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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to the Department of Economic
Opportunity; establishing the Economic Development
Programs Evaluation; requiring the Office of Economic
and Demographic Research and the Office of Program
Policy Analysis and Government Accountability to
present the evaluation; requiring the offices to
develop and submit a work plan for completing the
evaluation by a certain date; requiring the offices to
provide an analysis of certain economic development
programs and specifying a schedule; requiring the
Office of Economic and Demographic Research to make
certain evaluations in its analysis; limiting the
office's evaluation for the purposes of tax credits,
tax refunds, sales tax exemptions, cash grants, and
similar programs; requiring the office to use a
certain model to evaluate each program; requiring the
Office of Program Policy Analysis and Government
Accountability to make certain evaluations in its
analysis; providing the offices access to all data
necessary to complete the evaluation; amending s.
20.60, F.S.; revising the date on which the Department
of Economic Opportunity and Enterprise Florida, Inc.,
are required to report on the business climate and
economic development in the state; specifying reports
and information that must be included; amending s.



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27 201.15, F.S.; revising the distribution of funds in
28 the Grants and Donations Trust Fund; amending s.
29 213.053, F.S.; authorizing the Department of Revenue
30 to make certain information available to the director
31 of the Office of Program Policy Analysis and
32 Government Accountability and the coordinator of the
33 Office of Economic and Demographic Research;
34 authorizing the offices to share certain information;
35 amending s. 220.194, F.S.; requiring the annual report
36 for the Florida Space Business Incentives Act to be
37 included in the annual incentives report; deleting
38 certain reporting requirements; amending s. 288.001,
39 F.S.; providing a network purpose; providing
40 definitions; requiring the statewide director and the
41 network to operate the program in compliance with
42 federal laws and regulations and a Board of Governors
43 regulation; requiring the statewide director to
44 consult with the Board of Governors, the Department of
45 Economic Opportunity, and the network's statewide
46 advisory board to establish certain policies and
47 goals; requiring the network to maintain a statewide
48 advisory board; providing for advisory board
49 membership; providing for terms of membership;
50 providing for certain member reimbursement; requiring
51 the director to develop support services; specifying
52 support service requirements; requiring businesses
53 that receive support services to participate in
54 certain assessments; requiring the network to provide
55 a match equal to certain state funding; providing



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56 criteria for the match; requiring the statewide
57 director to coordinate with the host institution to
58 establish a pay-per-performance incentive; providing
59 for pay-per-performance incentive funding and
60 distribution; providing a distribution formula
61 requirement; requiring the statewide director to
62 coordinate with the advisory board to distribute funds
63 for certain purposes and develop programs to
64 distribute funds for those purposes; requiring the
65 network to announce available funding, performance
66 expectations, and other requirements; requiring the
67 statewide director to present applications and
68 recommendations to the advisory board; requiring
69 applications approved by the advisory board to be
70 publicly posted; providing minimum requirements for a
71 program; prohibiting certain regional small business
72 development centers from receiving funds; providing
73 that match funding may not be reduced for regional
74 small business development centers receiving
75 additional funds; requiring the statewide director to
76 regularly update the Board of Governors, the
77 department, and the advisory board with certain
78 information; requiring the statewide director, in
79 coordination with the advisory board, to annually
80 report certain information to the President of the
81 Senate and the Speaker of the House of
82 Representatives; amending s. 288.005, F.S.; providing
83 a definition; amending s. 288.012, F.S.; requiring
84 each State of Florida international office to submit a



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85 report to Enterprise Florida, Inc., for inclusion in
86 its annual report; deleting a reporting date; amending
87 s. 288.061, F.S.; requiring the Department of Economic
88 Opportunity to analyze each economic development
89 incentive application; requiring an applicant to
90 provide a surety bond to the Department of Economic
91 Opportunity before the applicant receives incentive
92 awards through the Quick Action Closing Fund or the
93 Innovation Incentive Program; requiring the contract
94 or agreement to provide that the bond remain in effect
95 until all conditions have been satisfied; providing
96 that the department may require the bond to cover the
97 entire contracted amount or allow for bonds to be
98 renewed upon completion of certain performance
99 measures; requiring the contract or agreement to
100 provide that funds are contingent upon receipt of the
101 surety bond; requiring the contract or agreement to
102 provide that up to half of the premium payment on the
103 bond may be paid from the award up to a certain
104 amount; requiring an applicant to notify the
105 department of premium payments; providing for certain
106 notice requirements upon cancellation or nonrenewal by
107 an insurer; providing that the cancellation of the
108 surety bond violates the contract or agreement;
109 providing an exception; providing for a waiver if
110 certain information is provided; providing that if the
111 department grants a waiver, the contract or agreement
112 must provide for securing the award in a certain form;
113 requiring the contract or agreement to provide that



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114 the release of funds is contingent upon satisfying
115 certain requirements; requiring the irrevocable letter
116 of credit, trust, or security agreement to remain in
117 effect until certain conditions have been satisfied;
118 providing for a waiver of the surety bond or other
119 security if certain information is provided and the
120 department determines it to be in the best interest of
121 the state; providing that the waiver of the surety
122 bond or other security, for funding in excess of \$5
123 million, must be approved by the Legislative Budget
124 Commission; providing that the state may bring suit
125 upon default or upon a violation of this section;
126 providing that the department may adopt rules to
127 implement this section; amending s. 288.0656, F.S.;
128 requiring the Rural Economic Development Initiative to
129 submit a report to supplement the Department of
130 Economic Opportunity's annual report; deleting certain
131 reporting requirements; repealing s. 288.095(3)(c),
132 F.S., relating to the annual report by Enterprise
133 Florida, Inc., of programs funded by the Economic
134 Development Incentives Account; amending s. 288.106,
135 F.S.; deleting and adding provisions relating to the
136 application and approval process of the tax refund
137 program for qualified target industry businesses;
138 requiring the Department of Economic Opportunity to
139 include information on qualified target industry
140 businesses in the annual incentives report; deleting
141 certain reporting requirements; amending s. 288.1081,
142 F.S.; requiring the use of loan funds from the



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143 Economic Gardening Business Loan Pilot Program to be
144 included in the department's annual report; deleting
145 certain reporting requirements; amending s. 288.1082,
146 F.S.; requiring the progress of the Economic Gardening
147 Technical Assistance Pilot Program to be included in
148 the department's annual report; deleting certain
149 reporting requirements; amending s. 288.1088, F.S.;;
150 requiring the department to validate contractor
151 performance for the Quick Action Closing Fund and
152 include the performance validation in the annual
153 incentives report; deleting certain reporting
154 requirements; amending s. 288.1089, F.S.;; requiring
155 that certain projects in the Innovation Incentive
156 Program provide a cumulative break-even economic
157 benefit; requiring the department to report
158 information relating to the Innovation Incentive
159 Program in the annual incentives report; deleting
160 certain reporting requirements; deleting provisions
161 that require the Office of Program Policy Analysis and
162 Government Accountability and the Auditor General's
163 Office to report on the Innovation Incentive Program;
164 amending s. 288.1226, F.S.;; revising membership of the
165 board of directors of the Florida Tourism Industry
166 Marketing Corporation; providing that the Governor
167 shall serve as a nonvoting member; amending s.
168 288.1253, F.S.;; revising a reporting date; requiring
169 expenditures of the Office of Film and Entertainment
170 to be included in the annual entertainment industry
171 financial incentive program report; amending s.



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172 288.1254, F.S.; revising a reporting date; requiring
173 the annual entertainment industry financial incentive
174 program report to include certain information;
175 amending s. 288.1258, F.S.; revising a reporting date;
176 requiring the report detailing the relationship
177 between tax exemptions and incentives to industry
178 growth to be included in the annual entertainment
179 industry financial incentive program report; amending
180 s. 288.714, F.S.; requiring the Department of Economic
181 Opportunity's annual report to include a report on the
182 Black Business Loan Program; deleting certain
183 reporting requirements; amending s. 288.7771, F.S.;
184 requiring the Florida Export Finance Corporation to
185 submit a report to Enterprise Florida, Inc.; amending
186 s. 288.903, F.S.; requiring Enterprise Florida, Inc.,
187 with the Department of Economic Opportunity, to
188 prepare an annual incentives report; repealing s.
189 288.904(6), F.S., relating to Enterprise Florida,
190 Inc., which requires the department to report the
191 return on the public's investment; amending s.
192 288.906, F.S.; requiring certain reports to be
193 included in the Enterprise Florida, Inc., annual
194 report; amending s. 288.907, F.S.; requiring
195 Enterprise Florida, Inc., with the Department of
196 Economic Opportunity, to prepare the annual incentives
197 report; requiring the annual incentives report to
198 include certain information; deleting a provision
199 requiring the Division of Strategic Business
200 Development to assist Enterprise Florida, Inc., with



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201 the report; 288.92, F.S.; requiring each division of
202 Enterprise Florida, Inc., to submit a report; amending
203 s. 288.95155, F.S.; requiring the financial status of
204 the Florida Small Business Technology Growth Program
205 to be included in the annual incentives report;
206 amending s. 290.0056, F.S.; revising a reporting date;
207 requiring the enterprise zone development agency to
208 submit certain information for the Department of
209 Economic Opportunity's annual report; amending s.
210 290.014, F.S.; revising a reporting date; requiring
211 certain reports on enterprise zones to be included in
212 the Department of Economic Opportunity's annual
213 report; amending ss. 290.0411 and 290.042, F.S.;
214 revising legislative intent and definitions applicable
215 to the Florida Small Cities Community Development
216 Block Grant Program Act; amending s. 290.044, F.S.;
217 requiring the department to adopt rules for the
218 distribution of block grant funds to eligible local
219 governments; deleting authority for block grant funds
220 to be distributed as loan guarantees to local
221 governments; requiring that block grant funds be
222 distributed to achieve the department's community
223 development objectives; requiring such objectives to
224 be consistent with certain national objectives;
225 amending s. 290.0455, F.S.; providing for the state's
226 guarantee of certain federal loans to local
227 governments; requiring applicants for such loans to
228 pledge a specified amount of revenues to guarantee the
229 loans; revising requirements for the department to



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230 submit recommendations to the Federal Government for
231 such loans; revising the maximum amount of the loan
232 guarantee commitment that a local government may
233 receive and providing exceptions; providing for
234 reduction of a local government's future community
235 development block grants if the local government
236 defaults on the federal loan; providing procedures if
237 a local government is granted entitlement community
238 status; amending s. 290.046, F.S.; revising
239 application requirements for community development
240 block grants and procedures for the ranking of
241 applications and the determination of project funding;
242 amending s. 290.047, F.S.; revising requirements for
243 the establishment of grant ceilings and maximum
244 expenditures on administrative costs from community
245 development block grants; limiting an eligible local
246 government's authority to contract for specified
247 services in connection with community development
248 block grants; amending s. 290.0475, F.S.; revising
249 conditions under which grant applications are
250 ineligible for funding; amending s. 290.048, F.S.;
251 revising the department's duties to administer the
252 Small Cities Community Development Block Grant Loan
253 Guarantee Program; deleting provisions authorizing the
254 establishment of an advisory committee; amending ss.
255 331.3051 and 331.310, F.S.; revising requirements for
256 annual reports by Space Florida; amending s. 443.036,
257 F.S.; providing examples of misconduct; amending s.
258 443.091, F.S.; providing for online work registration



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259 and providing exceptions; limiting a claimant's use of
260 the same prospective employer to meet work search
261 requirements; providing an exception; providing that
262 work search requirements do not apply to individuals
263 required to participate in reemployment services;
264 amending s. 443.101, F.S.; providing for
265 disqualification in any week with respect to which the
266 department finds that his or her unemployment is due
267 to failure without good cause to maintain a license,
268 registration, or certification required by applicable
269 law necessary for the employee to perform her or his
270 assigned job duties; providing examples of "good
271 cause"; amending s. 443.1113, F.S., relating to the
272 Reemployment Assistance Claims and Benefits
273 Information System; revising timeframe for deployment
274 of a certain Internet portal as part of such system;
275 amending s. 443.131, F.S.; requiring the tax
276 collection service provider to calculate a certain
277 additional rate; providing for when an assessment may
278 not be made; requiring assessments to be available to
279 pay interest on federal advances; requiring certain
280 excess funds to be transferred to the Unemployment
281 Compensation Trust Fund after a certain time period;
282 deleting the provision referring to crediting employer
283 accounts; providing an expiration date; amending ss.
284 443.151 F.S.; revising provisions to conform to
285 changes made to benefit eligibility; requiring the
286 department to impose a penalty against a claimant who
287 is overpaid reemployment assistance benefits due to



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288 fraud by the claimant; requiring an appeals referee to
289 be an attorney in good standing with the Florida Bar
290 or successfully admitted within 8 months of hire;
291 providing for a person who is an appeals referee as of
292 the effective date of this act to become licensed by
293 the Florida Bar by September 30, 2014; amending s.
294 443.1715, F.S.; prohibiting the unlawful disclosure of
295 certain confidential information relating to employing
296 units and individuals under the Reemployment
297 Assistance Program Law; providing criminal penalties;
298 amending 443.191, F.S.; providing for the deposit of
299 moneys recovered and penalties collected due to fraud
300 in the Unemployment Compensation Trust Fund; amending
301 s. 446.50, F.S.; requiring the Department of Economic
302 Opportunity's annual report to include a plan for the
303 displaced homemaker program; deleting certain
304 reporting requirements; providing effective dates.

