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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2013	.	
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The Committee on Appropriations (Gardiner) 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 (o) of subsection (5) of section
210 212.08, Florida Statutes, is amended to read:

211 212.08 Sales, rental, use, consumption, distribution, and
212 storage tax; specified exemptions.—The sale at retail, the
213 rental, the use, the consumption, the distribution, and the
214 storage to be used or consumed in this state of the following
215 are hereby specifically exempt from the tax imposed by this



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216 chapter.

217 (5) EXEMPTIONS; ACCOUNT OF USE.—

218 (o) *Building materials in redevelopment projects.*—

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

220 a. "Building materials" means tangible personal property
221 that becomes a component part of a housing project or a mixed-
222 use project.

223 b. "Housing project" means the conversion of an existing
224 manufacturing or industrial building to a housing unit which is
225 units in an urban high-crime area, an enterprise zone, an
226 empowerment zone, a Front Porch Community, a designated
227 brownfield site for which a rehabilitation agreement with the
228 Department of Environmental Protection or a local government
229 delegated by the Department of Environmental Protection has been
230 executed under s. 376.80 and any abutting real property parcel
231 within a brownfield area, or an urban infill area; and in which
232 the developer agrees to set aside at least 20 percent of the
233 housing units in the project for low-income and moderate-income
234 persons or the construction in a designated brownfield area of
235 affordable housing for persons described in s. 420.0004(9),
236 (11), (12), or (17) or in s. 159.603(7).

237 c. "Mixed-use project" means the conversion of an existing
238 manufacturing or industrial building to mixed-use units that
239 include artists' studios, art and entertainment services, or
240 other compatible uses. A mixed-use project must be located in an
241 urban high-crime area, an enterprise zone, an empowerment zone,
242 a Front Porch Community, a designated brownfield site for which
243 a rehabilitation agreement with the Department of Environmental
244 Protection or a local government delegated by the Department of



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245 Environmental Protection has been executed under s. 376.80 and
246 any abutting real property parcel within a brownfield area, or
247 an urban infill area; and the developer must agree to set aside
248 at least 20 percent of the square footage of the project for
249 low-income and moderate-income housing.

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

252 2. Building materials used in the construction of a housing
253 project or mixed-use project are exempt from the tax imposed by
254 this chapter upon an affirmative showing to the satisfaction of
255 the department that the requirements of this paragraph have been
256 met. This exemption inures to the owner through a refund of
257 previously paid taxes. To receive this refund, the owner must
258 file an application under oath with the department which
259 includes:

260 a. The name and address of the owner.

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

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

264 d. A certification by the local building code inspector
265 that the project is substantially completed.

266 e. A sworn statement, under penalty of perjury, from the
267 general contractor licensed in this state with whom the owner
268 contracted to construct the project, which statement lists the
269 building materials used in the construction of the project and
270 the actual cost thereof, and the amount of sales tax paid on
271 these materials. If a general contractor was not used, the owner
272 shall provide this information in a sworn statement, under
273 penalty of perjury. Copies of invoices evidencing payment of



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274 sales tax must be attached to the sworn statement.

275 3. An application for a refund under this paragraph must be
276 submitted to the department within 6 months after the date the
277 project is deemed to be substantially completed by the local
278 building code inspector. Within 30 working days after receipt of
279 the application, the department shall determine if it meets the
280 requirements of this paragraph. A refund approved pursuant to
281 this paragraph shall be made within 30 days after formal
282 approval of the application by the department.

283 4. The department shall establish by rule an application
284 form and criteria for establishing eligibility for exemption
285 under this paragraph.

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

288 Section 5. The amendments to sections 212.08 and 288.107,
289 Florida Statutes, made by this act do not apply to building
290 materials purchased before the effective date of this act or to
291 contracts for brownfield redevelopment bonus refunds executed by
292 the Department of Economic Opportunity or Enterprise Florida,
293 Inc., before the effective date of this act.

294 Section 6. Paragraph (bb) is added to subsection (8) of
295 section 213.053, Florida Statutes, to read:

296 213.053 Confidentiality and information sharing.-

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

299 (bb) Information to the director of the Office of Program
300 Policy Analysis and Government Accountability or his or her
301 authorized agent, and to the coordinator of the Office of
302 Economic and Demographic Research or his or her authorized



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303 agent, for purposes of completing the Economic Development
304 Programs Evaluation. Information obtained from the department
305 pursuant to this paragraph may be shared by the director and the
306 coordinator, or the director's or coordinator's authorized
307 agent, for purposes of completing the Economic Development
308 Programs Evaluation.

309
310 Disclosure of information under this subsection shall be
311 pursuant to a written agreement between the executive director
312 and the agency. Such agencies, governmental or nongovernmental,
313 shall be bound by the same requirements of confidentiality as
314 the Department of Revenue. Breach of confidentiality is a
315 misdemeanor of the first degree, punishable as provided by s.
316 775.082 or s. 775.083.

317 Section 7. Subsection (9) of section 220.194, Florida
318 Statutes, is amended to read:

319 220.194 Corporate income tax credits for spaceflight
320 projects.—

321 (9) ANNUAL REPORT.—Beginning in 2014, the Department of
322 Economic Opportunity, in cooperation with Space Florida and the
323 department, shall include in the ~~submit an~~ annual incentives
324 report required under s. 288.907 a summary of ~~summarizing~~
325 activities relating to the Florida Space Business Incentives Act
326 established under this section ~~to the Governor, the President of~~
327 ~~the Senate, and the Speaker of the House of Representatives by~~
328 ~~each November 30.~~

329 Section 8. Section 288.001, Florida Statutes, is amended to
330 read:

331 288.001 The Florida Small Business Development Center



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332 ~~Network; purpose.~~

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

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

339 (a) "Board of Governors" is the Board of Governors of the
340 State University System.

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

344 (c) "Network" means the Florida Small Business Development
345 Center Network.

346 (3) OPERATION; POLICIES AND PROGRAMS.—

347 (a) The network's statewide director shall operate the
348 network in compliance with the federal laws and regulations
349 governing the network and the Board of Governors Regulation
350 10.015.

351 (b) The network's statewide director shall consult with the
352 Board of Governors, the department, and the network's statewide
353 advisory board to ensure that the network's policies and
354 programs align with the statewide goals of the State University
355 System and the statewide strategic economic development plan as
356 provided under s. 20.60.

357 (4) STATEWIDE ADVISORY BOARD.—

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



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361 (b) The statewide advisory board shall consist of 19
362 members from across the state. At least 12 members must be
363 representatives of the private sector who are knowledgeable of
364 the needs and challenges of small businesses. The members must
365 represent various segments and industries of the economy in this
366 state and must bring knowledge and skills to the statewide
367 advisory board which would enhance the board's collective
368 knowledge of small business assistance needs and challenges.
369 Minority and gender representation must be considered when
370 making appointments to the board. The board must include the
371 following members:

372 1. Three members appointed from the private sector by the
373 President of the Senate.

374 2. Three members appointed from the private sector by the
375 Speaker of the House of Representatives.

376 3. Three members appointed from the private sector by the
377 Governor.

378 4. Three members appointed from the private sector by the
379 network's statewide director.

380 5. One member appointed by the host institution.

381 6. The President of Enterprise Florida, Inc., or his or her
382 designee.

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

384 8. The President of the Florida Chamber of Commerce or his
385 or her designee.

386 9. The Small Business Development Center Project Officer
387 from the U.S. Small Business Administration at the South Florida
388 District Office or his or her designee.

389 10. The executive director of the National Federation of



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390 Independent Businesses, Florida, or his or her designee.
391 11. The executive director of the Florida United Business
392 Association or his or her designee.
393 (c) The term of an appointed member shall be for 4 years,
394 beginning August 1, 2013, except that at the time of initial
395 appointments, two members appointed by the Governor, one member
396 appointed by the President of the Senate, one member appointed
397 by the Speaker of the House of Representatives, and one member
398 appointed by the network's statewide director shall be appointed
399 for 2 years. An appointed member may be reappointed to a
400 subsequent term. Members of the statewide advisory board may not
401 receive compensation but may be reimbursed for per diem and
402 travel expenses in accordance with s. 112.061.
403 (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.-
404 (a) The statewide director, in consultation with the
405 advisory board, shall develop support services that are
406 delivered through regional small business development centers.
407 Support services must target the needs of businesses that employ
408 fewer than 100 persons and demonstrate an assessed capacity to
409 grow in employment or revenue.
410 (b) Support services must include, but need not be limited
411 to, providing information or research, consulting, educating, or
412 assisting businesses in the following activities:
413 1. Planning related to the start-up, operation, or
414 expansion of a small business enterprise in this state. Such
415 activities include providing guidance on business formation,
416 structure, management, registration, regulation, and taxes.
417 2. Developing and implementing strategic or business plans.
418 Such activities include analyzing a business's mission, vision,



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419 strategies, and goals; critiquing the overall plan; and creating
420 performance measures.

421 3. Developing the financial literacy of existing businesses
422 related to their business cash flow and financial management
423 plans. Such activities include conducting financial analysis
424 health checks, assessing cost control management techniques, and
425 building financial management strategies and solutions.

426 4. Developing and implementing plans for existing
427 businesses to access or expand to new or existing markets. Such
428 activities include conducting market research, researching and
429 identifying expansion opportunities in international markets,
430 and identifying opportunities in selling to units of government.

431 5. Supporting access to capital for business investment and
432 expansion. Such activities include providing technical
433 assistance relating to obtaining surety bonds; identifying and
434 assessing potential debt or equity investors or other financing
435 opportunities; assisting in the preparation of applications,
436 projections, or pro forma or other support documentation for
437 surety bond, loan, financing, or investment requests; and
438 facilitating conferences with lenders or investors.

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

444 (c) A business receiving support services must agree to
445 participate in assessments of such services. The agreement, at a
446 minimum, must request the business to report demographic
447 characteristics, changes in employment and sales, debt and



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448 equity capital attained, and government contracts acquired. The
449 host institution may require additional reporting requirements
450 for funding described in subsection (7).

451 (6) REQUIRED MATCH.—The network must provide a match equal
452 to the total amount of any direct legislative appropriation
453 which is received directly by the host institution and is
454 specifically designated for the network. The match may include
455 funds from federal or other nonstate funding sources designated
456 for the network. At least 50 percent of the match must be cash.
457 The remaining 50 percent may be provided through any allowable
458 combination of additional cash, in-kind contributions, or
459 indirect costs.

460 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE
461 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST
462 PRACTICES; ELIGIBILITY.—

463 (a) The statewide director, in coordination with the host
464 institution, shall establish a pay-per-performance incentive for
465 regional small business development centers. Such incentive
466 shall be funded from half of any state appropriation received
467 directly by the host institution, which appropriation is
468 specifically designated for the network. These funds shall be
469 distributed to the regional small business development centers
470 based upon data collected from the businesses as provided under
471 paragraph (5) (c). The distribution formula must provide for the
472 distribution of funds in part on the gross number of jobs
473 created annually by each center and in part on the number of
474 jobs created per support service hour. The pay-per-performance
475 incentive must supplement the operations and support services of
476 each regional small business development center.



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

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

484 2. Enhancing participation in the network among state
485 universities and colleges; and

486 3. Facilitating the adoption of innovative small business
487 assistance best practices by the regional small business
488 development centers.

489 (c) The statewide director, in coordination with the
490 advisory board, shall develop annual programs to distribute
491 funds for each of the purposes described in paragraph (b). The
492 network shall announce the annual amount of available funds for
493 each program, performance expectations, and other requirements.

494 For each program, the statewide director shall present
495 applications and recommendations to the advisory board. The
496 advisory board shall make the final approval of applications.
497 Approved applications must be publicly posted. At a minimum,
498 programs must include:

499 1. New regional small business development centers; and

500 2. Awards for the top six regional small business
501 development centers that adopt best practices, as determined by
502 the advisory board. Detailed information about best practices
503 must be made available to regional small business development
504 centers for voluntary implementation.

505 (d) A regional small business development center that has



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506 been found by the statewide director to perform poorly, to
507 engage in improper activity affecting the operation and
508 integrity of the network, or to fail to follow the rules and
509 procedures set forth in the laws, regulations, and policies
510 governing the network, is not eligible for funds under this
511 subsection.

512 (e) Funds awarded under this subsection may not reduce
513 matching funds dedicated to the regional small business
514 development centers.

515 (8) REPORTING.—

516 (a) The statewide director shall quarterly update the Board
517 of Governors, the department, and the advisory board on the
518 network's progress and outcomes, including aggregate information
519 on businesses assisted by the network.

520 (b) The statewide director, in coordination with the
521 advisory board, shall annually report, on October 1, to the
522 President of the Senate and the Speaker of the House of
523 Representatives on the network's progress and outcomes for the
524 previous fiscal year. The report must include aggregate
525 information on businesses assisted by the network; network
526 services and programs; the use of all federal, state, local, and
527 private funds received by the network and the regional small
528 business development centers, including any additional funds
529 specifically appropriated by the Legislature for the purposes
530 described in subsection (7); and the network's economic benefit
531 to the state. The report must contain specific information on
532 performance-based metrics and contain the methodology used to
533 calculate the network's economic benefit to the state.

534 Section 9. Subsection (4) is added to section 288.005,



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535 Florida Statutes, to read:

536 288.005 Definitions.—As used in this chapter, the term:

537 (4) "Jobs" means full-time equivalent positions, including,
538 but not limited to, positions obtained from a temporary
539 employment agency or employee leasing company or through a union
540 agreement or coemployment under a professional employer
541 organization agreement, which result directly from a project in
542 this state. This number does not include temporary construction
543 jobs involved with the construction of facilities for the
544 project.

545 Section 10. Subsection (3) of section 288.012, Florida
546 Statutes, is amended to read:

547 288.012 State of Florida international offices; state
548 protocol officer; protocol manual.—The Legislature finds that
549 the expansion of international trade and tourism is vital to the
550 overall health and growth of the economy of this state. This
551 expansion is hampered by the lack of technical and business
552 assistance, financial assistance, and information services for
553 businesses in this state. The Legislature finds that these
554 businesses could be assisted by providing these services at
555 State of Florida international offices. The Legislature further
556 finds that the accessibility and provision of services at these
557 offices can be enhanced through cooperative agreements or
558 strategic alliances between private businesses and state, local,
559 and international governmental entities.

560 (3) ~~By October 1 of each year,~~ Each international office
561 shall annually submit to Enterprise Florida, Inc., ~~the~~
562 ~~department~~ a complete and detailed report on its activities and
563 accomplishments during the previous ~~preceding~~ fiscal year for



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564 inclusion in the annual report required under s. 288.906. In the
565 a format and by the annual date prescribed ~~provided~~ by
566 Enterprise Florida, Inc., the report must set forth information
567 on:

- 568 (a) The number of Florida companies assisted.
- 569 (b) The number of inquiries received about investment
570 opportunities in this state.
- 571 (c) The number of trade leads generated.
- 572 (d) The number of investment projects announced.
- 573 (e) The estimated U.S. dollar value of sales confirmations.
- 574 (f) The number of representation agreements.
- 575 (g) The number of company consultations.
- 576 (h) Barriers or other issues affecting the effective
577 operation of the office.
- 578 (i) Changes in office operations which are planned for the
579 current fiscal year.
- 580 (j) Marketing activities conducted.
- 581 (k) Strategic alliances formed with organizations in the
582 country in which the office is located.
- 583 (l) Activities conducted with Florida's other international
584 offices.
- 585 (m) Any other information that the office believes would
586 contribute to an understanding of its activities.

