscal year an amount which, when combined  
1128 with that part of the balance in the fund on June 30 of the  
1129 current fiscal year which is in excess of \$100,000, is equal to  
1130 the average of:

1131 a. The sum of disbursements from the fund during the

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1132 immediate past 3 calendar years, and

1133       b. Two times the disbursements of the most recent calendar  
1134 year.

1135  
1136 Such amount shall be prorated among the insurance companies  
1137 writing compensation insurance in the state and the self-  
1138 insurers. ~~Provided however, for those carriers that have~~  
1139 ~~excluded ceded reinsurance premiums from their assessments on or~~  
1140 ~~before January 1, 2000, no assessments on ceded reinsurance~~  
1141 ~~premiums shall be paid by those carriers until such time as the~~  
1142 ~~former Division of Workers' Compensation of the Department of~~  
1143 ~~Labor and Employment Security or the department advises each of~~  
1144 ~~those carriers of the impact that the inclusion of ceded~~  
1145 ~~reinsurance premiums has on their assessment. The department may~~  
1146 ~~not recover any past underpayments of assessments levied against~~  
1147 ~~any carrier that on or before January 1, 2000, excluded ceded~~  
1148 ~~reinsurance premiums from their assessment prior to the point~~  
1149 ~~that the former Division of Workers' Compensation of the~~  
1150 ~~Department of Labor and Employment Security or the department~~  
1151 ~~advises of the appropriate assessment that should have been~~  
1152 ~~paid.~~

1153       3. The net premiums written by the companies for workers'  
1154 compensation in this state and the net premium written  
1155 applicable to the self-insurers in this state are the basis for  
1156 computing the amount to be assessed as a percentage of net  
1157 premiums. Such payments shall be made by each carrier and self-  
1158 insurer to the department for the Special Disability Trust Fund  
1159 in accordance with such regulations as the department  
1160 prescribes.



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1161 4. The Chief Financial Officer is authorized to receive and  
1162 credit to such Special Disability Trust Fund any sum or sums  
1163 that may at any time be contributed to the state by the United  
1164 States under any Act of Congress, or otherwise, to which the  
1165 state may be or become entitled by reason of any payments made  
1166 out of such fund.

1167 Section 26. Section 446.60, Florida Statutes, is repealed.

1168 Section 27. Section 450.161, Florida Statutes, is amended  
1169 to read:

1170 450.161 Chapter not to affect career education of children;  
1171 other exceptions.—Nothing in this chapter shall prevent minors  
1172 of any age from receiving career education furnished by the  
1173 United States, this state, or any county or other political  
1174 subdivision of this state and duly approved by the Department of  
1175 Education or other duly constituted authority, nor any  
1176 apprentice indentured under a plan approved by the Department of  
1177 Education ~~Division of Jobs and Benefits~~, or prevent the  
1178 employment of any minor 14 years of age or older when such  
1179 employment is authorized as an integral part of, or supplement  
1180 to, such a course in career education and is authorized by  
1181 regulations of the district school board of the district in  
1182 which such minor is employed, provided the employment is in  
1183 compliance with the provisions of ss. 450.021(4) and 450.061.  
1184 Exemptions for the employment of student learners 16 to 18 years  
1185 of age are provided in s. 450.061. Such an exemption shall apply  
1186 when:

1187 (1) The student learner is enrolled in a youth vocational  
1188 training program under a recognized state or local educational  
1189 authority.

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1190 (2) Such student learner is employed under a written  
1191 agreement which provides:

1192 (a) That the work of the student learner in the occupation  
1193 declared particularly hazardous shall be incidental to the  
1194 training.

1195 (b) That such work shall be intermittent and for short  
1196 periods of time and under the direct and close supervision of a  
1197 qualified and experienced person.

1198 (c) That safety instructions shall be given by the school  
1199 and correlated by the employer with on-the-job training.

1200 (d) That a schedule of organized and progressive work  
1201 processes to be performed on the job shall have been prepared.