305

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

307

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

315 (1) The Office of Economic and Demographic Research and
316 OPPAGA shall coordinate the development of a work plan for



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317 completing the Economic Development Programs Evaluation and
318 shall submit the work plan to the President of the Senate and
319 the Speaker of the House of Representatives by July 1, 2013.

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

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

325 1. The capital investment tax credit established under s.
326 220.191, Florida Statutes.

327 2. The qualified target industry tax refund established
328 under s. 288.106, Florida Statutes.

329 3. The brownfield redevelopment bonus refund established
330 under s. 288.107, Florida Statutes.

331 4. High-impact business performance grants established
332 under s. 288.108, Florida Statutes.

333 5. The Quick Action Closing Fund established under s.
334 288.1088, Florida Statutes.

335 6. The Innovation Incentive Program established under s.
336 288.1089, Florida Statutes.

337 7. Enterprise Zone Program incentives established under ss.
338 212.08(5), 212.08(15), 212.096, 220.181, and 220.182, Florida
339 Statutes.

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

342 1. The entertainment industry financial incentive program
343 established under s. 288.1254, Florida Statutes.

344 2. The entertainment industry sales tax exemption program
345 established under s. 288.1258, Florida Statutes.



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346 3. VISIT Florida and its programs established or funded
347 under ss. 288.122, 288.1226, 288.12265, and 288.124, Florida
348 Statutes.

349 4. The Florida Sports Foundation and related programs
350 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
351 288.1168, 288.1169, and 288.1171, Florida Statutes.

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

354 1. The qualified defense contractor and space flight
355 business tax refund program established under s. 288.1045,
356 Florida Statutes.

357 2. The tax exemption for semiconductor, defense, or space
358 technology sales established under s. 212.08(5)(j), Florida
359 Statutes.

360 3. The Military Base Protection Program established under
361 s. 288.980, Florida Statutes.

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

364 5. The Quick Response Training Program established under s.
365 288.047, Florida Statutes.

366 6. The Incumbent Worker Training Program established under
367 s. 445.003, Florida Statutes.

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

370 (3) Pursuant to the schedule established in subsection (2),
371 the Office of Economic and Demographic Research shall evaluate
372 and determine the economic benefits, as defined in s. 288.005,
373 Florida Statutes, of each program over the previous 3 years. The
374 analysis must also evaluate the number of jobs created, the



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375 increase or decrease in personal income, and the impact on state
376 gross domestic product from the direct, indirect, and induced
377 effects of the state's investment in each program over the
378 previous 3 years.

379 (a) For the purpose of evaluating tax credits, tax refunds,
380 sales tax exemptions, cash grants, and similar programs, the
381 Office of Economic and Demographic Research shall evaluate data
382 only from those projects in which businesses received state
383 funds during the evaluation period. Such projects may be fully
384 completed, partially completed with future fund disbursal
385 possible pending performance measures, or partially completed
386 with no future fund disbursal possible as a result of a
387 business's inability to meet performance measures.

388 (b) The analysis must use the model developed by the Office
389 of Economic and Demographic Research, as required in s. 216.138,
390 Florida Statutes, to evaluate each program. The office shall
391 provide a written explanation of the key assumptions of the
392 model and how it is used. If the office finds that another
393 evaluation model is more appropriate to evaluate a program, it
394 may use another model, but it must provide an explanation as to
395 why the selected model was more appropriate.

396 (4) Pursuant to the schedule established in subsection (2),
397 OPPAGA shall evaluate each program over the previous 3 years for
398 its effectiveness and value to the taxpayers of this state and
399 include recommendations on each program for consideration by the
400 Legislature. The analysis may include relevant economic
401 development reports or analyses prepared by the Department of
402 Economic Opportunity, Enterprise Florida, Inc., or local or
403 regional economic development organizations; interviews with the



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404 parties involved; or any other relevant data.

405 (5) The Office of Economic and Demographic Research and
406 OPPAGA must be given access to all data necessary to complete
407 the Economic Development Programs Evaluation, including any
408 confidential data. The offices may collaborate on data
409 collection and analysis.

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

412 20.60 Department of Economic Opportunity; creation; powers
413 and duties.—

414 (10) The department, with assistance from Enterprise
415 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,
416 submit an annual report to the Governor, the President of the
417 Senate, and the Speaker of the House of Representatives on the
418 condition of the business climate and economic development in
419 the state.

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

422 (b) The report must incorporate annual reports of other
423 programs, including:

424 1. The displaced homemaker program established under s.
425 446.50.

426 2. Information provided by the Department of Revenue under
427 s. 290.014.

428 3. Information provided by enterprise zone development
429 agencies under s. 290.0056 and an analysis of the activities and
430 accomplishments of each enterprise zone.

431 4. The Economic Gardening Business Loan Pilot Program
432 established under s. 288.1081 and the Economic Gardening



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433 Technical Assistance Pilot Program established under s.
434 288.1082.

435 5. A detailed report of the performance of the Black
436 Business Loan Program and a cumulative summary of quarterly
437 report data required under s. 288.714.

438 6. The Rural Economic Development Initiative established
439 under s. 288.0656.

440 Section 3. Paragraph (c) of subsection (1) of section
441 201.15, Florida Statutes, is amended to read:

442 201.15 Distribution of taxes collected.—All taxes collected
443 under this chapter are subject to the service charge imposed in
444 s. 215.20(1). Prior to distribution under this section, the
445 Department of Revenue shall deduct amounts necessary to pay the
446 costs of the collection and enforcement of the tax levied by
447 this chapter. Such costs and the service charge may not be
448 levied against any portion of taxes pledged to debt service on
449 bonds to the extent that the costs and service charge are
450 required to pay any amounts relating to the bonds. After
451 distributions are made pursuant to subsection (1), all of the
452 costs of the collection and enforcement of the tax levied by
453 this chapter and the service charge shall be available and
454 transferred to the extent necessary to pay debt service and any
455 other amounts payable with respect to bonds authorized before
456 January 1, 2013, secured by revenues distributed pursuant to
457 subsection (1). All taxes remaining after deduction of costs and
458 the service charge shall be distributed as follows:

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

461 (c) After the required payments under paragraphs (a) and



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462 (b), the remainder shall be paid into the State Treasury to the
463 credit of:

464 1. The State Transportation Trust Fund in the Department of
465 Transportation in the amount of the lesser of 38.2 percent of
466 the remainder or \$541.75 million in each fiscal year. Out of
467 such funds, the first \$50 million for the 2012-2013 fiscal year;
468 \$65 million for the 2013-2014 fiscal year; and \$75 million for
469 the 2014-2015 fiscal year and all subsequent years, shall be
470 transferred to the State Economic Enhancement and Development
471 Trust Fund within the Department of Economic Opportunity. The
472 remainder is to be used for the following specified purposes,
473 notwithstanding any other law to the contrary:

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

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

481 c. For the purposes of the Strategic Intermodal System
482 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
483 of these funds after allocating for the New Starts Transit
484 Program described in sub-subparagraph a. and the Small County
485 Outreach Program described in sub-subparagraph b.; and

486 d. For the purposes of the Transportation Regional
487 Incentive Program specified in s. 339.2819, 25 percent of these
488 funds after allocating for the New Starts Transit Program
489 described in sub-subparagraph a. and the Small County Outreach
490 Program described in sub-subparagraph b. Effective July 1, 2014,



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491 the first \$60 million of the funds allocated pursuant to this
492 sub-subparagraph shall be allocated annually to the Florida Rail
493 Enterprise for the purposes established in s. 341.303(5).

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

499 3. The Ecosystem Management and Restoration Trust Fund in
500 the amount of the lesser of 2.12 percent of the remainder or \$30
501 million in each fiscal year, to be used for the preservation and
502 repair of the state's beaches as provided in ss. 161.091-
503 161.212.

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

508
509 Moneys distributed pursuant to this paragraph may not be pledged
510 for debt service unless such pledge is approved by referendum of
511 the voters.

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

514 213.053 Confidentiality and information sharing.—

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

517 (bb) Information to the director of the Office of Program
518 Policy Analysis and Government Accountability or his or her
519 authorized agent, and to the coordinator of the Office of



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520 Economic and Demographic Research or his or her authorized
521 agent, for purposes of completing the Economic Development
522 Programs Evaluation. Information obtained from the department
523 pursuant to this paragraph may be shared by the director and the
524 coordinator, or the director's or coordinator's authorized
525 agent, for purposes of completing the Economic Development
526 Programs Evaluation.

527
528 Disclosure of information under this subsection shall be
529 pursuant to a written agreement between the executive director
530 and the agency. Such agencies, governmental or nongovernmental,
531 shall be bound by the same requirements of confidentiality as
532 the Department of Revenue. Breach of confidentiality is a
533 misdemeanor of the first degree, punishable as provided by s.
534 775.082 or s. 775.083.

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

537 220.194 Corporate income tax credits for spaceflight
538 projects.—

539 (9) ANNUAL REPORT.—Beginning in 2014, the Department of
540 Economic Opportunity, in cooperation with Space Florida and the
541 department, shall include in the ~~submit an~~ annual incentives
542 report required under s. 288.907 a summary of ~~summarizing~~
543 activities relating to the Florida Space Business Incentives Act
544 established under this section ~~to the Governor, the President of~~
545 ~~the Senate, and the Speaker of the House of Representatives by~~
546 ~~each November 30.~~

547 Section 6. Section 288.001, Florida Statutes, is amended to
548 read:



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549 288.001 The Florida Small Business Development Center
550 Network; ~~purpose.~~

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

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

557 (a) "Board of Governors" is the Board of Governors of the
558 State University System.

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

562 (c) "Network" means the Florida Small Business Development
563 Center Network.

564 (3) OPERATION; POLICIES AND PROGRAMS.—

565 (a) The network's statewide director shall operate the
566 network in compliance with the federal laws and regulations
567 governing the network and the Board of Governors Regulation
568 10.015.

569 (b) The network's statewide director shall consult with the
570 Board of Governors, the department, and the network's statewide
571 advisory board to ensure that the network's policies and
572 programs align with the statewide goals of the State University
573 System and the statewide strategic economic development plan as
574 provided under s. 20.60.

575 (4) STATEWIDE ADVISORY BOARD.—

576 (a) The network shall maintain a statewide advisory board
577 to advise, counsel, and confer with the statewide director on



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578 matters pertaining to the operation of the network.

579 (b) The statewide advisory board shall consist of 19
580 members from across the state. At least 12 members must be
581 representatives of the private sector who are knowledgeable of
582 the needs and challenges of small businesses. The members must
583 represent various segments and industries of the economy in this
584 state and must bring knowledge and skills to the statewide
585 advisory board which would enhance the board's collective
586 knowledge of small business assistance needs and challenges.
587 Minority and gender representation must be considered when
588 making appointments to the board. The board must include the
589 following members:

590 1. Three members appointed from the private sector by the
591 President of the Senate.

592 2. Three members appointed from the private sector by the
593 Speaker of the House of Representatives.

594 3. Three members appointed from the private sector by the
595 Governor.

596 4. Three members appointed from the private sector by the
597 network's statewide director.

598 5. One member appointed by the host institution.

599 6. The President of Enterprise Florida, Inc., or his or her
600 designee.

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

602 8. The President of the Florida Chamber of Commerce or his
603 or her designee.

604 9. The Small Business Development Center Project Officer
605 from the U.S. Small Business Administration at the South Florida
606 District Office or his or her designee.



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

609 11. The executive director of the Florida United Business
610 Association or his or her designee.

611 (c) The term of an appointed member shall be for 4 years,
612 beginning August 1, 2013, except that at the time of initial
613 appointments, two members appointed by the Governor, one member
614 appointed by the President of the Senate, one member appointed
615 by the Speaker of the House of Representatives, and one member
616 appointed by the network's statewide director shall be appointed
617 for 2 years. An appointed member may be reappointed to a
618 subsequent term. Members of the statewide advisory board may not
619 receive compensation but may be reimbursed for per diem and
620 travel expenses in accordance with s. 112.061.

621 (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.—

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

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

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

635 2. Developing and implementing strategic or business plans.



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636 Such activities include analyzing a business's mission, vision,
637 strategies, and goals; critiquing the overall plan; and creating
638 performance measures.

639 3. Developing the financial literacy of existing businesses
640 related to their business cash flow and financial management
641 plans. Such activities include conducting financial analysis
642 health checks, assessing cost control management techniques, and
643 building financial management strategies and solutions.