587 Section 11. Section 288.061, Florida Statutes, is amended
588 to read:

589 288.061 Economic development incentive application
590 process.—

591 (1) Upon receiving a submitted economic development
592 incentive application, the Division of Strategic Business



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593 Development of the Department of Economic Opportunity and
594 designated staff of Enterprise Florida, Inc., shall review the
595 application to ensure that the application is complete, whether
596 and what type of state and local permits may be necessary for
597 the applicant's project, whether it is possible to waive such
598 permits, and what state incentives and amounts of such
599 incentives may be available to the applicant. The department
600 shall recommend to the executive director to approve or
601 disapprove an applicant business. If review of the application
602 demonstrates that the application is incomplete, the executive
603 director shall notify the applicant business within the first 5
604 business days after receiving the application.

605 (2) Beginning July 1, 2013, the department shall review and
606 evaluate each economic development incentive application for the
607 economic benefits of the proposed award of state incentives
608 proposed for the project. The term "economic benefits" has the
609 same meaning as in s. 288.005. The Office of Economic and
610 Demographic Research shall review and evaluate the methodology
611 and model used to calculate the economic benefits. For purposes
612 of this requirement, an amended definition of economic benefits
613 may be developed in conjunction with the Office of Economic and
614 Demographic Research. The Office of Economic and Demographic
615 Research shall report on the methodology and model by September
616 1, 2013, and every third year thereafter, to the President of
617 the Senate and the Speaker of the House of Representatives.

618 (3)~~(2)~~ Within 10 business days after the department
619 receives the submitted economic development incentive
620 application, the executive director shall approve or disapprove
621 the application and issue a letter of certification to the



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622 applicant which includes a justification of that decision,
623 unless the business requests an extension of that time.

624 (a) The contract or agreement with the applicant must ~~shall~~
625 specify the total amount of the award, the performance
626 conditions that must be met to obtain the award, the schedule
627 for payment, and sanctions that would apply for failure to meet
628 performance conditions. The department may enter into one
629 agreement or contract covering all of the state incentives that
630 are being provided to the applicant. The contract must provide
631 that release of funds is contingent upon sufficient
632 appropriation of funds by the Legislature.

633 (b) The release of funds for the incentive or incentives
634 awarded to the applicant depends upon the statutory requirements
635 of the particular incentive program, except as provided in
636 subsection (4).

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

643 1. The contract or agreement must provide that the bond
644 remain in effect until all performance conditions in the
645 contract or agreement have been satisfied. The department may
646 require the bond to cover the entire amount of the contract or
647 agreement or allow for a bond to be renewed upon the completion
648 of scheduled performance measurements specified in the contract
649 or agreement. The contract or agreement must provide that the
650 release of any funds is contingent upon receipt by the



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651 department of the surety bond.

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

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

657 4. Any notice of cancellation or nonrenewal issued by an
658 insurer must comply with the notice requirements of s. 626.9201.
659 If the applicant receives a notice of cancellation or
660 nonrenewal, the applicant must immediately notify the
661 department.

662 5. The cancellation of the surety bond is a violation of
663 the contract or agreement between the applicant and the
664 department. The department is released from any obligation to
665 make future scheduled payments unless the applicant is able to
666 secure a new surety bond or comply with the requirements of
667 paragraphs (b) and (c) within 90 days before the effective date
668 of the cancellation.

669 (b) If an applicant is unable to secure a surety bond or
670 can demonstrate that obtaining a bond is unreasonable in cost,
671 the department may waive the requirements specified in paragraph
672 (a) by certifying in writing to the Governor, President of the
673 Senate, and Speaker of the House of Representatives the
674 following information:

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

678 2. A description of the economic benefits expected to be
679 generated by the incentive award which indicates that the



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680 project warrants waiver of the requirement; and
681 3. An evaluation of the quality and value of the applicant
682 which supports the selection of the alternative securitization
683 under paragraph (c). The department's evaluation must consider
684 the following information when determining the form for securing
685 the award amount:
686 a. A financial analysis of the company, including an
687 evaluation of the company's short-term liquidity ratio as
688 measured by its assets to liability, the company's profitability
689 ratio, and the company's long-term solvency as measured by its
690 debt-to-equity ratio;
691 b. The historical market performance of the company;
692 c. Any independent evaluations of the company;
693 d. The latest audit of the company's financial statement
694 and the related auditor's management letter; and
695 e. Any other types of reports that are related to the
696 internal controls or management of the company.
697 (c)1. If the department grants a waiver under paragraph
698 (b), the incentives contract or agreement must provide for
699 securing the award amount in one of the following forms:
700 a. An irrevocable letter of credit issued by a financial
701 institution, as defined in s. 655.005;
702 b. Cash or securities held in trust by a financial
703 institution, as defined in s. 655.005, and subject to a control
704 agreement; or
705 c. A secured transaction in collateral under the control or
706 possession of the applicant for the value of the award amount.
707 The department is authorized to negotiate the terms and
708 conditions of the security agreement.



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

714 3. The irrevocable letter of credit, trust, or security
715 agreement must remain in effect until all performance conditions
716 specified in the contract or agreement have been satisfied.
717 Failure to comply with this provision results in a violation of
718 the contract or agreement between the applicant and the
719 department and releases the department from any obligation to
720 make future scheduled payments.

721 (d) The department may waive the requirements of paragraphs
722 (a) through (c) by certifying to the Governor and the chair and
723 vice chair of the Legislative Budget Commission the following
724 information:

725 1. The applicant demonstrates the financial ability to
726 fulfill the requirements of the contract and has submitted an
727 independently audited financial statement for the previous 5
728 years;

729 2. If applicable, the applicant was previously a recipient
730 of an incentive under an economic development program, was
731 subject to clawback requirements, and timely complied with those
732 provisions; and

733 3. The department has determined that waiver of the
734 requirements of paragraphs (a) through (c) is in the best
735 interest of the state.

736 (e) For waivers granted under paragraph (d), the department
737 shall provide a written description and evaluation of the waiver



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738 to the chair and vice chair of the Legislative Budget
739 Commission. Such information may be provided at the same time
740 that the information for the project consultation is provided to
741 the Legislative Budget Commission under s. 288.1088 or s.
742 288.1089. If the chair or vice chair of the Legislative Budget
743 Commission timely advises the department that such action or
744 proposed action exceeds delegated authority or is contrary to
745 legislative policy or intent, the department shall void the
746 waiver until the Legislative Budget Commission or the
747 Legislature addresses the issue. A waiver granted by the
748 department for any project exceeding \$5 million must be approved
749 by the Legislative Budget Commission.

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

752 (5) In the event of default on the performance conditions
753 specified in the contract or agreement, or violation of any of
754 the provisions found in this section, the state may, in addition
755 to any other remedy provided by law, bring suit to enforce its
756 interest.

757 (6)~~(3)~~ The department shall validate contractor performance
758 and report. ~~such~~ ~~Such~~ validation ~~shall be reported~~ in the annual
759 incentives ~~incentive~~ report required under s. 288.907.

760 (7) The department is authorized to adopt rules to
761 implement this section.

762 Section 12. Subsection (8) of section 288.0656, Florida
763 Statutes, is amended to read:

764 288.0656 Rural Economic Development Initiative.—

765 (8) REDI shall submit a report to the department ~~Governor,~~
766 ~~the President of the Senate, and the Speaker of the House of~~



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767 ~~Representatives each year on or before September 1~~ on all REDI
768 activities for the previous ~~prior~~ fiscal year as a supplement to
769 the department's annual report required under s. 20.60. This
770 supplementary report must shall include:

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

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

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

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

782 Section 13. Effective October 1, 2013, section 288.076,
783 Florida Statutes, is created to read:

784 288.076 Return on investment reporting for economic
785 development programs.-

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

787 (a) "Jobs" has the same meaning as provided in s.
788 288.106(2)(i).

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

792 (c) "Project" has the same meaning as provided in s.
793 288.106(2)(m).

794 (d) "Project award date" means the date a participant
795 business enters into an agreement with the department to receive



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796 a state investment.

797 (e) "State investment" means any state grants, tax
798 exemptions, tax refunds, tax credits, or other state incentives
799 provided to a business under a program administered by the
800 department, including the capital investment tax credit under s.
801 220.191.

802 (2) The department shall maintain a website for the purpose
803 of publishing the information described in this section. The
804 information required to be published under this section must be
805 provided in a format accessible to the public which enables
806 users to search for and sort specific data and to easily view
807 and retrieve all data at once.

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

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

814 (b) Project information.—

815 1. The program or programs through which state investment
816 is being made.

817 2. The maximum potential cumulative state investment in the
818 project.

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

821 4. The county or counties that will be impacted by the
822 project.

823 5. The total cumulative local financial commitment and in-
824 kind support for the project.



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- 825 (c) Participant business information.-
826 1. The location of the headquarters of the participant
827 business or, if a subsidiary, the headquarters of the parent
828 company.
829 2. The firm size class of the participant business, or
830 where owned by a parent company the firm size class of the
831 participant business's parent company, using the firm size
832 classes established by the United States Department of Labor
833 Bureau of Labor Statistics, and whether the participant business
834 qualifies as a small business as defined in s. 288.703.
835 3. The date of the project award.
836 4. The expected duration of the contract.
837 5. The anticipated dates when the participant business will
838 claim the last state investment.
839 (d) Project evaluation criteria.-
840 1. Economic benefits generated by the project.
841 2. The net indirect and induced incremental jobs to be
842 generated by the project.
843 3. The net indirect and induced incremental capital
844 investment to be generated by the project.
845 (e) Project performance goals.-
846 1. The incremental direct jobs attributable to the project,
847 identifying the number of jobs generated and the number of jobs
848 retained.
849 2. The number of jobs generated and the number of jobs
850 retained by the project, and for projects commencing after
851 October 1, 2013, the median annual wage of persons holding such
852 jobs.
853 3. The incremental direct capital investment in the state



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854 generated by the project.

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

858 (4) The department shall use methodology and formulas
859 established by the Office of Economic and Demographic Research
860 to calculate the economic benefits of each project. The
861 department shall calculate and publish on its website the
862 economic benefits of each project within 48 hours after the
863 conclusion of the agreement between each participant business
864 and the department. The Office of Economic and Demographic
865 Research shall provide a description of the methodology used to
866 calculate the economic benefits of a project to the department,
867 and the department must publish the information on its website
868 within 48 hours after receiving such information.

869 (5) At least annually, from the project award date, the
870 department shall:

871 (a) Publish verified results to update the information
872 described in paragraphs (3) (b)-(f) to accurately reflect any
873 changes in the published information since the project award
874 date.

875 (b) Publish on its website the date on which the
876 information collected and published for each project was last
877 updated.

878 (6) Annually, the department shall publish information
879 relating to the progress of Quick Action Closing Fund projects,
880 including the average number of days between the date the
881 department receives a completed application and the date on
882 which the application is approved.



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883 (7) The department shall publish the following documents at
884 the times specified herein:

885 (a) Within 48 hours after expiration of the period of
886 confidentiality provided under s. 288.075, the department shall
887 publish the contract or agreement described in s. 288.061. The
888 contract or agreement must be redacted to protect the
889 participant business from disclosure of information that remains
890 confidential or exempt by law.

891 (b) Within 48 hours after submitting any report of findings
892 and recommendations made pursuant to s. 288.106(7)(d) concerning
893 a business's failure to complete a tax refund agreement pursuant
894 to the tax refund program for qualified target industry
895 businesses, the department shall publish such report.

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

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

906 (10) The department may adopt rules to administer this
907 section.

908 Section 14. Paragraph (c) of subsection (3) of section
909 288.095, Florida Statutes, is repealed.

910 Section 15. Paragraph (c) of subsection (4) and paragraph
911 (d) of subsection (7) of section 288.106, Florida Statutes, are



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912 amended to read:

913 288.106 Tax refund program for qualified target industry
914 businesses.—

915 (4) APPLICATION AND APPROVAL PROCESS.—

916 (c) Each application meeting the requirements of paragraph
917 (b) must be submitted to the department for determination of
918 eligibility. The department shall review and evaluate each
919 application based on, but not limited to, the following
920 criteria:

921 1. Expected contributions to the state's economy,
922 consistent with the state strategic economic development plan
923 prepared by the department.

924 2. The economic benefits of the proposed award of tax
925 refunds under this section ~~and the economic benefits of state~~
926 ~~incentives proposed for the project. The term "economic~~
927 ~~benefits" has the same meaning as in s. 288.005. The Office of~~
928 ~~Economic and Demographic Research shall review and evaluate the~~
929 ~~methodology and model used to calculate the economic benefits~~
930 ~~and shall report its findings by September 1 of every 3rd year,~~
931 ~~to the President of the Senate and the Speaker of the House of~~
932 ~~Representatives.~~

933 3. The amount of capital investment to be made by the
934 applicant in this state.

935 4. The local financial commitment and support for the
936 project.

937 5. The expected effect of the project on the unemployed and
938 underemployed ~~unemployment rate~~ in the county where the project
939 will be located.

940 6. The expected effect of the award on the viability of the



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941 project and the probability that the project would be undertaken
942 in this state if such tax refunds are granted to the applicant.

943 ~~7. The expected long term commitment of the applicant to~~
944 ~~economic growth and employment in this state resulting from the~~
945 ~~project.~~

946 7.8. A review of the business's past activities in this
947 state or other states, including whether the such business has
948 been subjected to criminal or civil fines and penalties and
949 whether the business received economic development incentives in
950 other states and the results of such incentive agreements. This
951 subparagraph does not require the disclosure of confidential
952 information.

953 (7) ADMINISTRATION.—

954 (d) Beginning with tax refund agreements signed after July
955 1, 2010, the department shall attempt to ascertain the causes
956 for any business's failure to complete its agreement and ~~shall~~
957 ~~report~~ its findings and recommendations must be included in the
958 annual incentives report under s. 288.907 to the Governor, the
959 ~~President of the Senate, and the Speaker of the House of~~
960 ~~Representatives. The report shall be submitted by December 1 of~~
961 ~~each year beginning in 2011.~~

962 Section 16. Paragraphs (c) and (d) of subsection (1),
963 subsections (2) and (3), and paragraphs (a), (b), and (f) of
964 subsection (4) of section 288.107, Florida Statutes, are amended
965 to read:

966 288.107 Brownfield redevelopment bonus refunds.—

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

968 (c) "Brownfield area eligible for bonus refunds" means a
969 brownfield site for which a rehabilitation agreement with the



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970 Department of Environmental Protection or a local government
971 delegated by the Department of Environmental Protection has been
972 executed under s. 376.80 and any abutting real property parcel
973 within a brownfield contiguous area of one or more brownfield
974 sites, some of which may not be contaminated, and which has been
975 designated by a local government by resolution under s. 376.80.
976 ~~Such areas may include all or portions of community~~
977 ~~redevelopment areas, enterprise zones, empowerment zones, other~~
978 ~~such designated economically deprived communities and areas, and~~
979 ~~Environmental Protection Agency designated brownfield pilot~~
980 ~~projects.~~

981 (d) "Eligible business" means:

982 1. A qualified target industry business as defined in s.
983 288.106(2); or

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

990 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
991 shall be approved by the department as specified in the final
992 order and allowed from the account as follows:

993 (a) A bonus refund of \$2,500 shall be allowed to any
994 qualified target industry business as defined in s. 288.106 for
995 each new Florida job created in a brownfield area eligible for
996 bonus refunds which ~~that~~ is claimed on the qualified target
997 industry business's annual refund claim authorized in s.
998 288.106(6).



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999 (b) A bonus refund of up to \$2,500 shall be allowed to any
1000 other eligible business as defined in subparagraph (1)(d)2. for
1001 each new Florida job created in a brownfield area eligible for
1002 bonus refunds which ~~that~~ is claimed under an annual claim
1003 procedure similar to the annual refund claim authorized in s.
1004 288.106(6). The amount of the refund shall be equal to 20
1005 percent of the average annual wage for the jobs created.

1006 (3) CRITERIA.—The minimum criteria for participation in the
1007 brownfield redevelopment bonus refund are:

1008 (a) The creation of at least 10 new full-time permanent
1009 jobs. Such jobs shall not include construction or site
1010 rehabilitation jobs associated with the implementation of a
1011 brownfield site agreement as described in s. 376.80(5).

