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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(1) The Office of Economic and Demographic Research and



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13 OPPAGA shall coordinate the development of a work plan for  
14 completing the Economic Development Programs Evaluation and  
15 shall submit the work plan to the President of the Senate and  
16 the Speaker of the House of Representatives by July 1, 2013.

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

20 (a) By January 1, 2014, and every 3 years thereafter, an  
21 analysis of the following:

22 1. The capital investment tax credit established under s.  
23 220.191, Florida Statutes.

24 2. The qualified target industry tax refund established  
25 under s. 288.106, Florida Statutes.

26 3. The brownfield redevelopment bonus refund established  
27 under s. 288.107, Florida Statutes.

28 4. High-impact business performance grants established  
29 under s. 288.108, Florida Statutes.

30 5. The Quick Action Closing Fund established under s.  
31 288.1088, Florida Statutes.

32 6. The Innovation Incentive Program established under s.  
33 288.1089, Florida Statutes.

34 7. Enterprise Zone Program incentives established under ss.  
35 212.08(5), 212.08(15), 212.096, 220.181, and 220.182, Florida  
36 Statutes.

37 (b) By January 1, 2015, and every 3 years thereafter, an  
38 analysis of the following:

39 1. The entertainment industry financial incentive program  
40 established under s. 288.1254, Florida Statutes.

41 2. The entertainment industry sales tax exemption program



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42 established under s. 288.1258, Florida Statutes.

43 3. VISIT Florida and its programs established or funded  
44 under ss. 288.122, 288.1226, 288.12265, and 288.124, Florida  
45 Statutes.

46 4. The Florida Sports Foundation and related programs  
47 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,  
48 288.1168, 288.1169, and 288.1171, Florida Statutes.

49 (c) By January 1, 2016, and every 3 years thereafter, an  
50 analysis of the following:

51 1. The qualified defense contractor and space flight  
52 business tax refund program established under s. 288.1045,  
53 Florida Statutes.

54 2. The tax exemption for semiconductor, defense, or space  
55 technology sales established under s. 212.08(5)(j), Florida  
56 Statutes.

57 3. The Military Base Protection Program established under  
58 s. 288.980, Florida Statutes.

59 4. The Manufacturing and Spaceport Investment Incentive  
60 Program established under s. 288.1083, Florida Statutes.

61 5. The Quick Response Training Program established under s.  
62 288.047, Florida Statutes.

63 6. The Incumbent Worker Training Program established under  
64 s. 445.003, Florida Statutes.

65 7. International trade and business development programs  
66 established or funded under s. 288.826, Florida Statutes.

67 (3) Pursuant to the schedule established in subsection (2),  
68 the Office of Economic and Demographic Research shall evaluate  
69 and determine the economic benefits, as defined in s. 288.005,  
70 Florida Statutes, of each program over the previous 3 years. The



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71 analysis must also evaluate the number of jobs created, the  
72 increase or decrease in personal income, and the impact on state  
73 gross domestic product from the direct, indirect, and induced  
74 effects of the state's investment in each program over the  
75 previous 3 years.

76 (a) For the purpose of evaluating tax credits, tax refunds,  
77 sales tax exemptions, cash grants, and similar programs, the  
78 Office of Economic and Demographic Research shall evaluate data  
79 only from those projects in which businesses received state  
80 funds during the evaluation period. Such projects may be fully  
81 completed, partially completed with future fund disbursal  
82 possible pending performance measures, or partially completed  
83 with no future fund disbursal possible as a result of a  
84 business's inability to meet performance measures.

85 (b) The analysis must use the model developed by the Office  
86 of Economic and Demographic Research, as required in s. 216.138,  
87 Florida Statutes, to evaluate each program. The office shall  
88 provide a written explanation of the key assumptions of the  
89 model and how it is used. If the office finds that another  
90 evaluation model is more appropriate to evaluate a program, it  
91 may use another model, but it must provide an explanation as to  
92 why the selected model was more appropriate.

93 (4) Pursuant to the schedule established in subsection (2),  
94 OPPAGA shall evaluate each program over the previous 3 years for  
95 its effectiveness and value to the taxpayers of this state and  
96 include recommendations on each program for consideration by the  
97 Legislature. The analysis may include relevant economic  
98 development reports or analyses prepared by the Department of  
99 Economic Opportunity, Enterprise Florida, Inc., or local or



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100 regional economic development organizations; interviews with the  
101 parties involved; or any other relevant data.

102 (5) The Office of Economic and Demographic Research and  
103 OPPAGA must be given access to all data necessary to complete  
104 the Economic Development Programs Evaluation, including any  
105 confidential data. The offices may collaborate on data  
106 collection and analysis.

107 Section 2. Subsection (10) of section 20.60, Florida  
108 Statutes, is amended to read:

109 20.60 Department of Economic Opportunity; creation; powers  
110 and duties.—

111 (10) The department, with assistance from Enterprise  
112 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,  
113 submit an annual report to the Governor, the President of the  
114 Senate, and the Speaker of the House of Representatives on the  
115 condition of the business climate and economic development in  
116 the state.

117 (a) The report must ~~shall~~ include the identification of  
118 problems and a prioritized list of recommendations.

119 (b) The report must incorporate annual reports of other  
120 programs, including:

121 1. The displaced homemaker program established under s.  
122 446.50.

123 2. Information provided by the Department of Revenue under  
124 s. 290.014.

125 3. Information provided by enterprise zone development  
126 agencies under s. 290.0056 and an analysis of the activities and  
127 accomplishments of each enterprise zone.

128 4. The Economic Gardening Business Loan Pilot Program



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129 established under s. 288.1081 and the Economic Gardening  
130 Technical Assistance Pilot Program established under s.  
131 288.1082.

132 5. A detailed report of the performance of the Black  
133 Business Loan Program and a cumulative summary of quarterly  
134 report data required under s. 288.714.

135 6. The Rural Economic Development Initiative established  
136 under s. 288.0656.

137 Section 3. Paragraph (c) of subsection (1) of section  
138 201.15, Florida Statutes, is amended to read:

139 201.15 Distribution of taxes collected.—All taxes collected  
140 under this chapter are subject to the service charge imposed in  
141 s. 215.20(1). Prior to distribution under this section, the  
142 Department of Revenue shall deduct amounts necessary to pay the  
143 costs of the collection and enforcement of the tax levied by  
144 this chapter. Such costs and the service charge may not be  
145 levied against any portion of taxes pledged to debt service on  
146 bonds to the extent that the costs and service charge are  
147 required to pay any amounts relating to the bonds. After  
148 distributions are made pursuant to subsection (1), all of the  
149 costs of the collection and enforcement of the tax levied by  
150 this chapter and the service charge shall be available and  
151 transferred to the extent necessary to pay debt service and any  
152 other amounts payable with respect to bonds authorized before  
153 January 1, 2013, secured by revenues distributed pursuant to  
154 subsection (1). All taxes remaining after deduction of costs and  
155 the service charge shall be distributed as follows:

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



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

161 1. The State Transportation Trust Fund in the Department of  
162 Transportation in the amount of the lesser of 38.2 percent of  
163 the remainder or \$541.75 million in each fiscal year. Out of  
164 such funds, the first \$50 million for the 2012-2013 fiscal year;  
165 \$65 million for the 2013-2014 fiscal year; and \$75 million for  
166 the 2014-2015 fiscal year and all subsequent years, shall be  
167 transferred to the State Economic Enhancement and Development  
168 Trust Fund within the Department of Economic Opportunity. The  
169 remainder is to be used for the following specified purposes,  
170 notwithstanding any other law to the contrary:

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

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

178 c. For the purposes of the Strategic Intermodal System  
179 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
180 of these funds after allocating for the New Starts Transit  
181 Program described in sub-subparagraph a. and the Small County  
182 Outreach Program described in sub-subparagraph b.; and

183 d. For the purposes of the Transportation Regional  
184 Incentive Program specified in s. 339.2819, 25 percent of these  
185 funds after allocating for the New Starts Transit Program  
186 described in sub-subparagraph a. and the Small County Outreach



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187 Program described in sub-subparagraph b. Effective July 1, 2014,  
188 the first \$60 million of the funds allocated pursuant to this  
189 sub-subparagraph shall be allocated annually to the Florida Rail  
190 Enterprise for the purposes established in s. 341.303(5).

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

196 3. The Ecosystem Management and Restoration Trust Fund in  
197 the amount of the lesser of 2.12 percent of the remainder or \$30  
198 million in each fiscal year, to be used for the preservation and  
199 repair of the state's beaches as provided in ss. 161.091-  
200 161.212.

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

205  
206 Moneys distributed pursuant to this paragraph may not be pledged  
207 for debt service unless such pledge is approved by referendum of  
208 the voters.

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

211 213.053 Confidentiality and information sharing.-

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

214 (bb) Information to the director of the Office of Program  
215 Policy Analysis and Government Accountability or his or her





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216 authorized agent, and to the coordinator of the Office of  
217 Economic and Demographic Research or his or her authorized  
218 agent, for purposes of completing the Economic Development  
219 Programs Evaluation. Information obtained from the department  
220 pursuant to this paragraph may be shared by the director and the  
221 coordinator, or the director's or coordinator's authorized  
222 agent, for purposes of completing the Economic Development  
223 Programs Evaluation.

224  
225 Disclosure of information under this subsection shall be  
226 pursuant to a written agreement between the executive director  
227 and the agency. Such agencies, governmental or nongovernmental,  
228 shall be bound by the same requirements of confidentiality as  
229 the Department of Revenue. Breach of confidentiality is a  
230 misdemeanor of the first degree, punishable as provided by s.  
231 775.082 or s. 775.083.

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

234 220.194 Corporate income tax credits for spaceflight  
235 projects.—

236 (9) ANNUAL REPORT.—Beginning in 2014, the Department of  
237 Economic Opportunity, in cooperation with Space Florida and the  
238 department, shall include in the ~~submit an~~ annual incentives  
239 report required under s. 288.907 a summary of ~~summarizing~~  
240 activities relating to the Florida Space Business Incentives Act  
241 established under this section ~~to the Governor, the President of~~  
242 ~~the Senate, and the Speaker of the House of Representatives by~~  
243 ~~each November 30.~~

244 Section 6. Section 288.001, Florida Statutes, is amended to



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245 read:

246 288.001 The Florida Small Business Development Center  
247 Network; ~~purpose.~~—

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

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

254 (a) "Board of Governors" is the Board of Governors of the  
255 State University System.

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

259 (c) "Network" means the Florida Small Business Development  
260 Center Network.

261 (3) OPERATION; POLICIES AND PROGRAMS.—

262 (a) The network's statewide director shall operate the  
263 network in compliance with the federal laws and regulations  
264 governing the network and the Board of Governors Regulation  
265 10.015.

266 (b) The network's statewide director shall consult with the  
267 Board of Governors, the department, and the network's statewide  
268 advisory board to ensure that the network's policies and  
269 programs align with the statewide goals of the State University  
270 System and the statewide strategic economic development plan as  
271 provided under s. 20.60.

272 (4) STATEWIDE ADVISORY BOARD.—

273 (a) The network shall maintain a statewide advisory board



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274 to advise, counsel, and confer with the statewide director on  
275 matters pertaining to the operation of the network.

276 (b) The statewide advisory board shall consist of 19  
277 members from across the state. At least 12 members must be  
278 representatives of the private sector who are knowledgeable of  
279 the needs and challenges of small businesses. The members must  
280 represent various segments and industries of the economy in this  
281 state and must bring knowledge and skills to the statewide  
282 advisory board which would enhance the board's collective  
283 knowledge of small business assistance needs and challenges.  
284 Minority and gender representation must be considered when  
285 making appointments to the board. The board must include the  
286 following members:

287 1. Three members appointed from the private sector by the  
288 President of the Senate.

289 2. Three members appointed from the private sector by the  
290 Speaker of the House of Representatives.

291 3. Three members appointed from the private sector by the  
292 Governor.

293 4. Three members appointed from the private sector by the  
294 network's statewide director.

295 5. One member appointed by the host institution.

296 6. The President of Enterprise Florida, Inc., or his or her  
297 designee.

298 7. The Chief Financial Officer or his or her designee.

299 8. The President of the Florida Chamber of Commerce or his  
300 or her designee.

301 9. The Small Business Development Center Project Officer  
302 from the U.S. Small Business Administration at the South Florida



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303 District Office or his or her designee.

304 10. The executive director of the National Federation of  
305 Independent Businesses, Florida, or his or her designee.

306 11. The executive director of the Florida United Business  
307 Association or his or her designee.

308 (c) The term of an appointed member shall be for 4 years,  
309 beginning August 1, 2013, except that at the time of initial  
310 appointments, two members appointed by the Governor, one member  
311 appointed by the President of the Senate, one member appointed  
312 by the Speaker of the House of Representatives, and one member  
313 appointed by the network's statewide director shall be appointed  
314 for 2 years. An appointed member may be reappointed to a  
315 subsequent term. Members of the statewide advisory board may not  
316 receive compensation but may be reimbursed for per diem and  
317 travel expenses in accordance with s. 112.061.

318 (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.-

319 (a) The statewide director, in consultation with the  
320 advisory board, shall develop support services that are  
321 delivered through regional small business development centers.  
322 Support services must target the needs of businesses that employ  
323 fewer than 100 persons and demonstrate an assessed capacity to  
324 grow in employment or revenue.

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

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



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332           2. Developing and implementing strategic or business plans.  
333 Such activities include analyzing a business's mission, vision,  
334 strategies, and goals; critiquing the overall plan; and creating  
335 performance measures.

336           3. Developing the financial literacy of existing businesses  
337 related to their business cash flow and financial management  
338 plans. Such activities include conducting financial analysis  
339 health checks, assessing cost control management techniques, and  
340 building financial management strategies and solutions.

