

By the Committees on Appropriations; Community Affairs; and
Commerce and Tourism

576-04927B-13

20131024c2

1 A bill to be entitled
2 An act relating to the Department of Economic
3 Opportunity; establishing the Economic Development
4 Programs Evaluation; requiring the Office of Economic
5 and Demographic Research and the Office of Program
6 Policy Analysis and Government Accountability to
7 present the evaluation; requiring the offices to
8 develop and submit a work plan for completing the
9 evaluation by a certain date; requiring the offices to
10 provide an analysis of certain economic development
11 programs and specifying a schedule; requiring the
12 Office of Economic and Demographic Research to make
13 certain evaluations in its analysis; limiting the
14 office's evaluation for the purposes of tax credits,
15 tax refunds, sales tax exemptions, cash grants, and
16 similar programs; requiring the office to use a
17 certain model to evaluate each program; requiring the
18 Office of Program Policy Analysis and Government
19 Accountability to make certain evaluations in its
20 analysis; providing the offices access to all data
21 necessary to complete the evaluation; amending s.
22 20.60, F.S.; revising the date on which the Department
23 of Economic Opportunity and Enterprise Florida, Inc.,
24 are required to report on the business climate and
25 economic development in the state; specifying reports
26 and information that must be included; amending s.
27 201.15, F.S.; revising the distribution of funds in
28 the Grants and Donations Trust Fund; amending s.
29 212.08, F.S.; revising definitions; clarifying the

576-04927B-13

20131024c2

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

576-04927B-13

20131024c2

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

576-04927B-13

20131024c2

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

576-04927B-13

20131024c2

117 certain requirements; requiring the irrevocable letter
118 of credit, trust, or security agreement to remain in
119 effect until certain conditions have been satisfied;
120 providing for a waiver of the surety bond or other
121 security if certain information is provided and the
122 department determines it to be in the best interest of
123 the state; providing that the waiver of the surety
124 bond or other security, for funding in excess of \$5
125 million, must be approved by the Legislative Budget
126 Commission; providing that the state may bring suit
127 upon default or upon a violation of this section;
128 providing that the department may adopt rules to
129 implement this section; amending s. 288.0656, F.S.;

130 requiring the Rural Economic Development Initiative to
131 submit a report to supplement the Department of
132 Economic Opportunity's annual report; deleting certain
133 reporting requirements; amending s. 288.076, F.S.;

134 providing definitions; requiring the Department of
135 Economic Opportunity to publish on a website specified
136 information concerning state investment in economic
137 development programs; requiring the department to use
138 methodology and formulas established by the Office of
139 Economic and Demographic Research for specified
140 calculations; requiring the Office of Economic and
141 Demographic Research to provide a description of
142 specified methodology and formulas to the department
143 and the department to publish the description on its
144 website within a specified period; providing
145 procedures and requirements for reviewing, updating,

576-04927B-13

20131024c2

146 and supplementing specified published information;
147 requiring the department to annually publish
148 information relating to the progress of Quick Action
149 Closing Fund projects; requiring the department to
150 publish certain confidential information pertaining to
151 participant businesses upon expiration of a specified
152 confidentiality period; requiring the department to
153 publish certain reports concerning businesses that
154 fail to complete tax refund agreements under the tax
155 refund program for qualified target industry
156 businesses; providing for construction and legislative
157 intent; authorizing the department to adopt rules;
158 repealing s. 288.095(3)(c), F.S., relating to the
159 annual report by Enterprise Florida, Inc., of programs
160 funded by the Economic Development Incentives Account;
161 amending s. 288.106, F.S.; deleting and adding
162 provisions relating to the application and approval
163 process of the tax refund program for qualified target
164 industry businesses; requiring the Department of
165 Economic Opportunity to include information on
166 qualified target industry businesses in the annual
167 incentives report; deleting certain reporting
168 requirements; amending 288.107, F.S.; revising
169 definitions; revising provisions to conform to changes
170 made by the act; revising the minimum criteria for
171 participation in the brownfield redevelopment bonus
172 refund; amending s. 288.1081, F.S.; requiring the use
173 of loan funds from the Economic Gardening Business
174 Loan Pilot Program to be included in the department's

576-04927B-13

20131024c2

175 annual report; deleting certain reporting
176 requirements; amending s. 288.1082, F.S.; requiring
177 the progress of the Economic Gardening Technical
178 Assistance Pilot Program to be included in the
179 department's annual report; deleting certain reporting
180 requirements; amending s. 288.1088, F.S.; requiring
181 the department to validate contractor performance for
182 the Quick Action Closing Fund and include the
183 performance validation in the annual incentives
184 report; deleting certain reporting requirements;
185 amending s. 288.1089, F.S.; requiring that certain
186 projects in the Innovation Incentive Program provide a
187 cumulative break-even economic benefit; requiring the
188 department to report information relating to the
189 Innovation Incentive Program in the annual incentives
190 report; deleting certain reporting requirements;
191 deleting provisions that require the Office of Program
192 Policy Analysis and Government Accountability and the
193 Auditor General's Office to report on the Innovation
194 Incentive Program; amending s. 288.1253, F.S.;
195 revising a reporting date; requiring expenditures of
196 the Office of Film and Entertainment to be included in
197 the annual entertainment industry financial incentive
198 program report; amending s. 288.1254, F.S.; revising a
199 reporting date; requiring the annual entertainment
200 industry financial incentive program report to include
201 certain information; amending s. 288.1258, F.S.;
202 revising a reporting date; requiring the report
203 detailing the relationship between tax exemptions and

576-04927B-13

20131024c2

204 incentives to industry growth to be included in the
205 annual entertainment industry financial incentive
206 program report; amending s. 288.714, F.S.; requiring
207 the Department of Economic Opportunity's annual report
208 to include a report on the Black Business Loan
209 Program; deleting certain reporting requirements;
210 amending s. 288.7771, F.S.; requiring the Florida
211 Export Finance Corporation to submit a report to
212 Enterprise Florida, Inc.; amending s. 288.903, F.S.;
213 requiring Enterprise Florida, Inc., with the
214 Department of Economic Opportunity, to prepare an
215 annual incentives report; repealing s. 288.904(6),
216 F.S., relating to Enterprise Florida, Inc., which
217 requires the department to report the return on the
218 public's investment; amending s. 288.906, F.S.;
219 requiring certain reports to be included in the
220 Enterprise Florida, Inc., annual report; amending s.
221 288.907, F.S.; requiring Enterprise Florida, Inc.,
222 with the Department of Economic Opportunity, to
223 prepare the annual incentives report; requiring the
224 annual incentives report to include certain
225 information; deleting a provision requiring the
226 Division of Strategic Business Development to assist
227 Enterprise Florida, Inc., with the report; 288.92,
228 F.S.; requiring each division of Enterprise Florida,
229 Inc., to submit a report; amending s. 288.95155, F.S.;
230 requiring the financial status of the Florida Small
231 Business Technology Growth Program to be included in
232 the annual incentives report; amending s. 288.9918,

576-04927B-13

20131024c2

233 F.S.; revising reporting requirements related to
234 community development entities; amending s. 290.0055,
235 F.S.; providing for the expansion of the boundaries of
236 enterprise zones that meet certain requirements;
237 providing an application deadline; amending s.
238 290.0056, F.S.; revising a reporting date; requiring
239 the enterprise zone development agency to submit
240 certain information for the Department of Economic
241 Opportunity's annual report; amending s. 290.014,
242 F.S.; revising a reporting date; requiring certain
243 reports on enterprise zones to be included in the
244 Department of Economic Opportunity's annual report;
245 amending s. 290.0455, F.S.; providing for the state's
246 guarantee of certain federal loans to local
247 governments; requiring applicants for such loans to
248 pledge a specified amount of revenues to guarantee the
249 loans; revising requirements for the department to
250 submit recommendations to the Federal Government for
251 such loans; revising the maximum amount of the loan
252 guarantee commitment that a local government may
253 receive and providing exceptions; providing for
254 reduction of a local government's future community
255 development block grants if the local government
256 defaults on the federal loan; providing procedures if
257 a local government is granted entitlement community
258 status; amending ss. 331.3051 and 331.310, F.S.;
259 revising requirements for annual reports by Space
260 Florida; amending s. 443.036, F.S.; providing examples
261 of misconduct; amending s. 443.091, F.S.; providing

576-04927B-13

20131024c2

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

576-04927B-13

20131024c2

291 to notice of claim or request for information;
292 requiring the department to impose a penalty against a
293 claimant who is overpaid reemployment assistance
294 benefits due to fraud by the claimant; requiring an
295 appeals referee to be an attorney in good standing
296 with the Florida Bar or successfully admitted within 8
297 months of hire; requiring the Department of Economic
298 Opportunity to meet the requirements of the bill
299 through attrition after January 1, 2014; amending s.
300 443.1715, F.S.; prohibiting the unlawful disclosure of
301 certain confidential information relating to employing
302 units and individuals under the Reemployment
303 Assistance Program Law; providing criminal penalties;
304 amending 443.191, F.S.; providing for the deposit of
305 moneys recovered and penalties collected due to fraud
306 in the Unemployment Compensation Trust Fund; amending
307 s. 446.50, F.S.; requiring the Department of Economic
308 Opportunity's annual report to include a plan for the
309 displaced homemaker program; deleting certain
310 reporting requirements; creating s. 288.80, F.S.;
311 providing a short title; creating s. 288.801, F.S.;
312 providing Legislative intent; creating s. 288.81,
313 F.S.; providing definitions; creating s. 288.82, F.S.;
314 creating Triumph Gulf Coast, Inc., as nonprofit
315 corporation; requiring the Triumph Gulf Coast, Inc.,
316 to create and administer the Recovery Fund for the
317 benefit of disproportionately affected counties;
318 providing for principal of the fund; providing for
319 payment of administrative costs from the earnings of

576-04927B-13

20131024c2

320 the fund; providing any remaining funds after 30 years
321 revert to the State Treasury; authorizing investment
322 of the principal of the fund; requiring an investment
323 policy; requiring competitive procurement of money
324 managers; requiring annual audits; requiring biannual
325 reports; creating s. 288.83, F.S.; providing for
326 application of public records and meetings laws;
327 providing for governance by a 5 member board of
328 directors; providing membership; providing for terms;
329 providing for appointment for vacancies; providing
330 limitations on board members; limiting postemployment
331 activities; providing for a misdemeanor for
332 violations; requiring financial disclosures; providing
333 travel and per diem expenses; providing for removal;
334 requiring quarterly meetings; providing for staffing;
335 creating s. 288.831, F.S.; providing the powers and
336 duties of the board of directors; creating s. 288.832,
337 F.S.; providing the duties of Triumph Gulf Coast,
338 Inc.; creating s. 288.84, F.S.; permitting awards for
339 projects or programs from available earnings and
340 principal; proscribing the award categories;
341 proscribing the award categories for certain funds;
342 establishing priority ranking for applications;
343 prohibiting award from financing 100 percent of a
344 project or program; permitting Triumph Gulf Coast,
345 Inc., to requiring a one-to-one match; prohibiting an
346 awardee from receiving all available funds; requiring
347 a contract for an award; requiring regular reporting;
348 providing effective dates.

576-04927B-13

20131024c2

349

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

351

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

359 (1) The Office of Economic and Demographic Research and
360 OPPAGA shall coordinate the development of a work plan for
361 completing the Economic Development Programs Evaluation and
362 shall submit the work plan to the President of the Senate and
363 the Speaker of the House of Representatives by July 1, 2013.

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

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

369 1. The capital investment tax credit established under s.
370 220.191, Florida Statutes.

371 2. The qualified target industry tax refund established
372 under s. 288.106, Florida Statutes.

373 3. The brownfield redevelopment bonus refund established
374 under s. 288.107, Florida Statutes.

375 4. High-impact business performance grants established
376 under s. 288.108, Florida Statutes.

377 5. The Quick Action Closing Fund established under s.

576-04927B-13

20131024c2

378 288.1088, Florida Statutes.

379 6. The Innovation Incentive Program established under s.
380 288.1089, Florida Statutes.

381 7. Enterprise Zone Program incentives established under ss.
382 212.08(5), 212.08(15), 212.096, 220.181, and 220.182, Florida
383 Statutes.

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

386 1. The entertainment industry financial incentive program
387 established under s. 288.1254, Florida Statutes.

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

390 3. VISIT Florida and its programs established or funded
391 under ss. 288.122, 288.1226, 288.12265, and 288.124, Florida
392 Statutes.

393 4. The Florida Sports Foundation and related programs
394 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
395 288.1168, 288.1169, and 288.1171, Florida Statutes.

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

398 1. The qualified defense contractor and space flight
399 business tax refund program established under s. 288.1045,
400 Florida Statutes.

401 2. The tax exemption for semiconductor, defense, or space
402 technology sales established under s. 212.08(5)(j), Florida
403 Statutes.

404 3. The Military Base Protection Program established under
405 s. 288.980, Florida Statutes.