1012 (b) The completion of a fixed capital investment of at
1013 least \$2 million in mixed-use business activities, including
1014 multiunit housing, commercial, retail, and industrial in
1015 brownfield areas eligible for bonus refunds, ~~or at least~~
1016 ~~\$500,000 in brownfield areas that do not require site cleanup,~~
1017 by an eligible business applying for a refund under paragraph
1018 (2)(b) which provides benefits to its employees.

1019 ~~(c) That the designation as a brownfield will diversify and~~
1020 ~~strengthen the economy of the area surrounding the site.~~

1021 ~~(d) That the designation as a brownfield will promote~~
1022 ~~capital investment in the area beyond that contemplated for the~~
1023 ~~rehabilitation of the site.~~

1024 ~~(e) A resolution adopted by the governing board of the~~
1025 ~~county or municipality in which the project will be located that~~
1026 ~~recommends that certain types of businesses be approved.~~

1027 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—



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1028 (a) To be eligible to receive a bonus refund for new
1029 Florida jobs created in a brownfield area eligible for bonus
1030 refunds, a business must have been certified as a qualified
1031 target industry business under s. 288.106 or eligible business
1032 as defined in paragraph (1)(d) and must have indicated on the
1033 qualified target industry business tax refund application form
1034 submitted in accordance with s. 288.106(4) or other similar
1035 agreement for other eligible business as defined in paragraph
1036 (1)(d) that the project for which the application is submitted
1037 is or will be located in a brownfield area eligible for bonus
1038 refunds and that the business is applying for certification as a
1039 qualified brownfield business under this section, and must have
1040 signed a qualified target industry business tax refund agreement
1041 with the department that indicates that the business has been
1042 certified as a qualified target industry business located in a
1043 brownfield area eligible for bonus refunds and specifies the
1044 schedule of brownfield redevelopment bonus refunds that the
1045 business may be eligible to receive in each fiscal year.

1046 (b) To be considered to receive an eligible brownfield
1047 redevelopment bonus refund payment, the business meeting the
1048 requirements of paragraph (a) must submit a claim once each
1049 fiscal year on a claim form approved by the department which
1050 indicates the location of the brownfield site for which a
1051 rehabilitation agreement with the Department of Environmental
1052 Protection or a local government delegated by the Department of
1053 Environmental Protection has been executed under s. 376.80, the
1054 address of the business facility's brownfield location, the name
1055 of the brownfield in which it is located, the number of jobs
1056 created, and the average wage of the jobs created by the



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1057 business within the brownfield as defined in s. 288.106 or other
1058 eligible business as defined in paragraph (1)(d) and the
1059 administrative rules and policies for that section.

1060 (f) Applications shall be reviewed and certified pursuant
1061 to s. 288.061. The department shall review all applications
1062 submitted under s. 288.106 or other similar application forms
1063 for other eligible businesses as defined in paragraph (1)(d)
1064 which indicate that the proposed project will be located in a
1065 brownfield area eligible for bonus refunds and determine, with
1066 the assistance of the Department of Environmental Protection,
1067 that the project location is within a brownfield area eligible
1068 for bonus refunds as provided in this act.

1069 Section 17. Subsection (8) of section 288.1081, Florida
1070 Statutes, is amended to read:

1071 288.1081 Economic Gardening Business Loan Pilot Program.—

1072 (8) The annual report required under s. 20.60 must describe
1073 ~~On June 30 and December 31 of each year, the department shall~~
1074 ~~submit a report to the Governor, the President of the Senate,~~
1075 ~~and the Speaker of the House of Representatives which describes~~
1076 in detail the use of the loan funds. The report must include, at
1077 a minimum, the number of businesses receiving loans, the number
1078 of full-time equivalent jobs created as a result of the loans,
1079 the amount of wages paid to employees in the newly created jobs,
1080 the locations and types of economic activity undertaken by the
1081 borrowers, the amounts of loan repayments made to date, and the
1082 default rate of borrowers.

1083 Section 18. Subsection (8) of section 288.1082, Florida
1084 Statutes, is amended to read:

1085 288.1082 Economic Gardening Technical Assistance Pilot



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1086 Program.—

1087 (8) The annual report required under s. 20.60 must describe
1088 ~~On December 31 of each year, the department shall submit a~~
1089 ~~report to the Governor, the President of the Senate, and the~~
1090 ~~Speaker of the House of Representatives which describes in~~
1091 detail the progress of the pilot program. The report must
1092 include, at a minimum, the number of businesses receiving
1093 assistance, the number of full-time equivalent jobs created as a
1094 result of the assistance, if any, the amount of wages paid to
1095 employees in the newly created jobs, and the locations and types
1096 of economic activity undertaken by the businesses.

1097 Section 19. Paragraph (e) of subsection (3) of section
1098 288.1088, Florida Statutes, is amended to read:

1099 288.1088 Quick Action Closing Fund.—

1100 (3)

1101 (e) The department ~~Enterprise Florida, Inc.,~~ shall validate
1102 contractor performance and report. such validation in the annual
1103 incentives report required under s. 288.907 ~~shall be reported~~
1104 ~~within 6 months after completion of the contract to the~~
1105 ~~Governor, President of the Senate, and the Speaker of the House~~
1106 ~~of Representatives.~~

1107 Section 20. Paragraphs (b) and (d) of subsection (4), and
1108 subsections (9) and (11) of section 288.1089, Florida Statutes,
1109 are amended to read:

1110 288.1089 Innovation Incentive Program.—

1111 (4) To qualify for review by the department, the applicant
1112 must, at a minimum, establish the following to the satisfaction
1113 of the department:

1114 (b) A research and development project must:



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- 1115 1. Serve as a catalyst for an emerging or evolving
1116 technology cluster.
- 1117 2. Demonstrate a plan for significant higher education
1118 collaboration.
- 1119 3. Provide the state, at a minimum, a cumulative break-even
1120 economic benefit ~~return on investment~~ within a 20-year period.
- 1121 4. Be provided with a one-to-one match from the local
1122 community. The match requirement may be reduced or waived in
1123 rural areas of critical economic concern or reduced in rural
1124 areas, brownfield areas, and enterprise zones.
- 1125 (d) For an alternative and renewable energy project in this
1126 state, the project must:
- 1127 1. Demonstrate a plan for significant collaboration with an
1128 institution of higher education;
- 1129 2. Provide the state, at a minimum, a cumulative break-even
1130 economic benefit ~~return on investment~~ within a 20-year period;
- 1131 3. Include matching funds provided by the applicant or
1132 other available sources. The match requirement may be reduced or
1133 waived in rural areas of critical economic concern or reduced in
1134 rural areas, brownfield areas, and enterprise zones;
- 1135 4. Be located in this state; and
- 1136 5. Provide at least 35 direct, new jobs that pay an
1137 estimated annual average wage that equals at least 130 percent
1138 of the average private sector wage.
- 1139 (9) The department shall validate the performance of an
1140 innovation business, a research and development facility, or an
1141 alternative and renewable energy business that has received an
1142 award. At the conclusion of the innovation incentive award
1143 agreement, or its earlier termination, the department shall



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1144 include in the annual incentives report required under s.
1145 288.907 a detailed description of, ~~within 90 days, submit a~~
1146 ~~report to the Governor, the President of the Senate, and the~~
1147 ~~Speaker of the House of Representatives detailing whether the~~
1148 recipient of the innovation incentive grant achieved its
1149 specified outcomes.

1150 (11) ~~(a)~~ The department shall include in ~~submit to the~~
1151 ~~Governor, the President of the Senate, and the Speaker of the~~
1152 ~~House of Representatives, as part of the annual~~ incentives
1153 report required under s. 288.907, a report summarizing the
1154 activities and accomplishments of the recipients of grants from
1155 the Innovation Incentive Program during the previous 12 months
1156 and an evaluation of whether the recipients are catalysts for
1157 additional direct and indirect economic development in Florida.

1158 ~~(b) Beginning March 1, 2010, and every third year~~
1159 ~~thereafter, the Office of Program Policy Analysis and Government~~
1160 ~~Accountability, in consultation with the Auditor General's~~
1161 ~~Office, shall release a report evaluating the Innovation~~
1162 ~~Incentive Program's progress toward creating clusters of high-~~
1163 ~~wage, high-skilled, complementary industries that serve as~~
1164 ~~catalysts for economic growth specifically in the regions in~~
1165 ~~which they are located, and generally for the state as a whole.~~
1166 ~~Such report should include critical analyses of quarterly and~~
1167 ~~annual reports, annual audits, and other documents prepared by~~
1168 ~~the Innovation Incentive Program awardees; relevant economic~~
1169 ~~development reports prepared by the department, Enterprise~~
1170 ~~Florida, Inc., and local or regional economic development~~
1171 ~~organizations; interviews with the parties involved; and any~~
1172 ~~other relevant data. Such report should also include legislative~~



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1173 ~~recommendations, if necessary, on how to improve the Innovation~~
1174 ~~Incentive Program so that the program reaches its anticipated~~
1175 ~~potential as a catalyst for direct and indirect economic~~
1176 ~~development in this state.~~

1177 Section 21. Subsection (3) of section 288.1253, Florida
1178 Statutes, is amended to read:

1179 288.1253 Travel and entertainment expenses.—

1180 (3) The Office of Film and Entertainment ~~department~~ shall
1181 include in the annual report for the entertainment industry
1182 financial incentive program required under s. 288.1254(10) a
1183 ~~prepare an annual~~ report of the office's expenditures ~~of the~~
1184 ~~Office of Film and Entertainment and provide such report to the~~
1185 ~~Legislature no later than December 30 of each year for the~~
1186 ~~expenditures of~~ the previous fiscal year. The report must ~~shall~~
1187 consist of a summary of all travel, entertainment, and
1188 incidental expenses incurred within the United States and all
1189 travel, entertainment, and incidental expenses incurred outside
1190 the United States, as well as a summary of all successful
1191 projects that developed from such travel.

1192 Section 22. Subsection (10) of section 288.1254, Florida
1193 Statutes, is amended to read:

1194 288.1254 Entertainment industry financial incentive
1195 program.—

1196 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office
1197 of Film and Entertainment shall submit ~~provide~~ an annual report
1198 for the previous fiscal year to the Governor, the President of
1199 the Senate, and the Speaker of the House of Representatives
1200 which outlines the incentive program's return on investment and
1201 economic benefits to the state. The report must ~~shall~~ also



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1202 include an estimate of the full-time equivalent positions
1203 created by each production that received tax credits under this
1204 section and information relating to the distribution of
1205 productions receiving credits by geographic region and type of
1206 production. The report must also include the expenditures report
1207 required under s. 288.1253(3) and the information describing the
1208 relationship between tax exemptions and incentives to industry
1209 growth required under s. 288.1258(5).

1210 Section 23. Subsection (5) of section 288.1258, Florida
1211 Statutes, is amended to read:

1212 288.1258 Entertainment industry qualified production
1213 companies; application procedure; categories; duties of the
1214 Department of Revenue; records and reports.—

1215 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
1216 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
1217 and Entertainment shall keep annual records from the information
1218 provided on taxpayer applications for tax exemption certificates
1219 beginning January 1, 2001. These records also must ~~shall~~ reflect
1220 a ratio of the annual amount of sales and use tax exemptions
1221 under this section, plus the incentives awarded pursuant to s.
1222 288.1254 to the estimated amount of funds expended by certified
1223 productions. In addition, the office shall maintain data showing
1224 annual growth in Florida-based entertainment industry companies
1225 and entertainment industry employment and wages. The employment
1226 information must ~~shall~~ include an estimate of the full-time
1227 equivalent positions created by each production that received
1228 tax credits pursuant to s. 288.1254. The Office of Film and
1229 Entertainment shall include ~~report~~ this information in the
1230 annual report for the entertainment industry financial incentive



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1231 ~~program required under s. 288.1254(10) to the Legislature no~~
1232 ~~later than December 1 of each year.~~

1233 Section 24. Subsection (3) of section 288.714, Florida
1234 Statutes, is amended to read:

1235 288.714 Quarterly and annual reports.-

1236 (3) ~~By August 31 of each year,~~ The department shall include
1237 in its annual report required under s. 20.60 ~~provide to the~~
1238 ~~Governor, the President of the Senate, and the Speaker of the~~
1239 ~~House of Representatives~~ a detailed report of the performance of
1240 the Black Business Loan Program. The report must include a
1241 cumulative summary of the quarterly report data compiled
1242 pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1243 Section 25. Section 288.7771, Florida Statutes, is amended
1244 to read:

1245 288.7771 Annual report of Florida Export Finance
1246 Corporation.-The corporation shall annually prepare and submit
1247 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its
1248 annual report required under s. 288.906 ~~by s. 288.095~~ a complete
1249 and detailed report setting forth:

1250 (1) The report required in s. 288.776(3).

1251 (2) Its assets and liabilities at the end of its most
1252 recent fiscal year.

1253 Section 26. Subsections (3), (4), and (5) of section
1254 288.903, Florida Statutes, are amended to read:

1255 288.903 Duties of Enterprise Florida, Inc.-Enterprise
1256 Florida, Inc., shall have the following duties:

1257 (3) Prepare an annual report pursuant to s. 288.906.

1258 (4) Prepare, in conjunction with the department, ~~and an~~
1259 annual incentives report pursuant to s. 288.907.



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1260 (5)~~(4)~~ Assist the department with the development of an
1261 annual and a long-range strategic business blueprint for
1262 economic development required in s. 20.60.

1263 (6)~~(5)~~ In coordination with Workforce Florida, Inc.,
1264 identify education and training programs that will ensure
1265 Florida businesses have access to a skilled and competent
1266 workforce necessary to compete successfully in the domestic and
1267 global marketplace.

1268 Section 27. Subsection (6) of section 288.904, Florida
1269 Statutes, is repealed.

1270 Section 28. Subsection (3) is added to section 288.906,
1271 Florida Statutes, to read:

1272 288.906 Annual report of Enterprise Florida, Inc., and its
1273 divisions; audits.-

1274 (3) The following reports must be included as supplements
1275 to the detailed report required by this section:

1276 (a) The annual report of the Florida Export Finance
1277 Corporation required under s. 288.7771.

1278 (b) The report on international offices required under s.
1279 288.012.

1280 Section 29. Section 288.907, Florida Statutes, is amended
1281 to read:

1282 288.907 Annual incentives report.-

1283 ~~(1) By December 30 of each year, In addition to the annual~~
1284 ~~report required under s. 288.906, Enterprise Florida, Inc., in~~
1285 ~~conjunction with the department, by December 30 of each year,~~
1286 shall provide the Governor, the President of the Senate, and the
1287 Speaker of the House of Representatives a detailed incentives
1288 report quantifying the economic benefits for all of the economic



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1289 development incentive programs marketed by Enterprise Florida,
1290 Inc.

1291 ~~(a)~~ The annual incentives report must include:

1292 (1) For each incentive program:

1293 (a)~~1.~~ A brief description of the incentive program.

1294 (b)~~2.~~ The amount of awards granted, by year, since
1295 inception and the annual amount actually transferred from the
1296 state treasury to businesses or for the benefit of businesses
1297 for each of the previous 3 years.

1298 ~~3. The economic benefits, as defined in s. 288.005, based~~
1299 ~~on the actual amount of private capital invested, actual number~~
1300 ~~of jobs created, and actual wages paid for incentive agreements~~
1301 ~~completed during the previous 3 years.~~

1302 (c)~~4.~~ The report shall also include The actual amount of
1303 private capital invested, actual number of jobs created, and
1304 actual wages paid for incentive agreements completed during the
1305 previous 3 years for each target industry sector.

1306 (2)~~(b)~~ For projects completed during the previous state
1307 fiscal year, ~~the report must include:~~

1308 (a)~~1.~~ The number of economic development incentive
1309 applications received.