644 4. Developing and implementing plans for existing
645 businesses to access or expand to new or existing markets. Such
646 activities include conducting market research, researching and
647 identifying expansion opportunities in international markets,
648 and identifying opportunities in selling to units of government.

649 5. Supporting access to capital for business investment and
650 expansion. Such activities include providing technical
651 assistance relating to obtaining surety bonds; identifying and
652 assessing potential debt or equity investors or other financing
653 opportunities; assisting in the preparation of applications,
654 projections, or pro forma or other support documentation for
655 surety bond, loan, financing, or investment requests; and
656 facilitating conferences with lenders or investors.

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

662 (c) A business receiving support services must agree to
663 participate in assessments of such services. The agreement, at a
664 minimum, must request the business to report demographic



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665 characteristics, changes in employment and sales, debt and
666 equity capital attained, and government contracts acquired. The
667 host institution may require additional reporting requirements
668 for funding described in subsection (7).

669 (6) REQUIRED MATCH.—The network must provide a match equal
670 to the total amount of any direct legislative appropriation
671 which is received directly by the host institution and is
672 specifically designated for the network. The match may include
673 funds from federal or other nonstate funding sources designated
674 for the network. At least 50 percent of the match must be cash.
675 The remaining 50 percent may be provided through any allowable
676 combination of additional cash, in-kind contributions, or
677 indirect costs.

678 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE
679 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST
680 PRACTICES; ELIGIBILITY.—

681 (a) The statewide director, in coordination with the host
682 institution, shall establish a pay-per-performance incentive for
683 regional small business development centers. Such incentive
684 shall be funded from half of any state appropriation received
685 directly by the host institution, which appropriation is
686 specifically designated for the network. These funds shall be
687 distributed to the regional small business development centers
688 based upon data collected from the businesses as provided under
689 paragraph (5) (c). The distribution formula must provide for the
690 distribution of funds in part on the gross number of jobs
691 created annually by each center and in part on the number of
692 jobs created per support service hour. The pay-per-performance
693 incentive must supplement the operations and support services of



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694 each regional small business development center, and may not
695 reduce matching funds dedicated to the regional small business
696 development center.

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

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

704 2. Enhancing participation in the network among state
705 universities and colleges; and

706 3. Facilitating the adoption of innovative small business
707 assistance best practices by the regional small business
708 development centers.

709 (c) The statewide director, in coordination with the
710 advisory board, shall develop annual programs to distribute
711 funds for each of the purposes described in paragraph (b). The
712 network shall announce the annual amount of available funds for
713 each program, performance expectations, and other requirements.
714 For each program, the statewide director shall present
715 applications and recommendations to the advisory board. The
716 advisory board shall make the final approval of applications.
717 Approved applications must be publicly posted. At a minimum,
718 programs must include:

719 1. New regional small business development centers; and

720 2. Awards for the top six regional small business
721 development centers that adopt best practices, as determined by
722 the advisory board. Detailed information about best practices



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723 must be made available to regional small business development
724 centers for voluntary implementation.

725 (d) A regional small business development center that has
726 been found by the statewide director to perform poorly, to
727 engage in improper activity affecting the operation and
728 integrity of the network, or to fail to follow the rules and
729 procedures set forth in the laws, regulations, and policies
730 governing the network, is not eligible for funds under this
731 subsection.

732 (e) Funds awarded under this subsection may not reduce
733 matching funds dedicated to the regional small business
734 development centers.

735 (8) REPORTING.—

736 (a) The statewide director shall quarterly update the Board
737 of Governors, the department, and the advisory board on the
738 network's progress and outcomes, including aggregate information
739 on businesses assisted by the network.

740 (b) The statewide director, in coordination with the
741 advisory board, shall annually report, on June 30, to the
742 President of the Senate and the Speaker of the House of
743 Representatives on the network's progress and outcomes for the
744 previous fiscal year. The report must include aggregate
745 information on businesses assisted by the network, network
746 services and programs, the use of funds specifically dedicated
747 to the network, and the network's economic benefit to the state.
748 The report must contain specific information on performance-
749 based metrics and contain the methodology used to calculate the
750 network's economic benefit to the state.

751 Section 7. Subsection (4) is added to section 288.005,



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752 Florida Statutes, to read:

753 288.005 Definitions.—As used in this chapter, the term:

754 (4) "Jobs" means full-time equivalent positions, including,
755 but not limited to, positions obtained from a temporary
756 employment agency or employee leasing company or through a union
757 agreement or coemployment under a professional employer
758 organization agreement, which result directly from a project in
759 this state. This number does not include temporary construction
760 jobs involved with the construction of facilities for the
761 project.

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

764 288.012 State of Florida international offices; state
765 protocol officer; protocol manual.—The Legislature finds that
766 the expansion of international trade and tourism is vital to the
767 overall health and growth of the economy of this state. This
768 expansion is hampered by the lack of technical and business
769 assistance, financial assistance, and information services for
770 businesses in this state. The Legislature finds that these
771 businesses could be assisted by providing these services at
772 State of Florida international offices. The Legislature further
773 finds that the accessibility and provision of services at these
774 offices can be enhanced through cooperative agreements or
775 strategic alliances between private businesses and state, local,
776 and international governmental entities.

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



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781 inclusion in the annual report required under s. 288.906. In the
782 a format and by the annual date prescribed ~~provided~~ by
783 Enterprise Florida, Inc., the report must set forth information
784 on:

- 785 (a) The number of Florida companies assisted.
- 786 (b) The number of inquiries received about investment
787 opportunities in this state.
- 788 (c) The number of trade leads generated.
- 789 (d) The number of investment projects announced.
- 790 (e) The estimated U.S. dollar value of sales confirmations.
- 791 (f) The number of representation agreements.
- 792 (g) The number of company consultations.
- 793 (h) Barriers or other issues affecting the effective
794 operation of the office.
- 795 (i) Changes in office operations which are planned for the
796 current fiscal year.
- 797 (j) Marketing activities conducted.
- 798 (k) Strategic alliances formed with organizations in the
799 country in which the office is located.
- 800 (l) Activities conducted with Florida's other international
801 offices.
- 802 (m) Any other information that the office believes would
803 contribute to an understanding of its activities.

804 Section 9. Section 288.061, Florida Statutes, is amended to
805 read:

806 288.061 Economic development incentive application
807 process.—

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



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810 Development of the Department of Economic Opportunity and
811 designated staff of Enterprise Florida, Inc., shall review the
812 application to ensure that the application is complete, whether
813 and what type of state and local permits may be necessary for
814 the applicant's project, whether it is possible to waive such
815 permits, and what state incentives and amounts of such
816 incentives may be available to the applicant. The department
817 shall recommend to the executive director to approve or
818 disapprove an applicant business. If review of the application
819 demonstrates that the application is incomplete, the executive
820 director shall notify the applicant business within the first 5
821 business days after receiving the application.

822 (2) Beginning July 1, 2013, the department shall review and
823 evaluate each economic development incentive application for the
824 economic benefits of the proposed award of state incentives
825 proposed for the project. The term "economic benefits" has the
826 same meaning as in s. 288.005. The Office of Economic and
827 Demographic Research shall review and evaluate the methodology
828 and model used to calculate the economic benefits. For purposes
829 of this requirement, an amended definition of economic benefits
830 may be developed in conjunction with the Office of Economic and
831 Demographic Research. The Office of Economic and Demographic
832 Research shall report on the methodology and model by September
833 1, 2013, and every third year thereafter, to the President of
834 the Senate and the Speaker of the House of Representatives.

835 (3)~~(2)~~ Within 10 business days after the department
836 receives the submitted economic development incentive
837 application, the executive director shall approve or disapprove
838 the application and issue a letter of certification to the



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

841 (a) The contract or agreement with the applicant must ~~shall~~
842 specify the total amount of the award, the performance
843 conditions that must be met to obtain the award, the schedule
844 for payment, and sanctions that would apply for failure to meet
845 performance conditions. The department may enter into one
846 agreement or contract covering all of the state incentives that
847 are being provided to the applicant. The contract must provide
848 that release of funds is contingent upon sufficient
849 appropriation of funds by the Legislature.

850 (b) The release of funds for the incentive or incentives
851 awarded to the applicant depends upon the statutory requirements
852 of the particular incentive program, except as provided in
853 subsection (4).

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

860 1. The contract or agreement must provide that the bond
861 remain in effect until all performance conditions in the
862 contract or agreement have been satisfied. The department may
863 require the bond to cover the entire amount of the contract or
864 agreement or allow for a bond to be renewed upon the completion
865 of scheduled performance measurements specified in the contract
866 or agreement. The contract or agreement must provide that the
867 release of any funds is contingent upon receipt by the



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868 department of the surety bond.

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

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

874 4. Any notice of cancellation or nonrenewal issued by an
875 insurer must comply with the notice requirements of s. 626.9201.
876 If the applicant receives a notice of cancellation or
877 nonrenewal, the applicant must immediately notify the
878 department.

879 5. The cancellation of the surety bond is a violation of
880 the contract or agreement between the applicant and the
881 department. The department is released from any obligation to
882 make future scheduled payments unless the applicant is able to
883 secure a new surety bond or comply with the requirements of
884 paragraphs (b) and (c) within 90 days before the effective date
885 of the cancellation.

886 (b) If an applicant is unable to secure a surety bond or
887 can demonstrate that obtaining a bond is unreasonable in cost,
888 the department may waive the requirements specified in paragraph
889 (a) by certifying in writing to the Governor, President of the
890 Senate, and Speaker of the House of Representatives the
891 following information:

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

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



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897 project warrants waiver of the requirement; and
898 3. An evaluation of the quality and value of the applicant
899 which supports the selection of the alternative securitization
900 under paragraph (c). The department's evaluation must consider
901 the following information when determining the form for securing
902 the award amount:
903 a. A financial analysis of the company, including an
904 evaluation of the company's short-term liquidity ratio as
905 measured by its assets to liability, the company's profitability
906 ratio, and the company's long-term solvency as measured by its
907 debt-to-equity ratio;
908 b. The historical market performance of the company;
909 c. Any independent evaluations of the company;
910 d. The latest audit of the company's financial statement
911 and the related auditor's management letter; and
912 e. Any other types of reports that are related to the
913 internal controls or management of the company.
914 (c)1. If the department grants a waiver under paragraph
915 (b), the incentives contract or agreement must provide for
916 securing the award amount in one of the following forms:
917 a. An irrevocable letter of credit issued by a financial
918 institution, as defined in s. 655.005;
919 b. Cash or securities held in trust by a financial
920 institution, as defined in s. 655.005, and subject to a control
921 agreement; or
922 c. A secured transaction in collateral under the control or
923 possession of the applicant for the value of the award amount.
924 The department is authorized to negotiate the terms and
925 conditions of the security agreement.



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

931 3. The irrevocable letter of credit, trust, or security
932 agreement must remain in effect until all performance conditions
933 specified in the contract or agreement have been satisfied.
934 Failure to comply with this provision results in a violation of
935 the contract or agreement between the applicant and the
936 department and releases the department from any obligation to
937 make future scheduled payments.

938 (d) The department may waive the requirements of paragraphs
939 (a) through (c) by certifying to the Governor and the chair and
940 vice chair of the Legislative Budget Commission the following
941 information:

942 1. The applicant demonstrates the financial ability to
943 fulfill the requirements of the contract and has submitted an
944 independently audited financial statement for the previous 5
945 years;

946 2. If applicable, the applicant was previously a recipient
947 of an incentive under an economic development program, was
948 subject to clawback requirements, and timely complied with those
949 provisions; and

950 3. The department has determined that waiver of the
951 requirements of paragraphs (a) through (c) is in the best
952 interest of the state.

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



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955 to the chair and vice chair of the Legislative Budget
956 Commission. Such information may be provided at the same time
957 that the information for the project consultation is provided to
958 the Legislative Budget Commission under s. 288.1088 or s.
959 288.1089. If the chair or vice chair of the Legislative Budget
960 Commission timely advises the department that such action or
961 proposed action exceeds delegated authority or is contrary to
962 legislative policy or intent, the department shall void the
963 waiver until the Legislative Budget Commission or the
964 Legislature addresses the issue. A waiver granted by the
965 department for any project exceeding \$5 million must be approved
966 by the Legislative Budget Commission.

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

969 (5) In the event of default on the performance conditions
970 specified in the contract or agreement, or violation of any of
971 the provisions found in this section, the state may, in addition
972 to any other remedy provided by law, bring suit to enforce its
973 interest.

974 (6)~~(3)~~ The department shall validate contractor performance
975 and report. ~~such~~ ~~Such~~ validation ~~shall be reported~~ in the annual
976 incentives ~~incentive~~ report required under s. 288.907.

977 (7) The department is authorized to adopt rules to
978 implement this section.