1202

1203 Each such written agreement shall contain the name of the  
1204 student learner and shall be signed by the employer, the school  
1205 coordinator and principal, and the parent or legal guardian.  
1206 Copies of each agreement shall be kept on file by both the  
1207 school and the employer. This exemption for the employment of  
1208 student learners may be revoked in any individual situation when  
1209 it is found that reasonable precautions have not been observed  
1210 for the safety of minors employed thereunder. A high school  
1211 graduate may be employed in an occupation in which he or she has  
1212 completed training as a student learner, as provided in this  
1213 section, even though he or she is not yet 18 years of age.

1214 Section 28. Paragraph (d) of subsection (1) of section  
1215 464.203, Florida Statutes, is amended to read:

1216 464.203 Certified nursing assistants; certification  
1217 requirement.—

1218 (1) The board shall issue a certificate to practice as a

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1219 certified nursing assistant to any person who demonstrates a  
1220 minimum competency to read and write and successfully passes the  
1221 required background screening pursuant to s. 400.215 and meets  
1222 one of the following requirements:

1223 (d) Has completed the curriculum developed by the  
1224 Department of Education ~~under the Enterprise Florida Jobs and~~  
1225 ~~Education Partnership Grant~~ and achieved a minimum score,  
1226 established by rule of the board, on the nursing assistant  
1227 competency examination, which consists of a written portion and  
1228 skills-demonstration portion, approved by the board and  
1229 administered at a site and by personnel approved by the  
1230 department.

1231 Section 29. Subsection (1) of section 489.1455, Florida  
1232 Statutes, is amended to read:

1233 489.1455 Journeyman; reciprocity; standards.—

1234 (1) An individual who holds a valid, active journeyman  
1235 license in the plumbing/pipe fitting, mechanical, or HVAC trades  
1236 issued by any county or municipality in this state may work as a  
1237 journeyman in the trade in which he or she is licensed in any  
1238 county or municipality of this state without taking an  
1239 additional examination or paying an additional license fee, if  
1240 he or she:

1241 (a) Has scored at least 70 percent, or after October 1,  
1242 1997, at least 75 percent, on a proctored journeyman Block and  
1243 Associates examination or other proctored examination approved  
1244 by the board for the trade in which he or she is licensed;

1245 (b) Has completed an apprenticeship program registered with  
1246 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~  
1247 ~~of Labor and Employment Security~~ and demonstrates 4 years'

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1248 verifiable practical experience in the trade for which he or she  
1249 is licensed, or demonstrates 6 years' verifiable practical  
1250 experience in the trade for which he or she is licensed;

1251 (c) Has satisfactorily completed specialized and advanced  
1252 module coursework approved by the Florida Building Commission,  
1253 as part of the building code training program established in s.  
1254 553.841, specific to the discipline or, pursuant to  
1255 authorization by the certifying authority, provides proof of  
1256 completion of such coursework within 6 months after such  
1257 certification; and

1258 (d) Has not had a license suspended or revoked within the  
1259 last 5 years.

1260 Section 30. Subsection (1) of section 489.5335, Florida  
1261 Statutes, is amended to read:

1262 489.5335 Journeyman; reciprocity; standards.—

1263 (1) An individual who holds a valid, active journeyman  
1264 license in the electrical trade issued by any county or  
1265 municipality in this state may work as a journeyman in any other  
1266 county or municipality of this state without taking an  
1267 additional examination or paying an additional license fee, if  
1268 he or she:

1269 (a) Has scored at least 70 percent, or after October 1,  
1270 1997, at least 75 percent, on a proctored journeyman Block and  
1271 Associates examination or other proctored examination approved  
1272 by the board for the electrical trade;

1273 (b) Has completed an apprenticeship program registered with  
1274 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~  
1275 ~~of Labor and Employment Security~~ and demonstrates 4 years'  
1276 verifiable practical experience in the electrical trade, or

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1277 demonstrates 6 years' verifiable practical experience in the  
1278 electrical trade;

1279 (c) Has satisfactorily completed specialized and advanced  
1280 module coursework approved by the Florida Building Commission,  
1281 as part of the building code training program established in s.  
1282 553.841, specific to the discipline, or, pursuant to  
1283 authorization by the certifying authority, provides proof of  
1284 completion of such curriculum or coursework within 6 months  
1285 after such certification; and

1286 (d) Has not had a license suspended or revoked within the  
1287 last 5 years.