406 4. The Manufacturing and Spaceport Investment Incentive

576-04927B-13

20131024c2

407 Program established under s. 288.1083, Florida Statutes.

408 5. The Quick Response Training Program established under s.
409 288.047, Florida Statutes.

410 6. The Incumbent Worker Training Program established under
411 s. 445.003, Florida Statutes.

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

414 (3) Pursuant to the schedule established in subsection (2),
415 the Office of Economic and Demographic Research shall evaluate
416 and determine the economic benefits, as defined in s. 288.005,
417 Florida Statutes, of each program over the previous 3 years. The
418 analysis must also evaluate the number of jobs created, the
419 increase or decrease in personal income, and the impact on state
420 gross domestic product from the direct, indirect, and induced
421 effects of the state's investment in each program over the
422 previous 3 years.

423 (a) For the purpose of evaluating tax credits, tax refunds,
424 sales tax exemptions, cash grants, and similar programs, the
425 Office of Economic and Demographic Research shall evaluate data
426 only from those projects in which businesses received state
427 funds during the evaluation period. Such projects may be fully
428 completed, partially completed with future fund disbursement
429 possible pending performance measures, or partially completed
430 with no future fund disbursement possible as a result of a
431 business's inability to meet performance measures.

432 (b) The analysis must use the model developed by the Office
433 of Economic and Demographic Research, as required in s. 216.138,
434 Florida Statutes, to evaluate each program. The office shall
435 provide a written explanation of the key assumptions of the

576-04927B-13

20131024c2

436 model and how it is used. If the office finds that another
437 evaluation model is more appropriate to evaluate a program, it
438 may use another model, but it must provide an explanation as to
439 why the selected model was more appropriate.

440 (4) Pursuant to the schedule established in subsection (2),
441 OPPAGA shall evaluate each program over the previous 3 years for
442 its effectiveness and value to the taxpayers of this state and
443 include recommendations on each program for consideration by the
444 Legislature. The analysis may include relevant economic
445 development reports or analyses prepared by the Department of
446 Economic Opportunity, Enterprise Florida, Inc., or local or
447 regional economic development organizations; interviews with the
448 parties involved; or any other relevant data.

449 (5) The Office of Economic and Demographic Research and
450 OPPAGA must be given access to all data necessary to complete
451 the Economic Development Programs Evaluation, including any
452 confidential data. The offices may collaborate on data
453 collection and analysis.

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

456 20.60 Department of Economic Opportunity; creation; powers
457 and duties.-

458 (10) The department, with assistance from Enterprise
459 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,
460 submit an annual report to the Governor, the President of the
461 Senate, and the Speaker of the House of Representatives on the
462 condition of the business climate and economic development in
463 the state.

464 (a) The report must ~~shall~~ include the identification of

576-04927B-13

20131024c2

465 problems and a prioritized list of recommendations.

466 (b) The report must incorporate annual reports of other
467 programs, including:

468 1. The displaced homemaker program established under s.
469 446.50.

470 2. Information provided by the Department of Revenue under
471 s. 290.014.

472 3. Information provided by enterprise zone development
473 agencies under s. 290.0056 and an analysis of the activities and
474 accomplishments of each enterprise zone.

475 4. The Economic Gardening Business Loan Pilot Program
476 established under s. 288.1081 and the Economic Gardening
477 Technical Assistance Pilot Program established under s.
478 288.1082.

479 5. A detailed report of the performance of the Black
480 Business Loan Program and a cumulative summary of quarterly
481 report data required under s. 288.714.

482 6. The Rural Economic Development Initiative established
483 under s. 288.0656.

484 Section 3. Paragraph (c) of subsection (1) of section
485 201.15, Florida Statutes, is amended to read:

486 201.15 Distribution of taxes collected.—All taxes collected
487 under this chapter are subject to the service charge imposed in
488 s. 215.20(1). Prior to distribution under this section, the
489 Department of Revenue shall deduct amounts necessary to pay the
490 costs of the collection and enforcement of the tax levied by
491 this chapter. Such costs and the service charge may not be
492 levied against any portion of taxes pledged to debt service on
493 bonds to the extent that the costs and service charge are

576-04927B-13

20131024c2

494 required to pay any amounts relating to the bonds. After
495 distributions are made pursuant to subsection (1), all of the
496 costs of the collection and enforcement of the tax levied by
497 this chapter and the service charge shall be available and
498 transferred to the extent necessary to pay debt service and any
499 other amounts payable with respect to bonds authorized before
500 January 1, 2013, secured by revenues distributed pursuant to
501 subsection (1). All taxes remaining after deduction of costs and
502 the service charge shall be distributed as follows:

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

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

508 1. The State Transportation Trust Fund in the Department of
509 Transportation in the amount of the lesser of 38.2 percent of
510 the remainder or \$541.75 million in each fiscal year. Out of
511 such funds, the first \$50 million for the 2012-2013 fiscal year;
512 \$65 million for the 2013-2014 fiscal year; and \$75 million for
513 the 2014-2015 fiscal year and all subsequent years, shall be
514 transferred to the State Economic Enhancement and Development
515 Trust Fund within the Department of Economic Opportunity. The
516 remainder is to be used for the following specified purposes,
517 notwithstanding any other law to the contrary:

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

521 b. For the purposes of the Small County Outreach Program
522 specified in s. 339.2818, 5 percent of these funds. Effective

576-04927B-13

20131024c2

523 July 1, 2014, the percentage allocated under this sub-
524 subparagraph shall be increased to 10 percent;

525 c. For the purposes of the Strategic Intermodal System
526 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
527 of these funds after allocating for the New Starts Transit
528 Program described in sub-subparagraph a. and the Small County
529 Outreach Program described in sub-subparagraph b.; and

530 d. For the purposes of the Transportation Regional
531 Incentive Program specified in s. 339.2819, 25 percent of these
532 funds after allocating for the New Starts Transit Program
533 described in sub-subparagraph a. and the Small County Outreach
534 Program described in sub-subparagraph b. Effective July 1, 2014,
535 the first \$60 million of the funds allocated pursuant to this
536 sub-subparagraph shall be allocated annually to the Florida Rail
537 Enterprise for the purposes established in s. 341.303(5).

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

543 3. The Ecosystem Management and Restoration Trust Fund in
544 the amount of the lesser of 2.12 percent of the remainder or \$30
545 million in each fiscal year, to be used for the preservation and
546 repair of the state's beaches as provided in ss. 161.091-
547 161.212.

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

576-04927B-13

20131024c2

552

553 Moneys distributed pursuant to this paragraph may not be
554 pledged for debt service unless such pledge is approved by
555 referendum of the voters.

556 Section 4. Paragraph (o) of subsection (5) of section
557 212.08, Florida Statutes, is amended to read:

558 212.08 Sales, rental, use, consumption, distribution, and
559 storage tax; specified exemptions.—The sale at retail, the
560 rental, the use, the consumption, the distribution, and the
561 storage to be used or consumed in this state of the following
562 are hereby specifically exempt from the tax imposed by this
563 chapter.

564 (5) EXEMPTIONS; ACCOUNT OF USE.—

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

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

567 a. "Building materials" means tangible personal property
568 that becomes a component part of a housing project or a mixed-
569 use project.

570 b. "Housing project" means the conversion of an existing
571 manufacturing or industrial building to a housing unit which is
572 ~~units~~ in an urban high-crime area, an enterprise zone, an
573 empowerment zone, a Front Porch Community, a designated
574 brownfield site for which a rehabilitation agreement with the
575 Department of Environmental Protection or a local government
576 delegated by the Department of Environmental Protection has been
577 executed under s. 376.80 and any abutting real property parcel
578 within a brownfield area, or an urban infill area; and in which
579 the developer agrees to set aside at least 20 percent of the
580 housing units in the project for low-income and moderate-income

576-04927B-13

20131024c2

581 persons or the construction in a designated brownfield area of
582 affordable housing for persons described in s. 420.0004(9),
583 (11), (12), or (17) or in s. 159.603(7).

584 c. "Mixed-use project" means the conversion of an existing
585 manufacturing or industrial building to mixed-use units that
586 include artists' studios, art and entertainment services, or
587 other compatible uses. A mixed-use project must be located in an
588 urban high-crime area, an enterprise zone, an empowerment zone,
589 a Front Porch Community, a designated brownfield site for which
590 a rehabilitation agreement with the Department of Environmental
591 Protection or a local government delegated by the Department of
592 Environmental Protection has been executed under s. 376.80 and
593 any abutting real property parcel within a brownfield area, or
594 an urban infill area;~~7~~ and the developer must agree to set aside
595 at least 20 percent of the square footage of the project for
596 low-income and moderate-income housing.

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

599 2. Building materials used in the construction of a housing
600 project or mixed-use project are exempt from the tax imposed by
601 this chapter upon an affirmative showing to the satisfaction of
602 the department that the requirements of this paragraph have been
603 met. This exemption inures to the owner through a refund of
604 previously paid taxes. To receive this refund, the owner must
605 file an application under oath with the department which
606 includes:

607 a. The name and address of the owner.

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

576-04927B-13

20131024c2

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

611 d. A certification by the local building code inspector
612 that the project is substantially completed.

613 e. A sworn statement, under penalty of perjury, from the
614 general contractor licensed in this state with whom the owner
615 contracted to construct the project, which statement lists the
616 building materials used in the construction of the project and
617 the actual cost thereof, and the amount of sales tax paid on
618 these materials. If a general contractor was not used, the owner
619 shall provide this information in a sworn statement, under
620 penalty of perjury. Copies of invoices evidencing payment of
621 sales tax must be attached to the sworn statement.

622 3. An application for a refund under this paragraph must be
623 submitted to the department within 6 months after the date the
624 project is deemed to be substantially completed by the local
625 building code inspector. Within 30 working days after receipt of
626 the application, the department shall determine if it meets the
627 requirements of this paragraph. A refund approved pursuant to
628 this paragraph shall be made within 30 days after formal
629 approval of the application by the department.

630 4. The department shall establish by rule an application
631 form and criteria for establishing eligibility for exemption
632 under this paragraph.

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

635 Section 5. The amendments to sections 212.08 and 288.107,
636 Florida Statutes, made by this act do not apply to building
637 materials purchased before the effective date of this act or to
638 contracts for brownfield redevelopment bonus refunds executed by

576-04927B-13

20131024c2

639 the Department of Economic Opportunity or Enterprise Florida,
640 Inc., before the effective date of this act.

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

643 213.053 Confidentiality and information sharing.—

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

646 (bb) Information to the director of the Office of Program
647 Policy Analysis and Government Accountability or his or her
648 authorized agent, and to the coordinator of the Office of
649 Economic and Demographic Research or his or her authorized
650 agent, for purposes of completing the Economic Development
651 Programs Evaluation. Information obtained from the department
652 pursuant to this paragraph may be shared by the director and the
653 coordinator, or the director's or coordinator's authorized
654 agent, for purposes of completing the Economic Development
655 Programs Evaluation.

656
657 Disclosure of information under this subsection shall be
658 pursuant to a written agreement between the executive director
659 and the agency. Such agencies, governmental or nongovernmental,
660 shall be bound by the same requirements of confidentiality as
661 the Department of Revenue. Breach of confidentiality is a
662 misdemeanor of the first degree, punishable as provided by s.
663 775.082 or s. 775.083.

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

666 220.194 Corporate income tax credits for spaceflight
667 projects.—

576-04927B-13

20131024c2

668 (9) ANNUAL REPORT.—Beginning in 2014, the Department of
669 Economic Opportunity, in cooperation with Space Florida and the
670 department, shall include in the ~~submit an~~ annual incentives
671 report required under s. 288.907 a summary of ~~summarizing~~
672 activities relating to the Florida Space Business Incentives Act
673 established under this section ~~to the Governor, the President of~~
674 ~~the Senate, and the Speaker of the House of Representatives by~~
675 ~~each November 30.~~

676 Section 8. Section 288.001, Florida Statutes, is amended to
677 read:

678 288.001 The Florida Small Business Development Center
679 Network; ~~purpose.~~—

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

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

686 (a) “Board of Governors” is the Board of Governors of the
687 State University System.

688 (b) “Host institution” is the university designated by the
689 Board of Governors to be the recipient organization in
690 accordance with 13 C.F.R. s. 130.200.

691 (c) “Network” means the Florida Small Business Development
692 Center Network.

693 (3) OPERATION; POLICIES AND PROGRAMS.—

694 (a) The network’s statewide director shall operate the
695 network in compliance with the federal laws and regulations
696 governing the network and the Board of Governors Regulation

576-04927B-13

20131024c2

697 10.015.

698 (b) The network's statewide director shall consult with the
699 Board of Governors, the department, and the network's statewide
700 advisory board to ensure that the network's policies and
701 programs align with the statewide goals of the State University
702 System and the statewide strategic economic development plan as
703 provided under s. 20.60.