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

981 288.0656 Rural Economic Development Initiative.—

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



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

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

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

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

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

999 Section 11. Paragraph (c) of subsection (3) of section
1000 288.095, Florida Statutes, is repealed.

1001 Section 12. Paragraph (c) of subsection (4) and paragraph
1002 (d) of subsection (7) of section 288.106, Florida Statutes, are
1003 amended to read:

1004 288.106 Tax refund program for qualified target industry
1005 businesses.—

1006 (4) APPLICATION AND APPROVAL PROCESS.—

1007 (c) Each application meeting the requirements of paragraph
1008 (b) must be submitted to the department for determination of
1009 eligibility. The department shall review and evaluate each
1010 application based on, but not limited to, the following
1011 criteria:

1012 1. Expected contributions to the state's economy,



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1013 consistent with the state strategic economic development plan
1014 prepared by the department.

1015 2. The economic benefits of the proposed award of tax
1016 refunds under this section ~~and the economic benefits of state~~
1017 ~~incentives proposed for the project. The term "economic~~
1018 ~~benefits" has the same meaning as in s. 288.005. The Office of~~
1019 ~~Economic and Demographic Research shall review and evaluate the~~
1020 ~~methodology and model used to calculate the economic benefits~~
1021 ~~and shall report its findings by September 1 of every 3rd year,~~
1022 ~~to the President of the Senate and the Speaker of the House of~~
1023 ~~Representatives.~~

1024 3. The amount of capital investment to be made by the
1025 applicant in this state.

1026 4. The local financial commitment and support for the
1027 project.

1028 5. The expected effect of the project on the unemployed and
1029 underemployed unemployment rate in the county where the project
1030 will be located.

1031 6. The expected effect of the award on the viability of the
1032 project and the probability that the project would be undertaken
1033 in this state if such tax refunds are granted to the applicant.

1034 ~~7. The expected long term commitment of the applicant to~~
1035 ~~economic growth and employment in this state resulting from the~~
1036 ~~project.~~

1037 ~~7.8.~~ A review of the business's past activities in this
1038 state or other states, including whether the such business has
1039 been subjected to criminal or civil fines and penalties and
1040 whether the business received economic development incentives in
1041 other states and the results of such incentive agreements. This



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1042 subparagraph does not require the disclosure of confidential
1043 information.

1044 (7) ADMINISTRATION.—

1045 (d) Beginning with tax refund agreements signed after July
1046 1, 2010, the department shall attempt to ascertain the causes
1047 for any business's failure to complete its agreement and ~~shall~~
1048 ~~report~~ its findings and recommendations must be included in the
1049 annual incentives report under s. 288.907 ~~to the Governor, the~~
1050 ~~President of the Senate, and the Speaker of the House of~~
1051 ~~Representatives. The report shall be submitted by December 1 of~~
1052 ~~each year beginning in 2011.~~

1053 Section 13. Subsection (8) of section 288.1081, Florida
1054 Statutes, is amended to read:

1055 288.1081 Economic Gardening Business Loan Pilot Program.—

1056 (8) The annual report required under s. 20.60 must describe
1057 ~~On June 30 and December 31 of each year, the department shall~~
1058 ~~submit a report to the Governor, the President of the Senate,~~
1059 ~~and the Speaker of the House of Representatives which describes~~
1060 in detail the use of the loan funds. The report must include, at
1061 a minimum, the number of businesses receiving loans, the number
1062 of full-time equivalent jobs created as a result of the loans,
1063 the amount of wages paid to employees in the newly created jobs,
1064 the locations and types of economic activity undertaken by the
1065 borrowers, the amounts of loan repayments made to date, and the
1066 default rate of borrowers.

1067 Section 14. Subsection (8) of section 288.1082, Florida
1068 Statutes, is amended to read:

1069 288.1082 Economic Gardening Technical Assistance Pilot
1070 Program.—



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1071 (8) The annual report required under s. 20.60 must describe
1072 ~~On December 31 of each year, the department shall submit a~~
1073 ~~report to the Governor, the President of the Senate, and the~~
1074 ~~Speaker of the House of Representatives which describes in~~
1075 detail the progress of the pilot program. The report must
1076 include, at a minimum, the number of businesses receiving
1077 assistance, the number of full-time equivalent jobs created as a
1078 result of the assistance, if any, the amount of wages paid to
1079 employees in the newly created jobs, and the locations and types
1080 of economic activity undertaken by the businesses.

1081 Section 15. Paragraph (e) of subsection (3) of section
1082 288.1088, Florida Statutes, is amended to read:

1083 288.1088 Quick Action Closing Fund.—

1084 (3)

1085 (e) The department ~~Enterprise Florida, Inc.,~~ shall validate
1086 contractor performance and report. such validation in the annual
1087 incentives report required under s. 288.907 ~~shall be reported~~
1088 ~~within 6 months after completion of the contract to the~~
1089 ~~Governor, President of the Senate, and the Speaker of the House~~
1090 ~~of Representatives.~~

1091 Section 16. Paragraphs (b) and (d) of subsection (4), and
1092 subsections (9) and (11) of section 288.1089, Florida Statutes,
1093 are amended to read:

1094 288.1089 Innovation Incentive Program.—

1095 (4) To qualify for review by the department, the applicant
1096 must, at a minimum, establish the following to the satisfaction
1097 of the department:

1098 (b) A research and development project must:

1099 1. Serve as a catalyst for an emerging or evolving



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1100 technology cluster.

1101 2. Demonstrate a plan for significant higher education
1102 collaboration.

1103 3. Provide the state, at a minimum, a cumulative break-even
1104 economic benefit ~~return on investment~~ within a 20-year period.

1105 4. Be provided with a one-to-one match from the local
1106 community. The match requirement may be reduced or waived in
1107 rural areas of critical economic concern or reduced in rural
1108 areas, brownfield areas, and enterprise zones.

1109 (d) For an alternative and renewable energy project in this
1110 state, the project must:

1111 1. Demonstrate a plan for significant collaboration with an
1112 institution of higher education;

1113 2. Provide the state, at a minimum, a cumulative break-even
1114 economic benefit ~~return on investment~~ within a 20-year period;

1115 3. Include matching funds provided by the applicant or
1116 other available sources. The match requirement may be reduced or
1117 waived in rural areas of critical economic concern or reduced in
1118 rural areas, brownfield areas, and enterprise zones;

1119 4. Be located in this state; and

1120 5. Provide at least 35 direct, new jobs that pay an
1121 estimated annual average wage that equals at least 130 percent
1122 of the average private sector wage.

1123 (9) The department shall validate the performance of an
1124 innovation business, a research and development facility, or an
1125 alternative and renewable energy business that has received an
1126 award. At the conclusion of the innovation incentive award
1127 agreement, or its earlier termination, the department shall
1128 include in the annual incentives report required under s.



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1129 ~~288.907 a detailed description of, within 90 days, submit a~~
1130 ~~report to the Governor, the President of the Senate, and the~~
1131 ~~Speaker of the House of Representatives detailing whether the~~
1132 ~~recipient of the innovation incentive grant achieved its~~
1133 ~~specified outcomes.~~

1134 (11) ~~(a)~~ The department shall include in ~~submit to the~~
1135 ~~Governor, the President of the Senate, and the Speaker of the~~
1136 ~~House of Representatives, as part of the annual incentives~~
1137 ~~report required under s. 288.907, a report summarizing the~~
1138 ~~activities and accomplishments of the recipients of grants from~~
1139 ~~the Innovation Incentive Program during the previous 12 months~~
1140 ~~and an evaluation of whether the recipients are catalysts for~~
1141 ~~additional direct and indirect economic development in Florida.~~

1142 ~~(b) Beginning March 1, 2010, and every third year~~
1143 ~~thereafter, the Office of Program Policy Analysis and Government~~
1144 ~~Accountability, in consultation with the Auditor General's~~
1145 ~~Office, shall release a report evaluating the Innovation~~
1146 ~~Incentive Program's progress toward creating clusters of high-~~
1147 ~~wage, high-skilled, complementary industries that serve as~~
1148 ~~catalysts for economic growth specifically in the regions in~~
1149 ~~which they are located, and generally for the state as a whole.~~
1150 ~~Such report should include critical analyses of quarterly and~~
1151 ~~annual reports, annual audits, and other documents prepared by~~
1152 ~~the Innovation Incentive Program awardees; relevant economic~~
1153 ~~development reports prepared by the department, Enterprise~~
1154 ~~Florida, Inc., and local or regional economic development~~
1155 ~~organizations; interviews with the parties involved; and any~~
1156 ~~other relevant data. Such report should also include legislative~~
1157 ~~recommendations, if necessary, on how to improve the Innovation~~



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1158 ~~Incentive Program so that the program reaches its anticipated~~
1159 ~~potential as a catalyst for direct and indirect economic~~
1160 ~~development in this state.~~

1161 Section 17. Subsection (4) of section 288.1226, Florida
1162 Statutes, is amended to read:

1163 288.1226 Florida Tourism Industry Marketing Corporation;
1164 use of property; board of directors; duties; audit.-

1165 (4) BOARD OF DIRECTORS.—The board of directors of the
1166 corporation shall be composed of the Governor and 31 tourism-
1167 industry-related members, appointed by Enterprise Florida, Inc.,
1168 in conjunction with the department.

1169 (a) The Governor shall serve ex officio as a nonvoting
1170 member of the board.

1171 (b) ~~(a)~~ The board shall consist of 16 members, appointed in
1172 such a manner as to equitably represent all geographic areas of
1173 the state, with no fewer than two members from any of the
1174 following regions:

1175 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,
1176 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
1177 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

1178 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
1179 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
1180 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
1181 Taylor, and Union Counties.

1182 3. Region 3, composed of Brevard, Indian River, Lake,
1183 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
1184 Volusia Counties.

1185 4. Region 4, composed of Citrus, Hernando, Hillsborough,
1186 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.



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1187 5. Region 5, composed of Charlotte, Collier, DeSoto,
1188 Glades, Hardee, Hendry, Highlands, and Lee Counties.

1189 6. Region 6, composed of Broward, Martin, Miami-Dade,
1190 Monroe, and Palm Beach Counties.

1191 (c) ~~(b)~~ The 15 additional tourism-industry-related members
1192 shall include 1 representative from the statewide rental car
1193 industry; 7 representatives from tourist-related statewide
1194 associations, including those that represent hotels,
1195 campgrounds, county destination marketing organizations,
1196 museums, restaurants, retail, and attractions; 3 representatives
1197 from county destination marketing organizations; 1
1198 representative from the cruise industry; 1 representative from
1199 an automobile and travel services membership organization that
1200 has at least 2.8 million members in Florida; 1 representative
1201 from the airline industry; and 1 representative from the space
1202 tourism industry, who will each serve for a term of 2 years.

1203 Section 18. Subsection (3) of section 288.1253, Florida
1204 Statutes, is amended to read:

1205 288.1253 Travel and entertainment expenses.—

1206 (3) The Office of Film and Entertainment ~~department~~ shall
1207 include in the annual report for the entertainment industry
1208 financial incentive program required under s. 288.1254(10) a
1209 ~~prepare an annual~~ report of the office's expenditures ~~of the~~
1210 ~~Office of Film and Entertainment and provide such report to the~~
1211 ~~Legislature no later than December 30 of each year for the~~
1212 ~~expenditures of~~ the previous fiscal year. The report must ~~shall~~
1213 consist of a summary of all travel, entertainment, and
1214 incidental expenses incurred within the United States and all
1215 travel, entertainment, and incidental expenses incurred outside



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1216 the United States, as well as a summary of all successful
1217 projects that developed from such travel.

1218 Section 19. Subsection (10) of section 288.1254, Florida
1219 Statutes, is amended to read:

1220 288.1254 Entertainment industry financial incentive
1221 program.—

1222 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office
1223 of Film and Entertainment shall submit ~~provide~~ an annual report
1224 for the previous fiscal year to the Governor, the President of
1225 the Senate, and the Speaker of the House of Representatives
1226 which outlines the incentive program's return on investment and
1227 economic benefits to the state. The report must ~~shall~~ also
1228 include an estimate of the full-time equivalent positions
1229 created by each production that received tax credits under this
1230 section and information relating to the distribution of
1231 productions receiving credits by geographic region and type of
1232 production. The report must also include the expenditures report
1233 required under s. 288.1253(3) and the information describing the
1234 relationship between tax exemptions and incentives to industry
1235 growth required under s. 288.1258(5).

1236 Section 20. Subsection (5) of section 288.1258, Florida
1237 Statutes, is amended to read:

1238 288.1258 Entertainment industry qualified production
1239 companies; application procedure; categories; duties of the
1240 Department of Revenue; records and reports.—

1241 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
1242 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
1243 and Entertainment shall keep annual records from the information
1244 provided on taxpayer applications for tax exemption certificates



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1245 beginning January 1, 2001. These records also must ~~shall~~ reflect
1246 a ratio of the annual amount of sales and use tax exemptions
1247 under this section, plus the incentives awarded pursuant to s.
1248 288.1254 to the estimated amount of funds expended by certified
1249 productions. In addition, the office shall maintain data showing
1250 annual growth in Florida-based entertainment industry companies
1251 and entertainment industry employment and wages. The employment
1252 information must ~~shall~~ include an estimate of the full-time
1253 equivalent positions created by each production that received
1254 tax credits pursuant to s. 288.1254. The Office of Film and
1255 Entertainment shall include ~~report~~ this information in the
1256 annual report for the entertainment industry financial incentive
1257 program required under s. 288.1254(10) to the Legislature no
1258 later than December 1 of each year.