341           4. Developing and implementing plans for existing  
342 businesses to access or expand to new or existing markets. Such  
343 activities include conducting market research, researching and  
344 identifying expansion opportunities in international markets,  
345 and identifying opportunities in selling to units of government.

346           5. Supporting access to capital for business investment and  
347 expansion. Such activities include providing technical  
348 assistance relating to obtaining surety bonds; identifying and  
349 assessing potential debt or equity investors or other financing  
350 opportunities; assisting in the preparation of applications,  
351 projections, or pro forma or other support documentation for  
352 surety bond, loan, financing, or investment requests; and  
353 facilitating conferences with lenders or investors.

354           6. Assisting existing businesses to plan for a natural or  
355 man-made disaster, and assisting businesses when such an event  
356 occurs. Such activities include creating business continuity and  
357 disaster plans, preparing disaster and bridge loan applications,  
358 and carrying out other emergency support functions.

359           (c) A business receiving support services must agree to  
360 participate in assessments of such services. The agreement, at a



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361 minimum, must request the business to report demographic  
362 characteristics, changes in employment and sales, debt and  
363 equity capital attained, and government contracts acquired. The  
364 host institution may require additional reporting requirements  
365 for funding described in subsection (7).

366 (6) REQUIRED MATCH.—The network must provide a match equal  
367 to the total amount of any direct legislative appropriation  
368 which is received directly by the host institution and is  
369 specifically designated for the network. The match may include  
370 funds from federal or other nonstate funding sources designated  
371 for the network. At least 50 percent of the match must be cash.  
372 The remaining 50 percent may be provided through any allowable  
373 combination of additional cash, in-kind contributions, or  
374 indirect costs.

375 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE  
376 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST  
377 PRACTICES; ELIGIBILITY.—

378 (a) The statewide director, in coordination with the host  
379 institution, shall establish a pay-per-performance incentive for  
380 regional small business development centers. Such incentive  
381 shall be funded from half of any state appropriation received  
382 directly by the host institution, which appropriation is  
383 specifically designated for the network. These funds shall be  
384 distributed to the regional small business development centers  
385 based upon data collected from the businesses as provided under  
386 paragraph (5) (c). The distribution formula must provide for the  
387 distribution of funds in part on the gross number of jobs  
388 created annually by each center and in part on the number of  
389 jobs created per support service hour. The pay-per-performance



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390 incentive must supplement the operations and support services of  
391 each regional small business development center, and may not  
392 reduce matching funds dedicated to the regional small business  
393 development center.

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

398 1. Ensuring that support services are available statewide,  
399 especially in underserved and rural areas of the state, to  
400 assist eligible businesses;

401 2. Enhancing participation in the network among state  
402 universities and colleges; and

403 3. Facilitating the adoption of innovative small business  
404 assistance best practices by the regional small business  
405 development centers.

406 (c) The statewide director, in coordination with the  
407 advisory board, shall develop annual programs to distribute  
408 funds for each of the purposes described in paragraph (b). The  
409 network shall announce the annual amount of available funds for  
410 each program, performance expectations, and other requirements.  
411 For each program, the statewide director shall present  
412 applications and recommendations to the advisory board. The  
413 advisory board shall make the final approval of applications.  
414 Approved applications must be publicly posted. At a minimum,  
415 programs must include:

416 1. New regional small business development centers; and

417 2. Awards for the top six regional small business

418 development centers that adopt best practices, as determined by



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419 the advisory board. Detailed information about best practices  
420 must be made available to regional small business development  
421 centers for voluntary implementation.

422 (d) A regional small business development center that has  
423 been found by the statewide director to perform poorly, to  
424 engage in improper activity affecting the operation and  
425 integrity of the network, or to fail to follow the rules and  
426 procedures set forth in the laws, regulations, and policies  
427 governing the network, is not eligible for funds under this  
428 subsection.

429 (e) Funds awarded under this subsection may not reduce  
430 matching funds dedicated to the regional small business  
431 development centers.

432 (8) REPORTING.—

433 (a) The statewide director shall quarterly update the Board  
434 of Governors, the department, and the advisory board on the  
435 network's progress and outcomes, including aggregate information  
436 on businesses assisted by the network.

437 (b) The statewide director, in coordination with the  
438 advisory board, shall annually report, on June 30, to the  
439 President of the Senate and the Speaker of the House of  
440 Representatives on the network's progress and outcomes for the  
441 previous fiscal year. The report must include aggregate  
442 information on businesses assisted by the network, network  
443 services and programs, the use of funds specifically dedicated  
444 to the network, and the network's economic benefit to the state.  
445 The report must contain specific information on performance-  
446 based metrics and contain the methodology used to calculate the  
447 network's economic benefit to the state.





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

450 288.005 Definitions.—As used in this chapter, the term:

451 (4) "Jobs" means full-time equivalent positions, including,  
452 but not limited to, positions obtained from a temporary  
453 employment agency or employee leasing company or through a union  
454 agreement or coemployment under a professional employer  
455 organization agreement, which result directly from a project in  
456 this state. This number does not include temporary construction  
457 jobs involved with the construction of facilities for the  
458 project.

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

461 288.012 State of Florida international offices; state  
462 protocol officer; protocol manual.—The Legislature finds that  
463 the expansion of international trade and tourism is vital to the  
464 overall health and growth of the economy of this state. This  
465 expansion is hampered by the lack of technical and business  
466 assistance, financial assistance, and information services for  
467 businesses in this state. The Legislature finds that these  
468 businesses could be assisted by providing these services at  
469 State of Florida international offices. The Legislature further  
470 finds that the accessibility and provision of services at these  
471 offices can be enhanced through cooperative agreements or  
472 strategic alliances between private businesses and state, local,  
473 and international governmental entities.

474 (3) ~~By October 1 of each year,~~ Each international office  
475 shall annually submit to Enterprise Florida, Inc., ~~the~~  
476 ~~department~~ a complete and detailed report on its activities and



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477 accomplishments during the previous ~~preceeding~~ fiscal year for  
478 inclusion in the annual report required under s. 288.906. In the  
479 ~~a~~ format and by the annual date prescribed ~~provided~~ by  
480 Enterprise Florida, Inc., the report must set forth information  
481 on:

- 482 (a) The number of Florida companies assisted.
- 483 (b) The number of inquiries received about investment  
484 opportunities in this state.
- 485 (c) The number of trade leads generated.
- 486 (d) The number of investment projects announced.
- 487 (e) The estimated U.S. dollar value of sales confirmations.
- 488 (f) The number of representation agreements.
- 489 (g) The number of company consultations.
- 490 (h) Barriers or other issues affecting the effective  
491 operation of the office.
- 492 (i) Changes in office operations which are planned for the  
493 current fiscal year.
- 494 (j) Marketing activities conducted.
- 495 (k) Strategic alliances formed with organizations in the  
496 country in which the office is located.
- 497 (l) Activities conducted with Florida's other international  
498 offices.
- 499 (m) Any other information that the office believes would  
500 contribute to an understanding of its activities.

501 Section 9. Section 288.061, Florida Statutes, is amended to  
502 read:

503 288.061 Economic development incentive application  
504 process.—

- 505 (1) Upon receiving a submitted economic development



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506 incentive application, the Division of Strategic Business  
507 Development of the Department of Economic Opportunity and  
508 designated staff of Enterprise Florida, Inc., shall review the  
509 application to ensure that the application is complete, whether  
510 and what type of state and local permits may be necessary for  
511 the applicant's project, whether it is possible to waive such  
512 permits, and what state incentives and amounts of such  
513 incentives may be available to the applicant. The department  
514 shall recommend to the executive director to approve or  
515 disapprove an applicant business. If review of the application  
516 demonstrates that the application is incomplete, the executive  
517 director shall notify the applicant business within the first 5  
518 business days after receiving the application.

519 (2) Beginning July 1, 2013, the department shall review and  
520 evaluate each economic development incentive application for the  
521 economic benefits of the proposed award of state incentives  
522 proposed for the project. The term "economic benefits" has the  
523 same meaning as in s. 288.005. The Office of Economic and  
524 Demographic Research shall review and evaluate the methodology  
525 and model used to calculate the economic benefits. For purposes  
526 of this requirement, an amended definition of economic benefits  
527 may be developed in conjunction with the Office of Economic and  
528 Demographic Research. The Office of Economic and Demographic  
529 Research shall report on the methodology and model by September  
530 1, 2013, and every third year thereafter, to the President of  
531 the Senate and the Speaker of the House of Representatives.

532 (3)~~(2)~~ Within 10 business days after the department  
533 receives the submitted economic development incentive  
534 application, the executive director shall approve or disapprove



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535 the application and issue a letter of certification to the  
536 applicant which includes a justification of that decision,  
537 unless the business requests an extension of that time.

538 (a) The contract or agreement with the applicant must ~~shall~~  
539 specify the total amount of the award, the performance  
540 conditions that must be met to obtain the award, the schedule  
541 for payment, and sanctions that would apply for failure to meet  
542 performance conditions. The department may enter into one  
543 agreement or contract covering all of the state incentives that  
544 are being provided to the applicant. The contract must provide  
545 that release of funds is contingent upon sufficient  
546 appropriation of funds by the Legislature.

547 (b) The release of funds for the incentive or incentives  
548 awarded to the applicant depends upon the statutory requirements  
549 of the particular incentive program, except as provided in  
550 subsection (4).

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

557 1. The contract or agreement must provide that the bond  
558 remain in effect until all performance conditions in the  
559 contract or agreement have been satisfied. The department may  
560 require the bond to cover the entire amount of the contract or  
561 agreement or allow for a bond to be renewed upon the completion  
562 of scheduled performance measurements specified in the contract  
563 or agreement. The contract or agreement must provide that the



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564 release of any funds is contingent upon receipt by the  
565 department of the surety bond.

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

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

571 4. Any notice of cancellation or nonrenewal issued by an  
572 insurer must comply with the notice requirements of s. 626.9201.  
573 If the applicant receives a notice of cancellation or  
574 nonrenewal, the applicant must immediately notify the  
575 department.

576 5. The cancellation of the surety bond is a violation of  
577 the contract or agreement between the applicant and the  
578 department. The department is released from any obligation to  
579 make future scheduled payments unless the applicant is able to  
580 secure a new surety bond or comply with the requirements of  
581 paragraphs (b) and (c) within 90 days before the effective date  
582 of the cancellation.

583 (b) If an applicant is unable to secure a surety bond or  
584 can demonstrate that obtaining a bond is unreasonable in cost,  
585 the department may waive the requirements specified in paragraph  
586 (a) by certifying in writing to the Governor, President of the  
587 Senate, and Speaker of the House of Representatives the  
588 following information:

589 1. An explanation stating the reasons why the applicant  
590 could not obtain a bond, to the extent such information is not  
591 confidential under s. 288.075;

592 2. A description of the economic benefits expected to be



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593 generated by the incentive award which indicates that the  
594 project warrants waiver of the requirement; and  
595 3. An evaluation of the quality and value of the applicant  
596 which supports the selection of the alternative securitization  
597 under paragraph (c). The department's evaluation must consider  
598 the following information when determining the form for securing  
599 the award amount:  
600 a. A financial analysis of the company, including an  
601 evaluation of the company's short-term liquidity ratio as  
602 measured by its assets to liability, the company's profitability  
603 ratio, and the company's long-term solvency as measured by its  
604 debt-to-equity ratio;  
605 b. The historical market performance of the company;  
606 c. Any independent evaluations of the company;  
607 d. The latest audit of the company's financial statement  
608 and the related auditor's management letter; and  
609 e. Any other types of reports that are related to the  
610 internal controls or management of the company.  
611 (c)1. If the department grants a waiver under paragraph  
612 (b), the incentives contract or agreement must provide for  
613 securing the award amount in one of the following forms:  
614 a. An irrevocable letter of credit issued by a financial  
615 institution, as defined in s. 655.005;  
616 b. Cash or securities held in trust by a financial  
617 institution, as defined in s. 655.005, and subject to a control  
618 agreement; or  
619 c. A secured transaction in collateral under the control or  
620 possession of the applicant for the value of the award amount.  
621 The department is authorized to negotiate the terms and



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622 conditions of the security agreement.

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

628 3. The irrevocable letter of credit, trust, or security  
629 agreement must remain in effect until all performance conditions  
630 specified in the contract or agreement have been satisfied.  
631 Failure to comply with this provision results in a violation of  
632 the contract or agreement between the applicant and the  
633 department and releases the department from any obligation to  
634 make future scheduled payments.

635 (d) The department may waive the requirements of paragraphs  
636 (a) through (c) by certifying to the Governor and the chair and  
637 vice chair of the Legislative Budget Commission the following  
638 information:

639 1. The applicant demonstrates the financial ability to  
640 fulfill the requirements of the contract and has submitted an  
641 independently audited financial statement for the previous 5  
642 years;

643 2. If applicable, the applicant was previously a recipient  
644 of an incentive under an economic development program, was  
645 subject to clawback requirements, and timely complied with those  
646 provisions; and

647 3. The department has determined that waiver of the  
648 requirements of paragraphs (a) through (c) is in the best  
649 interest of the state.

650 (e) For waivers granted under paragraph (d), the department



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651 shall provide a written description and evaluation of the waiver  
652 to the chair and vice chair of the Legislative Budget  
653 Commission. Such information may be provided at the same time  
654 that the information for the project consultation is provided to  
655 the Legislative Budget Commission under s. 288.1088 or s.  
656 288.1089. If the chair or vice chair of the Legislative Budget  
657 Commission timely advises the department that such action or  
658 proposed action exceeds delegated authority or is contrary to  
659 legislative policy or intent, the department shall void the  
660 waiver until the Legislative Budget Commission or the  
661 Legislature addresses the issue. A waiver granted by the  
662 department for any project exceeding \$5 million must be approved  
663 by the Legislative Budget Commission.