704 (4) STATEWIDE ADVISORY BOARD.—

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

708 (b) The statewide advisory board shall consist of 19
709 members from across the state. At least 12 members must be
710 representatives of the private sector who are knowledgeable of
711 the needs and challenges of small businesses. The members must
712 represent various segments and industries of the economy in this
713 state and must bring knowledge and skills to the statewide
714 advisory board which would enhance the board's collective
715 knowledge of small business assistance needs and challenges.
716 Minority and gender representation must be considered when
717 making appointments to the board. The board must include the
718 following members:

719 1. Three members appointed from the private sector by the
720 President of the Senate.

721 2. Three members appointed from the private sector by the
722 Speaker of the House of Representatives.

723 3. Three members appointed from the private sector by the
724 Governor.

725 4. Three members appointed from the private sector by the

576-04927B-13

20131024c2

726 network's statewide director.

727 5. One member appointed by the host institution.

728 6. The President of Enterprise Florida, Inc., or his or her
729 designee.

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

731 8. The President of the Florida Chamber of Commerce or his
732 or her designee.

733 9. The Small Business Development Center Project Officer
734 from the U.S. Small Business Administration at the South Florida
735 District Office or his or her designee.

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

738 11. The executive director of the Florida United Business
739 Association or his or her designee.

740 (c) The term of an appointed member shall be for 4 years,
741 beginning August 1, 2013, except that at the time of initial
742 appointments, two members appointed by the Governor, one member
743 appointed by the President of the Senate, one member appointed
744 by the Speaker of the House of Representatives, and one member
745 appointed by the network's statewide director shall be appointed
746 for 2 years. An appointed member may be reappointed to a
747 subsequent term. Members of the statewide advisory board may not
748 receive compensation but may be reimbursed for per diem and
749 travel expenses in accordance with s. 112.061.

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

751 (a) The statewide director, in consultation with the
752 advisory board, shall develop support services that are
753 delivered through regional small business development centers.
754 Support services must target the needs of businesses that employ

576-04927B-13

20131024c2

755 fewer than 100 persons and demonstrate an assessed capacity to
756 grow in employment or revenue.

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

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

764 2. Developing and implementing strategic or business plans.
765 Such activities include analyzing a business's mission, vision,
766 strategies, and goals; critiquing the overall plan; and creating
767 performance measures.

768 3. Developing the financial literacy of existing businesses
769 related to their business cash flow and financial management
770 plans. Such activities include conducting financial analysis
771 health checks, assessing cost control management techniques, and
772 building financial management strategies and solutions.

773 4. Developing and implementing plans for existing
774 businesses to access or expand to new or existing markets. Such
775 activities include conducting market research, researching and
776 identifying expansion opportunities in international markets,
777 and identifying opportunities in selling to units of government.

778 5. Supporting access to capital for business investment and
779 expansion. Such activities include providing technical
780 assistance relating to obtaining surety bonds; identifying and
781 assessing potential debt or equity investors or other financing
782 opportunities; assisting in the preparation of applications,
783 projections, or pro forma or other support documentation for

576-04927B-13

20131024c2

784 surety bond, loan, financing, or investment requests; and
785 facilitating conferences with lenders or investors.

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

791 (c) A business receiving support services must agree to
792 participate in assessments of such services. The agreement, at a
793 minimum, must request the business to report demographic
794 characteristics, changes in employment and sales, debt and
795 equity capital attained, and government contracts acquired. The
796 host institution may require additional reporting requirements
797 for funding described in subsection (7).

798 (6) REQUIRED MATCH.—The network must provide a match equal
799 to the total amount of any direct legislative appropriation
800 which is received directly by the host institution and is
801 specifically designated for the network. The match may include
802 funds from federal or other nonstate funding sources designated
803 for the network. At least 50 percent of the match must be cash.
804 The remaining 50 percent may be provided through any allowable
805 combination of additional cash, in-kind contributions, or
806 indirect costs.

807 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE
808 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST
809 PRACTICES; ELIGIBILITY.—

810 (a) The statewide director, in coordination with the host
811 institution, shall establish a pay-per-performance incentive for
812 regional small business development centers. Such incentive

576-04927B-13

20131024c2

813 shall be funded from half of any state appropriation received
814 directly by the host institution, which appropriation is
815 specifically designated for the network. These funds shall be
816 distributed to the regional small business development centers
817 based upon data collected from the businesses as provided under
818 paragraph (5) (c). The distribution formula must provide for the
819 distribution of funds in part on the gross number of jobs
820 created annually by each center and in part on the number of
821 jobs created per support service hour. The pay-per-performance
822 incentive must supplement the operations and support services of
823 each regional small business development center.

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

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

831 2. Enhancing participation in the network among state
832 universities and colleges; and

833 3. Facilitating the adoption of innovative small business
834 assistance best practices by the regional small business
835 development centers.

836 (c) The statewide director, in coordination with the
837 advisory board, shall develop annual programs to distribute
838 funds for each of the purposes described in paragraph (b). The
839 network shall announce the annual amount of available funds for
840 each program, performance expectations, and other requirements.
841 For each program, the statewide director shall present

576-04927B-13

20131024c2

842 applications and recommendations to the advisory board. The
843 advisory board shall make the final approval of applications.
844 Approved applications must be publicly posted. At a minimum,
845 programs must include:

846 1. New regional small business development centers; and
847 2. Awards for the top six regional small business
848 development centers that adopt best practices, as determined by
849 the advisory board. Detailed information about best practices
850 must be made available to regional small business development
851 centers for voluntary implementation.

852 (d) A regional small business development center that has
853 been found by the statewide director to perform poorly, to
854 engage in improper activity affecting the operation and
855 integrity of the network, or to fail to follow the rules and
856 procedures set forth in the laws, regulations, and policies
857 governing the network, is not eligible for funds under this
858 subsection.

859 (e) Funds awarded under this subsection may not reduce
860 matching funds dedicated to the regional small business
861 development centers.

862 (8) REPORTING.—

863 (a) The statewide director shall quarterly update the Board
864 of Governors, the department, and the advisory board on the
865 network's progress and outcomes, including aggregate information
866 on businesses assisted by the network.

867 (b) The statewide director, in coordination with the
868 advisory board, shall annually report, on October 1, to the
869 President of the Senate and the Speaker of the House of
870 Representatives on the network's progress and outcomes for the

576-04927B-13

20131024c2

871 previous fiscal year. The report must include aggregate
872 information on businesses assisted by the network; network
873 services and programs; the use of all federal, state, local, and
874 private funds received by the network and the regional small
875 business development centers, including any additional funds
876 specifically appropriated by the Legislature for the purposes
877 described in subsection (7); and the network's economic benefit
878 to the state. The report must contain specific information on
879 performance-based metrics and contain the methodology used to
880 calculate the network's economic benefit to the state.

881 Section 9. Subsection (4) is added to section 288.005,
882 Florida Statutes, to read:

883 288.005 Definitions.—As used in this chapter, the term:

884 (4) "Jobs" means full-time equivalent positions, including,
885 but not limited to, positions obtained from a temporary
886 employment agency or employee leasing company or through a union
887 agreement or coemployment under a professional employer
888 organization agreement, which result directly from a project in
889 this state. This number does not include temporary construction
890 jobs involved with the construction of facilities for the
891 project.

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

894 288.012 State of Florida international offices; state
895 protocol officer; protocol manual.—The Legislature finds that
896 the expansion of international trade and tourism is vital to the
897 overall health and growth of the economy of this state. This
898 expansion is hampered by the lack of technical and business
899 assistance, financial assistance, and information services for

576-04927B-13

20131024c2

900 businesses in this state. The Legislature finds that these
901 businesses could be assisted by providing these services at
902 State of Florida international offices. The Legislature further
903 finds that the accessibility and provision of services at these
904 offices can be enhanced through cooperative agreements or
905 strategic alliances between private businesses and state, local,
906 and international governmental entities.

907 (3) ~~By October 1 of each year,~~ Each international office
908 shall annually submit to Enterprise Florida, Inc., ~~the~~
909 ~~department~~ a complete and detailed report on its activities and
910 accomplishments during the previous ~~preceding~~ fiscal year for
911 inclusion in the annual report required under s. 288.906. In the
912 a format and by the annual date prescribed ~~provided~~ by
913 Enterprise Florida, Inc., the report must set forth information
914 on:

915 (a) The number of Florida companies assisted.

916 (b) The number of inquiries received about investment
917 opportunities in this state.

918 (c) The number of trade leads generated.

919 (d) The number of investment projects announced.

920 (e) The estimated U.S. dollar value of sales confirmations.

921 (f) The number of representation agreements.

922 (g) The number of company consultations.

923 (h) Barriers or other issues affecting the effective
924 operation of the office.

925 (i) Changes in office operations which are planned for the
926 current fiscal year.

927 (j) Marketing activities conducted.

928 (k) Strategic alliances formed with organizations in the

576-04927B-13

20131024c2

929 country in which the office is located.

930 (l) Activities conducted with Florida's other international
931 offices.

932 (m) Any other information that the office believes would
933 contribute to an understanding of its activities.

934 Section 11. Section 288.061, Florida Statutes, is amended
935 to read:

936 288.061 Economic development incentive application
937 process.—

938 (1) Upon receiving a submitted economic development
939 incentive application, the Division of Strategic Business
940 Development of the Department of Economic Opportunity and
941 designated staff of Enterprise Florida, Inc., shall review the
942 application to ensure that the application is complete, whether
943 and what type of state and local permits may be necessary for
944 the applicant's project, whether it is possible to waive such
945 permits, and what state incentives and amounts of such
946 incentives may be available to the applicant. The department
947 shall recommend to the executive director to approve or
948 disapprove an applicant business. If review of the application
949 demonstrates that the application is incomplete, the executive
950 director shall notify the applicant business within the first 5
951 business days after receiving the application.

952 (2) Beginning July 1, 2013, the department shall review and
953 evaluate each economic development incentive application for the
954 economic benefits of the proposed award of state incentives
955 proposed for the project. The term "economic benefits" has the
956 same meaning as in s. 288.005. The Office of Economic and
957 Demographic Research shall review and evaluate the methodology

576-04927B-13

20131024c2

958 and model used to calculate the economic benefits. For purposes
959 of this requirement, an amended definition of economic benefits
960 may be developed in conjunction with the Office of Economic and
961 Demographic Research. The Office of Economic and Demographic
962 Research shall report on the methodology and model by September
963 1, 2013, and every third year thereafter, to the President of
964 the Senate and the Speaker of the House of Representatives.

965 (3)(2) Within 10 business days after the department
966 receives the submitted economic development incentive
967 application, the executive director shall approve or disapprove
968 the application and issue a letter of certification to the
969 applicant which includes a justification of that decision,
970 unless the business requests an extension of that time.

971 (a) The contract or agreement with the applicant must ~~shall~~
972 specify the total amount of the award, the performance
973 conditions that must be met to obtain the award, the schedule
974 for payment, and sanctions that would apply for failure to meet
975 performance conditions. The department may enter into one
976 agreement or contract covering all of the state incentives that
977 are being provided to the applicant. The contract must provide
978 that release of funds is contingent upon sufficient
979 appropriation of funds by the Legislature.

980 (b) The release of funds for the incentive or incentives
981 awarded to the applicant depends upon the statutory requirements
982 of the particular incentive program, except as provided in
983 subsection (4).

984 (4) (a) In order to receive an incentive under s. 288.1088
985 or s. 288.1089, an applicant must provide the department with a
986 surety bond, issued by an insurer authorized to do business in

576-04927B-13

20131024c2

987 this state, for the amount of the award under the incentive
988 contract or agreement. Funds may not be paid to an applicant
989 until the department certifies compliance with this subsection.

990 1. The contract or agreement must provide that the bond
991 remain in effect until all performance conditions in the
992 contract or agreement have been satisfied. The department may
993 require the bond to cover the entire amount of the contract or
994 agreement or allow for a bond to be renewed upon the completion
995 of scheduled performance measurements specified in the contract
996 or agreement. The contract or agreement must provide that the
997 release of any funds is contingent upon receipt by the
998 department of the surety bond.

999 2. The contract or agreement must provide that up to half
1000 of the premium payment on the surety bond may be paid from the
1001 award amount, not to exceed 3 percent of the award.

1002 3. The applicant shall notify the department at least 10
1003 days before each premium payment is due.

1004 4. Any notice of cancellation or nonrenewal issued by an
1005 insurer must comply with the notice requirements of s. 626.9201.
1006 If the applicant receives a notice of cancellation or
1007 nonrenewal, the applicant must immediately notify the
1008 department.

1009 5. The cancellation of the surety bond is a violation of
1010 the contract or agreement between the applicant and the
1011 department. The department is released from any obligation to
1012 make future scheduled payments unless the applicant is able to
1013 secure a new surety bond or comply with the requirements of
1014 paragraphs (b) and (c) within 90 days before the effective date
1015 of the cancellation.