1259 Section 21. Subsection (3) of section 288.714, Florida
1260 Statutes, is amended to read:

1261 288.714 Quarterly and annual reports.-

1262 (3) ~~By August 31 of each year,~~ The department shall include
1263 in its annual report required under s. 20.60 provide to the
1264 ~~Governor, the President of the Senate, and the Speaker of the~~
1265 ~~House of Representatives~~ a detailed report of the performance of
1266 the Black Business Loan Program. The report must include a
1267 cumulative summary of the quarterly report data compiled
1268 pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1269 Section 22. Section 288.7771, Florida Statutes, is amended
1270 to read:

1271 288.7771 Annual report of Florida Export Finance
1272 Corporation.-The corporation shall annually prepare and submit
1273 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its



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1274 annual report required under s. 288.906 ~~by s. 288.095~~ a complete
1275 and detailed report setting forth:

1276 (1) The report required in s. 288.776(3).

1277 (2) Its assets and liabilities at the end of its most
1278 recent fiscal year.

1279 Section 23. Subsections (3), (4), and (5) of section
1280 288.903, Florida Statutes, are amended to read:

1281 288.903 Duties of Enterprise Florida, Inc.—Enterprise
1282 Florida, Inc., shall have the following duties:

1283 (3) Prepare an annual report pursuant to s. 288.906.

1284 (4) Prepare, in conjunction with the department, ~~and~~ an
1285 annual incentives report pursuant to s. 288.907.

1286 (5) ~~(4)~~ Assist the department with the development of an
1287 annual and a long-range strategic business blueprint for
1288 economic development required in s. 20.60.

1289 (6) ~~(5)~~ In coordination with Workforce Florida, Inc.,
1290 identify education and training programs that will ensure
1291 Florida businesses have access to a skilled and competent
1292 workforce necessary to compete successfully in the domestic and
1293 global marketplace.

1294 Section 24. Subsection (6) of section 288.904, Florida
1295 Statutes, is repealed.

1296 Section 25. Subsection (3) is added to section 288.906,
1297 Florida Statutes, to read:

1298 288.906 Annual report of Enterprise Florida, Inc., and its
1299 divisions; audits.—

1300 (3) The following reports must be included as supplements
1301 to the detailed report required by this section:

1302 (a) The annual report of the Florida Export Finance



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1303 Corporation required under s. 288.7771.

1304 (b) The report on international offices required under s.
1305 288.012.

1306 Section 26. Section 288.907, Florida Statutes, is amended
1307 to read:

1308 288.907 Annual incentives report.—

1309 ~~(1) By December 30 of each year, In addition to the annual~~
1310 ~~report required under s. 288.906, Enterprise Florida, Inc., in~~
1311 ~~conjunction with the department, by December 30 of each year,~~
1312 shall provide the Governor, the President of the Senate, and the
1313 Speaker of the House of Representatives a detailed incentives
1314 report quantifying the economic benefits for all of the economic
1315 development incentive programs marketed by Enterprise Florida,
1316 Inc.

1317 ~~(a) The annual incentives report must include:~~

1318 (1) For each incentive program:

1319 (a)1. A brief description of the incentive program.

1320 (b)2. The amount of awards granted, by year, since
1321 inception and the annual amount actually transferred from the
1322 state treasury to businesses or for the benefit of businesses
1323 for each of the previous 3 years.

1324 ~~3. The economic benefits, as defined in s. 288.005, based~~
1325 ~~on the actual amount of private capital invested, actual number~~
1326 ~~of jobs created, and actual wages paid for incentive agreements~~
1327 ~~completed during the previous 3 years.~~

1328 (c)4. The report shall also include The actual amount of
1329 private capital invested, actual number of jobs created, and
1330 actual wages paid for incentive agreements completed during the
1331 previous 3 years for each target industry sector.



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- 1332 ~~(2)(b)~~ For projects completed during the previous state
1333 fiscal year, ~~the report must include:~~
- 1334 ~~(a)1.~~ The number of economic development incentive
1335 applications received.
- 1336 ~~(b)2.~~ The number of recommendations made to the department
1337 by Enterprise Florida, Inc., including the number recommended
1338 for approval and the number recommended for denial.
- 1339 ~~(c)3.~~ The number of final decisions issued by the
1340 department for approval and for denial.
- 1341 ~~(d)4.~~ The projects for which a tax refund, tax credit, or
1342 cash grant agreement was executed, identifying for each project:
- 1343 ~~1.a.~~ The number of jobs committed to be created.
- 1344 ~~2.b.~~ The amount of capital investments committed to be
1345 made.
- 1346 ~~3.c.~~ The annual average wage committed to be paid.
- 1347 ~~4.d.~~ The amount of state economic development incentives
1348 committed to the project from each incentive program under the
1349 project's terms of agreement with the Department of Economic
1350 Opportunity.
- 1351 ~~5.e.~~ The amount and type of local matching funds committed
1352 to the project.
- 1353 (e) Tax refunds paid or other payments made funded out of
1354 the Economic Development Incentives Account for each project.
- 1355 (f) The types of projects supported.
- 1356 ~~(3)(e)~~ For economic development projects that received tax
1357 refunds, tax credits, or cash grants under the terms of an
1358 agreement for incentives, ~~the report must identify:~~
- 1359 ~~(a)1.~~ The number of jobs actually created.
- 1360 ~~(b)2.~~ The amount of capital investments actually made.



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- 1361 (c)~~3.~~ The annual average wage paid.
- 1362 (4)~~(d)~~ For a project receiving economic development
1363 incentives approved by the department and receiving federal or
1364 local incentives, ~~the report must include~~ a description of the
1365 federal or local incentives, if available.
- 1366 (5)~~(e)~~ The ~~report must state~~ the number of withdrawn or
1367 terminated projects that did not fulfill the terms of their
1368 agreements with the department and, consequently, are not
1369 receiving incentives.
- 1370 (6) For any agreements signed after July 1, 2010, findings
1371 and recommendations on the efforts of the department to
1372 ascertain the causes of any business's inability to complete its
1373 agreement made under s. 288.106.
- 1374 (7)~~(f)~~ The amount ~~report must include an analysis of the~~
1375 ~~economic benefits, as defined in s. 288.005,~~ of tax refunds, tax
1376 credits, or other payments made to projects locating or
1377 expanding in state enterprise zones, rural communities,
1378 brownfield areas, or distressed urban communities. The report
1379 must include a separate analysis of the impact of such tax
1380 refunds on state enterprise zones designated under s. 290.0065,
1381 rural communities, brownfield areas, and distressed urban
1382 communities.
- 1383 (8) The name of and tax refund amount for each business
1384 that has received a tax refund under s. 288.1045 or s. 288.106
1385 during the preceding fiscal year.
- 1386 (9)~~(g)~~ An identification of ~~The report must identify~~ the
1387 target industry businesses and high-impact businesses.
- 1388 (10)~~(h)~~ A description of ~~The report must describe~~ the
1389 trends relating to business interest in, and usage of, the



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1390 various incentives, and the number of minority-owned or woman-
1391 owned businesses receiving incentives.

1392 ~~(11)(i) An identification of The report must identify~~
1393 ~~incentive programs not used and recommendations for program~~
1394 ~~changes or program elimination utilized.~~

1395 ~~(12) Information related to the validation of contractor~~
1396 ~~performance required under s. 288.061.~~

1397 ~~(13) Beginning in 2014, a summation of the activities~~
1398 ~~related to the Florida Space Business Incentives Act.~~

1399 ~~(2) The Division of Strategic Business Development within~~
1400 ~~the department shall assist Enterprise Florida, Inc., in the~~
1401 ~~preparation of the annual incentives report.~~

1402 Section 27. Subsection (3) of section 288.92, Florida
1403 Statutes, is amended to read:

1404 288.92 Divisions of Enterprise Florida, Inc.—

1405 (3) ~~By October 15 each year,~~ Each division shall draft and
1406 submit an annual report for inclusion in the report required
1407 under 288.906 which details the division's activities during the
1408 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for
1409 improving current statutes related to the division's ~~related~~
1410 area of responsibility.

1411 Section 28. Subsection (5) of section 288.95155, Florida
1412 Statutes, is amended to read:

1413 288.95155 Florida Small Business Technology Growth
1414 Program.—

1415 (5) Enterprise Florida, Inc., shall prepare for inclusion
1416 in the annual report ~~of the department~~ required under s. 288.907
1417 ~~by s. 288.095~~ a report on the financial status of the program.
1418 The report must specify the assets and liabilities of the



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1419 program within the current fiscal year and must include a
1420 portfolio update that lists all of the businesses assisted, the
1421 private dollars leveraged by each business assisted, and the
1422 growth in sales and in employment of each business assisted.

1423 Section 29. Subsection (11) of section 290.0056, Florida
1424 Statutes, is amended to read:

1425 290.0056 Enterprise zone development agency.—

1426 (11) Before October 1 ~~December 1~~ of each year, the agency
1427 shall submit to the department for inclusion in the annual
1428 report required under s. 20.60 a complete and detailed written
1429 report setting forth:

1430 (a) Its operations and accomplishments during the fiscal
1431 year.

1432 (b) The accomplishments and progress concerning the
1433 implementation of the strategic plan or measurable goals, and
1434 any updates to the strategic plan or measurable goals.

1435 (c) The number and type of businesses assisted by the
1436 agency during the fiscal year.

1437 (d) The number of jobs created within the enterprise zone
1438 during the fiscal year.

1439 (e) The usage and revenue impact of state and local
1440 incentives granted during the calendar year.

1441 (f) Any other information required by the department.

1442 Section 30. Section 290.014, Florida Statutes, is amended
1443 to read:

1444 290.014 Annual reports on enterprise zones.—

1445 (1) By October 1 ~~February 1~~ of each year, the Department of
1446 Revenue shall submit an annual report to the department
1447 detailing the usage and revenue impact by county of the state



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1448 incentives listed in s. 290.007.

1449 (2) ~~By March 1 of each year, the department shall submit an~~
1450 ~~annual report to the Governor, the Speaker of the House of~~
1451 ~~Representatives, and the President of the Senate. The annual~~
1452 ~~report required under s. 20.60 shall include the information~~
1453 ~~provided by the Department of Revenue pursuant to subsection (1)~~
1454 ~~and the information provided by enterprise zone development~~
1455 ~~agencies pursuant to s. 290.0056. In addition, the report shall~~
1456 ~~include an analysis of the activities and accomplishments of~~
1457 ~~each enterprise zone.~~

1458 Section 31. Section 290.0411, Florida Statutes, is amended
1459 to read:

1460 290.0411 Legislative intent and purpose of ss. 290.0401-
1461 290.048.—It is the intent of the Legislature to provide the
1462 necessary means to develop, preserve, redevelop, and revitalize
1463 Florida communities exhibiting signs of decline, ~~or~~ distress, or
1464 economic need by enabling local governments to undertake the
1465 necessary community and economic development programs. The
1466 overall objective is to create viable communities by eliminating
1467 slum and blight, fortifying communities in urgent need,
1468 providing decent housing and suitable living environments, and
1469 expanding economic opportunities, principally for persons of low
1470 or moderate income. The purpose of ss. 290.0401-290.048 is to
1471 assist local governments in carrying out effective community and
1472 economic development and project planning and design activities
1473 to arrest and reverse community decline and restore community
1474 vitality. Community development and project planning activities
1475 to maintain viable communities, revitalize existing communities,
1476 expand economic development and employment opportunities, and



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1477 improve housing conditions and expand housing opportunities,
1478 providing direct benefit to persons of low or moderate income,
1479 are the primary purposes of ss. 290.0401-290.048. The
1480 Legislature, therefore, declares that the development,
1481 redevelopment, preservation, and revitalization of communities
1482 in this state and all the purposes of ss. 290.0401-290.048 are
1483 public purposes for which public money may be borrowed,
1484 expended, loaned, pledged to guarantee loans, and granted.

1485 Section 32. Subsections (1) and (6) of section 290.042,
1486 Florida Statutes, are amended to read:

1487 290.042 Definitions relating to Florida Small Cities
1488 Community Development Block Grant Program Act.—As used in ss.
1489 290.0401-290.048, the term:

1490 (1) "Administrative closeout" means the notification of a
1491 grantee by the department that all applicable administrative
1492 actions and all required work of an existing ~~the~~ grant have been
1493 completed with the exception of the final audit.

1494 (6) "Person of low or moderate income" means any person who
1495 meets the definition established by the department in accordance
1496 with the guidelines established in Title I of the Housing and
1497 Community Development Act of 1974, as amended, and the
1498 definition of the term "low- and moderate-income person" as
1499 provided in 24 C.F.R. s. 570.3.