1310 (b)~~2.~~ The number of recommendations made to the department
1311 by Enterprise Florida, Inc., including the number recommended
1312 for approval and the number recommended for denial.

1313 (c)~~3.~~ The number of final decisions issued by the
1314 department for approval and for denial.

1315 (d)~~4.~~ The projects for which a tax refund, tax credit, or
1316 cash grant agreement was executed, identifying for each project:

1317 1.a. The number of jobs committed to be created.



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1318 ~~2.b.~~ The amount of capital investments committed to be
1319 made.
1320 ~~3.e.~~ The annual average wage committed to be paid.
1321 ~~4.d.~~ The amount of state economic development incentives
1322 committed to the project from each incentive program under the
1323 project's terms of agreement with the Department of Economic
1324 Opportunity.
1325 ~~5.e.~~ The amount and type of local matching funds committed
1326 to the project.
1327 (e) Tax refunds paid or other payments made funded out of
1328 the Economic Development Incentives Account for each project.
1329 (f) The types of projects supported.
1330 ~~(3)(e)~~ For economic development projects that received tax
1331 refunds, tax credits, or cash grants under the terms of an
1332 agreement for incentives, ~~the report must identify:~~
1333 ~~(a)1.~~ The number of jobs actually created.
1334 ~~(b)2.~~ The amount of capital investments actually made.
1335 ~~(c)3.~~ The annual average wage paid.
1336 ~~(4)(d)~~ For a project receiving economic development
1337 incentives approved by the department and receiving federal or
1338 local incentives, ~~the report must include~~ a description of the
1339 federal or local incentives, if available.
1340 ~~(5)(e)~~ The ~~report must state~~ the number of withdrawn or
1341 terminated projects that did not fulfill the terms of their
1342 agreements with the department and, consequently, are not
1343 receiving incentives.
1344 (6) For any agreements signed after July 1, 2010, findings
1345 and recommendations on the efforts of the department to
1346 ascertain the causes of any business's inability to complete its



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1347 agreement made under s. 288.106.

1348 ~~(7)(f)~~ The amount report must include an analysis of the
1349 economic benefits, as defined in s. 288.005, of tax refunds, tax
1350 credits, or other payments made to projects locating or
1351 expanding in state enterprise zones, rural communities,
1352 brownfield areas, or distressed urban communities. The report
1353 must include a separate analysis of the impact of such tax
1354 refunds on state enterprise zones designated under s. 290.0065,
1355 rural communities, brownfield areas, and distressed urban
1356 communities.

1357 (8) The name of and tax refund amount for each business
1358 that has received a tax refund under s. 288.1045 or s. 288.106
1359 during the preceding fiscal year.

1360 ~~(9)(g)~~ An identification of ~~The report must identify the~~
1361 target industry businesses and high-impact businesses.

1362 ~~(10)(h)~~ A description of ~~The report must describe the~~
1363 trends relating to business interest in, and usage of, the
1364 various incentives, and the number of minority-owned or woman-
1365 owned businesses receiving incentives.

1366 ~~(11)(i)~~ An identification of ~~The report must identify~~
1367 incentive programs not used and recommendations for program
1368 changes or program elimination utilized.

1369 (12) Information related to the validation of contractor
1370 performance required under s. 288.061.

1371 (13) Beginning in 2014, a summation of the activities
1372 related to the Florida Space Business Incentives Act.

1373 ~~(2) The Division of Strategic Business Development within~~
1374 ~~the department shall assist Enterprise Florida, Inc., in the~~
1375 ~~preparation of the annual incentives report.~~



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1376 Section 30. Subsection (3) of section 288.92, Florida
1377 Statutes, is amended to read:

1378 288.92 Divisions of Enterprise Florida, Inc.—

1379 (3) ~~By October 15 each year,~~ Each division shall draft and
1380 submit an annual report for inclusion in the report required
1381 under 288.906 which details the division's activities during the
1382 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for
1383 improving current statutes related to the division's ~~related~~
1384 area of responsibility.

1385 Section 31. Subsection (5) of section 288.95155, Florida
1386 Statutes, is amended to read:

1387 288.95155 Florida Small Business Technology Growth
1388 Program.—

1389 (5) Enterprise Florida, Inc., shall prepare for inclusion
1390 in the annual report ~~of the department~~ required under s. 288.907
1391 ~~by s. 288.095~~ a report on the financial status of the program.
1392 The report must specify the assets and liabilities of the
1393 program within the current fiscal year and must include a
1394 portfolio update that lists all of the businesses assisted, the
1395 private dollars leveraged by each business assisted, and the
1396 growth in sales and in employment of each business assisted.

1397 Section 32. Section 288.9918, Florida Statutes, is amended
1398 to read:

1399 288.9918 Annual reporting by a community development
1400 entity.—

1401 (1) A community development entity that has issued a
1402 qualified investment shall submit an annual report to the
1403 department by January 31 ~~April 30~~ after the end of each year
1404 which includes a credit allowance date. The report shall include



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1405 information on investments made in the preceding calendar year
1406 to include but not limited to the following:

1407 ~~(1) The entity's annual financial statements for the~~
1408 ~~preceding tax year, audited by an independent certified public~~
1409 ~~accountant.~~

1410 ~~(a)(2)~~ The identity of the types of industries, identified
1411 by the North American Industry Classification System Code, in
1412 which qualified low-income community investments were made.

1413 ~~(b)(3)~~ The names of the counties in which the qualified
1414 active low-income businesses are located which received
1415 qualified low-income community investments.

1416 ~~(c)(4)~~ The number of jobs created and retained by qualified
1417 active low-income community businesses receiving qualified low-
1418 income community investments, including verification that the
1419 average wages paid meet or exceed 115 percent of the federal
1420 poverty income guidelines for a family of four.

1421 ~~(d)(5)~~ A description of the relationships that the entity
1422 has established with community-based organizations and local
1423 community development offices and organizations and a summary of
1424 the outcomes resulting from those relationships.

1425 ~~(e)(6)~~ Other information and documentation required by the
1426 department to verify continued certification as a qualified
1427 community development entity under 26 U.S.C. s. 45D.

1428 (2) By April 30 after the end of each year which includes a
1429 credit allowance date, a community development entity shall
1430 submit annual financial statements for the preceding tax year,
1431 audited by an independent certified public accountant.

1432 Section 33. Subsection (6) of section 290.0055, Florida
1433 Statutes, is amended to read:



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1434 290.0055 Local nominating procedure.-

1435 (6) (a) The department may approve a change in the boundary
1436 of any enterprise zone which was designated pursuant to s.
1437 290.0065. A boundary change must continue to satisfy the
1438 requirements of subsections (3), (4), and (5).

1439 (b) Upon a recommendation by the enterprise zone
1440 development agency, the governing body of the jurisdiction which
1441 authorized the application for an enterprise zone may apply to
1442 the department for a change in boundary once every 3 years by
1443 adopting a resolution that:

1444 1. States with particularity the reasons for the change;
1445 and

1446 2. Describes specifically and, to the extent required by
1447 the department, the boundary change to be made.

1448 (c) At least 90 days before adopting a resolution seeking a
1449 change in the boundary of an enterprise zone, the governing body
1450 shall include in a notice of the meeting at which the resolution
1451 will be considered an explanation that a change in the boundary
1452 of an enterprise zone will be considered and that the change may
1453 result in loss of enterprise zone eligibility for the area
1454 affected by the boundary change.

1455 (d) 1. The governing body of a jurisdiction which has
1456 nominated an application for an enterprise zone that is at least
1457 15 square miles and less than 20 square miles ~~no larger than 12~~
1458 ~~square miles~~ and includes a portion of the state designated as a
1459 rural area of critical economic concern under s. 288.0656(7) may
1460 apply to the department to expand the boundary of the existing
1461 enterprise zone by not more than 3 square miles. ~~An application~~
1462 ~~to expand the boundary of an enterprise zone under this~~



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1463 ~~paragraph must be submitted by December 31, 2012.~~

1464 2. The governing body of a jurisdiction which has nominated
1465 an application for an enterprise zone that is at least 20 square
1466 miles and includes a portion of the state designated as a rural
1467 area of critical economic concern under s. 288.0656(7) may apply
1468 to the department to expand the boundary of the existing
1469 enterprise zone by not more than 5 square miles.

1470 3. An application to expand the boundary of an enterprise
1471 zone under this paragraph must be submitted by December 31,
1472 2013.

1473 ~~4.2.~~ Notwithstanding the area limitations specified in
1474 subsection (4), the department may approve the request for a
1475 boundary amendment if the area continues to satisfy the
1476 remaining requirements of this section.

1477 ~~5.3.~~ The department shall establish the initial effective
1478 date of an enterprise zone designated under this paragraph.

1479 Section 34. Subsection (11) of section 290.0056, Florida
1480 Statutes, is amended to read:

1481 290.0056 Enterprise zone development agency.—

1482 (11) Before October 1 ~~December 1~~ of each year, the agency
1483 shall submit to the department for inclusion in the annual
1484 report required under s. 20.60 a complete and detailed written
1485 report setting forth:

1486 (a) Its operations and accomplishments during the fiscal
1487 year.

1488 (b) The accomplishments and progress concerning the
1489 implementation of the strategic plan or measurable goals, and
1490 any updates to the strategic plan or measurable goals.

1491 (c) The number and type of businesses assisted by the



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1492 agency during the fiscal year.

1493 (d) The number of jobs created within the enterprise zone
1494 during the fiscal year.

1495 (e) The usage and revenue impact of state and local
1496 incentives granted during the calendar year.

1497 (f) Any other information required by the department.

1498 Section 35. Section 290.014, Florida Statutes, is amended
1499 to read:

1500 290.014 Annual reports on enterprise zones.—

1501 (1) By October 1 ~~February 1~~ of each year, the Department of
1502 Revenue shall submit an annual report to the department
1503 detailing the usage and revenue impact by county of the state
1504 incentives listed in s. 290.007.

1505 (2) ~~By March 1 of each year, the department shall submit an~~
1506 ~~annual report to the Governor, the Speaker of the House of~~
1507 ~~Representatives, and the President of the Senate.~~ The annual
1508 report required under s. 20.60 shall include the information
1509 provided by the Department of Revenue pursuant to subsection (1)
1510 and the information provided by enterprise zone development
1511 agencies pursuant to s. 290.0056. In addition, the report shall
1512 include an analysis of the activities and accomplishments of
1513 each enterprise zone.

1514 Section 36. Section 290.0455, Florida Statutes, is amended
1515 to read:

1516 290.0455 Small Cities Community Development Block Grant
1517 Loan Guarantee Program; Section 108 loan guarantees.—

1518 (1) The Small Cities Community Development Block Grant Loan
1519 Guarantee Program is created. The department shall administer
1520 the loan guarantee program pursuant to Section 108 ~~s. 108~~ of



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1521 Title I of the Housing and Community Development Act of 1974, as
1522 amended, and as further amended by s. 910 of the Cranston-
1523 Gonzalez National Affordable Housing Act. The purpose of the
1524 Small Cities Community Development Block Grant Loan Guarantee
1525 Program is to guarantee, or to make commitments to guarantee,
1526 notes or other obligations issued by public entities for the
1527 purposes of financing activities enumerated in 24 C.F.R. s.
1528 570.703.

1529 (2) Activities assisted under the loan guarantee program
1530 must meet the requirements contained in 24 C.F.R. ss. 570.700-
1531 570.710 and may not otherwise be financed in whole or in part
1532 from the Florida Small Cities Community Development Block Grant
1533 Program.

1534 (3) The department may pledge existing revenues on deposit
1535 or future revenues projected to be available for deposit in the
1536 Florida Small Cities Community Development Block Grant Program
1537 in order to guarantee, ~~in whole or in part,~~ the payment of
1538 principal and interest on a Section 108 loan ~~made under the loan~~
1539 ~~guarantee program.~~

1540 (4) An applicant approved by the United States Department
1541 of Housing and Urban Development to receive a Section 108 loan
1542 shall enter into an agreement with the Department of Economic
1543 Opportunity which requires the applicant to pledge half of the
1544 amount necessary to guarantee the loan in the event of default.

1545 (5) The department shall review all Section 108 loan
1546 applications that it receives from local governments. The
1547 department shall review the applications ~~must submit all~~
1548 ~~applications it receives to the United States Department of~~
1549 ~~Housing and Urban Development for loan approval,~~ in the order



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1550 received, subject to a determination by the department
1551 ~~determining~~ that each ~~the~~ application meets all eligibility
1552 requirements contained in 24 C.F.R. ss. 570.700-570.710~~7~~, and has
1553 been deemed financially feasible by a loan underwriter approved
1554 by the department. If the statewide maximum available for loan
1555 guarantee commitments established in subsection (6) has not been
1556 committed, the department may submit the Section 108 loan
1557 application to the United States Department of Housing and Urban
1558 Development with a recommendation that the loan be approved,
1559 with or without conditions, or be denied ~~provided that the~~
1560 ~~applicant has submitted the proposed activity to a loan~~
1561 ~~underwriter to document its financial feasibility.~~

1562 (6)~~(5)~~ The maximum amount of an individual loan guarantee
1563 commitment that an ~~commitments that any~~ eligible local
1564 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million
1565 ~~pursuant to 24 C.F.R. s. 570.7057~~, and the maximum amount of loan
1566 guarantee commitments statewide may not exceed an amount equal
1567 to two ~~five~~ times the amount of the most recent grant received
1568 by the department under the Florida Small Cities Community
1569 Development Block Grant Program. The \$5 million loan guarantee
1570 limit does not apply to loans guaranteed prior to July 1, 2013,
1571 that may be refinanced.

1572 (7)~~(6)~~ Section 108 loans guaranteed by the Small Cities
1573 Community Development Block Grant Program ~~loan guarantee program~~
1574 must be repaid within 20 years.

1575 (8)~~(7)~~ Section 108 loan applicants must demonstrate
1576 ~~guarantees may be used for an activity only if the local~~
1577 ~~government provides evidence to the department that~~ the
1578 applicant investigated alternative financing services ~~were~~



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1579 ~~investigated~~ and the services were unavailable or insufficient
1580 to meet the financing needs of the proposed activity.

1581 (9) If a local government defaults on a Section 108 loan
1582 received from the United States Department of Housing and Urban
1583 Development and guaranteed through the Florida Small Cities
1584 Community Development Block Grant Program, thereby requiring the
1585 department to reduce its annual grant award in order to pay the
1586 annual debt service on the loan, any future community
1587 development block grants that the local government receives must
1588 be reduced in an amount equal to the amount of the state's grant
1589 award used in payment of debt service on the loan.

1590 (10) If a local government receives a Section 108 loan
1591 guaranteed through the Florida Small Cities Community
1592 Development Block Grant Program and is granted entitlement
1593 community status as defined in subpart D of 24 C.F.R. part 570
1594 by the United States Department of Housing and Urban Development
1595 before paying the loan in full, the local government must pledge
1596 its community development block grant entitlement allocation as
1597 a guarantee of its previous loan and request that the United
1598 States Department of Housing and Urban Development release the
1599 department as guarantor of the loan.

1600 ~~(8) The department must, before approving an application~~
1601 ~~for a loan, evaluate the applicant's prior administration of~~
1602 ~~block grant funds for community development. The evaluation of~~
1603 ~~past performance must take into account the procedural aspects~~
1604 ~~of previous grants or loans as well as substantive results. If~~
1605 ~~the department finds that any applicant has failed to~~
1606 ~~substantially accomplish the results proposed in the applicant's~~
1607 ~~last previously funded application, the department may prohibit~~



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1608 ~~the applicant from receiving a loan or may penalize the~~
1609 ~~applicant in the rating of the current application.~~

1610 Section 37. Subsection (11) of section 331.3051, Florida
1611 Statutes, is amended to read:

1612 331.3051 Duties of Space Florida.—Space Florida shall:

1613 (11) Annually report on its performance with respect to its
1614 business plan, to include finance, spaceport operations,
1615 research and development, workforce development, and education.
1616 Space Florida shall submit the report ~~shall be submitted~~ to the
1617 Governor, the President of the Senate, and the Speaker of the
1618 House of Representatives by November 30 ~~no later than September~~
1619 ~~1~~ for the previous ~~prior~~ fiscal year. The annual report must
1620 include operations information as required under s.
1621 331.310(2)(e).