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

666 (5) In the event of default on the performance conditions  
667 specified in the contract or agreement, or violation of any of  
668 the provisions found in this section, the state may, in addition  
669 to any other remedy provided by law, bring suit to enforce its  
670 interest.

671 (6)~~(3)~~ The department shall validate contractor performance  
672 and report. ~~such~~ ~~Such~~ validation ~~shall be reported~~ in the annual  
673 incentives ~~incentive~~ report required under s. 288.907.

674 (7) The department is authorized to adopt rules to  
675 implement this section.

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

678 288.0656 Rural Economic Development Initiative.—

679 (8) REDI shall submit a report to the department ~~Governor,~~





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680 ~~the President of the Senate, and the Speaker of the House of~~  
681 ~~Representatives each year on or before September 1~~ on all REDI  
682 activities for the previous ~~prior~~ fiscal year as a supplement to  
683 the department's annual report required under s. 20.60. This  
684 supplementary report must ~~shall~~ include:

685 (a) A status report on all projects currently being  
686 coordinated through REDI, the number of preferential awards and  
687 allowances made pursuant to this section, the dollar amount of  
688 such awards, and the names of the recipients.

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

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

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

696 Section 11. Paragraph (c) of subsection (3) of section  
697 288.095, Florida Statutes, is repealed.

698 Section 12. Paragraph (c) of subsection (4) and paragraph  
699 (d) of subsection (7) of section 288.106, Florida Statutes, are  
700 amended to read:

701 288.106 Tax refund program for qualified target industry  
702 businesses.—

703 (4) APPLICATION AND APPROVAL PROCESS.—

704 (c) Each application meeting the requirements of paragraph  
705 (b) must be submitted to the department for determination of  
706 eligibility. The department shall review and evaluate each  
707 application based on, but not limited to, the following  
708 criteria:



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- 709           1. Expected contributions to the state's economy,  
710 consistent with the state strategic economic development plan  
711 prepared by the department.
- 712           2. The economic benefits of the proposed award of tax  
713 refunds under this section ~~and the economic benefits of state~~  
714 ~~incentives proposed for the project. The term "economic~~  
715 ~~benefits" has the same meaning as in s. 288.005. The Office of~~  
716 ~~Economic and Demographic Research shall review and evaluate the~~  
717 ~~methodology and model used to calculate the economic benefits~~  
718 ~~and shall report its findings by September 1 of every 3rd year,~~  
719 ~~to the President of the Senate and the Speaker of the House of~~  
720 ~~Representatives.~~
- 721           3. The amount of capital investment to be made by the  
722 applicant in this state.
- 723           4. The local financial commitment and support for the  
724 project.
- 725           5. The expected effect of the project on the unemployed and  
726 underemployed unemployment rate in the county where the project  
727 will be located.
- 728           6. The expected effect of the award on the viability of the  
729 project and the probability that the project would be undertaken  
730 in this state if such tax refunds are granted to the applicant.
- 731           ~~7. The expected long-term commitment of the applicant to~~  
732 ~~economic growth and employment in this state resulting from the~~  
733 ~~project.~~
- 734           ~~7.8.~~ A review of the business's past activities in this  
735 state or other states, including whether the ~~such~~ business has  
736 been subjected to criminal or civil fines and penalties and  
737 whether the business received economic development incentives in



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738 other states and the results of such incentive agreements. This  
739 subparagraph does not require the disclosure of confidential  
740 information.

741 (7) ADMINISTRATION.—

742 (d) Beginning with tax refund agreements signed after July  
743 1, 2010, the department shall attempt to ascertain the causes  
744 for any business's failure to complete its agreement and ~~shall~~  
745 ~~report~~ its findings and recommendations must be included in the  
746 annual incentives report under s. 288.907 ~~to the Governor, the~~  
747 ~~President of the Senate, and the Speaker of the House of~~  
748 ~~Representatives. The report shall be submitted by December 1 of~~  
749 ~~each year beginning in 2011.~~

750 Section 13. Subsection (8) of section 288.1081, Florida  
751 Statutes, is amended to read:

752 288.1081 Economic Gardening Business Loan Pilot Program.—

753 (8) The annual report required under s. 20.60 must describe  
754 ~~On June 30 and December 31 of each year, the department shall~~  
755 ~~submit a report to the Governor, the President of the Senate,~~  
756 ~~and the Speaker of the House of Representatives which describes~~  
757 in detail the use of the loan funds. The report must include, at  
758 a minimum, the number of businesses receiving loans, the number  
759 of full-time equivalent jobs created as a result of the loans,  
760 the amount of wages paid to employees in the newly created jobs,  
761 the locations and types of economic activity undertaken by the  
762 borrowers, the amounts of loan repayments made to date, and the  
763 default rate of borrowers.

764 Section 14. Subsection (8) of section 288.1082, Florida  
765 Statutes, is amended to read:

766 288.1082 Economic Gardening Technical Assistance Pilot



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767 Program.—

768       (8) The annual report required under s. 20.60 must describe  
769 ~~On December 31 of each year, the department shall submit a~~  
770 ~~report to the Governor, the President of the Senate, and the~~  
771 ~~Speaker of the House of Representatives which describes in~~  
772 detail the progress of the pilot program. The report must  
773 include, at a minimum, the number of businesses receiving  
774 assistance, the number of full-time equivalent jobs created as a  
775 result of the assistance, if any, the amount of wages paid to  
776 employees in the newly created jobs, and the locations and types  
777 of economic activity undertaken by the businesses.

778       Section 15. Paragraph (e) of subsection (3) of section  
779 288.1088, Florida Statutes, is amended to read:

780       288.1088 Quick Action Closing Fund.—

781       (3)

782       (e) The department ~~Enterprise Florida, Inc.,~~ shall validate  
783 contractor performance and report. such validation in the annual  
784 incentives report required under s. 288.907 ~~shall be reported~~  
785 ~~within 6 months after completion of the contract to the~~  
786 ~~Governor, President of the Senate, and the Speaker of the House~~  
787 ~~of Representatives.~~

788       Section 16. Paragraphs (b) and (d) of subsection (4), and  
789 subsections (9) and (11) of section 288.1089, Florida Statutes,  
790 are amended to read:

791       288.1089 Innovation Incentive Program.—

792       (4) To qualify for review by the department, the applicant  
793 must, at a minimum, establish the following to the satisfaction  
794 of the department:

795       (b) A research and development project must:



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- 796           1. Serve as a catalyst for an emerging or evolving  
797 technology cluster.
- 798           2. Demonstrate a plan for significant higher education  
799 collaboration.
- 800           3. Provide the state, at a minimum, a cumulative break-even  
801 economic benefit ~~return on investment~~ within a 20-year period.
- 802           4. Be provided with a one-to-one match from the local  
803 community. The match requirement may be reduced or waived in  
804 rural areas of critical economic concern or reduced in rural  
805 areas, brownfield areas, and enterprise zones.
- 806           (d) For an alternative and renewable energy project in this  
807 state, the project must:
- 808           1. Demonstrate a plan for significant collaboration with an  
809 institution of higher education;
- 810           2. Provide the state, at a minimum, a cumulative break-even  
811 economic benefit ~~return on investment~~ within a 20-year period;
- 812           3. Include matching funds provided by the applicant or  
813 other available sources. The match requirement may be reduced or  
814 waived in rural areas of critical economic concern or reduced in  
815 rural areas, brownfield areas, and enterprise zones;
- 816           4. Be located in this state; and
- 817           5. Provide at least 35 direct, new jobs that pay an  
818 estimated annual average wage that equals at least 130 percent  
819 of the average private sector wage.
- 820           (9) The department shall validate the performance of an  
821 innovation business, a research and development facility, or an  
822 alternative and renewable energy business that has received an  
823 award. At the conclusion of the innovation incentive award  
824 agreement, or its earlier termination, the department shall



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825 include in the annual incentives report required under s.  
826 288.907 a detailed description of, ~~within 90 days, submit a~~  
827 ~~report to the Governor, the President of the Senate, and the~~  
828 ~~Speaker of the House of Representatives detailing whether the~~  
829 recipient of the innovation incentive grant achieved its  
830 specified outcomes.

831 (11) ~~(a)~~ The department shall include in ~~submit to the~~  
832 ~~Governor, the President of the Senate, and the Speaker of the~~  
833 ~~House of Representatives, as part of the annual~~ incentives  
834 report required under s. 288.907, a report summarizing the  
835 activities and accomplishments of the recipients of grants from  
836 the Innovation Incentive Program during the previous 12 months  
837 and an evaluation of whether the recipients are catalysts for  
838 additional direct and indirect economic development in Florida.

839 ~~(b) Beginning March 1, 2010, and every third year~~  
840 ~~thereafter, the Office of Program Policy Analysis and Government~~  
841 ~~Accountability, in consultation with the Auditor General's~~  
842 ~~Office, shall release a report evaluating the Innovation~~  
843 ~~Incentive Program's progress toward creating clusters of high-~~  
844 ~~wage, high-skilled, complementary industries that serve as~~  
845 ~~catalysts for economic growth specifically in the regions in~~  
846 ~~which they are located, and generally for the state as a whole.~~  
847 ~~Such report should include critical analyses of quarterly and~~  
848 ~~annual reports, annual audits, and other documents prepared by~~  
849 ~~the Innovation Incentive Program awardees; relevant economic~~  
850 ~~development reports prepared by the department, Enterprise~~  
851 ~~Florida, Inc., and local or regional economic development~~  
852 ~~organizations; interviews with the parties involved; and any~~  
853 ~~other relevant data. Such report should also include legislative~~



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854 ~~recommendations, if necessary, on how to improve the Innovation~~  
855 ~~Incentive Program so that the program reaches its anticipated~~  
856 ~~potential as a catalyst for direct and indirect economic~~  
857 ~~development in this state.~~

858 Section 17. Subsection (4) of section 288.1226, Florida  
859 Statutes, is amended to read:

860 288.1226 Florida Tourism Industry Marketing Corporation;  
861 use of property; board of directors; duties; audit.—

862 (4) BOARD OF DIRECTORS.—The board of directors of the  
863 corporation shall be composed of the Governor and 31 tourism-  
864 industry-related members, appointed by Enterprise Florida, Inc.,  
865 in conjunction with the department.

866 (a) The Governor shall serve ex officio as a nonvoting  
867 member of the board.

868 (b) ~~(a)~~ The board shall consist of 16 members, appointed in  
869 such a manner as to equitably represent all geographic areas of  
870 the state, with no fewer than two members from any of the  
871 following regions:

872 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,  
873 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,  
874 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

875 2. Region 2, composed of Alachua, Baker, Bradford, Clay,  
876 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,  
877 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,  
878 Taylor, and Union Counties.

879 3. Region 3, composed of Brevard, Indian River, Lake,  
880 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and  
881 Volusia Counties.

882 4. Region 4, composed of Citrus, Hernando, Hillsborough,



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883 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

884 5. Region 5, composed of Charlotte, Collier, DeSoto,  
885 Glades, Hardee, Hendry, Highlands, and Lee Counties.

886 6. Region 6, composed of Broward, Martin, Miami-Dade,  
887 Monroe, and Palm Beach Counties.

888 ~~(c)~~ ~~(b)~~ The 15 additional tourism-industry-related members  
889 shall include 1 representative from the statewide rental car  
890 industry; 7 representatives from tourist-related statewide  
891 associations, including those that represent hotels,  
892 campgrounds, county destination marketing organizations,  
893 museums, restaurants, retail, and attractions; 3 representatives  
894 from county destination marketing organizations; 1  
895 representative from the cruise industry; 1 representative from  
896 an automobile and travel services membership organization that  
897 has at least 2.8 million members in Florida; 1 representative  
898 from the airline industry; and 1 representative from the space  
899 tourism industry, who will each serve for a term of 2 years.

900 Section 18. Subsection (3) of section 288.1253, Florida  
901 Statutes, is amended to read:

902 288.1253 Travel and entertainment expenses.—

903 (3) The Office of Film and Entertainment ~~department~~ shall  
904 include in the annual report for the entertainment industry  
905 financial incentive program required under s. 288.1254(10) a  
906 ~~prepare an annual~~ report of the office's expenditures ~~of the~~  
907 ~~Office of Film and Entertainment~~ and provide such report to the  
908 ~~Legislature no later than December 30 of each year for the~~  
909 ~~expenditures of~~ the previous fiscal year. The report must ~~shall~~  
910 consist of a summary of all travel, entertainment, and  
911 incidental expenses incurred within the United States and all





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912 travel, entertainment, and incidental expenses incurred outside  
913 the United States, as well as a summary of all successful  
914 projects that developed from such travel.

915 Section 19. Subsection (10) of section 288.1254, Florida  
916 Statutes, is amended to read:

917 288.1254 Entertainment industry financial incentive  
918 program.—

919 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office  
920 of Film and Entertainment shall submit ~~provide~~ an annual report  
921 for the previous fiscal year to the Governor, the President of  
922 the Senate, and the Speaker of the House of Representatives  
923 which outlines the incentive program's return on investment and  
924 economic benefits to the state. The report must ~~shall~~ also  
925 include an estimate of the full-time equivalent positions  
926 created by each production that received tax credits under this  
927 section and information relating to the distribution of  
928 productions receiving credits by geographic region and type of  
929 production. The report must also include the expenditures report  
930 required under s. 288.1253(3) and the information describing the  
931 relationship between tax exemptions and incentives to industry  
932 growth required under s. 288.1258(5).