1500 Section 33. Subsections (2), (3), and (4) of section
1501 290.044, Florida Statutes, are amended to read:

1502 290.044 Florida Small Cities Community Development Block
1503 Grant Program Fund; administration; distribution.—

1504 (2) The department shall adopt rules establishing
1505 guidelines for the distribution of ~~distribute such funds as loan~~



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1506 ~~guarantees and~~ grants to eligible local governments through ~~on~~
1507 ~~the basis of~~ a competitive selection process.

1508 (3) The department shall define ~~the~~ broad community
1509 development objectives consistent with national objectives
1510 established by 42 U.S.C. s. 5304 and 24 C.F.R. s. 570.483
1511 ~~objective to be achieved~~ through the distribution of block grant
1512 funds under this section. ~~by the activities in each of the~~
1513 ~~following grant program categories, and require applicants for~~
1514 ~~grants to compete against each other in these grant program~~
1515 ~~categories:~~

- 1516 ~~(a) Housing.~~
- 1517 ~~(b) Economic development.~~
- 1518 ~~(c) Neighborhood revitalization.~~
- 1519 ~~(d) Commercial revitalization.~~
- 1520 ~~(e) Project planning and design.~~

1521 (4) The department may set aside an amount of up to 5
1522 percent of the funds annually for use in any eligible local
1523 government jurisdiction for which an emergency or natural
1524 disaster has been declared by executive order. Such funds may
1525 only be provided to a local government to fund eligible
1526 emergency-related activities but must not be provided unless ~~for~~
1527 ~~which~~ no other source of federal, state, or local disaster funds
1528 is available. The department may provide for such set-aside by
1529 rule. In the last quarter of the state fiscal year, any funds
1530 not allocated under the emergency-related set-aside must ~~shall~~
1531 be distributed to unfunded applications from the most recent
1532 funding cycle.

1533 Section 34. Section 290.0455, Florida Statutes, is amended
1534 to read:



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1535 290.0455 Small Cities Community Development Block Grant
1536 Loan Guarantee Program; Section 108 loan guarantees.—

1537 (1) The Small Cities Community Development Block Grant Loan
1538 Guarantee Program is created. The department shall administer
1539 the loan guarantee program pursuant to Section 108 s. 108 of
1540 Title I of the Housing and Community Development Act of 1974, as
1541 amended, and as further amended by s. 910 of the Cranston-
1542 Gonzalez National Affordable Housing Act. The purpose of the
1543 Small Cities Community Development Block Grant Loan Guarantee
1544 Program is to guarantee, or to make commitments to guarantee,
1545 notes or other obligations issued by public entities for the
1546 purposes of financing activities enumerated in 24 C.F.R. s.
1547 570.703.

1548 (2) Activities assisted under the loan guarantee program
1549 must meet the requirements contained in 24 C.F.R. ss. 570.700-
1550 570.710 and may not otherwise be financed in whole or in part
1551 from the Florida Small Cities Community Development Block Grant
1552 Program.

1553 (3) The department may pledge existing revenues on deposit
1554 or future revenues projected to be available for deposit in the
1555 Florida Small Cities Community Development Block Grant Program
1556 in order to guarantee, ~~in whole or in part,~~ the payment of
1557 principal and interest on a Section 108 loan ~~made under the loan~~
1558 ~~guarantee program.~~

1559 (4) An applicant approved by the United States Department
1560 of Housing and Urban Development to receive a Section 108 loan
1561 shall enter into an agreement with the Department of Economic
1562 Opportunity which requires the applicant to pledge half of the
1563 amount necessary to guarantee the loan in the event of default.



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1564 (5) The department shall review all Section 108 loan
1565 applications that it receives from local governments. The
1566 department shall review the applications ~~must submit all~~
1567 ~~applications it receives to the United States Department of~~
1568 ~~Housing and Urban Development for loan approval,~~ in the order
1569 received, subject to a determination by the department
1570 ~~determining~~ that each ~~the~~ application meets all eligibility
1571 requirements contained in 24 C.F.R. ss. 570.700-570.710~~7~~ and has
1572 been deemed financially feasible by a loan underwriter approved
1573 by the department. If the statewide maximum available for loan
1574 guarantee commitments established in subsection (6) has not been
1575 committed, the department may submit the Section 108 loan
1576 application to the United States Department of Housing and Urban
1577 Development with a recommendation that the loan be approved,
1578 with or without conditions, or be denied ~~provided that the~~
1579 ~~applicant has submitted the proposed activity to a loan~~
1580 ~~underwriter to document its financial feasibility.~~

1581 (6) ~~(5)~~ The maximum amount of an individual loan guarantee
1582 commitment that an ~~commitments that any~~ eligible local
1583 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million
1584 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan
1585 guarantee commitments statewide may not exceed an amount equal
1586 to two ~~five~~ times the amount of the most recent grant received
1587 by the department under the Florida Small Cities Community
1588 Development Block Grant Program. The \$5 million loan guarantee
1589 limit does not apply to loans guaranteed prior to July 1, 2013,
1590 that may be refinanced.

1591 (7) ~~(6)~~ Section 108 loans guaranteed by the Small Cities
1592 Community Development Block Grant Program ~~loan guarantee program~~



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1593 must be repaid within 20 years.

1594 ~~(8)(7)~~ Section 108 loan applicants must demonstrate
1595 guarantees may be used for an activity only if the local
1596 government provides evidence to the department that the
1597 applicant investigated alternative financing services were
1598 investigated and the services were unavailable or insufficient
1599 to meet the financing needs of the proposed activity.

1600 (9) If a local government defaults on a Section 108 loan
1601 received from the United States Department of Housing and Urban
1602 Development and guaranteed through the Florida Small Cities
1603 Community Development Block Grant Program, thereby requiring the
1604 department to reduce its annual grant award in order to pay the
1605 annual debt service on the loan, any future community
1606 development block grants that the local government receives must
1607 be reduced in an amount equal to the amount of the state's grant
1608 award used in payment of debt service on the loan.

1609 (10) If a local government receives a Section 108 loan
1610 guaranteed through the Florida Small Cities Community
1611 Development Block Grant Program and is granted entitlement
1612 community status as defined in subpart D of 24 C.F.R. part 570
1613 by the United States Department of Housing and Urban Development
1614 before paying the loan in full, the local government must pledge
1615 its community development block grant entitlement allocation as
1616 a guarantee of its previous loan and request that the United
1617 States Department of Housing and Urban Development release the
1618 department as guarantor of the loan.

1619 ~~(8) The department must, before approving an application~~
1620 ~~for a loan, evaluate the applicant's prior administration of~~
1621 ~~block grant funds for community development. The evaluation of~~



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1622 ~~past performance must take into account the procedural aspects~~
1623 ~~of previous grants or loans as well as substantive results. If~~
1624 ~~the department finds that any applicant has failed to~~
1625 ~~substantially accomplish the results proposed in the applicant's~~
1626 ~~last previously funded application, the department may prohibit~~
1627 ~~the applicant from receiving a loan or may penalize the~~
1628 ~~applicant in the rating of the current application.~~

1629 Section 35. Section 290.046, Florida Statutes, is amended
1630 to read:

1631 (Substantial rewording of section. See
1632 s. 290.046, F.S., for present text.)

1633 290.046 Applications for grants; procedures; requirements.-

1634 (1) The department shall adopt rules establishing
1635 application procedures.

1636 (2) (a) Except for economic development projects, each local
1637 government that is eligible by rule to apply for a grant during
1638 an application cycle may submit one application for a
1639 noneconomic development project during the application cycle. A
1640 local government that is eligible by rule to apply for an
1641 economic development grant may apply up to three times each
1642 funding cycle for an economic development grant and may have
1643 more than one open economic development grant.

1644 (b) The department shall establish minimum criteria
1645 pertaining to the number of jobs created for persons of low or
1646 moderate income, the degree of private sector financial
1647 commitment, the economic feasibility of the proposed project,
1648 and any other criteria the department deems appropriate.

1649 (c) The department may not award a grant until the
1650 department has completed a site visit to verify the information



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1651 contained in the application.

1652 (3) (a) The department shall adopt rules establishing
1653 criteria for evaluating applications received during each
1654 application cycle and the department must rank each application
1655 in accordance with those rules. Such rules must allow the
1656 department to consider relevant factors, including, but not
1657 limited to, community need, unemployment, poverty levels, low
1658 and moderate income populations, health and safety, and the
1659 condition of physical structures. The department shall
1660 incorporate into its ranking system a procedure intended to
1661 eliminate or reduce any existing population-related bias that
1662 places exceptionally small communities at a disadvantage in the
1663 competition for funds.

1664 (b) Project funding must be determined by the rankings
1665 established in each application cycle. If economic development
1666 funding remains available after the application cycle closes,
1667 funding will be awarded to eligible projects on a first-come,
1668 first-served basis until funding for this category is fully
1669 obligated.

1670 (4) In order to provide the public with information
1671 concerning an applicant's proposed program before an application
1672 is submitted to the department, the applicant shall, for each
1673 funding cycle:

1674 (a) Conduct an initial public hearing to inform the public
1675 of funding opportunities available to meet community needs and
1676 eligible activities and to solicit public input on community
1677 needs.

1678 (b) Publish a summary of the proposed application which
1679 affords the public an opportunity to examine the contents of the



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1680 application and submit comments.

1681 (c) Conduct a second public hearing to obtain public
1682 comments on the proposed application and make appropriate
1683 modifications to the application.

1684 Section 36. Section 290.047, Florida Statutes, is amended
1685 to read:

1686 (Substantial rewording of section. See
1687 s. 290.047, F.S., for present text.)

1688 290.047 Establishment of grant ceilings and maximum
1689 administrative cost percentages.-

1690 (1) The department shall adopt rules to establish:

1691 (a) Grant ceilings.

1692 (b) The maximum percentage of block grant funds that may be
1693 spent on administrative costs by an eligible local government.

1694 (c) Grant administration procurement procedures for
1695 eligible local governments.

1696 (2) An eligible local government may not contract with the
1697 same individual or business entity for more than one service to
1698 be performed in connection with a community development block
1699 grant, including, but not limited to, application preparation
1700 services, administrative services, architectural and engineering
1701 services, and construction services, unless it can be
1702 demonstrated by the eligible local government that the
1703 individual or business entity is the sole source of the service
1704 or is the responsive proposer whose proposal is determined in
1705 writing from a competitive process to be the most advantageous
1706 to the local government.

1707 (3) The maximum amount of block grant funds that may be
1708 spent on architectural and engineering costs by an eligible



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1709 local government must be determined by a methodology adopted by
1710 the department by rule.

1711 Section 37. Section 290.0475, Florida Statutes, is amended
1712 to read:

1713 290.0475 Rejection of grant applications; penalties for
1714 failure to meet application conditions.—Applications received
1715 for funding are ineligible if under all program categories shall
1716 be rejected without scoring only in the event that any of the
1717 following circumstances arise:

1718 (1) The application is not received by the department by
1719 the application deadline.

1720 (2) The proposed project does not meet one of the three
1721 national objectives as described contained in s. 290.044(3)
1722 federal and state legislation.

1723 (3) The proposed project is not an eligible activity as
1724 contained in the federal legislation.

1725 (4) The application is not consistent with the local
1726 government's comprehensive plan adopted pursuant to s. 163.3184.

1727 (5) The applicant has an open community development block
1728 grant, except as provided in s. 290.046(2)(a) and department
1729 rule s. 290.046(2)(c).

1730 (6) The local government is not in compliance with the
1731 citizen participation requirements prescribed in ss. 104(a)(1)
1732 and (2) and 106(d)(5)(c) of Title I of the Housing and Community
1733 Development Act of 1984, s. 290.046(4), and department rule
1734 rules.

1735 ~~(7) Any information provided in the application that~~
1736 ~~affects eligibility or scoring is found to have been~~
1737 ~~misrepresented, and the information is not a mathematical error~~



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1738 ~~which may be discovered and corrected by readily computing~~
1739 ~~available numbers or formulas provided in the application.~~

1740 Section 38. Subsections (5), (6), and (7) of section
1741 290.048, Florida Statutes, are amended to read:

1742 290.048 General powers of department under ss. 290.0401-
1743 290.048.—The department has all the powers necessary or
1744 appropriate to carry out the purposes and provisions of the
1745 program, including the power to:

1746 ~~(5) Adopt and enforce strict requirements concerning an~~
1747 ~~applicant's written description of a service area. Each such~~
1748 ~~description shall contain maps which illustrate the location of~~
1749 ~~the proposed service area. All such maps must be clearly legible~~
1750 ~~and must:~~

1751 ~~(a) Contain a scale which is clearly marked on the map.~~

1752 ~~(b) Show the boundaries of the locality.~~

1753 ~~(c) Show the boundaries of the service area where the~~
1754 ~~activities will be concentrated.~~

1755 ~~(d) Display the location of all proposed area activities.~~

1756 ~~(e) Include the names of streets, route numbers, or easily~~
1757 ~~identifiable landmarks where all service activities are located.~~

1758 ~~(5)~~~~(6)~~ Pledge community development block grant revenues
1759 from the Federal Government in order to guarantee notes or other
1760 obligations of a public entity which are approved pursuant to s.
1761 290.0455.