1622 Section 38. Paragraph (e) of subsection (2) of section
1623 331.310, Florida Statutes, is amended to read:

1624 331.310 Powers and duties of the board of directors.—

1625 (2) The board of directors shall:

1626 (e) Prepare an annual report of operations as a supplement
1627 to the annual report required under s. 331.3051(11). The report
1628 must ~~shall~~ include, but not be limited to, a balance sheet, an
1629 income statement, a statement of changes in financial position,
1630 a reconciliation of changes in equity accounts, a summary of
1631 significant accounting principles, the auditor's report, a
1632 summary of the status of existing and proposed bonding projects,
1633 comments from management about the year's business, and
1634 prospects for the next year, ~~which shall be submitted each year~~
1635 ~~by November 30 to the Governor, the President of the Senate, the~~
1636 ~~Speaker of the House of Representatives, the minority leader of~~



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1637 ~~the Senate, and the minority leader of the House of~~
1638 ~~Representatives.~~

1639 Section 39. Paragraphs (a) and (e) of subsection (30) of
1640 section 443.036, Florida Statutes, is amended to read:

1641 443.036 Definitions.—As used in this chapter, the term:

1642 (30) "Misconduct," irrespective of whether the misconduct
1643 occurs at the workplace or during working hours, includes, but
1644 is not limited to, the following, which may not be construed in
1645 pari materia with each other:

1646 (a) Conduct demonstrating conscious disregard of an
1647 employer's interests and found to be a deliberate violation or
1648 disregard of the reasonable standards of behavior which the
1649 employer expects of his or her employee. Such conduct may
1650 include, but is not limited to, willful damage to an employer's
1651 property that results in damage of more than \$50; or theft of
1652 employer property or property of a customer or invitee of the
1653 employer.

1654 (e)1. A violation of an employer's rule, unless the
1655 claimant can demonstrate that:

1656 a.1. He or she did not know, and could not reasonably know,
1657 of the rule's requirements;

1658 b.2. The rule is not lawful or not reasonably related to
1659 the job environment and performance; or

1660 c.3. The rule is not fairly or consistently enforced.

1661 2. Such conduct may include, but is not limited to,
1662 committing criminal assault or battery on another employee, or
1663 on a customer or invitee of the employer; or committing abuse or
1664 neglect of a patient, resident, disabled person, elderly person,
1665 or child in her or his professional care.



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1666 Section 40. Paragraphs (b), (c), and (d) of subsection (1)
1667 of section 443.091, Florida Statutes, are amended to read:

1668 443.091 Benefit eligibility conditions.—

1669 (1) An unemployed individual is eligible to receive
1670 benefits for any week only if the Department of Economic
1671 Opportunity finds that:

1672 (b) She or he has completed the department's online work
1673 registration ~~registered with the department for work~~ and
1674 subsequently reports to the one-stop career center as directed
1675 by the regional workforce board for reemployment services. This
1676 requirement does not apply to persons who are:

- 1677 1. Non-Florida residents;
1678 2. On a temporary layoff;
1679 3. Union members who customarily obtain employment through
1680 a union hiring hall; or
1681 4. Claiming benefits under an approved short-time
1682 compensation plan as provided in s. 443.1116.

1683 5. Unable to complete the online work registration due to
1684 illiteracy, physical or mental impairment, a legal prohibition
1685 from using a computer, or a language impediment. If a person is
1686 exempted from the online work registration under this
1687 subparagraph, then the filing of his or her claim constitutes
1688 registration for work.

1689 (c) To make continued claims for benefits, she or he is
1690 reporting to the department in accordance with this paragraph
1691 and department rules, and participating in an initial skills
1692 review, as directed by the department. Department rules may not
1693 conflict with s. 443.111(1)(b), which requires that each
1694 claimant continue to report regardless of any pending appeal



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1695 relating to her or his eligibility or disqualification for
1696 benefits.

1697 1. For each week of unemployment claimed, each report must,
1698 at a minimum, include the name, address, and telephone number of
1699 each prospective employer contacted, or the date the claimant
1700 reported to a one-stop career center, pursuant to paragraph (d).

1701 2. The administrator or operator of the initial skills
1702 review shall notify the department when the individual completes
1703 the initial skills review and report the results of the review
1704 to the regional workforce board or the one-stop career center as
1705 directed by the workforce board. The department shall prescribe
1706 a numeric score on the initial skills review that demonstrates a
1707 minimal proficiency in workforce skills. The department,
1708 workforce board, or one-stop career center shall use the initial
1709 skills review to develop a plan for referring individuals to
1710 training and employment opportunities. The failure of the
1711 individual to comply with this requirement will result in the
1712 individual being determined ineligible for benefits for the week
1713 in which the noncompliance occurred and for any subsequent week
1714 of unemployment until the requirement is satisfied. However,
1715 this requirement does not apply if the individual ~~is able to~~
1716 ~~affirmatively attest to being unable to complete such review due~~
1717 ~~to illiteracy or a language impediment or~~ is exempt from the
1718 work registration requirement as set forth in paragraph (b).

1719 3. Any individual who falls below the minimal proficiency
1720 score prescribed by the department in subparagraph 2. on the
1721 initial skills review shall be offered training opportunities
1722 and encouraged to participate in such training at no cost to the
1723 individual in order to improve his or her workforce skills to



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1724 the minimal proficiency level.

1725 4. The department shall coordinate with Workforce Florida,
1726 Inc., the workforce boards, and the one-stop career centers to
1727 identify, develop, and utilize best practices for improving the
1728 skills of individuals who choose to participate in training
1729 opportunities and who have a minimal proficiency score below the
1730 score prescribed in subparagraph 2.

1731 5. The department, in coordination with Workforce Florida,
1732 Inc., the workforce boards, and the one-stop career centers,
1733 shall evaluate the use, effectiveness, and costs associated with
1734 the training prescribed in subparagraph 3. and report its
1735 findings and recommendations for training and the use of best
1736 practices to the Governor, the President of the Senate, and the
1737 Speaker of the House of Representatives by January 1, 2013.

1738 (d) She or he is able to work and is available for work. In
1739 order to assess eligibility for a claimed week of unemployment,
1740 the department shall develop criteria to determine a claimant's
1741 ability to work and availability for work. A claimant must be
1742 actively seeking work in order to be considered available for
1743 work. This means engaging in systematic and sustained efforts to
1744 find work, including contacting at least five prospective
1745 employers for each week of unemployment claimed. The department
1746 may require the claimant to provide proof of such efforts to the
1747 one-stop career center as part of reemployment services. A
1748 claimant's proof of work search efforts may not include the same
1749 prospective employer at the same location in three consecutive
1750 weeks, unless the employer has indicated since the time of the
1751 initial contact that the employer is hiring. The department
1752 shall conduct random reviews of work search information provided



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1753 by claimants. As an alternative to contacting at least five
1754 prospective employers for any week of unemployment claimed, a
1755 claimant may, for that same week, report in person to a one-stop
1756 career center to meet with a representative of the center and
1757 access reemployment services of the center. The center shall
1758 keep a record of the services or information provided to the
1759 claimant and shall provide the records to the department upon
1760 request by the department. However:

1761 1. Notwithstanding any other provision of this paragraph or
1762 paragraphs (b) and (e), an otherwise eligible individual may not
1763 be denied benefits for any week because she or he is in training
1764 with the approval of the department, or by reason of s.
1765 443.101(2) relating to failure to apply for, or refusal to
1766 accept, suitable work. Training may be approved by the
1767 department in accordance with criteria prescribed by rule. A
1768 claimant's eligibility during approved training is contingent
1769 upon satisfying eligibility conditions prescribed by rule.

1770 2. Notwithstanding any other provision of this chapter, an
1771 otherwise eligible individual who is in training approved under
1772 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
1773 determined ineligible or disqualified for benefits due to
1774 enrollment in such training or because of leaving work that is
1775 not suitable employment to enter such training. As used in this
1776 subparagraph, the term "suitable employment" means work of a
1777 substantially equal or higher skill level than the worker's past
1778 adversely affected employment, as defined for purposes of the
1779 Trade Act of 1974, as amended, the wages for which are at least
1780 80 percent of the worker's average weekly wage as determined for
1781 purposes of the Trade Act of 1974, as amended.



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1782 3. Notwithstanding any other provision of this section, an
1783 otherwise eligible individual may not be denied benefits for any
1784 week because she or he is before any state or federal court
1785 pursuant to a lawfully issued summons to appear for jury duty.

1786 4. Union members who customarily obtain employment through
1787 a union hiring hall may satisfy the work search requirements of
1788 this paragraph by reporting daily to their union hall.

1789 5. The work search requirements of this paragraph do not
1790 apply to persons who are unemployed as a result of a temporary
1791 layoff or who are claiming benefits under an approved short-time
1792 compensation plan as provided in s. 443.1116.

1793 6. In small counties as defined in s. 120.52(19), a
1794 claimant engaging in systematic and sustained efforts to find
1795 work must contact at least three prospective employers for each
1796 week of unemployment claimed.

1797 7. The work search requirements of this paragraph do not
1798 apply to persons required to participate in reemployment
1799 services under paragraph (e).

1800 Section 41. Subsection (13) is added to section 443.101,
1801 Florida Statutes, to read:

1802 443.101 Disqualification for benefits.—An individual shall
1803 be disqualified for benefits:

1804 (13) For any week with respect to which the department
1805 finds that his or her unemployment is due to a discharge from
1806 employment for failure without good cause to maintain a license,
1807 registration, or certification required by applicable law
1808 necessary for the employee to perform her or his assigned job
1809 duties. For purposes of this paragraph, the term "good cause"
1810 includes, but is not limited to, failure of the employer to



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1811 submit information required for a license, registration, or
1812 certification; short-term physical injury which prevents the
1813 employee from completing or taking a required test; and
1814 inability to take or complete a required test that is outside
1815 the employee's control.

1816 Section 42. Paragraph (b) of subsection (4) of section
1817 443.1113, Florida Statutes, is amended to read:

1818 443.1113 Reemployment Assistance Claims and Benefits
1819 Information System.—

1820 (4) The project to implement the Reemployment Assistance
1821 Claims and Benefits Information System is ~~shall be~~ comprised of
1822 the following phases and corresponding implementation
1823 timeframes:

1824 (b) The Reemployment Assistance Claims and Benefits
1825 Internet portal that replaces the Florida Unemployment Internet
1826 Direct and the Florida Continued Claims Internet Directory
1827 systems, the Call Center Interactive Voice Response System, the
1828 Benefit Overpayment Screening System, the Internet and Intranet
1829 Appeals System, and the Claims and Benefits Mainframe System
1830 shall be deployed to full operational status no later than the
1831 end of fiscal year 2013-2014 ~~2012-2013~~.

1832 Section 43. Subsection (5) of section 443.131, Florida
1833 Statutes, is amended to read:

1834 443.131 Contributions.—

1835 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

1836 (a) When the Unemployment Compensation Trust Fund has
1837 received advances from the Federal Government under the
1838 provisions of 42 U.S.C. s. 1321, each contributing employer
1839 shall be assessed an additional rate solely for the purpose of



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1840 paying interest due on such federal advances. The additional
1841 rate shall be assessed no later than February 1 in each calendar
1842 year in which an interest payment is due.

1843 (b) The Revenue Estimating Conference shall estimate the
1844 amount of ~~such~~ interest due on federal advances by no later than
1845 December 1 of the calendar year before ~~preceding~~ the calendar
1846 year in which an interest payment is due. The Revenue Estimating
1847 Conference shall, at a minimum, consider the following as the
1848 basis for the estimate:

- 1849 1. The amounts actually advanced to the trust fund.
- 1850 2. Amounts expected to be advanced to the trust fund based
1851 on current and projected unemployment patterns and employer
1852 contributions.
- 1853 3. The interest payment due date.
- 1854 4. The interest rate that will be applied by the Federal
1855 Government to any accrued outstanding balances.

1856 (c) ~~(b)~~ The tax collection service provider shall calculate
1857 the additional rate to be assessed against contributing
1858 employers. The additional rate assessed for a calendar year is
1859 ~~shall be~~ determined by dividing the estimated amount of interest
1860 to be paid in that year by 95 percent of the taxable wages as
1861 described in s. 443.1217 paid by all employers for the year
1862 ending June 30 of the previous ~~immediately preceding~~ calendar
1863 year. The amount to be paid by each employer is ~~shall be~~ the
1864 product obtained by multiplying such employer's taxable wages as
1865 described in s. 443.1217 for the year ending June 30 of the
1866 previous ~~immediately preceding~~ calendar year by the rate as
1867 determined by this subsection. An assessment may not be made if
1868 the amount of assessments on deposit from previous years, plus



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1869 any earned interest, is at least 80 percent of the estimated
1870 amount of interest.

1871 (d) The tax collection service provider shall make a
1872 separate collection of such assessment, which may be collected
1873 at the time of employer contributions and subject to the same
1874 penalties for failure to file a report, imposition of the
1875 standard rate pursuant to paragraph (3)(h), and interest if the
1876 assessment is not received on or before June 30. Section
1877 443.141(1)(d) and (e) does not apply to this separately
1878 collected assessment. The tax collection service provider shall
1879 maintain those funds in the tax collection service provider's
1880 Audit and Warrant Clearing Trust Fund until the provider is
1881 directed by the Governor or the Governor's designee to make the
1882 interest payment to the Federal Government. Assessments on
1883 deposit must be available to pay the interest on advances
1884 received from the Federal Government under 42 U.S.C. s. 1321.
1885 Assessments on deposit may be invested and any interest earned
1886 shall be part of the balance available to pay the interest on
1887 advances received from the Federal Government under 42 U.S.C. s.
1888 1321.

1889 (e) Four months after ~~In the calendar year that~~ all
1890 advances from the Federal Government under 42 U.S.C. s. 1321 and
1891 associated interest are repaid, ~~if there are assessment funds in~~
1892 ~~excess of the amount required to meet the final interest~~
1893 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
1894 Clearing Trust Fund, including associated interest, shall be
1895 transferred to ~~credited to employer accounts in~~ the Unemployment
1896 Compensation Trust Fund. Any assessment amounts subsequently
1897 collected shall also be transferred to the Unemployment



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1898 ~~Compensation Trust Fund in an amount equal to the employer's~~
1899 ~~contribution to the assessment for that year divided by the~~
1900 ~~total amount of the assessment for that year, the result of~~
1901 ~~which is multiplied by the amount of excess assessed funds.~~

1902 (f) ~~If~~ However, if the state is permitted to defer interest
1903 payments due during a calendar year under 42 U.S.C. s. 1322,
1904 payment of the interest assessment is ~~shall~~ not be due. If a
1905 deferral of interest expires or is subsequently disallowed by
1906 the Federal Government, either prospectively or retroactively,
1907 the interest assessment shall be immediately due and payable.
1908 Notwithstanding any other provision of this section, if interest
1909 due during a calendar year on federal advances is forgiven or
1910 postponed under federal law and is no longer due during that
1911 calendar year, no interest assessment shall be assessed against
1912 an employer for that calendar year, and any assessment already
1913 assessed and collected against an employer before the
1914 forgiveness or postponement of the interest for that calendar
1915 year shall be credited to such employer's account in the
1916 Unemployment Compensation Trust Fund. However, such funds may be
1917 used only to pay benefits or refunds of erroneous contributions.

1918 (g) This subsection expires July 1, 2014.