933 Section 20. Subsection (5) of section 288.1258, Florida  
934 Statutes, is amended to read:

935 288.1258 Entertainment industry qualified production  
936 companies; application procedure; categories; duties of the  
937 Department of Revenue; records and reports.—

938 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
939 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film  
940 and Entertainment shall keep annual records from the information



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941 provided on taxpayer applications for tax exemption certificates  
942 beginning January 1, 2001. These records also must ~~shall~~ reflect  
943 a ratio of the annual amount of sales and use tax exemptions  
944 under this section, plus the incentives awarded pursuant to s.  
945 288.1254 to the estimated amount of funds expended by certified  
946 productions. In addition, the office shall maintain data showing  
947 annual growth in Florida-based entertainment industry companies  
948 and entertainment industry employment and wages. The employment  
949 information must ~~shall~~ include an estimate of the full-time  
950 equivalent positions created by each production that received  
951 tax credits pursuant to s. 288.1254. The Office of Film and  
952 Entertainment shall include ~~report~~ this information in the  
953 annual report for the entertainment industry financial incentive  
954 program required under s. 288.1254(10) to the Legislature no  
955 later than December 1 of each year.

956 Section 21. Subsection (3) of section 288.714, Florida  
957 Statutes, is amended to read:

958 288.714 Quarterly and annual reports.-

959 (3) ~~By August 31 of each year,~~ The department shall include  
960 in its annual report required under s. 20.60 ~~provide to the~~  
961 ~~Governor, the President of the Senate, and the Speaker of the~~  
962 ~~House of Representatives~~ a detailed report of the performance of  
963 the Black Business Loan Program. The report must include a  
964 cumulative summary of the quarterly report data compiled  
965 pursuant to ~~required by~~ subsection (2) ~~(1)~~.

966 Section 22. Section 288.7771, Florida Statutes, is amended  
967 to read:

968 288.7771 Annual report of Florida Export Finance  
969 Corporation.-The corporation shall annually prepare and submit



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970 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its  
971 annual report required under s. 288.906 ~~by s. 288.095~~ a complete  
972 and detailed report setting forth:

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

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

976 Section 23. Subsections (3), (4), and (5) of section  
977 288.903, Florida Statutes, are amended to read:

978 288.903 Duties of Enterprise Florida, Inc.—Enterprise  
979 Florida, Inc., shall have the following duties:

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

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

983 (5)~~(4)~~ Assist the department with the development of an  
984 annual and a long-range strategic business blueprint for  
985 economic development required in s. 20.60.

986 (6)~~(5)~~ In coordination with Workforce Florida, Inc.,  
987 identify education and training programs that will ensure  
988 Florida businesses have access to a skilled and competent  
989 workforce necessary to compete successfully in the domestic and  
990 global marketplace.

991 Section 24. Subsection (6) of section 288.904, Florida  
992 Statutes, is repealed.

993 Section 25. Subsection (3) is added to section 288.906,  
994 Florida Statutes, to read:

995 288.906 Annual report of Enterprise Florida, Inc., and its  
996 divisions; audits.—

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



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999           (a) The annual report of the Florida Export Finance  
1000 Corporation required under s. 288.7771.

1001           (b) The report on international offices required under s.  
1002 288.012.

1003           Section 26. Section 288.907, Florida Statutes, is amended  
1004 to read:

1005           288.907 Annual incentives report.-

1006           ~~(1) By December 30 of each year, In addition to the annual~~  
1007 ~~report required under s. 288.906, Enterprise Florida, Inc., in~~  
1008 ~~conjunction with the department, by December 30 of each year,~~  
1009 shall provide the Governor, the President of the Senate, and the  
1010 Speaker of the House of Representatives a detailed incentives  
1011 report quantifying the economic benefits for all of the economic  
1012 development incentive programs marketed by Enterprise Florida,  
1013 Inc.

1014           ~~(a)~~ The annual incentives report must include:

1015           (1) For each incentive program:

1016           (a)1. A brief description of the incentive program.

1017           (b)2. The amount of awards granted, by year, since  
1018 inception and the annual amount actually transferred from the  
1019 state treasury to businesses or for the benefit of businesses  
1020 for each of the previous 3 years.

1021           ~~3. The economic benefits, as defined in s. 288.005, based~~  
1022 ~~on the actual amount of private capital invested, actual number~~  
1023 ~~of jobs created, and actual wages paid for incentive agreements~~  
1024 ~~completed during the previous 3 years.~~

1025           (c)4. The report shall also include The actual amount of  
1026 private capital invested, actual number of jobs created, and  
1027 actual wages paid for incentive agreements completed during the



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1028 previous 3 years for each target industry sector.  
1029       ~~(2)(b)~~ For projects completed during the previous state  
1030 fiscal year, ~~the report must include:~~  
1031       ~~(a)1.~~ The number of economic development incentive  
1032 applications received.  
1033       ~~(b)2.~~ The number of recommendations made to the department  
1034 by Enterprise Florida, Inc., including the number recommended  
1035 for approval and the number recommended for denial.  
1036       ~~(c)3.~~ The number of final decisions issued by the  
1037 department for approval and for denial.  
1038       ~~(d)4.~~ The projects for which a tax refund, tax credit, or  
1039 cash grant agreement was executed, identifying for each project:  
1040       ~~1.a.~~ The number of jobs committed to be created.  
1041       ~~2.b.~~ The amount of capital investments committed to be  
1042 made.  
1043       ~~3.e.~~ The annual average wage committed to be paid.  
1044       ~~4.d.~~ The amount of state economic development incentives  
1045 committed to the project from each incentive program under the  
1046 project's terms of agreement with the Department of Economic  
1047 Opportunity.  
1048       ~~5.e.~~ The amount and type of local matching funds committed  
1049 to the project.  
1050       (e) Tax refunds paid or other payments made funded out of  
1051 the Economic Development Incentives Account for each project.  
1052       (f) The types of projects supported.  
1053       ~~(3)(e)~~ For economic development projects that received tax  
1054 refunds, tax credits, or cash grants under the terms of an  
1055 agreement for incentives, ~~the report must identify:~~  
1056       ~~(a)1.~~ The number of jobs actually created.



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1057        (b)2. The amount of capital investments actually made.

1058        (c)3. The annual average wage paid.

1059        (4)(d) For a project receiving economic development  
1060 incentives approved by the department and receiving federal or  
1061 local incentives, ~~the report must include~~ a description of the  
1062 federal or local incentives, if available.

1063        (5)(e) The ~~report must state the~~ number of withdrawn or  
1064 terminated projects that did not fulfill the terms of their  
1065 agreements with the department and, consequently, are not  
1066 receiving incentives.

1067        (6) For any agreements signed after July 1, 2010, findings  
1068 and recommendations on the efforts of the department to  
1069 ascertain the causes of any business's inability to complete its  
1070 agreement made under s. 288.106.

1071        (7)(f) The amount ~~report must include an analysis of the~~  
1072 ~~economic benefits, as defined in s. 288.005,~~ of tax refunds, tax  
1073 credits, or other payments made to projects locating or  
1074 expanding in state enterprise zones, rural communities,  
1075 brownfield areas, or distressed urban communities. The report  
1076 must include a separate analysis of the impact of such tax  
1077 refunds on state enterprise zones designated under s. 290.0065,  
1078 rural communities, brownfield areas, and distressed urban  
1079 communities.

1080        (8) The name of and tax refund amount for each business  
1081 that has received a tax refund under s. 288.1045 or s. 288.106  
1082 during the preceding fiscal year.

1083        (9)(g) An identification of ~~The report must identify~~ the  
1084 target industry businesses and high-impact businesses.

1085        (10)(h) A description of ~~The report must describe~~ the



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1086 trends relating to business interest in, and usage of, the  
1087 various incentives, and the number of minority-owned or woman-  
1088 owned businesses receiving incentives.

1089 (11)-(i) An identification of The report must identify  
1090 incentive programs not used and recommendations for program  
1091 changes or program elimination utilized.

1092 (12) Information related to the validation of contractor  
1093 performance required under s. 288.061.

1094 (13) Beginning in 2014, a summation of the activities  
1095 related to the Florida Space Business Incentives Act.

1096 ~~(2) The Division of Strategic Business Development within~~  
1097 ~~the department shall assist Enterprise Florida, Inc., in the~~  
1098 ~~preparation of the annual incentives report.~~

1099 Section 27. Subsection (3) of section 288.92, Florida  
1100 Statutes, is amended to read:

1101 288.92 Divisions of Enterprise Florida, Inc.—

1102 (3) ~~By October 15 each year,~~ Each division shall draft and  
1103 submit an annual report for inclusion in the report required  
1104 under 288.906 which details the division's activities during the  
1105 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for  
1106 improving current statutes related to the division's ~~related~~  
1107 area of responsibility.

1108 Section 28. Subsection (5) of section 288.95155, Florida  
1109 Statutes, is amended to read:

1110 288.95155 Florida Small Business Technology Growth  
1111 Program.—

1112 (5) Enterprise Florida, Inc., shall prepare for inclusion  
1113 in the annual report ~~of the department~~ required under s. 288.907  
1114 ~~by s. 288.095~~ a report on the financial status of the program.



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1115 The report must specify the assets and liabilities of the  
1116 program within the current fiscal year and must include a  
1117 portfolio update that lists all of the businesses assisted, the  
1118 private dollars leveraged by each business assisted, and the  
1119 growth in sales and in employment of each business assisted.

1120 Section 29. Subsection (11) of section 290.0056, Florida  
1121 Statutes, is amended to read:

1122 290.0056 Enterprise zone development agency.—

1123 (11) Before October 1 ~~December 1~~ of each year, the agency  
1124 shall submit to the department for inclusion in the annual  
1125 report required under s. 20.60 a complete and detailed written  
1126 report setting forth:

1127 (a) Its operations and accomplishments during the fiscal  
1128 year.

1129 (b) The accomplishments and progress concerning the  
1130 implementation of the strategic plan or measurable goals, and  
1131 any updates to the strategic plan or measurable goals.

1132 (c) The number and type of businesses assisted by the  
1133 agency during the fiscal year.

1134 (d) The number of jobs created within the enterprise zone  
1135 during the fiscal year.

1136 (e) The usage and revenue impact of state and local  
1137 incentives granted during the calendar year.

1138 (f) Any other information required by the department.

1139 Section 30. Section 290.014, Florida Statutes, is amended  
1140 to read:

1141 290.014 Annual reports on enterprise zones.—

1142 (1) By October 1 ~~February 1~~ of each year, the Department of  
1143 Revenue shall submit an annual report to the department





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1144 detailing the usage and revenue impact by county of the state  
1145 incentives listed in s. 290.007.

1146 ~~(2) By March 1 of each year, the department shall submit an~~  
1147 ~~annual report to the Governor, the Speaker of the House of~~  
1148 ~~Representatives, and the President of the Senate. The annual~~  
1149 ~~report required under s. 20.60 shall include the information~~  
1150 ~~provided by the Department of Revenue pursuant to subsection (1)~~  
1151 ~~and the information provided by enterprise zone development~~  
1152 ~~agencies pursuant to s. 290.0056. In addition, the report shall~~  
1153 ~~include an analysis of the activities and accomplishments of~~  
1154 ~~each enterprise zone.~~

1155 Section 31. Section 290.0411, Florida Statutes, is amended  
1156 to read:

1157 290.0411 Legislative intent and purpose of ss. 290.0401-  
1158 290.048.—It is the intent of the Legislature to provide the  
1159 necessary means to develop, preserve, redevelop, and revitalize  
1160 Florida communities exhibiting signs of decline, ~~or~~ distress, or  
1161 economic need by enabling local governments to undertake the  
1162 necessary community and economic development programs. The  
1163 overall objective is to create viable communities by eliminating  
1164 slum and blight, fortifying communities in urgent need,  
1165 providing decent housing and suitable living environments, and  
1166 expanding economic opportunities, principally for persons of low  
1167 or moderate income. The purpose of ss. 290.0401-290.048 is to  
1168 assist local governments in carrying out effective community and  
1169 economic development and project planning and design activities  
1170 to arrest and reverse community decline and restore community  
1171 vitality. Community development and project planning activities  
1172 to maintain viable communities, revitalize existing communities,



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1173 expand economic development and employment opportunities, and  
1174 improve housing conditions and expand housing opportunities,  
1175 providing direct benefit to persons of low or moderate income,  
1176 are the primary purposes of ss. 290.0401-290.048. The  
1177 Legislature, therefore, declares that the development,  
1178 redevelopment, preservation, and revitalization of communities  
1179 in this state and all the purposes of ss. 290.0401-290.048 are  
1180 public purposes for which public money may be borrowed,  
1181 expended, loaned, pledged to guarantee loans, and granted.

1182 Section 32. Subsections (1) and (6) of section 290.042,  
1183 Florida Statutes, are amended to read:

1184 290.042 Definitions relating to Florida Small Cities  
1185 Community Development Block Grant Program Act.—As used in ss.  
1186 290.0401-290.048, the term:

1187 (1) "Administrative closeout" means the notification of a  
1188 grantee by the department that all applicable administrative  
1189 actions and all required work of an existing ~~the~~ grant have been  
1190 completed with the exception of the final audit.

1191 (6) "Person of low or moderate income" means any person who  
1192 meets the definition established by the department in accordance  
1193 with the guidelines established in Title I of the Housing and  
1194 Community Development Act of 1974, as amended, and the  
1195 definition of the term "low- and moderate-income person" as  
1196 provided in 24 C.F.R. s. 570.3.

1197 Section 33. Subsections (2), (3), and (4) of section  
1198 290.044, Florida Statutes, are amended to read:

1199 290.044 Florida Small Cities Community Development Block  
1200 Grant Program Fund; administration; distribution.—

1201 (2) The department shall adopt rules establishing



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1202 guidelines for the distribution of ~~distribute such funds as loan~~  
1203 ~~guarantees and~~ grants to eligible local governments through ~~on~~  
1204 ~~the basis of~~ a competitive selection process.