576-04927B-13

20131024c2

1016 (b) If an applicant is unable to secure a surety bond or
1017 can demonstrate that obtaining a bond is unreasonable in cost,
1018 the department may waive the requirements specified in paragraph
1019 (a) by certifying in writing to the Governor, President of the
1020 Senate, and Speaker of the House of Representatives the
1021 following information:

1022 1. An explanation stating the reasons why the applicant
1023 could not obtain a bond, to the extent such information is not
1024 confidential under s. 288.075;

1025 2. A description of the economic benefits expected to be
1026 generated by the incentive award which indicates that the
1027 project warrants waiver of the requirement; and

1028 3. An evaluation of the quality and value of the applicant
1029 which supports the selection of the alternative securitization
1030 under paragraph (c). The department's evaluation must consider
1031 the following information when determining the form for securing
1032 the award amount:

1033 a. A financial analysis of the company, including an
1034 evaluation of the company's short-term liquidity ratio as
1035 measured by its assets to liability, the company's profitability
1036 ratio, and the company's long-term solvency as measured by its
1037 debt-to-equity ratio;

1038 b. The historical market performance of the company;

1039 c. Any independent evaluations of the company;

1040 d. The latest audit of the company's financial statement
1041 and the related auditor's management letter; and

1042 e. Any other types of reports that are related to the
1043 internal controls or management of the company.

1044 (c)1. If the department grants a waiver under paragraph

576-04927B-13

20131024c2

1045 (b), the incentives contract or agreement must provide for
1046 securing the award amount in one of the following forms:

1047 a. An irrevocable letter of credit issued by a financial
1048 institution, as defined in s. 655.005;

1049 b. Cash or securities held in trust by a financial
1050 institution, as defined in s. 655.005, and subject to a control
1051 agreement; or

1052 c. A secured transaction in collateral under the control or
1053 possession of the applicant for the value of the award amount.
1054 The department is authorized to negotiate the terms and
1055 conditions of the security agreement.

1056 2. The contract or agreement must provide that the release
1057 of any funds is contingent upon the receipt of documentation by
1058 the department which satisfies all of the requirements found in
1059 this paragraph. Funds may not be paid to the applicant until the
1060 department certifies compliance with this subsection.

1061 3. The irrevocable letter of credit, trust, or security
1062 agreement must remain in effect until all performance conditions
1063 specified in the contract or agreement have been satisfied.
1064 Failure to comply with this provision results in a violation of
1065 the contract or agreement between the applicant and the
1066 department and releases the department from any obligation to
1067 make future scheduled payments.

1068 (d) The department may waive the requirements of paragraphs
1069 (a) through (c) by certifying to the Governor and the chair and
1070 vice chair of the Legislative Budget Commission the following
1071 information:

1072 1. The applicant demonstrates the financial ability to
1073 fulfill the requirements of the contract and has submitted an

576-04927B-13

20131024c2

1074 independently audited financial statement for the previous 5
1075 years;

1076 2. If applicable, the applicant was previously a recipient
1077 of an incentive under an economic development program, was
1078 subject to clawback requirements, and timely complied with those
1079 provisions; and

1080 3. The department has determined that waiver of the
1081 requirements of paragraphs (a) through (c) is in the best
1082 interest of the state.

1083 (e) For waivers granted under paragraph (d), the department
1084 shall provide a written description and evaluation of the waiver
1085 to the chair and vice chair of the Legislative Budget
1086 Commission. Such information may be provided at the same time
1087 that the information for the project consultation is provided to
1088 the Legislative Budget Commission under s. 288.1088 or s.
1089 288.1089. If the chair or vice chair of the Legislative Budget
1090 Commission timely advises the department that such action or
1091 proposed action exceeds delegated authority or is contrary to
1092 legislative policy or intent, the department shall void the
1093 waiver until the Legislative Budget Commission or the
1094 Legislature addresses the issue. A waiver granted by the
1095 department for any project exceeding \$5 million must be approved
1096 by the Legislative Budget Commission.

1097 (f) The provisions of this subsection shall apply to any
1098 contract entered into on or after July 1, 2013.

1099 (5) In the event of default on the performance conditions
1100 specified in the contract or agreement, or violation of any of
1101 the provisions found in this section, the state may, in addition
1102 to any other remedy provided by law, bring suit to enforce its

576-04927B-13

20131024c2

1103 interest.

1104 (6)~~(3)~~ The department shall validate contractor performance
1105 and report. ~~Such~~ Such validation ~~shall be reported~~ in the annual
1106 incentives ~~incentive~~ report required under s. 288.907.

1107 (7) The department is authorized to adopt rules to
1108 implement this section.

1109 Section 12. Subsection (8) of section 288.0656, Florida
1110 Statutes, is amended to read:

1111 288.0656 Rural Economic Development Initiative.—

1112 (8) REDI shall submit a report to the department ~~Governor,~~
1113 ~~the President of the Senate, and the Speaker of the House of~~
1114 ~~Representatives each year on or before September 1~~ on all REDI
1115 activities for the previous ~~prior~~ fiscal year as a supplement to
1116 the department's annual report required under s. 20.60. This
1117 supplementary report must ~~shall~~ include:

1118 (a) A status report on all projects currently being
1119 coordinated through REDI, the number of preferential awards and
1120 allowances made pursuant to this section, the dollar amount of
1121 such awards, and the names of the recipients.

1122 (b) The report shall also include A description of all
1123 waivers of program requirements granted.

1124 (c) The report shall also include Information as to the
1125 economic impact of the projects coordinated by REDI. ~~and~~

1126 (d) Recommendations based on the review and evaluation of
1127 statutes and rules having an adverse impact on rural
1128 communities, ~~and~~ proposals to mitigate such adverse impacts.

1129 Section 13. Effective October 1, 2013, section 288.076,
1130 Florida Statutes, is created to read:

1131 288.076 Return on investment reporting for economic

576-04927B-13

20131024c2

1132 development programs.-

1133 (1) As used in this section, the term:

1134 (a) "Jobs" has the same meaning as provided in s.

1135 288.106(2)(i).

1136 (b) "Participant business" means an employing unit, as
1137 defined in s. 443.036, that has entered into an agreement with
1138 the department to receive a state investment.

1139 (c) "Project" has the same meaning as provided in s.

1140 288.106(2)(m).

1141 (d) "Project award date" means the date a participant
1142 business enters into an agreement with the department to receive
1143 a state investment.

1144 (e) "State investment" means any state grants, tax
1145 exemptions, tax refunds, tax credits, or other state incentives
1146 provided to a business under a program administered by the
1147 department, including the capital investment tax credit under s.
1148 220.191.

1149 (2) The department shall maintain a website for the purpose
1150 of publishing the information described in this section. The
1151 information required to be published under this section must be
1152 provided in a format accessible to the public which enables
1153 users to search for and sort specific data and to easily view
1154 and retrieve all data at once.

1155 (3) Within 48 hours after expiration of the period of
1156 confidentiality for project information deemed confidential and
1157 exempt pursuant to s. 288.075, the department shall publish the
1158 following information pertaining to each project:

1159 (a) Projected economic benefits.-The projected economic
1160 benefits at the time of the initial project award date.

576-04927B-13

20131024c2

1161 (b) Project information.-

1162 1. The program or programs through which state investment
1163 is being made.

1164 2. The maximum potential cumulative state investment in the
1165 project.

1166 3. The target industry or industries, and any high impact
1167 sectors implicated by the project.

1168 4. The county or counties that will be impacted by the
1169 project.

1170 5. The total cumulative local financial commitment and in-
1171 kind support for the project.

1172 (c) Participant business information.-

1173 1. The location of the headquarters of the participant
1174 business or, if a subsidiary, the headquarters of the parent
1175 company.

1176 2. The firm size class of the participant business, or
1177 where owned by a parent company the firm size class of the
1178 participant business's parent company, using the firm size
1179 classes established by the United States Department of Labor
1180 Bureau of Labor Statistics, and whether the participant business
1181 qualifies as a small business as defined in s. 288.703.

1182 3. The date of the project award.

1183 4. The expected duration of the contract.

1184 5. The anticipated dates when the participant business will
1185 claim the last state investment.

1186 (d) Project evaluation criteria.-

1187 1. Economic benefits generated by the project.

1188 2. The net indirect and induced incremental jobs to be
1189 generated by the project.

576-04927B-13

20131024c2

1190 3. The net indirect and induced incremental capital
1191 investment to be generated by the project.

1192 (e) Project performance goals.—

1193 1. The incremental direct jobs attributable to the project,
1194 identifying the number of jobs generated and the number of jobs
1195 retained.

1196 2. The number of jobs generated and the number of jobs
1197 retained by the project, and for projects commencing after
1198 October 1, 2013, the median annual wage of persons holding such
1199 jobs.

1200 3. The incremental direct capital investment in the state
1201 generated by the project.

1202 (f) Total state investment to date.—The total amount of
1203 state investment disbursed to the participant business to date
1204 under the terms of the contract, itemized by incentive program.

1205 (4) The department shall use methodology and formulas
1206 established by the Office of Economic and Demographic Research
1207 to calculate the economic benefits of each project. The
1208 department shall calculate and publish on its website the
1209 economic benefits of each project within 48 hours after the
1210 conclusion of the agreement between each participant business
1211 and the department. The Office of Economic and Demographic
1212 Research shall provide a description of the methodology used to
1213 calculate the economic benefits of a project to the department,
1214 and the department must publish the information on its website
1215 within 48 hours after receiving such information.

1216 (5) At least annually, from the project award date, the
1217 department shall:

1218 (a) Publish verified results to update the information

576-04927B-13

20131024c2

1219 described in paragraphs (3) (b)-(f) to accurately reflect any
1220 changes in the published information since the project award
1221 date.

1222 (b) Publish on its website the date on which the
1223 information collected and published for each project was last
1224 updated.

1225 (6) Annually, the department shall publish information
1226 relating to the progress of Quick Action Closing Fund projects,
1227 including the average number of days between the date the
1228 department receives a completed application and the date on
1229 which the application is approved.

1230 (7) The department shall publish the following documents at
1231 the times specified herein:

1232 (a) Within 48 hours after expiration of the period of
1233 confidentiality provided under s. 288.075, the department shall
1234 publish the contract or agreement described in s. 288.061. The
1235 contract or agreement must be redacted to protect the
1236 participant business from disclosure of information that remains
1237 confidential or exempt by law.

1238 (b) Within 48 hours after submitting any report of findings
1239 and recommendations made pursuant to s. 288.106(7)(d) concerning
1240 a business's failure to complete a tax refund agreement pursuant
1241 to the tax refund program for qualified target industry
1242 businesses, the department shall publish such report.

1243 (8) For projects completed before October 1, 2013, the
1244 department shall compile and, by October 1, 2014, shall publish
1245 the information described in subsections (3), (4), and (5), to
1246 the extent such information is available and applicable.

1247 (9) The provisions of this section that restrict the

576-04927B-13

20131024c2

1248 department's publication of information are intended only to
1249 limit the information that the department may publish on its
1250 website and shall not be construed to create an exemption from
1251 public records requirements under s. 119.07(1) or s. 24(a), Art.
1252 I of the State Constitution.

1253 (10) The department may adopt rules to administer this
1254 section.

1255 Section 14. Paragraph (c) of subsection (3) of section
1256 288.095, Florida Statutes, is repealed.

1257 Section 15. Paragraph (c) of subsection (4) and paragraph
1258 (d) of subsection (7) of section 288.106, Florida Statutes, are
1259 amended to read:

1260 288.106 Tax refund program for qualified target industry
1261 businesses.-

1262 (4) APPLICATION AND APPROVAL PROCESS.-

1263 (c) Each application meeting the requirements of paragraph
1264 (b) must be submitted to the department for determination of
1265 eligibility. The department shall review and evaluate each
1266 application based on, but not limited to, the following
1267 criteria:

1268 1. Expected contributions to the state's economy,
1269 consistent with the state strategic economic development plan
1270 prepared by the department.

1271 2. The economic benefits of the proposed award of tax
1272 refunds under this section ~~and the economic benefits of state~~
1273 ~~incentives proposed for the project. The term "economic~~
1274 ~~benefits" has the same meaning as in s. 288.005. The Office of~~
1275 ~~Economic and Demographic Research shall review and evaluate the~~
1276 ~~methodology and model used to calculate the economic benefits~~

576-04927B-13

20131024c2

1277 ~~and shall report its findings by September 1 of every 3rd year,~~
1278 ~~to the President of the Senate and the Speaker of the House of~~
1279 ~~Representatives.~~

1280 3. The amount of capital investment to be made by the
1281 applicant in this state.

1282 4. The local financial commitment and support for the
1283 project.

1284 5. The expected effect of the project on the unemployed and
1285 underemployed ~~unemployment rate~~ in the county where the project
1286 will be located.

1287 6. The expected effect of the award on the viability of the
1288 project and the probability that the project would be undertaken
1289 in this state if such tax refunds are granted to the applicant.

1290 ~~7. The expected long term commitment of the applicant to~~
1291 ~~economic growth and employment in this state resulting from the~~
1292 ~~project.~~

1293 ~~7.8.~~ A review of the business's past activities in this
1294 state or other states, including whether the ~~such~~ business has
1295 been subjected to criminal or civil fines and penalties and
1296 whether the business received economic development incentives in
1297 other states and the results of such incentive agreements. This
1298 subparagraph does not require the disclosure of confidential
1299 information.