1919 Section 44. Paragraph (b) of subsection (2) and paragraph
1920 (a) of subsection (3), and paragraph (a) of subsection (6) of
1921 section 443.151, Florida Statutes, are amended to read:

1922 443.151 Procedure concerning claims.—

1923 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1924 CLAIMANTS AND EMPLOYERS.—

1925 (b) *Process.*—When the Reemployment Assistance Claims and
1926 Benefits Information System described in s. 443.1113 is fully



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1927 operational, the process for filing claims must incorporate the
1928 process for registering for work with the workforce information
1929 systems established pursuant to s. 445.011. Unless exempted
1930 under s. 443.091(1)(b)5., a claim for benefits may not be
1931 processed until the work registration requirement is satisfied.
1932 The department may adopt rules as necessary to administer the
1933 work registration requirement set forth in this paragraph.

1934 (3) DETERMINATION OF ELIGIBILITY.—

1935 (a) *Notices of claim.*—The Department of Economic
1936 Opportunity shall promptly provide a notice of claim to the
1937 claimant's most recent employing unit and all employers whose
1938 employment records are liable for benefits under the monetary
1939 determination. The employer must respond to the notice of claim
1940 within 20 days after the mailing date of the notice, or in lieu
1941 of mailing, within 20 days after the delivery of the notice. If
1942 a contributing employer or its agent fails to timely or
1943 adequately respond to the notice of claim or request for
1944 information, the employer's account may not be relieved of
1945 benefit charges as provided in s. 443.131(3)(a), notwithstanding
1946 paragraph (5)(b). The department may adopt rules as necessary to
1947 implement the processes described in this paragraph relating to
1948 notices of claim.

1949 (6) RECOVERY AND RECOUPMENT.—

1950 (a) Any person who, by reason of her or his fraud, receives
1951 benefits under this chapter to which she or he is not entitled
1952 is liable for repaying those benefits to the Department of
1953 Economic Opportunity on behalf of the trust fund or, in the
1954 discretion of the department, to have those benefits deducted
1955 from future benefits payable to her or him under this chapter.



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1956 In addition, the department shall impose upon the claimant a
1957 penalty equal to 15 percent of the amount overpaid. To enforce
1958 this paragraph, the department must find the existence of fraud
1959 through a redetermination or decision under this section within
1960 2 years after the fraud was committed. Any recovery or
1961 recoupment of benefits must be commenced within 7 years after
1962 the redetermination or decision.

1963 Section 45. Effective January 1, 2014, paragraph (a) of
1964 subsection (4) of section 443.151, Florida Statutes, is amended
1965 to read:

1966 (4) APPEALS.—

1967 (a) Appeals referees.—The Department of Economic
1968 Opportunity shall appoint one or more impartial salaried appeals
1969 referees in accordance with s. 443.171(3) to hear and decide
1970 appealed claims. An appeals referee must be an attorney in good
1971 standing with the Florida Bar, or must be successfully admitted
1972 to the Florida Bar within 8 months of his or her date of
1973 employment. A person may not participate on behalf of the
1974 department as an appeals referee in any case in which she or he
1975 is an interested party. The department may designate alternates
1976 to serve in the absence or disqualification of any appeals
1977 referee on a temporary basis. These alternates must have the
1978 same qualifications required of appeals referees. The department
1979 shall provide the commission and the appeals referees with
1980 proper facilities and assistance for the execution of their
1981 functions.

1982 Section 46. After January 1, 2014, the department must,
1983 through attrition of staff, meet the requirements of Section 45
1984 of this bill.



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1985 Section 47. Subsection (1) of section 443.1715, Florida
1986 Statutes, is amended to read:

1987 443.1715 Disclosure of information; confidentiality.—

1988 (1) RECORDS AND REPORTS.—Information revealing an employing
1989 unit's or individual's identity obtained from the employing unit
1990 or any individual under the administration of this chapter, and
1991 any determination revealing that information, is confidential
1992 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1993 Constitution. This confidential information may be released in
1994 accordance with the provisions in 20 C.F.R. part 603. A person
1995 receiving confidential information who violates this subsection
1996 commits a misdemeanor of the second degree, punishable as
1997 provided in s. 775.082 or s. 775.083. The Department of Economic
1998 Opportunity or its tax collection service provider may, however,
1999 furnish to any employer copies of any report submitted by that
2000 employer upon the request of the employer and may furnish to any
2001 claimant copies of any report submitted by that claimant upon
2002 the request of the claimant. The department or its tax
2003 collection service provider may charge a reasonable fee for
2004 copies of these reports as prescribed by rule, which may not
2005 exceed the actual reasonable cost of the preparation of the
2006 copies. Fees received for copies under this subsection must be
2007 deposited in the Employment Security Administration Trust Fund.

2008 Section 48. Subsection (1) of section 443.191, Florida
2009 Statutes, is amended to read:

2010 443.191 Unemployment Compensation Trust Fund; establishment
2011 and control.—

2012 (1) There is established, as a separate trust fund apart
2013 from all other public funds of this state, an Unemployment



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2014 Compensation Trust Fund, which shall be administered by the
2015 Department of Economic Opportunity exclusively for the purposes
2016 of this chapter. The fund must ~~shall~~ consist of:

2017 (a) All contributions and reimbursements collected under
2018 this chapter;

2019 (b) Interest earned on any moneys in the fund;

2020 (c) Any property or securities acquired through the use of
2021 moneys belonging to the fund;

2022 (d) All earnings of these properties or securities;

2023 (e) All money credited to this state's account in the
2024 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
2025 1103; ~~and~~

2026 (f) All money collected for penalties imposed pursuant to
2027 s. 443.151(6) (a); and

2028 (g) Advances on the amount in the federal Unemployment
2029 Compensation Trust Fund credited to the state under 42 U.S.C. s.
2030 1321, as requested by the Governor or the Governor's designee.

2031
2032 Except as otherwise provided in s. 443.1313(4), all moneys in
2033 the fund must ~~shall~~ be mingled and undivided.

2034 Section 49. Paragraph (b) of subsection (3) and subsection
2035 (4) of section 446.50, Florida Statutes, are amended to read:

2036 446.50 Displaced homemakers; multiservice programs; report
2037 to the Legislature; Displaced Homemaker Trust Fund created.—

2038 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2039 OPPORTUNITY.—

2040 (b)1. The department shall enter into contracts with, and
2041 make grants to, public and nonprofit private entities for
2042 purposes of establishing multipurpose service programs for



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2043 displaced homemakers under this section. Such grants and
2044 contracts must ~~shall~~ be awarded pursuant to chapter 287 and
2045 based on criteria established in the program state plan as
2046 provided in subsection (4) ~~developed pursuant to this section.~~

2047 The department shall designate catchment areas that together,
2048 must ~~shall~~ compose the entire state, and, to the extent possible
2049 from revenues in the Displaced Homemaker Trust Fund, the
2050 department shall contract with, and make grants to, entities
2051 that will serve entire catchment areas so that displaced
2052 homemaker service programs are available statewide. These
2053 catchment areas must ~~shall~~ be coterminous with the state's
2054 workforce development regions. The department may give priority
2055 to existing displaced homemaker programs when evaluating bid
2056 responses to the request for proposals.

2057 2. In order to receive funds under this section, and unless
2058 specifically prohibited by law from doing so, an entity that
2059 provides displaced homemaker service programs must receive at
2060 least 25 percent of its funding from one or more local,
2061 municipal, or county sources or nonprofit private sources. In-
2062 kind contributions may be evaluated by the department and
2063 counted as part of the required local funding.

2064 3. The department shall require an entity that receives
2065 funds under this section to maintain appropriate data to be
2066 compiled in an annual report to the department. Such data must
2067 ~~shall~~ include, but is ~~shall~~ not be limited to, the number of
2068 clients served, the units of services provided, designated
2069 client-specific information including intake and outcome
2070 information specific to each client, costs associated with
2071 specific services and program administration, total program



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2072 revenues by source and other appropriate financial data, and
2073 client followup information at specified intervals after the
2074 placement of a displaced homemaker in a job.

2075 (4) DISPLACED HOME MAKER PROGRAM STATE PLAN.-

2076 ~~(a)~~ The Department of Economic Opportunity shall include in
2077 its annual report required under s. 20.60 a develop a 3-year
2078 state plan for the displaced homemaker program which shall be
2079 updated annually. The plan must address, at a minimum, the need
2080 for programs specifically designed to serve displaced
2081 homemakers, any necessary service components for such programs
2082 in addition to those described enumerated in this section, goals
2083 of the displaced homemaker program with an analysis of the
2084 extent to which those goals are being met, and recommendations
2085 for ways to address any unmet program goals. Any request for
2086 funds for program expansion must be based on the ~~state~~ plan.

2087 ~~(b)~~ The displaced homemaker program ~~Each annual update must~~
2088 ~~address any changes in the components of the 3-year state plan~~
2089 ~~and a report that~~ must include, but need not be limited to, the
2090 following:

2091 (a)1. The scope of the incidence of displaced homemakers;

2092 (b)2. A compilation and report, by program, of data
2093 submitted to the department pursuant to subparagraph (3) (b)3.

2094 ~~subparagraph 3.~~ by funded displaced homemaker service programs;

2095 (c)3. An identification and description of the programs in
2096 the state which receive funding from the department, including
2097 funding information; and

2098 (d)4. An assessment of the effectiveness of each displaced
2099 homemaker service program based on outcome criteria established
2100 by rule of the department.



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2101 ~~(c) The 3-year state plan must be submitted to the~~
2102 ~~President of the Senate, the Speaker of the House of~~
2103 ~~Representatives, and the Governor on or before January 1, 2001,~~
2104 ~~and annual updates of the plan must be submitted by January 1 of~~
2105 ~~each subsequent year.~~

2106 Section 50. Section 288.80, Florida Statutes, is created to
2107 read:

2108 288.80 Short title.—Sections 288.80–288.84 may be cited as
2109 the “Gulf Coast Economic Corridor Act.”

2110 Section 51. Section 288.801, Florida Statutes, is created
2111 to read:

2112 288.801 Gulf Coast Economic Corridor, Legislative Intent.—
2113 The Legislature recognizes that fully supporting areas affected
2114 by the Deepwater Horizon disaster to ensure goals for economic
2115 recovery and diversification are achieved is in the best
2116 interest of the citizens of the state. The Legislature intends
2117 to provide a long-term source of funding for efforts of economic
2118 recovery and enhancement in the gulf coast region. The
2119 Legislature finds that it is important to help businesses,
2120 individuals, and local governments in the Gulf Coast region
2121 recover.

2122 Section 52. Section 288.81, Florida Statutes, is created to
2123 read:

2124 288.81 Definitions.—As used in this section, the term:

2125 (a) “Awardee” means a person, organization, or local
2126 government granted an award of funds from the Recovery Fund for
2127 a program or project.

2128 (b) “Disproportionately affected county” means Bay County,
2129 Escambia County, Franklin County, Gulf County, Okaloosa County,



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2130 Santa Rosa County, Walton County, or Wakulla County.

2131 (c) "Earnings" means all the income generated by
2132 investments and interest.

2133 (d) "Recovery Fund" means a trust account established by
2134 Triumph Gulf Coast, Inc., for the benefit of the
2135 disproportionately affected counties.

2136 Section 53. Section 288.82, Florida Statutes, is created to
2137 read:

2138 288.82 Triumph Gulf Coast, Inc.; Recovery Fund; Creation;
2139 Investment.—

2140 (1) There is created within the Department of Economic
2141 Opportunity a nonprofit corporation, to be known as Triumph Gulf
2142 Coast, Inc., which shall be registered, incorporated, organized,
2143 and operated in compliance with chapter 617, and which is not a
2144 unit or entity of state government. Triumph Gulf Coast, Inc.,
2145 may receive, hold, invest, and administer the Recovery Fund in
2146 support of this act. Triumph Gulf Coast, Inc., is a separate
2147 budget entity and is not subject to control, supervision, or
2148 direction by the Department of Economic Opportunity in any
2149 manner, including, but not limited to, personnel, purchasing,
2150 transactions involving real or personal property, and budgetary
2151 matters.

2152 (2) Triumph Gulf Coast, Inc., must create and administer
2153 the Recovery Fund for the benefit of the disproportionately
2154 affected counties. The principal of the fund shall derive from:

2155 (a) Seventy-five percent of all funds recovered by the
2156 Attorney General for economic damage to the state resulting from
2157 the Deepwater Horizon disaster, including penalties, fines,
2158 fees, and settlements; and



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2159 (b) Any funds distributed under 33 U.S.C.
2160 1321(t) (1) (C) (i) (I).

2161 (3) The Recovery Fund must be maintained as a long-term and
2162 stable source of revenue, which shall decline over a 30-year
2163 period in equal amounts each year. Triumph Gulf Coast, Inc.,
2164 shall establish a trust account at a federally insured financial
2165 institution to hold funds and make deposits and payments.
2166 Earnings generated by investments and interest of the fund, plus
2167 the amount of principal available each year, shall be available
2168 to make awards pursuant to this act and pay administrative
2169 costs. Earnings shall be accounted for separated from principal
2170 funds. Principal funds set forth in subsection (2) must be
2171 accounted for separately. Administrative costs are limited to 1
2172 percent of the earnings in a calendar year. Administrative costs
2173 include payment of investment fees, travel and per diem expenses
2174 of board members, audits, salary or other costs for employed or
2175 contracted staff, including required staff under s. 288.83(9),
2176 and other allowable costs. Any funds remaining in the Recovery
2177 Fund after 30 years shall revert to the State Treasury.

2178 (4) Triumph Gulf Coast, Inc., shall invest and reinvest the
2179 principal of the Recovery Fund in accordance with s. 617.2104,
2180 in such a manner not to subject the funds to state or federal
2181 taxes, and consistent with an investment policy statement
2182 adopted by the corporation.

2183 (a) The board of directors shall formulate an investment
2184 policy governing the investment of the principal of the Recovery
2185 Fund. The policy shall pertain to the types, kinds or nature of
2186 investment of any of the funds, and any limitations, conditions
2187 or restrictions upon the methods, practices or procedures for



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2188 investment, reinvestments, purchases, sales or exchange
2189 transactions, provided such policies shall not conflict with nor
2190 be in derogation of any state constitutional provision or law.

2191 The policy shall be formulated with the advice of the financial
2192 advisor in consultation with the State Board of Administration

2193 (b) Triumph Gulf Coast, Inc., must competitively procure
2194 one or more money managers, under the advice of the financial
2195 advisor in consultation with the State Board of Administration,
2196 to invest the principal of the Recovery Fund. The applicant
2197 manager or mangers may not include representatives from the
2198 financial institution housing the trust account for the Recovery
2199 Fund. The applicant manager or managers must present a plan to
2200 invest the Recovery Fund to maximize earnings while prioritizing
2201 the preservation of Recovery Fund principal. Any agreement with
2202 a money manager must be reviewed by Triumph Gulf Coast, Inc.,
2203 for continuance at least every 5 years. Plans should include
2204 investment in technology and growth businesses domiciled in, or
2205 that will be domiciled in, this state or businesses whose
2206 principal address is in this state.

2207 (c) Costs and fees for investment services shall be
2208 deducted from the earnings as administrative costs. Fees for
2209 investment services shall be no greater than 1.5 basis points.

2210 (d) Annually, Triumph Gulf Coast, Inc., shall cause an
2211 audit to be conducted of the investment of the Recovery Fund by
2212 the independent certified public accountant retained in s.
2213 288.83. The expense of such audit shall be paid from earnings
2214 for administrative purposes.

2215 (5) Triumph Gulf Coast, Inc., shall report on June 30 and
2216 December 30 each year to the Governor, the President of the



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2217 Senate, and the Speaker of the House of Representatives on the
2218 financial status of the Recovery Fund and its investments, the
2219 established priorities, the program and project selection
2220 process, including a list of all submitted projects and reasons
2221 for approval or denial, and the status of all approved awards.