1205 (3) The department shall define ~~the~~ broad community  
1206 development objectives consistent with national objectives  
1207 established by 42 U.S.C. s. 5304 and 24 C.F.R. s. 570.483  
1208 ~~objective to be achieved~~ through the distribution of block grant  
1209 funds under this section. ~~by the activities in each of the~~  
1210 ~~following grant program categories, and require applicants for~~  
1211 ~~grants to compete against each other in these grant program~~  
1212 ~~categories:~~

- 1213 ~~(a) Housing.~~
- 1214 ~~(b) Economic development.~~
- 1215 ~~(c) Neighborhood revitalization.~~
- 1216 ~~(d) Commercial revitalization.~~
- 1217 ~~(e) Project planning and design.~~

1218 (4) The department may set aside an amount of up to 5  
1219 percent of the funds annually for use in any eligible local  
1220 government jurisdiction for which an emergency or natural  
1221 disaster has been declared by executive order. Such funds may  
1222 only be provided to a local government to fund eligible  
1223 emergency-related activities but must not be provided unless ~~for~~  
1224 ~~which~~ no other source of federal, state, or local disaster funds  
1225 is available. The department may provide for such set-aside by  
1226 rule. In the last quarter of the state fiscal year, any funds  
1227 not allocated under the emergency-related set-aside must ~~shall~~  
1228 be distributed to unfunded applications from the most recent  
1229 funding cycle.

1230 Section 34. Section 290.0455, Florida Statutes, is amended



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1231 to read:

1232 290.0455 Small Cities Community Development Block Grant  
1233 Loan Guarantee Program; Section 108 loan guarantees.—

1234 (1) The Small Cities Community Development Block Grant Loan  
1235 Guarantee Program is created. The department shall administer  
1236 the loan guarantee program pursuant to Section 108 ~~s. 108~~ of  
1237 Title I of the Housing and Community Development Act of 1974, as  
1238 amended, and as further amended by s. 910 of the Cranston-  
1239 Gonzalez National Affordable Housing Act. The purpose of the  
1240 Small Cities Community Development Block Grant Loan Guarantee  
1241 Program is to guarantee, or to make commitments to guarantee,  
1242 notes or other obligations issued by public entities for the  
1243 purposes of financing activities enumerated in 24 C.F.R. s.  
1244 570.703.

1245 (2) Activities assisted under the loan guarantee program  
1246 must meet the requirements contained in 24 C.F.R. ss. 570.700-  
1247 570.710 and may not otherwise be financed in whole or in part  
1248 from the Florida Small Cities Community Development Block Grant  
1249 Program.

1250 (3) The department may pledge existing revenues on deposit  
1251 or future revenues projected to be available for deposit in the  
1252 Florida Small Cities Community Development Block Grant Program  
1253 in order to guarantee, ~~in whole or in part,~~ the payment of  
1254 principal and interest on a Section 108 loan ~~made under the loan~~  
1255 ~~guarantee program.~~

1256 (4) An applicant approved by the United States Department  
1257 of Housing and Urban Development to receive a Section 108 loan  
1258 shall enter into an agreement with the Department of Economic  
1259 Opportunity which requires the applicant to pledge half of the



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1260 amount necessary to guarantee the loan in the event of default.  
1261 (5) The department shall review all Section 108 loan  
1262 applications that it receives from local governments. The  
1263 department shall review the applications ~~must submit all~~  
1264 ~~applications it receives to the United States Department of~~  
1265 ~~Housing and Urban Development for loan approval,~~ in the order  
1266 received, subject to a determination by the department  
1267 ~~determining~~ that each ~~the~~ application meets all eligibility  
1268 requirements contained in 24 C.F.R. ss. 570.700-570.710~~7~~ and has  
1269 been deemed financially feasible by a loan underwriter approved  
1270 by the department. If the statewide maximum available for loan  
1271 guarantee commitments established in subsection (6) has not been  
1272 committed, the department may submit the Section 108 loan  
1273 application to the United States Department of Housing and Urban  
1274 Development with a recommendation that the loan be approved,  
1275 with or without conditions, or be denied ~~provided that the~~  
1276 ~~applicant has submitted the proposed activity to a loan~~  
1277 ~~underwriter to document its financial feasibility.~~  
1278 (6) ~~(5)~~ The maximum amount of an individual loan guarantee  
1279 commitment that an ~~commitments that any~~ eligible local  
1280 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million  
1281 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan  
1282 guarantee commitments statewide may not exceed an amount equal  
1283 to two ~~five~~ times the amount of the most recent grant received  
1284 by the department under the Florida Small Cities Community  
1285 Development Block Grant Program. The \$5 million loan guarantee  
1286 limit does not apply to loans guaranteed prior to July 1, 2013,  
1287 that may be refinanced.  
1288 (7) ~~(6)~~ Section 108 loans guaranteed by the Small Cities



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1289 Community Development Block Grant Program ~~loan guarantee program~~  
1290 must be repaid within 20 years.

1291 ~~(8)(7)~~ Section 108 loan applicants must demonstrate  
1292 ~~guarantees may be used for an activity only if the local~~  
1293 ~~government provides evidence to the department that the~~  
1294 applicant investigated alternative financing services were  
1295 ~~investigated~~ and the services were unavailable or insufficient  
1296 to meet the financing needs of the proposed activity.

1297 (9) If a local government defaults on a Section 108 loan  
1298 received from the United States Department of Housing and Urban  
1299 Development and guaranteed through the Florida Small Cities  
1300 Community Development Block Grant Program, thereby requiring the  
1301 department to reduce its annual grant award in order to pay the  
1302 annual debt service on the loan, any future community  
1303 development block grants that the local government receives must  
1304 be reduced in an amount equal to the amount of the state's grant  
1305 award used in payment of debt service on the loan.

1306 (10) If a local government receives a Section 108 loan  
1307 guaranteed through the Florida Small Cities Community  
1308 Development Block Grant Program and is granted entitlement  
1309 community status as defined in subpart D of 24 C.F.R. part 570  
1310 by the United States Department of Housing and Urban Development  
1311 before paying the loan in full, the local government must pledge  
1312 its community development block grant entitlement allocation as  
1313 a guarantee of its previous loan and request that the United  
1314 States Department of Housing and Urban Development release the  
1315 department as guarantor of the loan.

1316 ~~(8) The department must, before approving an application~~  
1317 ~~for a loan, evaluate the applicant's prior administration of~~



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1318 ~~block grant funds for community development. The evaluation of~~  
1319 ~~past performance must take into account the procedural aspects~~  
1320 ~~of previous grants or loans as well as substantive results. If~~  
1321 ~~the department finds that any applicant has failed to~~  
1322 ~~substantially accomplish the results proposed in the applicant's~~  
1323 ~~last previously funded application, the department may prohibit~~  
1324 ~~the applicant from receiving a loan or may penalize the~~  
1325 ~~applicant in the rating of the current application.~~

1326 Section 35. Section 290.046, Florida Statutes, is amended  
1327 to read:

1328 (Substantial rewording of section. See  
1329 s. 290.046, F.S., for present text.)

1330 290.046 Applications for grants; procedures; requirements.-

1331 (1) The department shall adopt rules establishing  
1332 application procedures.

1333 (2)(a) Except for economic development projects, each local  
1334 government that is eligible by rule to apply for a grant during  
1335 an application cycle may submit one application for a  
1336 noneconomic development project during the application cycle. A  
1337 local government that is eligible by rule to apply for an  
1338 economic development grant may apply up to three times each  
1339 funding cycle for an economic development grant and may have  
1340 more than one open economic development grant.

1341 (b) The department shall establish minimum criteria  
1342 pertaining to the number of jobs created for persons of low or  
1343 moderate income, the degree of private sector financial  
1344 commitment, the economic feasibility of the proposed project,  
1345 and any other criteria the department deems appropriate.

1346 (c) The department may not award a grant until the



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1347 department has completed a site visit to verify the information  
1348 contained in the application.

1349 (3) (a) The department shall adopt rules establishing  
1350 criteria for evaluating applications received during each  
1351 application cycle and the department must rank each application  
1352 in accordance with those rules. Such rules must allow the  
1353 department to consider relevant factors, including, but not  
1354 limited to, community need, unemployment, poverty levels, low  
1355 and moderate income populations, health and safety, and the  
1356 condition of physical structures. The department shall  
1357 incorporate into its ranking system a procedure intended to  
1358 eliminate or reduce any existing population-related bias that  
1359 places exceptionally small communities at a disadvantage in the  
1360 competition for funds.

1361 (b) Project funding must be determined by the rankings  
1362 established in each application cycle. If economic development  
1363 funding remains available after the application cycle closes,  
1364 funding will be awarded to eligible projects on a first-come,  
1365 first-served basis until funding for this category is fully  
1366 obligated.

1367 (4) In order to provide the public with information  
1368 concerning an applicant's proposed program before an application  
1369 is submitted to the department, the applicant shall, for each  
1370 funding cycle:

1371 (a) Conduct an initial public hearing to inform the public  
1372 of funding opportunities available to meet community needs and  
1373 eligible activities and to solicit public input on community  
1374 needs.

1375 (b) Publish a summary of the proposed application which





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1376 affords the public an opportunity to examine the contents of the  
1377 application and submit comments.

1378 (c) Conduct a second public hearing to obtain public  
1379 comments on the proposed application and make appropriate  
1380 modifications to the application.

1381 Section 36. Section 290.047, Florida Statutes, is amended  
1382 to read:

1383 (Substantial rewording of section. See  
1384 s. 290.047, F.S., for present text.)

1385 290.047 Establishment of grant ceilings and maximum  
1386 administrative cost percentages.-

1387 (1) The department shall adopt rules to establish:

1388 (a) Grant ceilings.

1389 (b) The maximum percentage of block grant funds that may be  
1390 spent on administrative costs by an eligible local government.

1391 (c) Grant administration procurement procedures for  
1392 eligible local governments.

1393 (2) An eligible local government may not contract with the  
1394 same individual or business entity for more than one service to  
1395 be performed in connection with a community development block  
1396 grant, including, but not limited to, application preparation  
1397 services, administrative services, architectural and engineering  
1398 services, and construction services, unless it can be  
1399 demonstrated by the eligible local government that the  
1400 individual or business entity is the sole source of the service  
1401 or is the responsive proposer whose proposal is determined in  
1402 writing from a competitive process to be the most advantageous  
1403 to the local government.

1404 (3) The maximum amount of block grant funds that may be



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1405 spent on architectural and engineering costs by an eligible  
1406 local government must be determined by a methodology adopted by  
1407 the department by rule.

1408 Section 37. Section 290.0475, Florida Statutes, is amended  
1409 to read:

1410 290.0475 Rejection of grant applications; penalties for  
1411 failure to meet application conditions.—Applications received  
1412 for funding are ineligible if ~~under all program categories shall~~  
1413 ~~be rejected without scoring only in the event that any of the~~  
1414 ~~following circumstances arise:~~

1415 (1) The application is not received by the department by  
1416 the application deadline.

1417 (2) The proposed project does not meet one of the three  
1418 national objectives as described ~~contained~~ in s. 290.044(3)  
1419 ~~federal and state legislation.~~

1420 (3) The proposed project is not an eligible activity as  
1421 contained in the federal legislation.

1422 (4) The application is not consistent with the local  
1423 government's comprehensive plan adopted pursuant to s. 163.3184.

1424 (5) The applicant has an open community development block  
1425 grant, except as provided in s. 290.046(2)(a) and department  
1426 rule ~~s. 290.046(2)(e).~~

1427 (6) The local government is not in compliance with the  
1428 citizen participation requirements prescribed in ss. 104(a)(1)  
1429 and (2) and 106(d)(5)(c) of Title I of the Housing and Community  
1430 Development Act of 1984, s. 290.046(4), and department rule  
1431 rules.

1432 ~~(7) Any information provided in the application that~~  
1433 ~~affects eligibility or scoring is found to have been~~



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1434 ~~misrepresented, and the information is not a mathematical error~~  
1435 ~~which may be discovered and corrected by readily computing~~  
1436 ~~available numbers or formulas provided in the application.~~

1437 Section 38. Subsections (5), (6), and (7) of section  
1438 290.048, Florida Statutes, are amended to read:

1439 290.048 General powers of department under ss. 290.0401-  
1440 290.048.—The department has all the powers necessary or  
1441 appropriate to carry out the purposes and provisions of the  
1442 program, including the power to:

1443 ~~(5) Adopt and enforce strict requirements concerning an~~  
1444 ~~applicant's written description of a service area. Each such~~  
1445 ~~description shall contain maps which illustrate the location of~~  
1446 ~~the proposed service area. All such maps must be clearly legible~~  
1447 ~~and must:~~

1448 ~~(a) Contain a scale which is clearly marked on the map.~~

1449 ~~(b) Show the boundaries of the locality.~~

1450 ~~(c) Show the boundaries of the service area where the~~  
1451 ~~activities will be concentrated.~~

1452 ~~(d) Display the location of all proposed area activities.~~

1453 ~~(e) Include the names of streets, route numbers, or easily~~  
1454 ~~identifiable landmarks where all service activities are located.~~

1455 ~~(5)(6)~~ Pledge community development block grant revenues  
1456 from the Federal Government in order to guarantee notes or other  
1457 obligations of a public entity which are approved pursuant to s.  
1458 290.0455.