1300 (7) ADMINISTRATION.—

1301 (d) Beginning with tax refund agreements signed after July
1302 1, 2010, the department shall attempt to ascertain the causes
1303 for any business's failure to complete its agreement and ~~shall~~
1304 ~~report~~ its findings and recommendations must be included in the
1305 annual incentives report under s. 288.907 ~~to the Governor, the~~

576-04927B-13

20131024c2

1306 ~~President of the Senate, and the Speaker of the House of~~
1307 ~~Representatives. The report shall be submitted by December 1 of~~
1308 ~~each year beginning in 2011.~~

1309 Section 16. Paragraphs (c) and (d) of subsection (1),
1310 subsections (2) and (3), and paragraphs (a), (b), and (f) of
1311 subsection (4) of section 288.107, Florida Statutes, are amended
1312 to read:

1313 288.107 Brownfield redevelopment bonus refunds.—

1314 (1) DEFINITIONS.—As used in this section:

1315 (c) "Brownfield area eligible for bonus refunds" means a
1316 brownfield site for which a rehabilitation agreement with the
1317 Department of Environmental Protection or a local government
1318 delegated by the Department of Environmental Protection has been
1319 executed under s. 376.80 and any abutting real property parcel
1320 within a brownfield contiguous area of one or more brownfield
1321 ~~sites, some of which may not be contaminated, and~~ which has been
1322 designated by a local government by resolution under s. 376.80.
1323 ~~Such areas may include all or portions of community~~
1324 ~~redevelopment areas, enterprise zones, empowerment zones, other~~
1325 ~~such designated economically deprived communities and areas, and~~
1326 ~~Environmental Protection Agency-designated brownfield pilot~~
1327 ~~projects.~~

1328 (d) "Eligible business" means:

1329 1. A qualified target industry business as defined in s.
1330 288.106(2); or

1331 2. A business that can demonstrate a fixed capital
1332 investment of at least \$2 million in mixed-use business
1333 activities, including multiunit housing, commercial, retail, and
1334 industrial in brownfield areas eligible for bonus refunds, ~~or at~~

576-04927B-13

20131024c2

1335 ~~least \$500,000 in brownfield areas that do not require site~~
1336 ~~cleanup,~~ and that provides benefits to its employees.

1337 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
1338 shall be approved by the department as specified in the final
1339 order and allowed from the account as follows:

1340 (a) A bonus refund of \$2,500 shall be allowed to any
1341 qualified target industry business as defined in s. 288.106 for
1342 each new Florida job created in a brownfield area eligible for
1343 bonus refunds which ~~that~~ is claimed on the qualified target
1344 industry business's annual refund claim authorized in s.
1345 288.106(6).

1346 (b) A bonus refund of up to \$2,500 shall be allowed to any
1347 other eligible business as defined in subparagraph (1)(d)2. for
1348 each new Florida job created in a brownfield area eligible for
1349 bonus refunds which ~~that~~ is claimed under an annual claim
1350 procedure similar to the annual refund claim authorized in s.
1351 288.106(6). The amount of the refund shall be equal to 20
1352 percent of the average annual wage for the jobs created.

1353 (3) CRITERIA.—The minimum criteria for participation in the
1354 brownfield redevelopment bonus refund are:

1355 (a) The creation of at least 10 new full-time permanent
1356 jobs. Such jobs shall not include construction or site
1357 rehabilitation jobs associated with the implementation of a
1358 brownfield site agreement as described in s. 376.80(5).

1359 (b) The completion of a fixed capital investment of at
1360 least \$2 million in mixed-use business activities, including
1361 multiunit housing, commercial, retail, and industrial in
1362 brownfield areas eligible for bonus refunds, ~~or at least~~
1363 ~~\$500,000 in brownfield areas that do not require site cleanup,~~

576-04927B-13

20131024c2

1364 by an eligible business applying for a refund under paragraph
1365 (2) (b) which provides benefits to its employees.

1366 ~~(c) That the designation as a brownfield will diversify and~~
1367 ~~strengthen the economy of the area surrounding the site.~~

1368 ~~(d) That the designation as a brownfield will promote~~
1369 ~~capital investment in the area beyond that contemplated for the~~
1370 ~~rehabilitation of the site.~~

1371 ~~(e) A resolution adopted by the governing board of the~~
1372 ~~county or municipality in which the project will be located that~~
1373 ~~recommends that certain types of businesses be approved.~~

1374 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1375 (a) To be eligible to receive a bonus refund for new
1376 Florida jobs created in a brownfield area eligible for bonus
1377 refunds, a business must have been certified as a qualified
1378 target industry business under s. 288.106 or eligible business
1379 as defined in paragraph (1) (d) and must have indicated on the
1380 qualified target industry business tax refund application form
1381 submitted in accordance with s. 288.106(4) or other similar
1382 agreement for other eligible business as defined in paragraph
1383 (1) (d) that the project for which the application is submitted
1384 is or will be located in a brownfield area eligible for bonus
1385 refunds and that the business is applying for certification as a
1386 qualified brownfield business under this section, and must have
1387 signed a qualified target industry business tax refund agreement
1388 with the department that indicates that the business has been
1389 certified as a qualified target industry business located in a
1390 brownfield area eligible for bonus refunds and specifies the
1391 schedule of brownfield redevelopment bonus refunds that the
1392 business may be eligible to receive in each fiscal year.

576-04927B-13

20131024c2

1393 (b) To be considered to receive an eligible brownfield
1394 redevelopment bonus refund payment, the business meeting the
1395 requirements of paragraph (a) must submit a claim once each
1396 fiscal year on a claim form approved by the department which
1397 indicates the location of the brownfield site for which a
1398 rehabilitation agreement with the Department of Environmental
1399 Protection or a local government delegated by the Department of
1400 Environmental Protection has been executed under s. 376.80, the
1401 address of the business facility's brownfield location, the name
1402 of the brownfield in which it is located, the number of jobs
1403 created, and the average wage of the jobs created by the
1404 business within the brownfield as defined in s. 288.106 or other
1405 eligible business as defined in paragraph (1)(d) and the
1406 administrative rules and policies for that section.

1407 (f) Applications shall be reviewed and certified pursuant
1408 to s. 288.061. The department shall review all applications
1409 submitted under s. 288.106 or other similar application forms
1410 for other eligible businesses as defined in paragraph (1)(d)
1411 which indicate that the proposed project will be located in a
1412 brownfield area eligible for bonus refunds and determine, with
1413 the assistance of the Department of Environmental Protection,
1414 that the project location is within a brownfield area eligible
1415 for bonus refunds as provided in this act.

1416 Section 17. Subsection (8) of section 288.1081, Florida
1417 Statutes, is amended to read:

1418 288.1081 Economic Gardening Business Loan Pilot Program.—

1419 (8) The annual report required under s. 20.60 must describe
1420 ~~On June 30 and December 31 of each year, the department shall~~
1421 ~~submit a report to the Governor, the President of the Senate,~~

576-04927B-13

20131024c2

1422 ~~and the Speaker of the House of Representatives which describes~~
1423 in detail the use of the loan funds. The report must include, at
1424 a minimum, the number of businesses receiving loans, the number
1425 of full-time equivalent jobs created as a result of the loans,
1426 the amount of wages paid to employees in the newly created jobs,
1427 the locations and types of economic activity undertaken by the
1428 borrowers, the amounts of loan repayments made to date, and the
1429 default rate of borrowers.

1430 Section 18. Subsection (8) of section 288.1082, Florida
1431 Statutes, is amended to read:

1432 288.1082 Economic Gardening Technical Assistance Pilot
1433 Program.—

1434 (8) The annual report required under s. 20.60 must describe
1435 ~~On December 31 of each year, the department shall submit a~~
1436 ~~report to the Governor, the President of the Senate, and the~~
1437 ~~Speaker of the House of Representatives which describes in~~
1438 detail the progress of the pilot program. The report must
1439 include, at a minimum, the number of businesses receiving
1440 assistance, the number of full-time equivalent jobs created as a
1441 result of the assistance, if any, the amount of wages paid to
1442 employees in the newly created jobs, and the locations and types
1443 of economic activity undertaken by the businesses.

1444 Section 19. Paragraph (e) of subsection (3) of section
1445 288.1088, Florida Statutes, is amended to read:

1446 288.1088 Quick Action Closing Fund.—

1447 (3)

1448 (e) The department Enterprise Florida, Inc., shall validate
1449 contractor performance and report. ~~such validation in the annual~~
1450 incentives report required under s. 288.907 shall be reported

576-04927B-13

20131024c2

1451 ~~within 6 months after completion of the contract to the~~
1452 ~~Governor, President of the Senate, and the Speaker of the House~~
1453 ~~of Representatives.~~

1454 Section 20. Paragraphs (b) and (d) of subsection (4), and
1455 subsections (9) and (11) of section 288.1089, Florida Statutes,
1456 are amended to read:

1457 288.1089 Innovation Incentive Program.—

1458 (4) To qualify for review by the department, the applicant
1459 must, at a minimum, establish the following to the satisfaction
1460 of the department:

1461 (b) A research and development project must:

1462 1. Serve as a catalyst for an emerging or evolving
1463 technology cluster.

1464 2. Demonstrate a plan for significant higher education
1465 collaboration.

1466 3. Provide the state, at a minimum, a cumulative break-even
1467 economic benefit ~~return on investment~~ within a 20-year period.

1468 4. Be provided with a one-to-one match from the local
1469 community. The match requirement may be reduced or waived in
1470 rural areas of critical economic concern or reduced in rural
1471 areas, brownfield areas, and enterprise zones.

1472 (d) For an alternative and renewable energy project in this
1473 state, the project must:

1474 1. Demonstrate a plan for significant collaboration with an
1475 institution of higher education;

1476 2. Provide the state, at a minimum, a cumulative break-even
1477 economic benefit ~~return on investment~~ within a 20-year period;

1478 3. Include matching funds provided by the applicant or
1479 other available sources. The match requirement may be reduced or

576-04927B-13

20131024c2

1480 waived in rural areas of critical economic concern or reduced in
1481 rural areas, brownfield areas, and enterprise zones;

1482 4. Be located in this state; and

1483 5. Provide at least 35 direct, new jobs that pay an
1484 estimated annual average wage that equals at least 130 percent
1485 of the average private sector wage.

1486 (9) The department shall validate the performance of an
1487 innovation business, a research and development facility, or an
1488 alternative and renewable energy business that has received an
1489 award. At the conclusion of the innovation incentive award
1490 agreement, or its earlier termination, the department shall
1491 include in the annual incentives report required under s.
1492 288.907 a detailed description of, ~~within 90 days, submit a~~
1493 ~~report to the Governor, the President of the Senate, and the~~
1494 ~~Speaker of the House of Representatives detailing~~ whether the
1495 recipient of the innovation incentive grant achieved its
1496 specified outcomes.

1497 (11) ~~(a)~~ The department shall include in ~~submit to the~~
1498 ~~Governor, the President of the Senate, and the Speaker of the~~
1499 ~~House of Representatives, as part of the annual incentives~~
1500 report required under s. 288.907, a report summarizing the
1501 activities and accomplishments of the recipients of grants from
1502 the Innovation Incentive Program during the previous 12 months
1503 and an evaluation of whether the recipients are catalysts for
1504 additional direct and indirect economic development in Florida.

1505 ~~(b) Beginning March 1, 2010, and every third year~~
1506 ~~thereafter, the Office of Program Policy Analysis and Government~~
1507 ~~Accountability, in consultation with the Auditor General's~~
1508 ~~Office, shall release a report evaluating the Innovation~~

576-04927B-13

20131024c2

1509 ~~Incentive Program's progress toward creating clusters of high-~~
1510 ~~wage, high skilled, complementary industries that serve as~~
1511 ~~catalysts for economic growth specifically in the regions in~~
1512 ~~which they are located, and generally for the state as a whole.~~
1513 ~~Such report should include critical analyses of quarterly and~~
1514 ~~annual reports, annual audits, and other documents prepared by~~
1515 ~~the Innovation Incentive Program awardees; relevant economic~~
1516 ~~development reports prepared by the department, Enterprise~~
1517 ~~Florida, Inc., and local or regional economic development~~
1518 ~~organizations; interviews with the parties involved; and any~~
1519 ~~other relevant data. Such report should also include legislative~~
1520 ~~recommendations, if necessary, on how to improve the Innovation~~
1521 ~~Incentive Program so that the program reaches its anticipated~~
1522 ~~potential as a catalyst for direct and indirect economic~~
1523 ~~development in this state.~~

1524 Section 21. Subsection (3) of section 288.1253, Florida
1525 Statutes, is amended to read:

1526 288.1253 Travel and entertainment expenses.—

1527 (3) The Office of Film and Entertainment ~~department~~ shall
1528 include in the annual report for the entertainment industry
1529 financial incentive program required under s. 288.1254(10) a
1530 ~~prepare an annual~~ report of the office's expenditures ~~of the~~
1531 ~~Office of Film and Entertainment~~ and provide such report to the
1532 Legislature no later than December 30 of each year for the
1533 ~~expenditures of~~ the previous fiscal year. The report must ~~shall~~
1534 consist of a summary of all travel, entertainment, and
1535 incidental expenses incurred within the United States and all
1536 travel, entertainment, and incidental expenses incurred outside
1537 the United States, as well as a summary of all successful

576-04927B-13

20131024c2

1538 projects that developed from such travel.