2222 (6) The Auditor General shall conduct an audit of the
2223 Recovery Fund and Triumph Gulf Coast, Inc., annually. Triumph
2224 Gulf Coast, Inc., shall provide to the Auditor General any
2225 detail or supplemental data required.

2226 Section 54. Section 288.83, Florida Statutes, is created to
2227 read:

2228 288.83 Triumph Gulf Coast, Inc.; Organization; Board of
2229 Directors.—

2230 (1) Triumph Gulf Coast, Inc., is subject to the provisions
2231 of chapter 119 relating to public records and those provisions
2232 of chapter 286 relating to public meetings and records.

2233 (2) Triumph Gulf Coast, Inc., shall be governed by a 5-
2234 member board of directors. Each of the Trustees of the State
2235 Board of Administration, the President of the Senate, and the
2236 Speaker of the House of Representatives shall each appoint one
2237 member from the private sector. The board of directors shall
2238 annually elect a chairperson from among the board's members. The
2239 chairperson may be removed by a majority vote of the members.
2240 His or her successor shall be elected to serve for the balance
2241 of the removed chairperson's term. The chairperson is
2242 responsible to ensure records are kept of the proceedings of the
2243 board of directors and is the custodian of all books, documents,
2244 and papers filed with the board; the minutes of meetings of the
2245 board; and the official seal of Triumph Gulf Coast, Inc.



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2246 (3) Each member of the board of directors shall serve for a
2247 term of 4 years, except that initially the appointments of the
2248 President of the Senate and the Speaker of the House of
2249 Representatives each shall serve a term of 2 years to achieve
2250 staggered terms among the members of the board. A member is not
2251 eligible for reappointment to the board, except, however, any
2252 member appointed to a term of 2 years or less may be reappointed
2253 for an additional term of 4 years. The initial appointments to
2254 the board must be made by November 15, 2013. Vacancies on the
2255 board of directors shall be filled by the officer who originally
2256 appointed the member. A vacancy that occurs before the scheduled
2257 expiration of the term of the member shall be filled for the
2258 remainder of the unexpired term.

2259 (4) The Legislature determines that it is in the public
2260 interest for the members of the board of directors to be subject
2261 to the requirements of ss. 112.3135, 112.3143, and 112.313,
2262 notwithstanding the fact that the board members are not public
2263 officers or employees. For purposes of those sections, the board
2264 members shall be considered to be public officers or employees.
2265 In addition to the postemployment restrictions of s. 112.313(9),
2266 a person appointed to the board of directors must agree to
2267 refrain from having any direct interest in any contract,
2268 franchise, privilege, program, project or other benefit arising
2269 from an award by Triumph Gulf Coast, Inc., during the term of
2270 his or her appointment and for 2 years after the termination of
2271 such appointment. It is a misdemeanor of the first degree,
2272 punishable as provided in s. 775.083 or s. 775.084, for a person
2273 to accept appointment to the board of directors in violation of
2274 this subsection or to accept a direct interest in any contract,



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2275 franchise, privilege, program, project, or other benefit granted
2276 by Triumph Gulf Coast, Inc., to an awardee within 2 years after
2277 the termination of his or her service on the board. Further,
2278 each member of the board of directors who is not otherwise
2279 required to file financial disclosure under s. 8, Art. II of the
2280 State Constitution or s. 112.3144 shall file disclosure of
2281 financial interests under s. 112.3145.

2282 (5) Each member of the board of directors shall serve
2283 without compensation, but shall receive travel and per diem
2284 expenses as provided in s. 112.061 while in the performance of
2285 his or her duties.

2286 (6) Each member of the board of directors is accountable
2287 for the proper performance of the duties of office, and each
2288 member owes a fiduciary duty to the people of the state to
2289 ensure that awards provided are disbursed and used, and
2290 investments are made, as prescribed by law and contract. An
2291 appointed member of the board of directors may be removed by the
2292 officer that appointed the member for malfeasance, misfeasance,
2293 neglect of duty, incompetence, permanent inability to perform
2294 official duties, unexcused absence from three consecutive
2295 meetings of the board, arrest or indictment for a crime that is
2296 a felony or a misdemeanor involving theft or a crime of
2297 dishonesty, or pleading nolo contendere to, or being found
2298 guilty of, any crime.

2299 (7) The board of directors shall meet at least quarterly,
2300 upon the call of the chairperson or at the request of a majority
2301 of the membership, to review the Recovery Fund, establish and
2302 review priorities for economic recovery in disproportionately
2303 affected counties, and determine use of the earnings available.



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2304 A majority of the members of the board of directors constitutes
2305 a quorum. Members may not vote by proxy.

2306 (8) The executive director of the Department of Economic
2307 Opportunity, or his or her designee, the secretary of the
2308 Department of Environmental Protection, or his or her designee,
2309 and the chair of the Committee of 8 Disproportionally Affected
2310 Counties, or his or her designee, shall be available to consult
2311 with the board of directors and may be requested to attend
2312 meetings of the board of directors. These individuals shall not
2313 be permitted to vote on any matter before the board.

2314 (9) (a) Triumph Gulf Coast, Inc., is permitted to hire or
2315 contract for all staff necessary to the proper execution of its
2316 powers and duties to implement this act. The corporation is
2317 required to retain:

2318 1. An independent certified public accountant licensed in
2319 this state pursuant to chapter 473 to inspect the records of and
2320 to audit the expenditure of the earnings and available principal
2321 disbursed by Triumph Gulf Coast, Inc.,.

2322 2. An independent financial advisor to assist Triumph Gulf
2323 Coast, Inc., in the development and implementation of a
2324 strategic plan consistent with the requirements of this act.

2325 3. An economic advisor who will assist in the award
2326 process, including the development of priorities, allocation
2327 decisions, and the application and process; will assist the
2328 board in determining eligibility of award applications and the
2329 evaluation and scoring of applications; and will assist in the
2330 development of award documentation.

2331 4. A legal advisor with expertise in not-for-profit
2332 investing and contracting and who is a member of the Florida Bar



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2333 to assist with contracting and carrying out the intent of this
2334 statute.

2335 (b) Triumph Gulf Coast, Inc., shall require all employees
2336 of the corporation to comply with the code of ethics for public
2337 employees under part III of chapter 112. Retained staff under
2338 paragraph (a) must agree to refrain from having any direct
2339 interest in any contract, franchise, privilege, program, project
2340 or other benefit arising from an award by Triumph Gulf Coast,
2341 Inc., during the term of his or her appointment and for 2 years
2342 after the termination of such appointment.

2343 (c) Retained staff under paragraph (a) shall be available
2344 to consult with the board of directors and shall attend meetings
2345 of the board of directors. These individuals shall not be
2346 permitted to vote on any matter before the board.

2347 Section 55. Section 288.831, Florida Statutes, is created
2348 to read:

2349 288.831 Board of Directors; Powers.—In addition to the
2350 powers and duties prescribed in chapter 617 and the articles and
2351 bylaws adopted in compliance with that chapter, the board of
2352 directors may:

2353 (1) Make and enter into contracts and other instruments
2354 necessary or convenient for the exercise of its powers and
2355 functions.

2356 (2) Make expenditures including any necessary
2357 administrative expenditure from earnings consistent with its
2358 powers.

2359 (3) Adopt, use, and alter a common corporate seal.
2360 Notwithstanding any provision of chapter 617 to the contrary,
2361 this seal is not required to contain the words "corporation not



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2362 for profit.”

2363 (4) Adopt, amend, and repeal bylaws, not inconsistent with
2364 the powers granted to it or the articles of incorporation, for
2365 the administration of the activities of Triumph Gulf Coast,
2366 Inc., and the exercise of its corporate powers.

2367 (5) Use the state seal, notwithstanding the provisions of
2368 s. 15.03, when appropriate, for standard corporate identity
2369 applications. Use of the state seal is not intended to replace
2370 use of a corporate seal as provided in this section.

2371
2372 Under no circumstances may the credit of the State of Florida be
2373 pledged on behalf of Triumph Gulf Coast, Inc.

2374 Section 56. Section 288.832, Florida Statutes, is created
2375 to read:

2376 288.832 Triumph Gulf Coast, Inc.; Duties.—Triumph Gulf
2377 Coast, Inc., shall have the following duties:

2378 (1) Manage responsibly and prudently all funds received,
2379 and ensure that the use of such funds is in accordance with all
2380 applicable laws, bylaws, or contractual requirements.

2381 (2) Administer the program created under this act.

2382 (3) Monitor, review, and annually evaluate awardees and
2383 their programs or projects to determine whether an award should
2384 be continued, terminated, reduced, or increased.

2385 (4) Operate in a transparent manner, providing public
2386 access to information, notice of meetings, awards, and the
2387 status of programs and projects. To this end, Triumph Gulf
2388 Coast, Inc., shall maintain a website that provides public
2389 access to this information.

2390 Section 57. Section 288.84, Florida Statutes, is created to



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2391 read:

2392 288.84 Awards.—

2393 (1)(a) Triumph Gulf Coast, Inc., shall make awards from
2394 available earnings and principal derived under s. 288.82(2)(a)
2395 to programs or projects that meet the priorities for economic
2396 recovery, diversification, and enhancement of the
2397 disproportionately affected counties, notwithstanding s. 377.43.

2398 Awards may be provided for:

2399 1. Ad valorem tax reduction within disproportionately
2400 affected counties;

2401 2. Payment of impact fees adopted pursuant to s. 163.31801
2402 and imposed within disproportionately affected counties;

2403 3. Administrative funding for economic development
2404 organizations located within the disproportionately affected
2405 counties;

2406 4. Local match requirements of ss. 288.0655, 288.0659,
2407 288.1045, and 288.106 for projects in the disproportionately
2408 affected counties;

2409 5. Economic development projects in the disproportionately
2410 affected counties;

2411 6. Infrastructure projects that are shown to enhance
2412 economic development in the disproportionately affected
2413 counties;

2414 7. Grants to local governments in the disproportionately
2415 affected counties to establish and maintain equipment and
2416 trained personnel for local action plans of response to respond
2417 to disasters, such as plans created for the Coastal Impacts
2418 Assistance Program;

2419 8. Grants to support programs of excellence that prepare



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2420 students for future occupations and careers at K-20 institutions
2421 that have home campuses in the disproportionately affected
2422 counties. Eligible programs include those that increase
2423 students' technology skills and knowledge; encourage industry
2424 certifications; provide rigorous, alternative pathways for
2425 students to meet high school graduation requirements; strengthen
2426 career readiness initiatives; fund high-demand programs of
2427 emphasis at the bachelor's and master's level designated by the
2428 Board of Governors; and, similar to or the same as talent
2429 retention programs created by the Chancellor of the State
2430 University System and the Commission of Education, encourage
2431 students with interest or aptitude for science, technology,
2432 engineering, mathematics, and medical disciplines to pursue
2433 postsecondary education at a state university within the
2434 disproportionately affected counties; and

2435 9. Grants to the tourism entity created under s. 288.1226
2436 for the purpose of advertising and promoting tourism, Fresh From
2437 Florida, or related content on behalf of one or all of the
2438 disproportionately affected counties.

2439 (b) Triumph Gulf Coast, Inc., shall make awards from
2440 earnings and principal derived under s. 288.82(2)(b) to programs
2441 or projects that meet the priorities for economic recovery,
2442 diversification, and enhancement of the disproportionately
2443 affected counties, notwithstanding s. 377.43. Awards may be
2444 provided for the following purposes as eligible under 33 U.S.
2445 1321(t)(1)(B):

2446 1. Administrative funding for economic development
2447 organizations located within the disproportionately affected
2448 counties;



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2449 2. Local match requirements of ss. 288.0655, 288.0659,
2450 288.1045, and 288.106 for projects in the disproportionately
2451 affected counties;

2452 3. Economic development projects in the disproportionately
2453 affected counties;

2454 4. Infrastructure projects that are shown to enhance
2455 economic development in the disproportionately affected
2456 counties;

2457 5. Grants to local governments in the disproportionately
2458 affected counties to establish and maintain equipment and
2459 trained personnel for local action plans of response to respond
2460 to disasters, such as plans created for the Coastal Impacts
2461 Assistance Program; and

2462 6. Grants to the tourism entity created under s. 288.1226
2463 for the purpose of advertising and promoting tourism, Fresh From
2464 Florida, or related content on behalf of one or all of the
2465 disproportionately affected counties.

2466 (2) Triumph Gulf Coast, Inc., shall establish an
2467 application procedure for awards and a scoring process for the
2468 selection of programs and projects that have the potential to
2469 generate increased economic activity in the disproportionately
2470 affected counties, giving priority to projects that:

2471 (a) Generate maximum estimated economic benefits, based on
2472 tools and models not generally employed by economic input-output
2473 analyses, including cost-benefit, return-on-investment, or
2474 dynamic scoring techniques to determine how the long-term
2475 economic growth potential of the disproportionately affected
2476 counties may be enhanced by the investment.

2477 (b) Expand household income in the disproportionately



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2478 affected counties above national average household income.
2479 (c) Expand high growth industries or establish new high
2480 growth industries in the region.
2481 1. Industries that are supported must have strong growth
2482 potential in the disproportionately affected counties.
2483 2. An industry's growth potential is defined based on a
2484 detailed review of the current industry trends nationally and
2485 the necessary supporting asset base for that industry in the
2486 disproportionately affected counties region.
2487 (d) Leverage or further enhance key regional assets,
2488 including educational institutions, research facilities, and
2489 military bases.
2490 (e) Partner with local governments to provide funds,
2491 infrastructure, land, or other assistance for the project.
2492 (f) Have investment commitments from private equity or
2493 private venture capital funds.
2494 (g) Provide or encourage seed stage investments in start-up
2495 companies.
2496 (h) Provide advice and technical assistance to companies on
2497 restructuring existing management, operations, or production to
2498 attract advantageous business opportunities.
2499 (i) Benefit the environment in addition to the economy.
2500 (j) Provide outcome measures for programs of excellence
2501 support, including terms of intent and metrics.
2502 (k) Partner with K-20 educational institutions or school
2503 districts located within the disproportionately affected
2504 counties.
2505 (l) Partner with convention and visitor bureaus, tourist
2506 development councils, or chambers of commerce located within the



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2507 disproportionately affected counties.

2508 (3) Triumph Gulf Coast, Inc., may make awards as
2509 applications are received or may establish application periods
2510 for selection. Earnings may not be used to finance 100 percent
2511 of any project or program. Triumph Gulf Coast, Inc., may require
2512 a one-to-one private-sector match or higher for an award, if
2513 applicable and deemed prudent by the board of directors. An
2514 awardee may not receive all of the earnings or available
2515 principal in any given year.

2516 (4) A contract executed by Triumph Gulf Coast, Inc., with
2517 an awardee must include provisions requiring a performance
2518 report on the contracted activities, must account for the proper
2519 use of funds provided under the contract, and must include
2520 provisions for recovery of awards in the event the award was
2521 based upon fraudulent information or the awardee is not meeting
2522 the performance requirements of the award. Awardees must
2523 regularly report to Triumph Gulf Coast, Inc., the status of the
2524 program or project on a schedule determined by the corporation.

2525 Section 58. Except as otherwise expressly provided in this
2526 act, this act shall take effect upon becoming a law.