1459 ~~(7) Establish an advisory committee of no more than 13~~  
1460 ~~members to solicit participation in designing, administering,~~  
1461 ~~and evaluating the program and in linking the program with other~~  
1462 ~~housing and community development resources.~~



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1463           Section 39. Subsection (11) of section 331.3051, Florida  
1464 Statutes, is amended to read:  
1465           331.3051 Duties of Space Florida.—Space Florida shall:  
1466           (11) Annually report on its performance with respect to its  
1467 business plan, to include finance, spaceport operations,  
1468 research and development, workforce development, and education.  
1469 Space Florida shall submit the report ~~shall be submitted~~ to the  
1470 Governor, the President of the Senate, and the Speaker of the  
1471 House of Representatives by November 30 ~~no later than September~~  
1472 ~~1~~ for the previous ~~prior~~ fiscal year. The annual report must  
1473 include operations information as required under s.  
1474 331.310(2)(e).

1475           Section 40. Paragraph (e) of subsection (2) of section  
1476 331.310, Florida Statutes, is amended to read:  
1477           331.310 Powers and duties of the board of directors.—  
1478           (2) The board of directors shall:  
1479           (e) Prepare an annual report of operations as a supplement  
1480 to the annual report required under s. 331.3051(11). The report  
1481 must ~~shall~~ include, but not be limited to, a balance sheet, an  
1482 income statement, a statement of changes in financial position,  
1483 a reconciliation of changes in equity accounts, a summary of  
1484 significant accounting principles, the auditor's report, a  
1485 summary of the status of existing and proposed bonding projects,  
1486 comments from management about the year's business, and  
1487 prospects for the next year, ~~which shall be submitted each year~~  
1488 ~~by November 30 to the Governor, the President of the Senate, the~~  
1489 ~~Speaker of the House of Representatives, the minority leader of~~  
1490 ~~the Senate, and the minority leader of the House of~~  
1491 ~~Representatives.~~



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1492 Section 41. Paragraphs (a) and (e) of subsection (30) of  
1493 section 443.036, Florida Statutes, is amended to read:

1494 443.036 Definitions.—As used in this chapter, the term:

1495 (30) "Misconduct," irrespective of whether the misconduct  
1496 occurs at the workplace or during working hours, includes, but  
1497 is not limited to, the following, which may not be construed in  
1498 pari materia with each other:

1499 (a) Conduct demonstrating conscious disregard of an  
1500 employer's interests and found to be a deliberate violation or  
1501 disregard of the reasonable standards of behavior which the  
1502 employer expects of his or her employee. Such conduct may  
1503 include, but is not limited to, willful damage to an employer's  
1504 property that results in damage of more than \$50; or theft of  
1505 employer property or property of a customer or invitee of the  
1506 employer.

1507 (e)1. A violation of an employer's rule, unless the  
1508 claimant can demonstrate that:

1509 a.1. He or she did not know, and could not reasonably know,  
1510 of the rule's requirements;

1511 b.2. The rule is not lawful or not reasonably related to  
1512 the job environment and performance; or

1513 c.3. The rule is not fairly or consistently enforced.

1514 2. Such conduct may include, but is not limited to,  
1515 committing criminal assault or battery on another employee, or  
1516 on a customer or invitee of the employer; or committing abuse or  
1517 neglect of a patient, resident, disabled person, elderly person,  
1518 or child in her or his professional care.

1519 Section 42. Paragraphs (b), (c), and (d) of subsection (1)  
1520 of section 443.091, Florida Statutes, are amended to read:



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1521 443.091 Benefit eligibility conditions.-

1522 (1) An unemployed individual is eligible to receive  
1523 benefits for any week only if the Department of Economic  
1524 Opportunity finds that:

1525 (b) She or he has completed the department's online work  
1526 registration ~~registered with the department for work~~ and  
1527 subsequently reports to the one-stop career center as directed  
1528 by the regional workforce board for reemployment services. This  
1529 requirement does not apply to persons who are:

1530 1. Non-Florida residents;

1531 2. On a temporary layoff;

1532 3. Union members who customarily obtain employment through  
1533 a union hiring hall; or

1534 4. Claiming benefits under an approved short-time  
1535 compensation plan as provided in s. 443.1116.

1536 5. Unable to complete the online work registration due to  
1537 illiteracy, physical or mental impairment, a legal prohibition  
1538 from using a computer, or a language impediment. If a person is  
1539 exempted from the online work registration under this  
1540 subparagraph, then the filing of his or her claim constitutes  
1541 registration for work.

1542 (c) To make continued claims for benefits, she or he is  
1543 reporting to the department in accordance with this paragraph  
1544 and department rules, and participating in an initial skills  
1545 review, as directed by the department. Department rules may not  
1546 conflict with s. 443.111(1)(b), which requires that each  
1547 claimant continue to report regardless of any pending appeal  
1548 relating to her or his eligibility or disqualification for  
1549 benefits.



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1550           1. For each week of unemployment claimed, each report must,  
1551 at a minimum, include the name, address, and telephone number of  
1552 each prospective employer contacted, or the date the claimant  
1553 reported to a one-stop career center, pursuant to paragraph (d).

1554           2. The administrator or operator of the initial skills  
1555 review shall notify the department when the individual completes  
1556 the initial skills review and report the results of the review  
1557 to the regional workforce board or the one-stop career center as  
1558 directed by the workforce board. The department shall prescribe  
1559 a numeric score on the initial skills review that demonstrates a  
1560 minimal proficiency in workforce skills. The department,  
1561 workforce board, or one-stop career center shall use the initial  
1562 skills review to develop a plan for referring individuals to  
1563 training and employment opportunities. The failure of the  
1564 individual to comply with this requirement will result in the  
1565 individual being determined ineligible for benefits for the week  
1566 in which the noncompliance occurred and for any subsequent week  
1567 of unemployment until the requirement is satisfied. However,  
1568 this requirement does not apply if the individual ~~is able to~~  
1569 ~~affirmatively attest to being unable to complete such review due~~  
1570 ~~to illiteracy or a language impediment or~~ is exempt from the  
1571 work registration requirement as set forth in paragraph (b).

1572           3. Any individual who falls below the minimal proficiency  
1573 score prescribed by the department in subparagraph 2. on the  
1574 initial skills review shall be offered training opportunities  
1575 and encouraged to participate in such training at no cost to the  
1576 individual in order to improve his or her workforce skills to  
1577 the minimal proficiency level.

1578           4. The department shall coordinate with Workforce Florida,



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1579 Inc., the workforce boards, and the one-stop career centers to  
1580 identify, develop, and utilize best practices for improving the  
1581 skills of individuals who choose to participate in training  
1582 opportunities and who have a minimal proficiency score below the  
1583 score prescribed in subparagraph 2.

1584 5. The department, in coordination with Workforce Florida,  
1585 Inc., the workforce boards, and the one-stop career centers,  
1586 shall evaluate the use, effectiveness, and costs associated with  
1587 the training prescribed in subparagraph 3. and report its  
1588 findings and recommendations for training and the use of best  
1589 practices to the Governor, the President of the Senate, and the  
1590 Speaker of the House of Representatives by January 1, 2013.

1591 (d) She or he is able to work and is available for work. In  
1592 order to assess eligibility for a claimed week of unemployment,  
1593 the department shall develop criteria to determine a claimant's  
1594 ability to work and availability for work. A claimant must be  
1595 actively seeking work in order to be considered available for  
1596 work. This means engaging in systematic and sustained efforts to  
1597 find work, including contacting at least five prospective  
1598 employers for each week of unemployment claimed. The department  
1599 may require the claimant to provide proof of such efforts to the  
1600 one-stop career center as part of reemployment services. A  
1601 claimant's proof of efforts may not include the same prospective  
1602 employer at the same location for the duration of benefits,  
1603 unless the employer has indicated since the time of the initial  
1604 contact that the employer is hiring. The department shall  
1605 conduct random reviews of work search information provided by  
1606 claimants. As an alternative to contacting at least five  
1607 prospective employers for any week of unemployment claimed, a





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1608 claimant may, for that same week, report in person to a one-stop  
1609 career center to meet with a representative of the center and  
1610 access reemployment services of the center. The center shall  
1611 keep a record of the services or information provided to the  
1612 claimant and shall provide the records to the department upon  
1613 request by the department. However:

1614 1. Notwithstanding any other provision of this paragraph or  
1615 paragraphs (b) and (e), an otherwise eligible individual may not  
1616 be denied benefits for any week because she or he is in training  
1617 with the approval of the department, or by reason of s.  
1618 443.101(2) relating to failure to apply for, or refusal to  
1619 accept, suitable work. Training may be approved by the  
1620 department in accordance with criteria prescribed by rule. A  
1621 claimant's eligibility during approved training is contingent  
1622 upon satisfying eligibility conditions prescribed by rule.

1623 2. Notwithstanding any other provision of this chapter, an  
1624 otherwise eligible individual who is in training approved under  
1625 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
1626 determined ineligible or disqualified for benefits due to  
1627 enrollment in such training or because of leaving work that is  
1628 not suitable employment to enter such training. As used in this  
1629 subparagraph, the term "suitable employment" means work of a  
1630 substantially equal or higher skill level than the worker's past  
1631 adversely affected employment, as defined for purposes of the  
1632 Trade Act of 1974, as amended, the wages for which are at least  
1633 80 percent of the worker's average weekly wage as determined for  
1634 purposes of the Trade Act of 1974, as amended.

1635 3. Notwithstanding any other provision of this section, an  
1636 otherwise eligible individual may not be denied benefits for any



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1637 week because she or he is before any state or federal court  
1638 pursuant to a lawfully issued summons to appear for jury duty.

1639 4. Union members who customarily obtain employment through  
1640 a union hiring hall may satisfy the work search requirements of  
1641 this paragraph by reporting daily to their union hall.

1642 5. The work search requirements of this paragraph do not  
1643 apply to persons who are unemployed as a result of a temporary  
1644 layoff or who are claiming benefits under an approved short-time  
1645 compensation plan as provided in s. 443.1116.

1646 6. In small counties as defined in s. 120.52(19), a  
1647 claimant engaging in systematic and sustained efforts to find  
1648 work must contact at least three prospective employers for each  
1649 week of unemployment claimed.

1650 7. The work search requirements of this paragraph do not  
1651 apply to persons required to participate in reemployment  
1652 services under paragraph (e).

1653 Section 43. Subsection (13) is added to section 443.101,  
1654 Florida Statutes, to read:

1655 443.101 Disqualification for benefits.—An individual shall  
1656 be disqualified for benefits:

1657 (13) For any week with respect to which the department  
1658 finds that his or her unemployment is due to a discharge from  
1659 employment for failure without good cause to maintain a license,  
1660 registration, or certification required by applicable law  
1661 necessary for the employee to perform her or his assigned job  
1662 duties. For purposes of this paragraph, the term "good cause"  
1663 includes, but is not limited to, failure of the employer to  
1664 submit information required for a license, registration, or  
1665 certification; short-term physical injury which prevents the



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1666 employee from completing or taking a required test; and  
1667 inability to take or complete a required test that is outside  
1668 the employee's control.

1669 Section 44. Paragraph (b) of subsection (4) of section  
1670 443.1113, Florida Statutes, is amended to read:

1671 443.1113 Reemployment Assistance Claims and Benefits  
1672 Information System.—

1673 (4) The project to implement the Reemployment Assistance  
1674 Claims and Benefits Information System is ~~shall be~~ comprised of  
1675 the following phases and corresponding implementation  
1676 timeframes:

1677 (b) The Reemployment Assistance Claims and Benefits  
1678 Internet portal that replaces the Florida Unemployment Internet  
1679 Direct and the Florida Continued Claims Internet Directory  
1680 systems, the Call Center Interactive Voice Response System, the  
1681 Benefit Overpayment Screening System, the Internet and Intranet  
1682 Appeals System, and the Claims and Benefits Mainframe System  
1683 shall be deployed to full operational status no later than the  
1684 end of fiscal year 2013-2014 ~~2012-2013~~.

1685 Section 45. Subsection (5) of section 443.131, Florida  
1686 Statutes, is amended to read:

1687 443.131 Contributions.—

1688 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

1689 (a) When the Unemployment Compensation Trust Fund has  
1690 received advances from the Federal Government under the  
1691 provisions of 42 U.S.C. s. 1321, each contributing employer  
1692 shall be assessed an additional rate solely for the purpose of  
1693 paying interest due on such federal advances. The additional  
1694 rate shall be assessed no later than February 1 in each calendar



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1695 year in which an interest payment is due.

1696 (b) The Revenue Estimating Conference shall estimate the  
1697 amount of ~~such~~ interest due on federal advances by no later than  
1698 December 1 of the calendar year before ~~preceding~~ the calendar  
1699 year in which an interest payment is due. The Revenue Estimating  
1700 Conference shall, at a minimum, consider the following as the  
1701 basis for the estimate:

1702 1. The amounts actually advanced to the trust fund.

1703 2. Amounts expected to be advanced to the trust fund based  
1704 on current and projected unemployment patterns and employer  
1705 contributions.

1706 3. The interest payment due date.

1707 4. The interest rate that will be applied by the Federal  
1708 Government to any accrued outstanding balances.

1709 (c) ~~(b)~~ The tax collection service provider shall calculate  
1710 the additional rate to be assessed against contributing  
1711 employers. The additional rate assessed for a calendar year is  
1712 ~~shall be~~ determined by dividing the estimated amount of interest  
1713 to be paid in that year by 95 percent of the taxable wages as  
1714 described in s. 443.1217 paid by all employers for the year  
1715 ending June 30 of the previous ~~immediately preceding~~ calendar  
1716 year. The amount to be paid by each employer is ~~shall be~~ the  
1717 product obtained by multiplying such employer's taxable wages as  
1718 described in s. 443.1217 for the year ending June 30 of the  
1719 previous ~~immediately preceding~~ calendar year by the rate as  
1720 determined by this subsection. An assessment may not be made if  
1721 the amount of assessments on deposit from previous years, plus  
1722 any earned interest, is at least 80 percent of the estimated  
1723 amount of interest.