1762 ~~(7) Establish an advisory committee of no more than 13~~
1763 ~~members to solicit participation in designing, administering,~~
1764 ~~and evaluating the program and in linking the program with other~~
1765 ~~housing and community development resources.~~

1766 Section 39. Subsection (11) of section 331.3051, Florida



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1767 Statutes, is amended to read:

1768 331.3051 Duties of Space Florida.—Space Florida shall:

1769 (11) Annually report on its performance with respect to its
1770 business plan, to include finance, spaceport operations,
1771 research and development, workforce development, and education.
1772 Space Florida shall submit the report ~~shall be submitted~~ to the
1773 Governor, the President of the Senate, and the Speaker of the
1774 House of Representatives by November 30 ~~no later than September~~
1775 ~~1~~ for the previous ~~prior~~ fiscal year. The annual report must
1776 include operations information as required under s.

1777 331.310(2)(e).

1778 Section 40. Paragraph (e) of subsection (2) of section
1779 331.310, Florida Statutes, is amended to read:

1780 331.310 Powers and duties of the board of directors.—

1781 (2) The board of directors shall:

1782 (e) Prepare an annual report of operations as a supplement
1783 to the annual report required under s. 331.3051(11). The report
1784 must ~~shall~~ include, but not be limited to, a balance sheet, an
1785 income statement, a statement of changes in financial position,
1786 a reconciliation of changes in equity accounts, a summary of
1787 significant accounting principles, the auditor's report, a
1788 summary of the status of existing and proposed bonding projects,
1789 comments from management about the year's business, and
1790 prospects for the next year, ~~which shall be submitted each year~~
1791 ~~by November 30 to the Governor, the President of the Senate, the~~
1792 ~~Speaker of the House of Representatives, the minority leader of~~
1793 ~~the Senate, and the minority leader of the House of~~
1794 ~~Representatives.~~

1795 Section 41. Paragraphs (a) and (e) of subsection (30) of



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1796 section 443.036, Florida Statutes, is amended to read:

1797 443.036 Definitions.—As used in this chapter, the term:

1798 (30) "Misconduct," irrespective of whether the misconduct
1799 occurs at the workplace or during working hours, includes, but
1800 is not limited to, the following, which may not be construed in
1801 pari materia with each other:

1802 (a) Conduct demonstrating conscious disregard of an
1803 employer's interests and found to be a deliberate violation or
1804 disregard of the reasonable standards of behavior which the
1805 employer expects of his or her employee. Such conduct may
1806 include, but is not limited to, willful damage to an employer's
1807 property that results in damage of more than \$50; or theft of
1808 employer property or property of a customer or invitee of the
1809 employer.

1810 (e)1. A violation of an employer's rule, unless the
1811 claimant can demonstrate that:

1812 a.1. He or she did not know, and could not reasonably know,
1813 of the rule's requirements;

1814 b.2. The rule is not lawful or not reasonably related to
1815 the job environment and performance; or

1816 c.3. The rule is not fairly or consistently enforced.

1817 2. Such conduct may include, but is not limited to,
1818 committing criminal assault or battery on another employee, or
1819 on a customer or invitee of the employer; or committing abuse or
1820 neglect of a patient, resident, disabled person, elderly person,
1821 or child in her or his professional care.

1822 Section 42. Paragraphs (b), (c), and (d) of subsection (1)
1823 of section 443.091, Florida Statutes, are amended to read:

1824 443.091 Benefit eligibility conditions.—



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1825 (1) An unemployed individual is eligible to receive
1826 benefits for any week only if the Department of Economic
1827 Opportunity finds that:

1828 (b) She or he has completed the department's online work
1829 registration ~~registered with the department for work~~ and
1830 subsequently reports to the one-stop career center as directed
1831 by the regional workforce board for reemployment services. This
1832 requirement does not apply to persons who are:

- 1833 1. Non-Florida residents;
1834 2. On a temporary layoff;
1835 3. Union members who customarily obtain employment through
1836 a union hiring hall; or
1837 4. Claiming benefits under an approved short-time
1838 compensation plan as provided in s. 443.1116.
1839 5. Unable to complete the online work registration due to
1840 illiteracy, physical or mental impairment, a legal prohibition
1841 from using a computer, or a language impediment. If a person is
1842 exempted from the online work registration under this
1843 subparagraph, then the filing of his or her claim constitutes
1844 registration for work.

1845 (c) To make continued claims for benefits, she or he is
1846 reporting to the department in accordance with this paragraph
1847 and department rules, and participating in an initial skills
1848 review, as directed by the department. Department rules may not
1849 conflict with s. 443.111(1)(b), which requires that each
1850 claimant continue to report regardless of any pending appeal
1851 relating to her or his eligibility or disqualification for
1852 benefits.

- 1853 1. For each week of unemployment claimed, each report must,



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1854 at a minimum, include the name, address, and telephone number of
1855 each prospective employer contacted, or the date the claimant
1856 reported to a one-stop career center, pursuant to paragraph (d).

1857 2. The administrator or operator of the initial skills
1858 review shall notify the department when the individual completes
1859 the initial skills review and report the results of the review
1860 to the regional workforce board or the one-stop career center as
1861 directed by the workforce board. The department shall prescribe
1862 a numeric score on the initial skills review that demonstrates a
1863 minimal proficiency in workforce skills. The department,
1864 workforce board, or one-stop career center shall use the initial
1865 skills review to develop a plan for referring individuals to
1866 training and employment opportunities. The failure of the
1867 individual to comply with this requirement will result in the
1868 individual being determined ineligible for benefits for the week
1869 in which the noncompliance occurred and for any subsequent week
1870 of unemployment until the requirement is satisfied. However,
1871 this requirement does not apply if the individual ~~is able to~~
1872 ~~affirmatively attest to being unable to complete such review due~~
1873 ~~to illiteracy or a language impediment or~~ is exempt from the
1874 work registration requirement as set forth in paragraph (b).

1875 3. Any individual who falls below the minimal proficiency
1876 score prescribed by the department in subparagraph 2. on the
1877 initial skills review shall be offered training opportunities
1878 and encouraged to participate in such training at no cost to the
1879 individual in order to improve his or her workforce skills to
1880 the minimal proficiency level.

1881 4. The department shall coordinate with Workforce Florida,
1882 Inc., the workforce boards, and the one-stop career centers to



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1883 identify, develop, and utilize best practices for improving the
1884 skills of individuals who choose to participate in training
1885 opportunities and who have a minimal proficiency score below the
1886 score prescribed in subparagraph 2.

1887 5. The department, in coordination with Workforce Florida,
1888 Inc., the workforce boards, and the one-stop career centers,
1889 shall evaluate the use, effectiveness, and costs associated with
1890 the training prescribed in subparagraph 3. and report its
1891 findings and recommendations for training and the use of best
1892 practices to the Governor, the President of the Senate, and the
1893 Speaker of the House of Representatives by January 1, 2013.

1894 (d) She or he is able to work and is available for work. In
1895 order to assess eligibility for a claimed week of unemployment,
1896 the department shall develop criteria to determine a claimant's
1897 ability to work and availability for work. A claimant must be
1898 actively seeking work in order to be considered available for
1899 work. This means engaging in systematic and sustained efforts to
1900 find work, including contacting at least five prospective
1901 employers for each week of unemployment claimed. The department
1902 may require the claimant to provide proof of such efforts to the
1903 one-stop career center as part of reemployment services. A
1904 claimant's proof of efforts may not include the same prospective
1905 employer at the same location for the duration of benefits,
1906 unless the employer has indicated since the time of the initial
1907 contact that the employer is hiring. The department shall
1908 conduct random reviews of work search information provided by
1909 claimants. As an alternative to contacting at least five
1910 prospective employers for any week of unemployment claimed, a
1911 claimant may, for that same week, report in person to a one-stop



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1912 career center to meet with a representative of the center and
1913 access reemployment services of the center. The center shall
1914 keep a record of the services or information provided to the
1915 claimant and shall provide the records to the department upon
1916 request by the department. However:

1917 1. Notwithstanding any other provision of this paragraph or
1918 paragraphs (b) and (e), an otherwise eligible individual may not
1919 be denied benefits for any week because she or he is in training
1920 with the approval of the department, or by reason of s.

1921 443.101(2) relating to failure to apply for, or refusal to
1922 accept, suitable work. Training may be approved by the
1923 department in accordance with criteria prescribed by rule. A
1924 claimant's eligibility during approved training is contingent
1925 upon satisfying eligibility conditions prescribed by rule.

1926 2. Notwithstanding any other provision of this chapter, an
1927 otherwise eligible individual who is in training approved under
1928 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
1929 determined ineligible or disqualified for benefits due to
1930 enrollment in such training or because of leaving work that is
1931 not suitable employment to enter such training. As used in this
1932 subparagraph, the term "suitable employment" means work of a
1933 substantially equal or higher skill level than the worker's past
1934 adversely affected employment, as defined for purposes of the
1935 Trade Act of 1974, as amended, the wages for which are at least
1936 80 percent of the worker's average weekly wage as determined for
1937 purposes of the Trade Act of 1974, as amended.

1938 3. Notwithstanding any other provision of this section, an
1939 otherwise eligible individual may not be denied benefits for any
1940 week because she or he is before any state or federal court



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1941 pursuant to a lawfully issued summons to appear for jury duty.

1942 4. Union members who customarily obtain employment through
1943 a union hiring hall may satisfy the work search requirements of
1944 this paragraph by reporting daily to their union hall.

1945 5. The work search requirements of this paragraph do not
1946 apply to persons who are unemployed as a result of a temporary
1947 layoff or who are claiming benefits under an approved short-time
1948 compensation plan as provided in s. 443.1116.

1949 6. In small counties as defined in s. 120.52(19), a
1950 claimant engaging in systematic and sustained efforts to find
1951 work must contact at least three prospective employers for each
1952 week of unemployment claimed.

1953 7. The work search requirements of this paragraph do not
1954 apply to persons required to participate in reemployment
1955 services under paragraph (e).

1956 Section 43. Subsection (13) is added to section 443.101,
1957 Florida Statutes, to read:

1958 443.101 Disqualification for benefits.—An individual shall
1959 be disqualified for benefits:

1960 (13) For any week with respect to which the department
1961 finds that his or her unemployment is due to a discharge from
1962 employment for failure without good cause to maintain a license,
1963 registration, or certification required by applicable law
1964 necessary for the employee to perform her or his assigned job
1965 duties. For purposes of this paragraph, the term "good cause"
1966 includes, but is not limited to, failure of the employer to
1967 submit information required for a license, registration, or
1968 certification; short-term physical injury which prevents the
1969 employee from completing or taking a required test; and



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1970 inability to take or complete a required test that is outside
1971 the employee's control.

1972 Section 44. Paragraph (b) of subsection (4) of section
1973 443.1113, Florida Statutes, is amended to read:

1974 443.1113 Reemployment Assistance Claims and Benefits
1975 Information System.—

1976 (4) The project to implement the Reemployment Assistance
1977 Claims and Benefits Information System is ~~shall be~~ comprised of
1978 the following phases and corresponding implementation
1979 timeframes:

1980 (b) The Reemployment Assistance Claims and Benefits
1981 Internet portal that replaces the Florida Unemployment Internet
1982 Direct and the Florida Continued Claims Internet Directory
1983 systems, the Call Center Interactive Voice Response System, the
1984 Benefit Overpayment Screening System, the Internet and Intranet
1985 Appeals System, and the Claims and Benefits Mainframe System
1986 shall be deployed to full operational status no later than the
1987 end of fiscal year 2013-2014 ~~2012-2013~~.

1988 Section 45. Subsection (5) of section 443.131, Florida
1989 Statutes, is amended to read:

1990 443.131 Contributions.—

1991 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

1992 (a) When the Unemployment Compensation Trust Fund has
1993 received advances from the Federal Government under the
1994 provisions of 42 U.S.C. s. 1321, each contributing employer
1995 shall be assessed an additional rate solely for the purpose of
1996 paying interest due on such federal advances. The additional
1997 rate shall be assessed no later than February 1 in each calendar
1998 year in which an interest payment is due.



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1999 **(b)** The Revenue Estimating Conference shall estimate the
2000 amount of ~~such~~ interest due on federal advances by no later than
2001 December 1 of the calendar year before ~~preceding~~ the calendar
2002 year in which an interest payment is due. The Revenue Estimating
2003 Conference shall, at a minimum, consider the following as the
2004 basis for the estimate:

- 2005 1. The amounts actually advanced to the trust fund.
2006 2. Amounts expected to be advanced to the trust fund based
2007 on current and projected unemployment patterns and employer
2008 contributions.
2009 3. The interest payment due date.
2010 4. The interest rate that will be applied by the Federal
2011 Government to any accrued outstanding balances.