2527
2528 ===== T I T L E A M E N D M E N T =====

2529 And the title is amended as follows:

2530 Delete everything before the enacting clause
2531 and insert:

2532 A bill to be entitled
2533 An act the Department of Economic Opportunity;
2534 establishing the Economic Development Programs
2535 Evaluation; requiring the Office of Economic and



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2536 Demographic Research and the Office of Program Policy
2537 Analysis and Government Accountability to present the
2538 evaluation; requiring the offices to develop and
2539 submit a work plan for completing the evaluation by a
2540 certain date; requiring the offices to provide an
2541 analysis of certain economic development programs and
2542 specifying a schedule; requiring the Office of
2543 Economic and Demographic Research to make certain
2544 evaluations in its analysis; limiting the office's
2545 evaluation for the purposes of tax credits, tax
2546 refunds, sales tax exemptions, cash grants, and
2547 similar programs; requiring the office to use a
2548 certain model to evaluate each program; requiring the
2549 Office of Program Policy Analysis and Government
2550 Accountability to make certain evaluations in its
2551 analysis; providing the offices access to all data
2552 necessary to complete the evaluation; amending s.
2553 20.60, F.S.; revising the date on which the Department
2554 of Economic Opportunity and Enterprise Florida, Inc.,
2555 are required to report on the business climate and
2556 economic development in the state; specifying reports
2557 and information that must be included; amending s.
2558 201.15, F.S.; revising the distribution of funds in
2559 the Grants and Donations Trust Fund; amending s.
2560 212.08, F.S.; revising definitions; clarifying the
2561 application of certain amendments; amending s.
2562 213.053, F.S.; authorizing the Department of Revenue
2563 to make certain information available to the director
2564 of the Office of Program Policy Analysis and



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2565 Government Accountability and the coordinator of the
2566 Office of Economic and Demographic Research;
2567 authorizing the offices to share certain information;
2568 amending s. 220.194, F.S.; requiring the annual report
2569 for the Florida Space Business Incentives Act to be
2570 included in the annual incentives report; deleting
2571 certain reporting requirements; amending s. 288.001,
2572 F.S.; providing a network purpose; providing
2573 definitions; requiring the statewide director and the
2574 network to operate the program in compliance with
2575 federal laws and regulations and a Board of Governors
2576 regulation; requiring the statewide director to
2577 consult with the Board of Governors, the Department of
2578 Economic Opportunity, and the network's statewide
2579 advisory board to establish certain policies and
2580 goals; requiring the network to maintain a statewide
2581 advisory board; providing for advisory board
2582 membership; providing for terms of membership;
2583 providing for certain member reimbursement; requiring
2584 the director to develop support services; specifying
2585 support service requirements; requiring businesses
2586 that receive support services to participate in
2587 certain assessments; requiring the network to provide
2588 a match equal to certain state funding; providing
2589 criteria for the match; requiring the statewide
2590 director to coordinate with the host institution to
2591 establish a pay-per-performance incentive; providing
2592 for pay-per-performance incentive funding and
2593 distribution; providing a distribution formula



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2594 requirement; requiring the statewide director to
2595 coordinate with the advisory board to distribute funds
2596 for certain purposes and develop programs to
2597 distribute funds for those purposes; requiring the
2598 network to announce available funding, performance
2599 expectations, and other requirements; requiring the
2600 statewide director to present applications and
2601 recommendations to the advisory board; requiring
2602 applications approved by the advisory board to be
2603 publicly posted; providing minimum requirements for a
2604 program; prohibiting certain regional small business
2605 development centers from receiving funds; providing
2606 that match funding may not be reduced for regional
2607 small business development centers receiving
2608 additional funds; requiring the statewide director to
2609 regularly update the Board of Governors, the
2610 department, and the advisory board with certain
2611 information; requiring the statewide director, in
2612 coordination with the advisory board, to annually
2613 report certain information to the President of the
2614 Senate and the Speaker of the House of
2615 Representatives; amending s. 288.005, F.S.; providing
2616 a definition; amending s. 288.012, F.S.; requiring
2617 each State of Florida international office to submit a
2618 report to Enterprise Florida, Inc., for inclusion in
2619 its annual report; deleting a reporting date; amending
2620 s. 288.061, F.S.; requiring the Department of Economic
2621 Opportunity to analyze each economic development
2622 incentive application; requiring an applicant to



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2623 provide a surety bond to the Department of Economic
2624 Opportunity before the applicant receives incentive
2625 awards through the Quick Action Closing Fund or the
2626 Innovation Incentive Program; requiring the contract
2627 or agreement to provide that the bond remain in effect
2628 until all conditions have been satisfied; providing
2629 that the department may require the bond to cover the
2630 entire contracted amount or allow for bonds to be
2631 renewed upon completion of certain performance
2632 measures; requiring the contract or agreement to
2633 provide that funds are contingent upon receipt of the
2634 surety bond; requiring the contract or agreement to
2635 provide that up to half of the premium payment on the
2636 bond may be paid from the award up to a certain
2637 amount; requiring an applicant to notify the
2638 department of premium payments; providing for certain
2639 notice requirements upon cancellation or nonrenewal by
2640 an insurer; providing that the cancellation of the
2641 surety bond violates the contract or agreement;
2642 providing an exception; providing for a waiver if
2643 certain information is provided; providing that if the
2644 department grants a waiver, the contract or agreement
2645 must provide for securing the award in a certain form;
2646 requiring the contract or agreement to provide that
2647 the release of funds is contingent upon satisfying
2648 certain requirements; requiring the irrevocable letter
2649 of credit, trust, or security agreement to remain in
2650 effect until certain conditions have been satisfied;
2651 providing for a waiver of the surety bond or other



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2652 security if certain information is provided and the
2653 department determines it to be in the best interest of
2654 the state; providing that the waiver of the surety
2655 bond or other security, for funding in excess of \$5
2656 million, must be approved by the Legislative Budget
2657 Commission; providing that the state may bring suit
2658 upon default or upon a violation of this section;
2659 providing that the department may adopt rules to
2660 implement this section; amending s. 288.0656, F.S.;
2661 requiring the Rural Economic Development Initiative to
2662 submit a report to supplement the Department of
2663 Economic Opportunity's annual report; deleting certain
2664 reporting requirements; amending s. 288.076, F.S.;
2665 providing definitions; requiring the Department of
2666 Economic Opportunity to publish on a website specified
2667 information concerning state investment in economic
2668 development programs; requiring the department to use
2669 methodology and formulas established by the Office of
2670 Economic and Demographic Research for specified
2671 calculations; requiring the Office of Economic and
2672 Demographic Research to provide a description of
2673 specified methodology and formulas to the department
2674 and the department to publish the description on its
2675 website within a specified period; providing
2676 procedures and requirements for reviewing, updating,
2677 and supplementing specified published information;
2678 requiring the department to annually publish
2679 information relating to the progress of Quick Action
2680 Closing Fund projects; requiring the department to



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2681 publish certain confidential information pertaining to
2682 participant businesses upon expiration of a specified
2683 confidentiality period; requiring the department to
2684 publish certain reports concerning businesses that
2685 fail to complete tax refund agreements under the tax
2686 refund program for qualified target industry
2687 businesses; providing for construction and legislative
2688 intent; authorizing the department to adopt rules;
2689 repealing s. 288.095(3)(c), F.S., relating to the
2690 annual report by Enterprise Florida, Inc., of programs
2691 funded by the Economic Development Incentives Account;
2692 amending s. 288.106, F.S.; deleting and adding
2693 provisions relating to the application and approval
2694 process of the tax refund program for qualified target
2695 industry businesses; requiring the Department of
2696 Economic Opportunity to include information on
2697 qualified target industry businesses in the annual
2698 incentives report; deleting certain reporting
2699 requirements; amending 288.107, F.S.; revising
2700 definitions; revising provisions to conform to changes
2701 made by the act; revising the minimum criteria for
2702 participation in the brownfield redevelopment bonus
2703 refund; amending s. 288.1081, F.S.; requiring the use
2704 of loan funds from the Economic Gardening Business
2705 Loan Pilot Program to be included in the department's
2706 annual report; deleting certain reporting
2707 requirements; amending s. 288.1082, F.S.; requiring
2708 the progress of the Economic Gardening Technical
2709 Assistance Pilot Program to be included in the



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2710 department's annual report; deleting certain reporting
2711 requirements; amending s. 288.1088, F.S.; requiring
2712 the department to validate contractor performance for
2713 the Quick Action Closing Fund and include the
2714 performance validation in the annual incentives
2715 report; deleting certain reporting requirements;
2716 amending s. 288.1089, F.S.; requiring that certain
2717 projects in the Innovation Incentive Program provide a
2718 cumulative break-even economic benefit; requiring the
2719 department to report information relating to the
2720 Innovation Incentive Program in the annual incentives
2721 report; deleting certain reporting requirements;
2722 deleting provisions that require the Office of Program
2723 Policy Analysis and Government Accountability and the
2724 Auditor General's Office to report on the Innovation
2725 Incentive Program; amending s. 288.1253, F.S.;
2726 revising a reporting date; requiring expenditures of
2727 the Office of Film and Entertainment to be included in
2728 the annual entertainment industry financial incentive
2729 program report; amending s. 288.1254, F.S.; revising a
2730 reporting date; requiring the annual entertainment
2731 industry financial incentive program report to include
2732 certain information; amending s. 288.1258, F.S.;
2733 revising a reporting date; requiring the report
2734 detailing the relationship between tax exemptions and
2735 incentives to industry growth to be included in the
2736 annual entertainment industry financial incentive
2737 program report; amending s. 288.714, F.S.; requiring
2738 the Department of Economic Opportunity's annual report



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2739 to include a report on the Black Business Loan
2740 Program; deleting certain reporting requirements;
2741 amending s. 288.7771, F.S.; requiring the Florida
2742 Export Finance Corporation to submit a report to
2743 Enterprise Florida, Inc.; amending s. 288.903, F.S.;
2744 requiring Enterprise Florida, Inc., with the
2745 Department of Economic Opportunity, to prepare an
2746 annual incentives report; repealing s. 288.904(6),
2747 F.S., relating to Enterprise Florida, Inc., which
2748 requires the department to report the return on the
2749 public's investment; amending s. 288.906, F.S.;
2750 requiring certain reports to be included in the
2751 Enterprise Florida, Inc., annual report; amending s.
2752 288.907, F.S.; requiring Enterprise Florida, Inc.,
2753 with the Department of Economic Opportunity, to
2754 prepare the annual incentives report; requiring the
2755 annual incentives report to include certain
2756 information; deleting a provision requiring the
2757 Division of Strategic Business Development to assist
2758 Enterprise Florida, Inc., with the report; 288.92,
2759 F.S.; requiring each division of Enterprise Florida,
2760 Inc., to submit a report; amending s. 288.95155, F.S.;
2761 requiring the financial status of the Florida Small
2762 Business Technology Growth Program to be included in
2763 the annual incentives report; amending s. 288.9918,
2764 F.S.; revising reporting requirements related to
2765 community development entities; amending s. 290.0055,
2766 F.S.; providing for the expansion of the boundaries of
2767 enterprise zones that meet certain requirements;



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2768 providing an application deadline; amending s.
2769 290.0056, F.S.; revising a reporting date; requiring
2770 the enterprise zone development agency to submit
2771 certain information for the Department of Economic
2772 Opportunity's annual report; amending s. 290.014,
2773 F.S.; revising a reporting date; requiring certain
2774 reports on enterprise zones to be included in the
2775 Department of Economic Opportunity's annual report;
2776 amending s. 290.0455, F.S.; providing for the state's
2777 guarantee of certain federal loans to local
2778 governments; requiring applicants for such loans to
2779 pledge a specified amount of revenues to guarantee the
2780 loans; revising requirements for the department to
2781 submit recommendations to the Federal Government for
2782 such loans; revising the maximum amount of the loan
2783 guarantee commitment that a local government may
2784 receive and providing exceptions; providing for
2785 reduction of a local government's future community
2786 development block grants if the local government
2787 defaults on the federal loan; providing procedures if
2788 a local government is granted entitlement community
2789 status; amending ss. 331.3051 and 331.310, F.S.;
2790 revising requirements for annual reports by Space
2791 Florida; amending s. 443.036, F.S.; providing examples
2792 of misconduct; amending s. 443.091, F.S.; providing
2793 for online work registration and providing exceptions;
2794 limiting a claimant's use of the same prospective
2795 employer to meet work search requirements; providing
2796 an exception; providing that work search requirements



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2797 do not apply to individuals required to participate in
2798 reemployment services; amending s. 443.101, F.S.;
2799 providing for disqualification in any week with
2800 respect to which the department finds that his or her
2801 unemployment is due to failure without good cause to
2802 maintain a license, registration, or certification
2803 required by applicable law necessary for the employee
2804 to perform her or his assigned job duties; providing
2805 examples of "good cause"; amending s. 443.1113, F.S.,
2806 relating to the Reemployment Assistance Claims and
2807 Benefits Information System; revising timeframe for
2808 deployment of a certain Internet portal as part of
2809 such system; amending s. 443.131, F.S.; requiring the
2810 tax collection service provider to calculate a certain
2811 additional rate; providing for when an assessment may
2812 not be made; requiring assessments to be available to
2813 pay interest on federal advances; requiring certain
2814 excess funds to be transferred to the Unemployment
2815 Compensation Trust Fund after a certain time period;
2816 deleting the provision referring to crediting employer
2817 accounts; providing an expiration date; amending ss.
2818 443.151 F.S.; revising provisions to conform to
2819 changes made to benefit eligibility; providing that an
2820 employer or its agent may not be relieved of benefit
2821 charges for failure to timely and adequately respond
2822 to notice of claim or request for information;
2823 requiring the department to impose a penalty against a
2824 claimant who is overpaid reemployment assistance
2825 benefits due to fraud by the claimant; requiring an



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2826 appeals referee to be an attorney in good standing
2827 with the Florida Bar or successfully admitted within 8
2828 months of hire; requiring the Department of Economic
2829 Opportunity to meet the requirements of the bill
2830 through attrition after January 1, 2014; amending s.
2831 443.1715, F.S.; prohibiting the unlawful disclosure of
2832 certain confidential information relating to employing
2833 units and individuals under the Reemployment
2834 Assistance Program Law; providing criminal penalties;
2835 amending 443.191, F.S.; providing for the deposit of
2836 moneys recovered and penalties collected due to fraud
2837 in the Unemployment Compensation Trust Fund; amending
2838 s. 446.50, F.S.; requiring the Department of Economic
2839 Opportunity's annual report to include a plan for the
2840 displaced homemaker program; deleting certain
2841 reporting requirements; creating s. 288.80, F.S.;
2842 providing a short title; creating s. 288.801, F.S.;
2843 providing Legislative intent; creating s. 288.81,
2844 F.S.; providing definitions; creating s. 288.82, F.S.;
2845 creating Triumph Gulf Coast, Inc., as nonprofit
2846 corporation; requiring the Triumph Gulf Coast, Inc.,
2847 to create and administer the Recovery Fund for the
2848 benefit of disproportionately affected counties;
2849 providing for principal of the fund; providing for
2850 payment of administrative costs from the earnings of
2851 the fund; providing any remaining funds after 30 years
2852 revert to the State Treasury; authorizing investment
2853 of the principal of the fund; requiring an investment
2854 policy; requiring competitive procurement of money



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2855 managers; requiring annual audits; requiring biannual
2856 reports; creating s. 288.83, F.S.; providing for
2857 application of public records and meetings laws;
2858 providing for governance by a 5 member board of
2859 directors; providing membership; providing for terms;
2860 providing for appointment for vacancies; providing
2861 limitations on board members; limiting postemployment
2862 activities; providing for a misdemeanor for
2863 violations; requiring financial disclosures; providing
2864 travel and per diem expenses; providing for removal;
2865 requiring quarterly meetings; providing for staffing;
2866 creating s. 288.831, F.S.; providing the powers and
2867 duties of the board of directors; creating s. 288.832,
2868 F.S.; providing the duties of Triumph Gulf Coast,
2869 Inc.; creating s. 288.84, F.S.; permitting awards for
2870 projects or programs from available earnings and
2871 principal; proscribing the award categories;
2872 proscribing the award categories for certain funds;
2873 establishing priority ranking for applications;
2874 prohibiting award from financing 100 percent of a
2875 program or project; permitting Triumph Gulf Coast,
2876 Inc., to requiring a one-to-one match; prohibiting an
2877 awardee from receiving all available funds; requiring
2878 a contract for an award; requiring regular reporting;
2879 providing effective dates.