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1724           (d) The tax collection service provider shall make a  
1725 separate collection of such assessment, which may be collected  
1726 at the time of employer contributions and subject to the same  
1727 penalties for failure to file a report, imposition of the  
1728 standard rate pursuant to paragraph (3)(h), and interest if the  
1729 assessment is not received on or before June 30. Section  
1730 443.141(1)(d) and (e) does not apply to this separately  
1731 collected assessment. The tax collection service provider shall  
1732 maintain those funds in the tax collection service provider's  
1733 Audit and Warrant Clearing Trust Fund until the provider is  
1734 directed by the Governor or the Governor's designee to make the  
1735 interest payment to the Federal Government. Assessments on  
1736 deposit must be available to pay the interest on advances  
1737 received from the Federal Government under 42 U.S.C. s. 1321.  
1738 Assessments on deposit may be invested and any interest earned  
1739 shall be part of the balance available to pay the interest on  
1740 advances received from the Federal Government under 42 U.S.C. s.  
1741 1321.

1742           (e) ~~Four months after In the calendar year that~~ all  
1743 advances from the Federal Government under 42 U.S.C. s. 1321 and  
1744 associated interest are repaid, ~~if there are assessment funds in~~  
1745 ~~excess of the amount required to meet the final interest~~  
1746 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant  
1747 Clearing Trust Fund, including associated interest, shall be  
1748 transferred to ~~credited to employer accounts in~~ the Unemployment  
1749 Compensation Trust Fund. Any assessment amounts subsequently  
1750 collected shall also be transferred to the Unemployment  
1751 Compensation Trust Fund in an amount equal to the employer's  
1752 ~~contribution to the assessment for that year divided by the~~



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1753 ~~total amount of the assessment for that year, the result of~~  
1754 ~~which is multiplied by the amount of excess assessed funds.~~

1755 (f) ~~However,~~ if the state is permitted to defer interest  
1756 payments due during a calendar year under 42 U.S.C. s. 1322,  
1757 payment of the interest assessment is ~~shall~~ not ~~be~~ due. If a  
1758 deferral of interest expires or is subsequently disallowed by  
1759 the Federal Government, either prospectively or retroactively,  
1760 the interest assessment shall be immediately due and payable.  
1761 Notwithstanding any other provision of this section, if interest  
1762 due during a calendar year on federal advances is forgiven or  
1763 postponed under federal law and is no longer due during that  
1764 calendar year, no interest assessment shall be assessed against  
1765 an employer for that calendar year, and any assessment already  
1766 assessed and collected against an employer before the  
1767 forgiveness or postponement of the interest for that calendar  
1768 year shall be credited to such employer's account in the  
1769 Unemployment Compensation Trust Fund. However, such funds may be  
1770 used only to pay benefits or refunds of erroneous contributions.

1771 (g) This subsection expires July 1, 2014.

1772 Section 46. Paragraph (b) of subsection (2) and paragraph  
1773 (a) of subsection (6) of section 443.151, Florida Statutes, are  
1774 amended to read:

1775 443.151 Procedure concerning claims.—

1776 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
1777 CLAIMANTS AND EMPLOYERS.—

1778 (b) *Process.*—When the Reemployment Assistance Claims and  
1779 Benefits Information System described in s. 443.1113 is fully  
1780 operational, the process for filing claims must incorporate the  
1781 process for registering for work with the workforce information



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1782 systems established pursuant to s. 445.011. Unless exempted  
1783 under s. 443.091(1)(b)5., a claim for benefits may not be  
1784 processed until the work registration requirement is satisfied.  
1785 The department may adopt rules as necessary to administer the  
1786 work registration requirement set forth in this paragraph.

1787 (6) RECOVERY AND RECOUPMENT.—

1788 (a) Any person who, by reason of her or his fraud, receives  
1789 benefits under this chapter to which she or he is not entitled  
1790 is liable for repaying those benefits to the Department of  
1791 Economic Opportunity on behalf of the trust fund or, in the  
1792 discretion of the department, to have those benefits deducted  
1793 from future benefits payable to her or him under this chapter.  
1794 In addition, the department shall impose upon the claimant a  
1795 penalty equal to 15 percent of the amount overpaid. To enforce  
1796 this paragraph, the department must find the existence of fraud  
1797 through a redetermination or decision under this section within  
1798 2 years after the fraud was committed. Any recovery or  
1799 recoupment of benefits must be commenced within 7 years after  
1800 the redetermination or decision.

1801 Section 47. Effective January 1, 2014, paragraph (a) of  
1802 subsection (4) of section 443.151, Florida Statutes, is amended  
1803 to read:

1804 (4) APPEALS.—

1805 (a) Appeals referees.—The Department of Economic  
1806 Opportunity shall appoint one or more impartial salaried appeals  
1807 referees in accordance with s. 443.171(3) to hear and decide  
1808 appealed claims. An appeals referee must be an attorney in good  
1809 standing with the Florida Bar, or must be successfully admitted  
1810 to the Florida Bar within 8 months of his or her date of



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1811 employment. A person may not participate on behalf of the  
1812 department as an appeals referee in any case in which she or he  
1813 is an interested party. The department may designate alternates  
1814 to serve in the absence or disqualification of any appeals  
1815 referee on a temporary basis. These alternates must have the  
1816 same qualifications required of appeals referees. The department  
1817 shall provide the commission and the appeals referees with  
1818 proper facilities and assistance for the execution of their  
1819 functions.

1820       Section 48. A person who is an employee of the Department  
1821 of Economic Opportunity as of the effective date of this act who  
1822 acts as an appeals referee and who has received the degree of  
1823 Bachelor of Laws or Juris Doctor from a law school accredited by  
1824 the American Bar Association, but is not licensed with the  
1825 Florida Bar, must become successfully admitted to the Florida  
1826 Bar by September 30, 2014.

1827       Section 49. Subsection (1) of section 443.1715, Florida  
1828 Statutes, is amended to read:

1829       443.1715 Disclosure of information; confidentiality.—

1830       (1) RECORDS AND REPORTS.—Information revealing an employing  
1831 unit's or individual's identity obtained from the employing unit  
1832 or any individual under the administration of this chapter, and  
1833 any determination revealing that information, is confidential  
1834 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1835 Constitution. This confidential information may be released in  
1836 accordance with the provisions in 20 C.F.R. part 603. A person  
1837 receiving confidential information who violates this subsection  
1838 commits a misdemeanor of the second degree, punishable as  
1839 provided in s. 775.082 or s. 775.083. The Department of Economic





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1840 Opportunity or its tax collection service provider may, however,  
1841 furnish to any employer copies of any report submitted by that  
1842 employer upon the request of the employer and may furnish to any  
1843 claimant copies of any report submitted by that claimant upon  
1844 the request of the claimant. The department or its tax  
1845 collection service provider may charge a reasonable fee for  
1846 copies of these reports as prescribed by rule, which may not  
1847 exceed the actual reasonable cost of the preparation of the  
1848 copies. Fees received for copies under this subsection must be  
1849 deposited in the Employment Security Administration Trust Fund.

1850 Section 50. Subsection (1) of section 443.191, Florida  
1851 Statutes, is amended to read:

1852 443.191 Unemployment Compensation Trust Fund; establishment  
1853 and control.—

1854 (1) There is established, as a separate trust fund apart  
1855 from all other public funds of this state, an Unemployment  
1856 Compensation Trust Fund, which shall be administered by the  
1857 Department of Economic Opportunity exclusively for the purposes  
1858 of this chapter. The fund must ~~shall~~ consist of:

1859 (a) All contributions and reimbursements collected under  
1860 this chapter;

1861 (b) Interest earned on any moneys in the fund;

1862 (c) Any property or securities acquired through the use of  
1863 moneys belonging to the fund;

1864 (d) All earnings of these properties or securities;

1865 (e) All money credited to this state's account in the  
1866 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.  
1867 1103; ~~and~~

1868 (f) All money collected for penalties imposed pursuant to



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1869 s. 443.151(6) (a); and

1870 (g) Advances on the amount in the federal Unemployment  
1871 Compensation Trust Fund credited to the state under 42 U.S.C. s.  
1872 1321, as requested by the Governor or the Governor's designee.

1873

1874 Except as otherwise provided in s. 443.1313(4), all moneys in  
1875 the fund must ~~shall~~ be mingled and undivided.

1876 Section 51. Paragraph (b) of subsection (3) and subsection  
1877 (4) of section 446.50, Florida Statutes, are amended to read:

1878 446.50 Displaced homemakers; multiservice programs; report  
1879 to the Legislature; Displaced Homemaker Trust Fund created.-

1880 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
1881 OPPORTUNITY.-

1882 (b)1. The department shall enter into contracts with, and  
1883 make grants to, public and nonprofit private entities for  
1884 purposes of establishing multipurpose service programs for  
1885 displaced homemakers under this section. Such grants and  
1886 contracts must ~~shall~~ be awarded pursuant to chapter 287 and  
1887 based on criteria established in the program state plan as  
1888 provided in subsection (4) ~~developed pursuant to this section.~~

1889 The department shall designate catchment areas that together,  
1890 must ~~shall~~ compose the entire state, and, to the extent possible  
1891 from revenues in the Displaced Homemaker Trust Fund, the  
1892 department shall contract with, and make grants to, entities  
1893 that will serve entire catchment areas so that displaced  
1894 homemaker service programs are available statewide. These  
1895 catchment areas must ~~shall~~ be coterminous with the state's  
1896 workforce development regions. The department may give priority  
1897 to existing displaced homemaker programs when evaluating bid



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1898 responses to the request for proposals.

1899         2. In order to receive funds under this section, and unless  
1900 specifically prohibited by law from doing so, an entity that  
1901 provides displaced homemaker service programs must receive at  
1902 least 25 percent of its funding from one or more local,  
1903 municipal, or county sources or nonprofit private sources. In-  
1904 kind contributions may be evaluated by the department and  
1905 counted as part of the required local funding.

1906         3. The department shall require an entity that receives  
1907 funds under this section to maintain appropriate data to be  
1908 compiled in an annual report to the department. Such data must  
1909 ~~shall~~ include, but is ~~shall~~ not be limited to, the number of  
1910 clients served, the units of services provided, designated  
1911 client-specific information including intake and outcome  
1912 information specific to each client, costs associated with  
1913 specific services and program administration, total program  
1914 revenues by source and other appropriate financial data, and  
1915 client followup information at specified intervals after the  
1916 placement of a displaced homemaker in a job.

1917         (4) DISPLACED HOME MAKER PROGRAM STATE PLAN.—

1918         ~~(a)~~ The Department of Economic Opportunity shall include in  
1919 its annual report required under s. 20.60 a develop a 3-year  
1920 ~~state plan~~ for the displaced homemaker program ~~which shall be~~  
1921 ~~updated annually~~. The plan must address, at a minimum, the need  
1922 for programs specifically designed to serve displaced  
1923 homemakers, any necessary service components for such programs  
1924 in addition to those described ~~enumerated~~ in this section, goals  
1925 of the displaced homemaker program with an analysis of the  
1926 extent to which those goals are being met, and recommendations



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1927 for ways to address any unmet program goals. Any request for  
1928 funds for program expansion must be based on the ~~state~~ plan.

1929 ~~(b) The displaced homemaker program Each annual update must~~  
1930 ~~address any changes in the components of the 3-year state plan~~  
1931 ~~and a report that~~ must include, but need not be limited to, the  
1932 following:

1933 (a)1. The scope of the incidence of displaced homemakers;

1934 (b)2. A compilation and report, by program, of data  
1935 submitted to the department pursuant to subparagraph (3) (b)3.  
1936 ~~subparagraph 3.~~ by funded displaced homemaker service programs;

1937 (c)3. An identification and description of the programs in  
1938 the state which receive funding from the department, including  
1939 funding information; and

1940 (d)4. An assessment of the effectiveness of each displaced  
1941 homemaker service program based on outcome criteria established  
1942 by rule of the department.

1943 ~~(c) The 3-year state plan must be submitted to the~~  
1944 ~~President of the Senate, the Speaker of the House of~~  
1945 ~~Representatives, and the Governor on or before January 1, 2001,~~  
1946 ~~and annual updates of the plan must be submitted by January 1 of~~  
1947 ~~each subsequent year.~~

1948 Section 52. Except as otherwise expressly provided in this  
1949 act, this act shall take effect upon this act becoming law.