1539 Section 22. Subsection (10) of section 288.1254, Florida
1540 Statutes, is amended to read:

1541 288.1254 Entertainment industry financial incentive
1542 program.—

1543 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office
1544 of Film and Entertainment shall submit ~~provide~~ an annual report
1545 for the previous fiscal year to the Governor, the President of
1546 the Senate, and the Speaker of the House of Representatives
1547 which outlines the incentive program's return on investment and
1548 economic benefits to the state. The report must ~~shall~~ also
1549 include an estimate of the full-time equivalent positions
1550 created by each production that received tax credits under this
1551 section and information relating to the distribution of
1552 productions receiving credits by geographic region and type of
1553 production. The report must also include the expenditures report
1554 required under s. 288.1253(3) and the information describing the
1555 relationship between tax exemptions and incentives to industry
1556 growth required under s. 288.1258(5).

1557 Section 23. Subsection (5) of section 288.1258, Florida
1558 Statutes, is amended to read:

1559 288.1258 Entertainment industry qualified production
1560 companies; application procedure; categories; duties of the
1561 Department of Revenue; records and reports.—

1562 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
1563 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
1564 and Entertainment shall keep annual records from the information
1565 provided on taxpayer applications for tax exemption certificates
1566 beginning January 1, 2001. These records also must ~~shall~~ reflect

576-04927B-13

20131024c2

1567 a ratio of the annual amount of sales and use tax exemptions
1568 under this section, plus the incentives awarded pursuant to s.
1569 288.1254 to the estimated amount of funds expended by certified
1570 productions. In addition, the office shall maintain data showing
1571 annual growth in Florida-based entertainment industry companies
1572 and entertainment industry employment and wages. The employment
1573 information must ~~shall~~ include an estimate of the full-time
1574 equivalent positions created by each production that received
1575 tax credits pursuant to s. 288.1254. The Office of Film and
1576 Entertainment shall include ~~report~~ this information in the
1577 annual report for the entertainment industry financial incentive
1578 program required under s. 288.1254(10) to the Legislature no
1579 later than December 1 of each year.

1580 Section 24. Subsection (3) of section 288.714, Florida
1581 Statutes, is amended to read:

1582 288.714 Quarterly and annual reports.-

1583 (3) ~~By August 31 of each year,~~ The department shall include
1584 in its annual report required under s. 20.60 ~~provide to the~~
1585 ~~Governor, the President of the Senate, and the Speaker of the~~
1586 ~~House of Representatives~~ a detailed report of the performance of
1587 the Black Business Loan Program. The report must include a
1588 cumulative summary of the quarterly report data compiled
1589 pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1590 Section 25. Section 288.7771, Florida Statutes, is amended
1591 to read:

1592 288.7771 Annual report of Florida Export Finance
1593 Corporation.-The corporation shall annually prepare and submit
1594 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its
1595 annual report required under s. 288.906 ~~by s. 288.095~~ a complete

576-04927B-13

20131024c2

1596 and detailed report setting forth:

1597 (1) The report required in s. 288.776(3).

1598 (2) Its assets and liabilities at the end of its most
1599 recent fiscal year.

1600 Section 26. Subsections (3), (4), and (5) of section
1601 288.903, Florida Statutes, are amended to read:

1602 288.903 Duties of Enterprise Florida, Inc.—Enterprise
1603 Florida, Inc., shall have the following duties:

1604 (3) Prepare an annual report pursuant to s. 288.906.

1605 (4) Prepare, in conjunction with the department, ~~and~~ an
1606 annual incentives report pursuant to s. 288.907.

1607 ~~(5)~~ (4) Assist the department with the development of an
1608 annual and a long-range strategic business blueprint for
1609 economic development required in s. 20.60.

1610 ~~(6)~~ (5) In coordination with Workforce Florida, Inc.,
1611 identify education and training programs that will ensure
1612 Florida businesses have access to a skilled and competent
1613 workforce necessary to compete successfully in the domestic and
1614 global marketplace.

1615 Section 27. Subsection (6) of section 288.904, Florida
1616 Statutes, is repealed.

1617 Section 28. Subsection (3) is added to section 288.906,
1618 Florida Statutes, to read:

1619 288.906 Annual report of Enterprise Florida, Inc., and its
1620 divisions; audits.—

1621 (3) The following reports must be included as supplements
1622 to the detailed report required by this section:

1623 (a) The annual report of the Florida Export Finance
1624 Corporation required under s. 288.7771.

576-04927B-13

20131024c2

1625 (b) The report on international offices required under s.
1626 288.012.

1627 Section 29. Section 288.907, Florida Statutes, is amended
1628 to read:

1629 288.907 Annual incentives report.—

1630 ~~(1) By December 30 of each year, In addition to the annual~~
1631 ~~report required under s. 288.906, Enterprise Florida, Inc., in~~
1632 ~~conjunction with the department, by December 30 of each year,~~
1633 shall provide the Governor, the President of the Senate, and the
1634 Speaker of the House of Representatives a detailed incentives
1635 report quantifying the economic benefits for all of the economic
1636 development incentive programs marketed by Enterprise Florida,
1637 Inc.

1638 ~~(a) The annual incentives report must include:~~

1639 (1) For each incentive program:

1640 (a)1. A brief description of the incentive program.

1641 (b)2. The amount of awards granted, by year, since
1642 inception and the annual amount actually transferred from the
1643 state treasury to businesses or for the benefit of businesses
1644 for each of the previous 3 years.

1645 ~~3. The economic benefits, as defined in s. 288.005, based~~
1646 ~~on the actual amount of private capital invested, actual number~~
1647 ~~of jobs created, and actual wages paid for incentive agreements~~
1648 ~~completed during the previous 3 years.~~

1649 (c)4. The report shall also include The actual amount of
1650 private capital invested, actual number of jobs created, and
1651 actual wages paid for incentive agreements completed during the
1652 previous 3 years for each target industry sector.

1653 (2) ~~(b)~~ For projects completed during the previous state

576-04927B-13

20131024c2

1654 fiscal year, ~~the report must include:~~

1655 (a)1. The number of economic development incentive
1656 applications received.

1657 (b)2. The number of recommendations made to the department
1658 by Enterprise Florida, Inc., including the number recommended
1659 for approval and the number recommended for denial.

1660 (c)3. The number of final decisions issued by the
1661 department for approval and for denial.

1662 (d)4. The projects for which a tax refund, tax credit, or
1663 cash grant agreement was executed, identifying for each project:

1664 1.a. The number of jobs committed to be created.

1665 2.b. The amount of capital investments committed to be
1666 made.

1667 3.e. The annual average wage committed to be paid.

1668 4.d. The amount of state economic development incentives
1669 committed to the project from each incentive program under the
1670 project's terms of agreement with the Department of Economic
1671 Opportunity.

1672 5.e. The amount and type of local matching funds committed
1673 to the project.

1674 (e) Tax refunds paid or other payments made funded out of
1675 the Economic Development Incentives Account for each project.

1676 (f) The types of projects supported.

1677 (3)(e) For economic development projects that received tax
1678 refunds, tax credits, or cash grants under the terms of an
1679 agreement for incentives, ~~the report must identify:~~

1680 (a)1. The number of jobs actually created.

1681 (b)2. The amount of capital investments actually made.

1682 (c)3. The annual average wage paid.

576-04927B-13

20131024c2

1683 (4)~~(d)~~ For a project receiving economic development
1684 incentives approved by the department and receiving federal or
1685 local incentives, ~~the report must include~~ a description of the
1686 federal or local incentives, if available.

1687 (5)~~(e)~~ The ~~report must state~~ the number of withdrawn or
1688 terminated projects that did not fulfill the terms of their
1689 agreements with the department and, consequently, are not
1690 receiving incentives.

1691 (6) For any agreements signed after July 1, 2010, findings
1692 and recommendations on the efforts of the department to
1693 ascertain the causes of any business's inability to complete its
1694 agreement made under s. 288.106.

1695 (7)~~(f)~~ The amount ~~report must include an analysis of the~~
1696 ~~economic benefits, as defined in s. 288.005,~~ of tax refunds, tax
1697 credits, or other payments made to projects locating or
1698 expanding in state enterprise zones, rural communities,
1699 brownfield areas, or distressed urban communities. The report
1700 must include a separate analysis of the impact of such tax
1701 refunds on state enterprise zones designated under s. 290.0065,
1702 rural communities, brownfield areas, and distressed urban
1703 communities.

1704 (8) The name of and tax refund amount for each business
1705 that has received a tax refund under s. 288.1045 or s. 288.106
1706 during the preceding fiscal year.

1707 (9)~~(g)~~ An identification of ~~The report must identify~~ the
1708 target industry businesses and high-impact businesses.

1709 (10)~~(h)~~ A description of ~~The report must describe~~ the
1710 trends relating to business interest in, and usage of, the
1711 various incentives, and the number of minority-owned or woman-

576-04927B-13

20131024c2

1712 owned businesses receiving incentives.

1713 (11)(i) An identification of The report must identify
1714 incentive programs not used and recommendations for program
1715 changes or program elimination utilized.

1716 (12) Information related to the validation of contractor
1717 performance required under s. 288.061.

1718 (13) Beginning in 2014, a summation of the activities
1719 related to the Florida Space Business Incentives Act.

1720 ~~(2) The Division of Strategic Business Development within~~
1721 ~~the department shall assist Enterprise Florida, Inc., in the~~
1722 ~~preparation of the annual incentives report.~~

1723 Section 30. Subsection (3) of section 288.92, Florida
1724 Statutes, is amended to read:

1725 288.92 Divisions of Enterprise Florida, Inc.—

1726 (3) ~~By October 15 each year,~~ Each division shall draft and
1727 submit an annual report for inclusion in the report required
1728 under 288.906 which details the division's activities during the
1729 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for
1730 improving current statutes related to the division's ~~related~~
1731 area of responsibility.

1732 Section 31. Subsection (5) of section 288.95155, Florida
1733 Statutes, is amended to read:

1734 288.95155 Florida Small Business Technology Growth
1735 Program.—

1736 (5) Enterprise Florida, Inc., shall prepare for inclusion
1737 in the annual report ~~of the department~~ required under s. 288.907
1738 ~~by s. 288.095~~ a report on the financial status of the program.
1739 The report must specify the assets and liabilities of the
1740 program within the current fiscal year and must include a

576-04927B-13

20131024c2

1741 portfolio update that lists all of the businesses assisted, the
1742 private dollars leveraged by each business assisted, and the
1743 growth in sales and in employment of each business assisted.

1744 Section 32. Section 288.9918, Florida Statutes, is amended
1745 to read:

1746 288.9918 Annual reporting by a community development
1747 entity.—

1748 (1) A community development entity that has issued a
1749 qualified investment shall submit an annual report to the
1750 department by January 31 ~~April 30~~ after the end of each year
1751 which includes a credit allowance date. The report shall include
1752 information on investments made in the preceding calendar year
1753 to include but not limited to the following:

1754 ~~(1) The entity's annual financial statements for the~~
1755 ~~preceding tax year, audited by an independent certified public~~
1756 ~~accountant.~~

1757 (a) ~~(2)~~ The identity of the types of industries, identified
1758 by the North American Industry Classification System Code, in
1759 which qualified low-income community investments were made.

1760 (b) ~~(3)~~ The names of the counties in which the qualified
1761 active low-income businesses are located which received
1762 qualified low-income community investments.

1763 (c) ~~(4)~~ The number of jobs created and retained by qualified
1764 active low-income community businesses receiving qualified low-
1765 income community investments, including verification that the
1766 average wages paid meet or exceed 115 percent of the federal
1767 poverty income guidelines for a family of four.

1768 (d) ~~(5)~~ A description of the relationships that the entity
1769 has established with community-based organizations and local

576-04927B-13

20131024c2

1770 community development offices and organizations and a summary of
1771 the outcomes resulting from those relationships.

1772 (e) ~~(6)~~ Other information and documentation required by the
1773 department to verify continued certification as a qualified
1774 community development entity under 26 U.S.C. s. 45D.

1775 (2) By April 30 after the end of each year which includes a
1776 credit allowance date, a community development entity shall
1777 submit annual financial statements for the preceding tax year,
1778 audited by an independent certified public accountant.

1779 Section 33. Subsection (6) of section 290.0055, Florida
1780 Statutes, is amended to read:

1781 290.0055 Local nominating procedure.—

1782 (6) (a) The department may approve a change in the boundary
1783 of any enterprise zone which was designated pursuant to s.
1784 290.0065. A boundary change must continue to satisfy the
1785 requirements of subsections (3), (4), and (5).