1288 Section 31. Section 553.62, Florida Statutes, is amended to  
1289 read:

1290 553.62 State standard.—The Occupational Safety and Health  
1291 Administration's excavation safety standards, 29 C.F.R. s.  
1292 1926.650 Subpart P, are hereby incorporated as the state  
1293 standard. ~~The Department of Labor and Employment Security may,~~  
1294 ~~by rule, adopt updated or revised versions of those standards,~~  
1295 ~~provided that the updated or revised versions are consistent~~  
1296 ~~with the intent expressed in this act and s. 553.72, and are not~~  
1297 ~~otherwise inconsistent with state law. Any rule adopted as~~  
1298 ~~provided in this section shall be complied with upon its~~  
1299 ~~effective date.~~

1300 Section 32. Subsection (1) of section 597.006, Florida  
1301 Statutes, is amended to read:

1302 597.006 Aquaculture Interagency Coordinating Council.—

1303 (1) CREATION.—The Legislature finds and declares that there  
1304 is a need for interagency coordination with regard to  
1305 aquaculture by the following agencies: the Department of

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1306 Agriculture and Consumer Services; the Office of Tourism, Trade,  
1307 and Economic Development; the Department of Community Affairs;  
1308 the Department of Environmental Protection; ~~the Department of~~  
1309 ~~Labor and Employment Security~~; the Fish and Wildlife  
1310 Conservation Commission; the statewide consortium of  
1311 universities under the Florida Institute of Oceanography;  
1312 Florida Agricultural and Mechanical University; the Institute of  
1313 Food and Agricultural Sciences at the University of Florida; and  
1314 the Florida Sea Grant Program. It is therefore the intent of the  
1315 Legislature to hereby create an Aquaculture Interagency  
1316 Coordinating Council to act as an advisory body as defined in s.  
1317 20.03(9).

1318 Section 33. Subsection (5) of section 944.012, Florida  
1319 Statutes, is amended to read:

1320 944.012 Legislative intent.—The Legislature hereby finds  
1321 and declares that:

1322 (5) In order to make the correctional system an efficient  
1323 and effective mechanism, the various agencies involved in the  
1324 correctional process must coordinate their efforts. Where  
1325 possible, interagency offices should be physically located  
1326 within major institutions and should include representatives of  
1327 the public employment service ~~the Florida State Employment~~  
1328 ~~Service~~, the vocational rehabilitation programs of the  
1329 Department of Education, and the Parole Commission. Duplicative  
1330 and unnecessary methods of evaluating offenders must be  
1331 eliminated and areas of responsibility consolidated in order to  
1332 more economically utilize present scarce resources.

1333 Section 34. Section 944.708, Florida Statutes, is amended  
1334 to read:

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1335 944.708 Rules.—The Department of Corrections ~~and the Agency~~  
1336 ~~for Workforce Innovation~~ shall adopt rules to implement the  
1337 provisions of ss. 944.701-944.707.

1338 Section 35. Sections 255.551, 255.552, 255.553, 255.5535,  
1339 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56,  
1340 255.561, 255.562, and 255.563, Florida Statutes, are repealed.

1341 Section 36. Paragraph (e) of subsection (1) of section  
1342 469.002, Florida Statutes, is amended to read:

1343 469.002 Exemptions.—

1344 (1) This chapter does not apply to:

1345 (e) An authorized employee of the United States, this  
1346 state, or any municipality, county, or other political  
1347 subdivision who has completed all training required by NESHAP  
1348 and OSHA or by ASHARA for the activities described in this  
1349 paragraph, while engaged in ~~asbestos-related activities set~~  
1350 ~~forth in s. 255.5535 and~~ asbestos-related activities involving  
1351 the demolition of a building owned by that governmental unit,  
1352 where such activities are within the scope of that employment  
1353 and the employee does not hold out for hire or otherwise engage  
1354 in asbestos abatement, contracting, or consulting.

1355 Section 37. Paragraph (b) of subsection (2) of section  
1356 469.003, Florida Statutes, is repealed.

1357 Section 38. This act shall take effect July 1, 2011.