1950  
1951 ===== T I T L E A M E N D M E N T =====

1952 And the title is amended as follows:

1953 Delete everything before the enacting clause  
1954 and insert:

1955 A bill to be entitled



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1956 An act relating to the Department of Economic  
1957 Opportunity; establishing the Economic Development  
1958 Programs Evaluation; requiring the Office of Economic  
1959 and Demographic Research and the Office of Program  
1960 Policy Analysis and Government Accountability to  
1961 present the evaluation; requiring the offices to  
1962 develop and submit a work plan for completing the  
1963 evaluation by a certain date; requiring the offices to  
1964 provide an analysis of certain economic development  
1965 programs and specifying a schedule; requiring the  
1966 Office of Economic and Demographic Research to make  
1967 certain evaluations in its analysis; limiting the  
1968 office's evaluation for the purposes of tax credits,  
1969 tax refunds, sales tax exemptions, cash grants, and  
1970 similar programs; requiring the office to use a  
1971 certain model to evaluate each program; requiring the  
1972 Office of Program Policy Analysis and Government  
1973 Accountability to make certain evaluations in its  
1974 analysis; providing the offices access to all data  
1975 necessary to complete the evaluation; amending s.  
1976 20.60, F.S.; revising the date on which the Department  
1977 of Economic Opportunity and Enterprise Florida, Inc.,  
1978 are required to report on the business climate and  
1979 economic development in the state; specifying reports  
1980 and information that must be included; amending s.  
1981 201.15, F.S.; revising the distribution of funds in  
1982 the Grants and Donations Trust Fund; amending s.  
1983 213.053, F.S.; authorizing the Department of Revenue  
1984 to make certain information available to the director



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1985 of the Office of Program Policy Analysis and  
1986 Government Accountability and the coordinator of the  
1987 Office of Economic and Demographic Research;  
1988 authorizing the offices to share certain information;  
1989 amending s. 220.194, F.S.; requiring the annual report  
1990 for the Florida Space Business Incentives Act to be  
1991 included in the annual incentives report; deleting  
1992 certain reporting requirements; amending s. 288.001,  
1993 F.S.; providing a network purpose; providing  
1994 definitions; requiring the statewide director and the  
1995 network to operate the program in compliance with  
1996 federal laws and regulations and a Board of Governors  
1997 regulation; requiring the statewide director to  
1998 consult with the Board of Governors, the Department of  
1999 Economic Opportunity, and the network's statewide  
2000 advisory board to establish certain policies and  
2001 goals; requiring the network to maintain a statewide  
2002 advisory board; providing for advisory board  
2003 membership; providing for terms of membership;  
2004 providing for certain member reimbursement; requiring  
2005 the director to develop support services; specifying  
2006 support service requirements; requiring businesses  
2007 that receive support services to participate in  
2008 certain assessments; requiring the network to provide  
2009 a match equal to certain state funding; providing  
2010 criteria for the match; requiring the statewide  
2011 director to coordinate with the host institution to  
2012 establish a pay-per-performance incentive; providing  
2013 for pay-per-performance incentive funding and



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2014 distribution; providing a distribution formula  
2015 requirement; requiring the statewide director to  
2016 coordinate with the advisory board to distribute funds  
2017 for certain purposes and develop programs to  
2018 distribute funds for those purposes; requiring the  
2019 network to announce available funding, performance  
2020 expectations, and other requirements; requiring the  
2021 statewide director to present applications and  
2022 recommendations to the advisory board; requiring  
2023 applications approved by the advisory board to be  
2024 publicly posted; providing minimum requirements for a  
2025 program; prohibiting certain regional small business  
2026 development centers from receiving funds; providing  
2027 that match funding may not be reduced for regional  
2028 small business development centers receiving  
2029 additional funds; requiring the statewide director to  
2030 regularly update the Board of Governors, the  
2031 department, and the advisory board with certain  
2032 information; requiring the statewide director, in  
2033 coordination with the advisory board, to annually  
2034 report certain information to the President of the  
2035 Senate and the Speaker of the House of  
2036 Representatives; amending s. 288.005, F.S.; providing  
2037 a definition; amending s. 288.012, F.S.; requiring  
2038 each State of Florida international office to submit a  
2039 report to Enterprise Florida, Inc., for inclusion in  
2040 its annual report; deleting a reporting date; amending  
2041 s. 288.061, F.S.; requiring the Department of Economic  
2042 Opportunity to analyze each economic development



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2043 incentive application; requiring an applicant to  
2044 provide a surety bond to the Department of Economic  
2045 Opportunity before the applicant receives incentive  
2046 awards through the Quick Action Closing Fund or the  
2047 Innovation Incentive Program; requiring the contract  
2048 or agreement to provide that the bond remain in effect  
2049 until all conditions have been satisfied; providing  
2050 that the department may require the bond to cover the  
2051 entire contracted amount or allow for bonds to be  
2052 renewed upon completion of certain performance  
2053 measures; requiring the contract or agreement to  
2054 provide that funds are contingent upon receipt of the  
2055 surety bond; requiring the contract or agreement to  
2056 provide that up to half of the premium payment on the  
2057 bond may be paid from the award up to a certain  
2058 amount; requiring an applicant to notify the  
2059 department of premium payments; providing for certain  
2060 notice requirements upon cancellation or nonrenewal by  
2061 an insurer; providing that the cancellation of the  
2062 surety bond violates the contract or agreement;  
2063 providing an exception; providing for a waiver if  
2064 certain information is provided; providing that if the  
2065 department grants a waiver, the contract or agreement  
2066 must provide for securing the award in a certain form;  
2067 requiring the contract or agreement to provide that  
2068 the release of funds is contingent upon satisfying  
2069 certain requirements; requiring the irrevocable letter  
2070 of credit, trust, or security agreement to remain in  
2071 effect until certain conditions have been satisfied;





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2072 providing for a waiver of the surety bond or other  
2073 security if certain information is provided and the  
2074 department determines it to be in the best interest of  
2075 the state; providing that the waiver of the surety  
2076 bond or other security, for funding in excess of \$5  
2077 million, must be approved by the Legislative Budget  
2078 Commission; providing that the state may bring suit  
2079 upon default or upon a violation of this section;  
2080 providing that the department may adopt rules to  
2081 implement this section; amending s. 288.0656, F.S.;  
2082 requiring the Rural Economic Development Initiative to  
2083 submit a report to supplement the Department of  
2084 Economic Opportunity's annual report; deleting certain  
2085 reporting requirements; repealing s. 288.095(3)(c),  
2086 F.S., relating to the annual report by Enterprise  
2087 Florida, Inc., of programs funded by the Economic  
2088 Development Incentives Account; amending s. 288.106,  
2089 F.S.; deleting and adding provisions relating to the  
2090 application and approval process of the tax refund  
2091 program for qualified target industry businesses;  
2092 requiring the Department of Economic Opportunity to  
2093 include information on qualified target industry  
2094 businesses in the annual incentives report; deleting  
2095 certain reporting requirements; amending s. 288.1081,  
2096 F.S.; requiring the use of loan funds from the  
2097 Economic Gardening Business Loan Pilot Program to be  
2098 included in the department's annual report; deleting  
2099 certain reporting requirements; amending s. 288.1082,  
2100 F.S.; requiring the progress of the Economic Gardening



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2101 Technical Assistance Pilot Program to be included in  
2102 the department's annual report; deleting certain  
2103 reporting requirements; amending s. 288.1088, F.S.;  
2104 requiring the department to validate contractor  
2105 performance for the Quick Action Closing Fund and  
2106 include the performance validation in the annual  
2107 incentives report; deleting certain reporting  
2108 requirements; amending s. 288.1089, F.S.; requiring  
2109 that certain projects in the Innovation Incentive  
2110 Program provide a cumulative break-even economic  
2111 benefit; requiring the department to report  
2112 information relating to the Innovation Incentive  
2113 Program in the annual incentives report; deleting  
2114 certain reporting requirements; deleting provisions  
2115 that require the Office of Program Policy Analysis and  
2116 Government Accountability and the Auditor General's  
2117 Office to report on the Innovation Incentive Program;  
2118 amending s. 288.1226, F.S.; revising membership of the  
2119 board of directors of the Florida Tourism Industry  
2120 Marketing Corporation; providing that the Governor  
2121 shall serve as a nonvoting member; amending s.  
2122 288.1253, F.S.; revising a reporting date; requiring  
2123 expenditures of the Office of Film and Entertainment  
2124 to be included in the annual entertainment industry  
2125 financial incentive program report; amending s.  
2126 288.1254, F.S.; revising a reporting date; requiring  
2127 the annual entertainment industry financial incentive  
2128 program report to include certain information;  
2129 amending s. 288.1258, F.S.; revising a reporting date;



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2130 requiring the report detailing the relationship  
2131 between tax exemptions and incentives to industry  
2132 growth to be included in the annual entertainment  
2133 industry financial incentive program report; amending  
2134 s. 288.714, F.S.; requiring the Department of Economic  
2135 Opportunity's annual report to include a report on the  
2136 Black Business Loan Program; deleting certain  
2137 reporting requirements; amending s. 288.7771, F.S.;  
2138 requiring the Florida Export Finance Corporation to  
2139 submit a report to Enterprise Florida, Inc.; amending  
2140 s. 288.903, F.S.; requiring Enterprise Florida, Inc.,  
2141 with the Department of Economic Opportunity, to  
2142 prepare an annual incentives report; repealing s.  
2143 288.904(6), F.S., relating to Enterprise Florida,  
2144 Inc., which requires the department to report the  
2145 return on the public's investment; amending s.  
2146 288.906, F.S.; requiring certain reports to be  
2147 included in the Enterprise Florida, Inc., annual  
2148 report; amending s. 288.907, F.S.; requiring  
2149 Enterprise Florida, Inc., with the Department of  
2150 Economic Opportunity, to prepare the annual incentives  
2151 report; requiring the annual incentives report to  
2152 include certain information; deleting a provision  
2153 requiring the Division of Strategic Business  
2154 Development to assist Enterprise Florida, Inc., with  
2155 the report; 288.92, F.S.; requiring each division of  
2156 Enterprise Florida, Inc., to submit a report; amending  
2157 s. 288.95155, F.S.; requiring the financial status of  
2158 the Florida Small Business Technology Growth Program



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2159 to be included in the annual incentives report;  
2160 amending s. 290.0056, F.S.; revising a reporting date;  
2161 requiring the enterprise zone development agency to  
2162 submit certain information for the Department of  
2163 Economic Opportunity's annual report; amending s.  
2164 290.014, F.S.; revising a reporting date; requiring  
2165 certain reports on enterprise zones to be included in  
2166 the Department of Economic Opportunity's annual  
2167 report; amending ss. 290.0411 and 290.042, F.S.;

2168 revising legislative intent and definitions applicable  
2169 to the Florida Small Cities Community Development  
2170 Block Grant Program Act; amending s. 290.044, F.S.;

2171 requiring the department to adopt rules for the  
2172 distribution of block grant funds to eligible local  
2173 governments; deleting authority for block grant funds  
2174 to be distributed as loan guarantees to local  
2175 governments; requiring that block grant funds be  
2176 distributed to achieve the department's community  
2177 development objectives; requiring such objectives to  
2178 be consistent with certain national objectives;

2179 amending s. 290.0455, F.S.; providing for the state's  
2180 guarantee of certain federal loans to local  
2181 governments; requiring applicants for such loans to  
2182 pledge a specified amount of revenues to guarantee the  
2183 loans; revising requirements for the department to  
2184 submit recommendations to the Federal Government for  
2185 such loans; revising the maximum amount of the loan  
2186 guarantee commitment that a local government may  
2187 receive and providing exceptions; providing for



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2188 reduction of a local government's future community  
2189 development block grants if the local government  
2190 defaults on the federal loan; providing procedures if  
2191 a local government is granted entitlement community  
2192 status; amending s. 290.046, F.S.; revising  
2193 application requirements for community development  
2194 block grants and procedures for the ranking of  
2195 applications and the determination of project funding;  
2196 amending s. 290.047, F.S.; revising requirements for  
2197 the establishment of grant ceilings and maximum  
2198 expenditures on administrative costs from community  
2199 development block grants; limiting an eligible local  
2200 government's authority to contract for specified  
2201 services in connection with community development  
2202 block grants; amending s. 290.0475, F.S.; revising  
2203 conditions under which grant applications are  
2204 ineligible for funding; amending 290.048, F.S.;  
2205 revising the department's duties to administer the  
2206 Small Cities Community Development Block Grant Loan  
2207 Guarantee Program; deleting provisions authorizing the  
2208 establishment of an advisory committee; amending ss.  
2209 331.3051 and 331.310, F.S.; revising requirements for  
2210 annual reports by Space Florida; amending s. 443.036,  
2211 F.S.; providing examples of misconduct; amending s.  
2212 443.091, F.S.; providing for online work registration  
2213 and providing exceptions; limiting a claimant's use of  
2214 the same prospective employer to meet work search  
2215 requirements; providing an exception; providing that  
2216 work search requirements do not apply to individuals



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2217 required to participate in reemployment services;  
2218 amending s. 443.101, F.S.; providing for  
2219 disqualification in any week with respect to which the  
2220 department finds that his or her unemployment is due  
2221 to failure without good cause to maintain a license,  
2222 registration, or certification required by applicable  
2223 law necessary for the employee to perform her or his  
2224 assigned job duties; providing examples of "good  
2225 cause"; amending s. 443.1113, F.S., relating to the  
2226 Reemployment Assistance Claims and Benefits  
2227 Information System; revising timeframe for deployment  
2228 of a certain Internet portal as part of such system;  
2229 amending s. 443.131, F.S.; requiring the tax  
2230 collection service provider to calculate a certain  
2231 additional rate; providing for when an assessment may  
2232 not be made; requiring assessments to be available to  
2233 pay interest on federal advances; requiring certain  
2234 excess funds to be transferred to the Unemployment  
2235 Compensation Trust Fund after a certain time period;  
2236 deleting the provision referring to crediting employer  
2237 accounts; providing an expiration date; amending ss.  
2238 443.151 F.S.; revising provisions to conform to  
2239 changes made to benefit eligibility; requiring the  
2240 department to impose a penalty against a claimant who  
2241 is overpaid reemployment assistance benefits due to  
2242 fraud by the claimant; requiring an appeals referee to  
2243 be an attorney in good standing with the Florida Bar  
2244 or successfully admitted within 8 months of hire;  
2245 providing for a person who is an appeals referee as of



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2246 the effective date of this act to become licensed by  
2247 the Florida Bar by September 30, 2014; amending s.  
2248 443.1715, F.S.; prohibiting the unlawful disclosure of  
2249 certain confidential information relating to employing  
2250 units and individuals under the Reemployment  
2251 Assistance Program Law; providing criminal penalties;  
2252 amending 443.191, F.S.; providing for the deposit of  
2253 moneys recovered and penalties collected due to fraud  
2254 in the Unemployment Compensation Trust Fund; amending  
2255 s. 446.50, F.S.; requiring the Department of Economic  
2256 Opportunity's annual report to include a plan for the  
2257 displaced homemaker program; deleting certain  
2258 reporting requirements; providing effective dates.