1786 (b) Upon a recommendation by the enterprise zone
1787 development agency, the governing body of the jurisdiction which
1788 authorized the application for an enterprise zone may apply to
1789 the department for a change in boundary once every 3 years by
1790 adopting a resolution that:

1791 1. States with particularity the reasons for the change;
1792 and

1793 2. Describes specifically and, to the extent required by
1794 the department, the boundary change to be made.

1795 (c) At least 90 days before adopting a resolution seeking a
1796 change in the boundary of an enterprise zone, the governing body
1797 shall include in a notice of the meeting at which the resolution
1798 will be considered an explanation that a change in the boundary

576-04927B-13

20131024c2

1799 of an enterprise zone will be considered and that the change may
1800 result in loss of enterprise zone eligibility for the area
1801 affected by the boundary change.

1802 (d)1. The governing body of a jurisdiction which has
1803 nominated an application for an enterprise zone that is at least
1804 15 square miles and less than 20 square miles ~~no larger than 12~~
1805 ~~square miles~~ and includes a portion of the state designated as a
1806 rural area of critical economic concern under s. 288.0656(7) may
1807 apply to the department to expand the boundary of the existing
1808 enterprise zone by not more than 3 square miles. ~~An application~~
1809 ~~to expand the boundary of an enterprise zone under this~~
1810 ~~paragraph must be submitted by December 31, 2012.~~

1811 2. The governing body of a jurisdiction which has nominated
1812 an application for an enterprise zone that is at least 20 square
1813 miles and includes a portion of the state designated as a rural
1814 area of critical economic concern under s. 288.0656(7) may apply
1815 to the department to expand the boundary of the existing
1816 enterprise zone by not more than 5 square miles.

1817 3. An application to expand the boundary of an enterprise
1818 zone under this paragraph must be submitted by December 31,
1819 2013.

1820 ~~4.2.~~ Notwithstanding the area limitations specified in
1821 subsection (4), the department may approve the request for a
1822 boundary amendment if the area continues to satisfy the
1823 remaining requirements of this section.

1824 ~~5.3.~~ The department shall establish the initial effective
1825 date of an enterprise zone designated under this paragraph.

1826 Section 34. Subsection (11) of section 290.0056, Florida
1827 Statutes, is amended to read:

576-04927B-13

20131024c2

1828 290.0056 Enterprise zone development agency.—

1829 (11) Before October 1 ~~December 1~~ of each year, the agency
1830 shall submit to the department for inclusion in the annual
1831 report required under s. 20.60 a complete and detailed written
1832 report setting forth:

1833 (a) Its operations and accomplishments during the fiscal
1834 year.

1835 (b) The accomplishments and progress concerning the
1836 implementation of the strategic plan or measurable goals, and
1837 any updates to the strategic plan or measurable goals.

1838 (c) The number and type of businesses assisted by the
1839 agency during the fiscal year.

1840 (d) The number of jobs created within the enterprise zone
1841 during the fiscal year.

1842 (e) The usage and revenue impact of state and local
1843 incentives granted during the calendar year.

1844 (f) Any other information required by the department.

1845 Section 35. Section 290.014, Florida Statutes, is amended
1846 to read:

1847 290.014 Annual reports on enterprise zones.—

1848 (1) By October 1 ~~February 1~~ of each year, the Department of
1849 Revenue shall submit an annual report to the department
1850 detailing the usage and revenue impact by county of the state
1851 incentives listed in s. 290.007.

1852 (2) ~~By March 1 of each year, the department shall submit an~~
1853 ~~annual report to the Governor, the Speaker of the House of~~
1854 ~~Representatives, and the President of the Senate. The annual~~
1855 report required under s. 20.60 shall include the information
1856 provided by the Department of Revenue pursuant to subsection (1)

576-04927B-13

20131024c2

1857 and the information provided by enterprise zone development
1858 agencies pursuant to s. 290.0056. In addition, the report shall
1859 include an analysis of the activities and accomplishments of
1860 each enterprise zone.

1861 Section 36. Section 290.0455, Florida Statutes, is amended
1862 to read:

1863 290.0455 Small Cities Community Development Block Grant
1864 Loan Guarantee Program; Section 108 loan guarantees.-

1865 (1) The Small Cities Community Development Block Grant Loan
1866 Guarantee Program is created. The department shall administer
1867 the loan guarantee program pursuant to Section 108 ~~s. 108~~ of
1868 Title I of the Housing and Community Development Act of 1974, as
1869 amended, and as further amended by s. 910 of the Cranston-
1870 Gonzalez National Affordable Housing Act. The purpose of the
1871 Small Cities Community Development Block Grant Loan Guarantee
1872 Program is to guarantee, or to make commitments to guarantee,
1873 notes or other obligations issued by public entities for the
1874 purposes of financing activities enumerated in 24 C.F.R. s.
1875 570.703.

1876 (2) Activities assisted under the loan guarantee program
1877 must meet the requirements contained in 24 C.F.R. ss. 570.700-
1878 570.710 and may not otherwise be financed in whole or in part
1879 from the Florida Small Cities Community Development Block Grant
1880 Program.

1881 (3) The department may pledge existing revenues on deposit
1882 or future revenues projected to be available for deposit in the
1883 Florida Small Cities Community Development Block Grant Program
1884 in order to guarantee, ~~in whole or in part,~~ the payment of
1885 principal and interest on a Section 108 loan ~~made under the loan~~

576-04927B-13

20131024c2

1886 ~~guarantee program.~~

1887 (4) An applicant approved by the United States Department
 1888 of Housing and Urban Development to receive a Section 108 loan
 1889 shall enter into an agreement with the Department of Economic
 1890 Opportunity which requires the applicant to pledge half of the
 1891 amount necessary to guarantee the loan in the event of default.

1892 (5) The department shall review all Section 108 loan
 1893 applications that it receives from local governments. The
 1894 department shall review the applications ~~must submit all~~
 1895 ~~applications it receives to the United States Department of~~
 1896 ~~Housing and Urban Development for loan approval,~~ in the order
 1897 received, subject to a determination by the department
 1898 ~~determining~~ that each ~~the~~ application meets all eligibility
 1899 requirements contained in 24 C.F.R. ss. 570.700-570.710~~,~~ and has
 1900 been deemed financially feasible by a loan underwriter approved
 1901 by the department. If the statewide maximum available for loan
 1902 guarantee commitments established in subsection (6) has not been
 1903 committed, the department may submit the Section 108 loan
 1904 application to the United States Department of Housing and Urban
 1905 Development with a recommendation that the loan be approved,
 1906 with or without conditions, or be denied ~~provided that the~~
 1907 ~~applicant has submitted the proposed activity to a loan~~
 1908 ~~underwriter to document its financial feasibility.~~

1909 (6) ~~(5)~~ The maximum amount of an individual loan guarantee
 1910 commitment that an ~~commitments that any~~ eligible local
 1911 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million
 1912 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan
 1913 guarantee commitments statewide may not exceed an amount equal
 1914 to two ~~five~~ times the amount of the most recent grant received

576-04927B-13

20131024c2

1915 by the department under the Florida Small Cities Community
1916 Development Block Grant Program. The \$5 million loan guarantee
1917 limit does not apply to loans guaranteed prior to July 1, 2013,
1918 that may be refinanced.

1919 (7) ~~(6)~~ Section 108 loans guaranteed by the Small Cities
1920 Community Development Block Grant Program ~~loan guarantee program~~
1921 must be repaid within 20 years.

1922 (8) ~~(7)~~ Section 108 loan applicants must demonstrate
1923 ~~guarantees may be used for an activity only if the local~~
1924 ~~government provides evidence to the department that the~~
1925 ~~applicant investigated~~ alternative financing services ~~were~~
1926 ~~investigated~~ and the services were unavailable or insufficient
1927 to meet the financing needs of the proposed activity.

1928 (9) If a local government defaults on a Section 108 loan
1929 received from the United States Department of Housing and Urban
1930 Development and guaranteed through the Florida Small Cities
1931 Community Development Block Grant Program, thereby requiring the
1932 department to reduce its annual grant award in order to pay the
1933 annual debt service on the loan, any future community
1934 development block grants that the local government receives must
1935 be reduced in an amount equal to the amount of the state's grant
1936 award used in payment of debt service on the loan.

1937 (10) If a local government receives a Section 108 loan
1938 guaranteed through the Florida Small Cities Community
1939 Development Block Grant Program and is granted entitlement
1940 community status as defined in subpart D of 24 C.F.R. part 570
1941 by the United States Department of Housing and Urban Development
1942 before paying the loan in full, the local government must pledge
1943 its community development block grant entitlement allocation as

576-04927B-13

20131024c2

1944 a guarantee of its previous loan and request that the United
1945 States Department of Housing and Urban Development release the
1946 department as guarantor of the loan.

1947 ~~(8) The department must, before approving an application~~
1948 ~~for a loan, evaluate the applicant's prior administration of~~
1949 ~~block grant funds for community development. The evaluation of~~
1950 ~~past performance must take into account the procedural aspects~~
1951 ~~of previous grants or loans as well as substantive results. If~~
1952 ~~the department finds that any applicant has failed to~~
1953 ~~substantially accomplish the results proposed in the applicant's~~
1954 ~~last previously funded application, the department may prohibit~~
1955 ~~the applicant from receiving a loan or may penalize the~~
1956 ~~applicant in the rating of the current application.~~

1957 Section 37. Subsection (11) of section 331.3051, Florida
1958 Statutes, is amended to read:

1959 331.3051 Duties of Space Florida.—Space Florida shall:

1960 (11) Annually report on its performance with respect to its
1961 business plan, to include finance, spaceport operations,
1962 research and development, workforce development, and education.
1963 Space Florida shall submit the report ~~shall be submitted~~ to the
1964 Governor, the President of the Senate, and the Speaker of the
1965 House of Representatives by November 30 ~~no later than September~~
1966 ~~±~~ for the previous ~~prior~~ fiscal year. The annual report must
1967 include operations information as required under s.

1968 331.310(2)(e).

1969 Section 38. Paragraph (e) of subsection (2) of section
1970 331.310, Florida Statutes, is amended to read:

1971 331.310 Powers and duties of the board of directors.—

1972 (2) The board of directors shall:

576-04927B-13

20131024c2

1973 (e) Prepare an annual report of operations as a supplement
1974 to the annual report required under s. 331.3051(11). The report
1975 must ~~shall~~ include, but not be limited to, a balance sheet, an
1976 income statement, a statement of changes in financial position,
1977 a reconciliation of changes in equity accounts, a summary of
1978 significant accounting principles, the auditor's report, a
1979 summary of the status of existing and proposed bonding projects,
1980 comments from management about the year's business, and
1981 prospects for the next year, ~~which shall be submitted each year~~
1982 ~~by November 30 to the Governor, the President of the Senate, the~~
1983 ~~Speaker of the House of Representatives, the minority leader of~~
1984 ~~the Senate, and the minority leader of the House of~~
1985 ~~Representatives.~~

1986 Section 39. Paragraphs (a) and (e) of subsection (30) of
1987 section 443.036, Florida Statutes, is amended to read:

1988 443.036 Definitions.—As used in this chapter, the term:

1989 (30) "Misconduct," irrespective of whether the misconduct
1990 occurs at the workplace or during working hours, includes, but
1991 is not limited to, the following, which may not be construed in
1992 pari materia with each other:

1993 (a) Conduct demonstrating conscious disregard of an
1994 employer's interests and found to be a deliberate violation or
1995 disregard of the reasonable standards of behavior which the
1996 employer expects of his or her employee. Such conduct may
1997 include, but is not limited to, willful damage to an employer's
1998 property that results in damage of more than \$50; or theft of
1999 employer property or property of a customer or invitee of the
2000 employer.

2001 (e)1. A violation of an employer's rule, unless the

576-04927B-13

20131024c2

2002 claimant can demonstrate that:

2003 ~~a.1.~~ He or she did not know, and could not reasonably know,
2004 of the rule's requirements;

2005 ~~b.2.~~ The rule is not lawful or not reasonably related to
2006 the job environment and performance; or

2007 ~~c.3.~~ The rule is not fairly or consistently enforced.

2008 2. Such conduct may include, but is not limited to,
2009 committing criminal assault or battery on another employee, or
2010 on a customer or invitee of the employer; or committing abuse or
2011 neglect of a patient, resident, disabled person, elderly person,
2012 or child in her or his professional care.

2013 Section 40. Paragraphs (b), (c), and (d) of subsection (1)
2014 of section 443.091, Florida Statutes, are amended to read:

2015 443.091 Benefit eligibility conditions.—

2016 (1) An unemployed individual is eligible to receive
2017 benefits for any week only if the Department of Economic
2018 Opportunity finds that:

2019 (b) She or he has completed the department's online work
2020 registration ~~registered with the department for work~~ and
2021 subsequently reports to the one-stop career center as directed
2022 by the regional workforce board for reemployment services. This
2023 requirement does not apply to persons who are:

2024 1. Non-Florida residents;

2025 2. On a temporary layoff;

2026 3. Union members who customarily obtain employment through
2027 a union hiring hall; or

2028 4. Claiming benefits under an approved short-time
2029 compensation plan as provided in s. 443.1116.