2012 **(c)** ~~(b)~~ The tax collection service provider shall calculate
2013 the additional rate to be assessed against contributing
2014 employers. The additional rate assessed for a calendar year is
2015 ~~shall be~~ determined by dividing the estimated amount of interest
2016 to be paid in that year by 95 percent of the taxable wages as
2017 described in s. 443.1217 paid by all employers for the year
2018 ending June 30 of the previous ~~immediately preceding~~ calendar
2019 year. The amount to be paid by each employer is ~~shall be~~ the
2020 product obtained by multiplying such employer's taxable wages as
2021 described in s. 443.1217 for the year ending June 30 of the
2022 previous ~~immediately preceding~~ calendar year by the rate as
2023 determined by this subsection. An assessment may not be made if
2024 the amount of assessments on deposit from previous years, plus
2025 any earned interest, is at least 80 percent of the estimated
2026 amount of interest.

2027 **(d)** The tax collection service provider shall make a



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2028 separate collection of such assessment, which may be collected
2029 at the time of employer contributions and subject to the same
2030 penalties for failure to file a report, imposition of the
2031 standard rate pursuant to paragraph (3)(h), and interest if the
2032 assessment is not received on or before June 30. Section
2033 443.141(1)(d) and (e) does not apply to this separately
2034 collected assessment. The tax collection service provider shall
2035 maintain those funds in the tax collection service provider's
2036 Audit and Warrant Clearing Trust Fund until the provider is
2037 directed by the Governor or the Governor's designee to make the
2038 interest payment to the Federal Government. Assessments on
2039 deposit must be available to pay the interest on advances
2040 received from the Federal Government under 42 U.S.C. s. 1321.
2041 Assessments on deposit may be invested and any interest earned
2042 shall be part of the balance available to pay the interest on
2043 advances received from the Federal Government under 42 U.S.C. s.
2044 1321.

2045 (e) Four months after ~~In the calendar year that~~ all
2046 advances from the Federal Government under 42 U.S.C. s. 1321 and
2047 associated interest are repaid, ~~if there are assessment funds in~~
2048 ~~excess of the amount required to meet the final interest~~
2049 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
2050 Clearing Trust Fund, including associated interest, shall be
2051 transferred to ~~credited to employer accounts in~~ the Unemployment
2052 Compensation Trust Fund. Any assessment amounts subsequently
2053 collected shall also be transferred to the Unemployment
2054 Compensation Trust Fund ~~in an amount equal to the employer's~~
2055 ~~contribution to the assessment for that year divided by the~~
2056 ~~total amount of the assessment for that year, the result of~~



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2057 ~~which is multiplied by the amount of excess assessed funds.~~

2058 (f) ~~However, if~~ the state is permitted to defer interest
2059 payments due during a calendar year under 42 U.S.C. s. 1322,
2060 payment of the interest assessment is ~~shall~~ not ~~be~~ due. If a
2061 deferral of interest expires or is subsequently disallowed by
2062 the Federal Government, either prospectively or retroactively,
2063 the interest assessment shall be immediately due and payable.
2064 Notwithstanding any other provision of this section, if interest
2065 due during a calendar year on federal advances is forgiven or
2066 postponed under federal law and is no longer due during that
2067 calendar year, no interest assessment shall be assessed against
2068 an employer for that calendar year, and any assessment already
2069 assessed and collected against an employer before the
2070 forgiveness or postponement of the interest for that calendar
2071 year shall be credited to such employer's account in the
2072 Unemployment Compensation Trust Fund. However, such funds may be
2073 used only to pay benefits or refunds of erroneous contributions.

2074 (g) This subsection expires July 1, 2014.

2075 Section 46. Paragraph (b) of subsection (2) and paragraph
2076 (a) of subsection (6) of section 443.151, Florida Statutes, are
2077 amended to read:

2078 443.151 Procedure concerning claims.—

2079 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
2080 CLAIMANTS AND EMPLOYERS.—

2081 (b) *Process.*—When the Reemployment Assistance Claims and
2082 Benefits Information System described in s. 443.1113 is fully
2083 operational, the process for filing claims must incorporate the
2084 process for registering for work with the workforce information
2085 systems established pursuant to s. 445.011. Unless exempted



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2086 under s. 443.091(1)(b)5., a claim for benefits may not be
2087 processed until the work registration requirement is satisfied.
2088 The department may adopt rules as necessary to administer the
2089 work registration requirement set forth in this paragraph.

2090 (6) RECOVERY AND RECOUPMENT.—

2091 (a) Any person who, by reason of her or his fraud, receives
2092 benefits under this chapter to which she or he is not entitled
2093 is liable for repaying those benefits to the Department of
2094 Economic Opportunity on behalf of the trust fund or, in the
2095 discretion of the department, to have those benefits deducted
2096 from future benefits payable to her or him under this chapter.
2097 In addition, the department shall impose upon the claimant a
2098 penalty equal to 15 percent of the amount overpaid. To enforce
2099 this paragraph, the department must find the existence of fraud
2100 through a redetermination or decision under this section within
2101 2 years after the fraud was committed. Any recovery or
2102 recoupment of benefits must be commenced within 7 years after
2103 the redetermination or decision.

2104 Section 47. Effective January 1, 2014, paragraph (a) of
2105 subsection (4) of section 443.151, Florida Statutes, is amended
2106 to read:

2107 (4) APPEALS.—

2108 (a) Appeals referees.—The Department of Economic
2109 Opportunity shall appoint one or more impartial salaried appeals
2110 referees in accordance with s. 443.171(3) to hear and decide
2111 appealed claims. An appeals referee must be an attorney in good
2112 standing with the Florida Bar, or must be successfully admitted
2113 to the Florida Bar within 8 months of his or her date of
2114 employment. A person may not participate on behalf of the



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2115 department as an appeals referee in any case in which she or he
2116 is an interested party. The department may designate alternates
2117 to serve in the absence or disqualification of any appeals
2118 referee on a temporary basis. These alternates must have the
2119 same qualifications required of appeals referees. The department
2120 shall provide the commission and the appeals referees with
2121 proper facilities and assistance for the execution of their
2122 functions.

2123 Section 48. A person who is an employee of the Department
2124 of Economic Opportunity as of the effective date of this act who
2125 acts as an appeals referee and who has received the degree of
2126 Bachelor of Laws or Juris Doctor from a law school accredited by
2127 the American Bar Association, but is not licensed with the
2128 Florida Bar, must become successfully admitted to the Florida
2129 Bar by September 30, 2014.

2130 Section 49. Subsection (1) of section 443.1715, Florida
2131 Statutes, is amended to read:

2132 443.1715 Disclosure of information; confidentiality.-

2133 (1) RECORDS AND REPORTS.-Information revealing an employing
2134 unit's or individual's identity obtained from the employing unit
2135 or any individual under the administration of this chapter, and
2136 any determination revealing that information, is confidential
2137 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2138 Constitution. This confidential information may be released in
2139 accordance with the provisions in 20 C.F.R. part 603. A person
2140 receiving confidential information who violates this subsection
2141 commits a misdemeanor of the second degree, punishable as
2142 provided in s. 775.082 or s. 775.083. The Department of Economic
2143 Opportunity or its tax collection service provider may, however,



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2144 furnish to any employer copies of any report submitted by that
2145 employer upon the request of the employer and may furnish to any
2146 claimant copies of any report submitted by that claimant upon
2147 the request of the claimant. The department or its tax
2148 collection service provider may charge a reasonable fee for
2149 copies of these reports as prescribed by rule, which may not
2150 exceed the actual reasonable cost of the preparation of the
2151 copies. Fees received for copies under this subsection must be
2152 deposited in the Employment Security Administration Trust Fund.

2153 Section 50. Subsection (1) of section 443.191, Florida
2154 Statutes, is amended to read:

2155 443.191 Unemployment Compensation Trust Fund; establishment
2156 and control.—

2157 (1) There is established, as a separate trust fund apart
2158 from all other public funds of this state, an Unemployment
2159 Compensation Trust Fund, which shall be administered by the
2160 Department of Economic Opportunity exclusively for the purposes
2161 of this chapter. The fund must ~~shall~~ consist of:

2162 (a) All contributions and reimbursements collected under
2163 this chapter;

2164 (b) Interest earned on any moneys in the fund;

2165 (c) Any property or securities acquired through the use of
2166 moneys belonging to the fund;

2167 (d) All earnings of these properties or securities;

2168 (e) All money credited to this state's account in the
2169 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
2170 1103; ~~and~~

2171 (f) All money collected for penalties imposed pursuant to
2172 s. 443.151(6) (a); and



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2173 (g) Advances on the amount in the federal Unemployment
2174 Compensation Trust Fund credited to the state under 42 U.S.C. s.
2175 1321, as requested by the Governor or the Governor's designee.

2176
2177 Except as otherwise provided in s. 443.1313(4), all moneys in
2178 the fund must ~~shall~~ be mingled and undivided.

2179 Section 51. Paragraph (b) of subsection (3) and subsection
2180 (4) of section 446.50, Florida Statutes, are amended to read:

2181 446.50 Displaced homemakers; multiservice programs; report
2182 to the Legislature; Displaced Homemaker Trust Fund created.—

2183 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2184 OPPORTUNITY.—

2185 (b)1. The department shall enter into contracts with, and
2186 make grants to, public and nonprofit private entities for
2187 purposes of establishing multipurpose service programs for
2188 displaced homemakers under this section. Such grants and
2189 contracts must ~~shall~~ be awarded pursuant to chapter 287 and
2190 based on criteria established in the program state plan as
2191 provided in subsection (4) developed pursuant to this section.

2192 The department shall designate catchment areas that together,
2193 must ~~shall~~ compose the entire state, and, to the extent possible
2194 from revenues in the Displaced Homemaker Trust Fund, the
2195 department shall contract with, and make grants to, entities
2196 that will serve entire catchment areas so that displaced
2197 homemaker service programs are available statewide. These
2198 catchment areas must ~~shall~~ be coterminous with the state's
2199 workforce development regions. The department may give priority
2200 to existing displaced homemaker programs when evaluating bid
2201 responses to the request for proposals.



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2202 2. In order to receive funds under this section, and unless
2203 specifically prohibited by law from doing so, an entity that
2204 provides displaced homemaker service programs must receive at
2205 least 25 percent of its funding from one or more local,
2206 municipal, or county sources or nonprofit private sources. In-
2207 kind contributions may be evaluated by the department and
2208 counted as part of the required local funding.

2209 3. The department shall require an entity that receives
2210 funds under this section to maintain appropriate data to be
2211 compiled in an annual report to the department. Such data must
2212 ~~shall~~ include, but is ~~shall~~ not be limited to, the number of
2213 clients served, the units of services provided, designated
2214 client-specific information including intake and outcome
2215 information specific to each client, costs associated with
2216 specific services and program administration, total program
2217 revenues by source and other appropriate financial data, and
2218 client followup information at specified intervals after the
2219 placement of a displaced homemaker in a job.

2220 (4) DISPLACED HOME MAKER PROGRAM STATE PLAN.-

2221 ~~(a)~~ The Department of Economic Opportunity shall include in
2222 its annual report required under s. 20.60 a develop a 3-year
2223 state plan for the displaced homemaker program which shall be
2224 updated annually. The plan must address, at a minimum, the need
2225 for programs specifically designed to serve displaced
2226 homemakers, any necessary service components for such programs
2227 in addition to those described ~~enumerated~~ in this section, goals
2228 of the displaced homemaker program with an analysis of the
2229 extent to which those goals are being met, and recommendations
2230 for ways to address any unmet program goals. Any request for



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2231 funds for program expansion must be based on the ~~state~~ plan.
2232 ~~(b) The displaced homemaker program Each annual update must~~
2233 ~~address any changes in the components of the 3-year state plan~~
2234 ~~and a report that~~ must include, but need not be limited to, the
2235 following:
2236 (a)1. The scope of the incidence of displaced homemakers;
2237 (b)2. A compilation and report, by program, of data
2238 submitted to the department pursuant to subparagraph (3) (b)3.
2239 ~~subparagraph 3.~~ by funded displaced homemaker service programs;
2240 (c)3. An identification and description of the programs in
2241 the state which receive funding from the department, including
2242 funding information; and
2243 (d)4. An assessment of the effectiveness of each displaced
2244 homemaker service program based on outcome criteria established
2245 by rule of the department.
2246 ~~(c) The 3-year state plan must be submitted to the~~
2247 ~~President of the Senate, the Speaker of the House of~~
2248 ~~Representatives, and the Governor on or before January 1, 2001,~~
2249 ~~and annual updates of the plan must be submitted by January 1 of~~
2250 ~~each subsequent year.~~
2251 Section 52. Except as otherwise expressly provided in this
2252 act, this act shall take effect upon becoming a law.