2030 5. Unable to complete the online work registration due to

576-04927B-13

20131024c2

2031 illiteracy, physical or mental impairment, a legal prohibition
2032 from using a computer, or a language impediment. If a person is
2033 exempted from the online work registration under this
2034 subparagraph, then the filing of his or her claim constitutes
2035 registration for work.

2036 (c) To make continued claims for benefits, she or he is
2037 reporting to the department in accordance with this paragraph
2038 and department rules, and participating in an initial skills
2039 review, as directed by the department. Department rules may not
2040 conflict with s. 443.111(1)(b), which requires that each
2041 claimant continue to report regardless of any pending appeal
2042 relating to her or his eligibility or disqualification for
2043 benefits.

2044 1. For each week of unemployment claimed, each report must,
2045 at a minimum, include the name, address, and telephone number of
2046 each prospective employer contacted, or the date the claimant
2047 reported to a one-stop career center, pursuant to paragraph (d).

2048 2. The administrator or operator of the initial skills
2049 review shall notify the department when the individual completes
2050 the initial skills review and report the results of the review
2051 to the regional workforce board or the one-stop career center as
2052 directed by the workforce board. The department shall prescribe
2053 a numeric score on the initial skills review that demonstrates a
2054 minimal proficiency in workforce skills. The department,
2055 workforce board, or one-stop career center shall use the initial
2056 skills review to develop a plan for referring individuals to
2057 training and employment opportunities. The failure of the
2058 individual to comply with this requirement will result in the
2059 individual being determined ineligible for benefits for the week

576-04927B-13

20131024c2

2060 in which the noncompliance occurred and for any subsequent week
2061 of unemployment until the requirement is satisfied. However,
2062 this requirement does not apply if the individual ~~is able to~~
2063 ~~affirmatively attest to being unable to complete such review due~~
2064 ~~to illiteracy or a language impediment or~~ is exempt from the
2065 work registration requirement as set forth in paragraph (b).

2066 3. Any individual who falls below the minimal proficiency
2067 score prescribed by the department in subparagraph 2. on the
2068 initial skills review shall be offered training opportunities
2069 and encouraged to participate in such training at no cost to the
2070 individual in order to improve his or her workforce skills to
2071 the minimal proficiency level.

2072 4. The department shall coordinate with Workforce Florida,
2073 Inc., the workforce boards, and the one-stop career centers to
2074 identify, develop, and utilize best practices for improving the
2075 skills of individuals who choose to participate in training
2076 opportunities and who have a minimal proficiency score below the
2077 score prescribed in subparagraph 2.

2078 5. The department, in coordination with Workforce Florida,
2079 Inc., the workforce boards, and the one-stop career centers,
2080 shall evaluate the use, effectiveness, and costs associated with
2081 the training prescribed in subparagraph 3. and report its
2082 findings and recommendations for training and the use of best
2083 practices to the Governor, the President of the Senate, and the
2084 Speaker of the House of Representatives by January 1, 2013.

2085 (d) She or he is able to work and is available for work. In
2086 order to assess eligibility for a claimed week of unemployment,
2087 the department shall develop criteria to determine a claimant's
2088 ability to work and availability for work. A claimant must be

576-04927B-13

20131024c2

2089 actively seeking work in order to be considered available for
2090 work. This means engaging in systematic and sustained efforts to
2091 find work, including contacting at least five prospective
2092 employers for each week of unemployment claimed. The department
2093 may require the claimant to provide proof of such efforts to the
2094 one-stop career center as part of reemployment services. A
2095 claimant's proof of work search efforts may not include the same
2096 prospective employer at the same location in three consecutive
2097 weeks, unless the employer has indicated since the time of the
2098 initial contact that the employer is hiring. The department
2099 shall conduct random reviews of work search information provided
2100 by claimants. As an alternative to contacting at least five
2101 prospective employers for any week of unemployment claimed, a
2102 claimant may, for that same week, report in person to a one-stop
2103 career center to meet with a representative of the center and
2104 access reemployment services of the center. The center shall
2105 keep a record of the services or information provided to the
2106 claimant and shall provide the records to the department upon
2107 request by the department. However:

2108 1. Notwithstanding any other provision of this paragraph or
2109 paragraphs (b) and (e), an otherwise eligible individual may not
2110 be denied benefits for any week because she or he is in training
2111 with the approval of the department, or by reason of s.
2112 443.101(2) relating to failure to apply for, or refusal to
2113 accept, suitable work. Training may be approved by the
2114 department in accordance with criteria prescribed by rule. A
2115 claimant's eligibility during approved training is contingent
2116 upon satisfying eligibility conditions prescribed by rule.

2117 2. Notwithstanding any other provision of this chapter, an

576-04927B-13

20131024c2

2118 otherwise eligible individual who is in training approved under
2119 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
2120 determined ineligible or disqualified for benefits due to
2121 enrollment in such training or because of leaving work that is
2122 not suitable employment to enter such training. As used in this
2123 subparagraph, the term "suitable employment" means work of a
2124 substantially equal or higher skill level than the worker's past
2125 adversely affected employment, as defined for purposes of the
2126 Trade Act of 1974, as amended, the wages for which are at least
2127 80 percent of the worker's average weekly wage as determined for
2128 purposes of the Trade Act of 1974, as amended.

2129 3. Notwithstanding any other provision of this section, an
2130 otherwise eligible individual may not be denied benefits for any
2131 week because she or he is before any state or federal court
2132 pursuant to a lawfully issued summons to appear for jury duty.

2133 4. Union members who customarily obtain employment through
2134 a union hiring hall may satisfy the work search requirements of
2135 this paragraph by reporting daily to their union hall.

2136 5. The work search requirements of this paragraph do not
2137 apply to persons who are unemployed as a result of a temporary
2138 layoff or who are claiming benefits under an approved short-time
2139 compensation plan as provided in s. 443.1116.

2140 6. In small counties as defined in s. 120.52(19), a
2141 claimant engaging in systematic and sustained efforts to find
2142 work must contact at least three prospective employers for each
2143 week of unemployment claimed.

2144 7. The work search requirements of this paragraph do not
2145 apply to persons required to participate in reemployment
2146 services under paragraph (e).

576-04927B-13

20131024c2

2147 Section 41. Subsection (13) is added to section 443.101,
2148 Florida Statutes, to read:

2149 443.101 Disqualification for benefits.—An individual shall
2150 be disqualified for benefits:

2151 (13) For any week with respect to which the department
2152 finds that his or her unemployment is due to a discharge from
2153 employment for failure without good cause to maintain a license,
2154 registration, or certification required by applicable law
2155 necessary for the employee to perform her or his assigned job
2156 duties. For purposes of this paragraph, the term "good cause"
2157 includes, but is not limited to, failure of the employer to
2158 submit information required for a license, registration, or
2159 certification; short-term physical injury which prevents the
2160 employee from completing or taking a required test; and
2161 inability to take or complete a required test that is outside
2162 the employee's control.

2163 Section 42. Paragraph (b) of subsection (4) of section
2164 443.1113, Florida Statutes, is amended to read:

2165 443.1113 Reemployment Assistance Claims and Benefits
2166 Information System.—

2167 (4) The project to implement the Reemployment Assistance
2168 Claims and Benefits Information System ~~is shall be~~ comprised of
2169 the following phases and corresponding implementation
2170 timeframes:

2171 (b) The Reemployment Assistance Claims and Benefits
2172 Internet portal that replaces the Florida Unemployment Internet
2173 Direct and the Florida Continued Claims Internet Directory
2174 systems, the Call Center Interactive Voice Response System, the
2175 Benefit Overpayment Screening System, the Internet and Intranet

576-04927B-13

20131024c2

2176 Appeals System, and the Claims and Benefits Mainframe System
2177 shall be deployed to full operational status no later than the
2178 end of fiscal year 2013-2014 ~~2012-2013~~.

2179 Section 43. Subsection (5) of section 443.131, Florida
2180 Statutes, is amended to read:

2181 443.131 Contributions.—

2182 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

2183 (a) When the Unemployment Compensation Trust Fund has
2184 received advances from the Federal Government under the
2185 provisions of 42 U.S.C. s. 1321, each contributing employer
2186 shall be assessed an additional rate solely for the purpose of
2187 paying interest due on such federal advances. The additional
2188 rate shall be assessed no later than February 1 in each calendar
2189 year in which an interest payment is due.

2190 (b) The Revenue Estimating Conference shall estimate the
2191 amount of ~~such~~ interest due on federal advances by no later than
2192 December 1 of the calendar year before ~~preceding~~ the calendar
2193 year in which an interest payment is due. The Revenue Estimating
2194 Conference shall, at a minimum, consider the following as the
2195 basis for the estimate:

2196 1. The amounts actually advanced to the trust fund.

2197 2. Amounts expected to be advanced to the trust fund based
2198 on current and projected unemployment patterns and employer
2199 contributions.

2200 3. The interest payment due date.

2201 4. The interest rate that will be applied by the Federal
2202 Government to any accrued outstanding balances.

2203 (c) ~~(b)~~ The tax collection service provider shall calculate
2204 the additional rate to be assessed against contributing

576-04927B-13

20131024c2

2205 employers. The additional rate assessed for a calendar year is
2206 ~~shall be~~ determined by dividing the estimated amount of interest
2207 to be paid in that year by 95 percent of the taxable wages as
2208 described in s. 443.1217 paid by all employers for the year
2209 ending June 30 of the previous ~~immediately preceding~~ calendar
2210 year. The amount to be paid by each employer is ~~shall be~~ the
2211 product obtained by multiplying such employer's taxable wages as
2212 described in s. 443.1217 for the year ending June 30 of the
2213 previous ~~immediately preceding~~ calendar year by the rate as
2214 determined by this subsection. An assessment may not be made if
2215 the amount of assessments on deposit from previous years, plus
2216 any earned interest, is at least 80 percent of the estimated
2217 amount of interest.

2218 (d) The tax collection service provider shall make a
2219 separate collection of such assessment, which may be collected
2220 at the time of employer contributions and subject to the same
2221 penalties for failure to file a report, imposition of the
2222 standard rate pursuant to paragraph (3)(h), and interest if the
2223 assessment is not received on or before June 30. Section
2224 443.141(1)(d) and (e) does not apply to this separately
2225 collected assessment. The tax collection service provider shall
2226 maintain those funds in the tax collection service provider's
2227 Audit and Warrant Clearing Trust Fund until the provider is
2228 directed by the Governor or the Governor's designee to make the
2229 interest payment to the Federal Government. Assessments on
2230 deposit must be available to pay the interest on advances
2231 received from the Federal Government under 42 U.S.C. s. 1321.
2232 Assessments on deposit may be invested and any interest earned
2233 shall be part of the balance available to pay the interest on

576-04927B-13

20131024c2

2234 advances received from the Federal Government under 42 U.S.C. s.
2235 1321.

2236 (e) Four months after ~~In the calendar year that~~ all
2237 advances from the Federal Government under 42 U.S.C. s. 1321 and
2238 associated interest are repaid, ~~if there are assessment funds in~~
2239 ~~excess of the amount required to meet the final interest~~
2240 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
2241 Clearing Trust Fund, including associated interest, shall be
2242 transferred to ~~credited to employer accounts in~~ the Unemployment
2243 Compensation Trust Fund. Any assessment amounts subsequently
2244 collected shall also be transferred to the Unemployment
2245 Compensation Trust Fund in an amount equal to the employer's
2246 ~~contribution to the assessment for that year divided by the~~
2247 ~~total amount of the assessment for that year, the result of~~
2248 ~~which is multiplied by the amount of excess assessed funds.~~

2249 (f) If ~~However, if~~ the state is permitted to defer interest
2250 payments due during a calendar year under 42 U.S.C. s. 1322,
2251 payment of the interest assessment is ~~shall~~ not be due. If a
2252 deferral of interest expires or is subsequently disallowed by
2253 the Federal Government, either prospectively or retroactively,
2254 the interest assessment shall be immediately due and payable.
2255 Notwithstanding any other provision of this section, if interest
2256 due during a calendar year on federal advances is forgiven or
2257 postponed under federal law and is no longer due during that
2258 calendar year, no interest assessment shall be assessed against
2259 an employer for that calendar year, and any assessment already
2260 assessed and collected against an employer before the
2261 forgiveness or postponement of the interest for that calendar
2262 year shall be credited to such employer's account in the

576-04927B-13

20131024c2

2263 Unemployment Compensation Trust Fund. However, such funds may be
2264 used only to pay benefits or refunds of erroneous contributions.

2265 (g) This subsection expires July 1, 2014.

2266 Section 44. Paragraph (b) of subsection (2) and paragraph
2267 (a) of subsection (3), and paragraph (a) of subsection (6) of
2268 section 443.151, Florida Statutes, are amended to read:

2269 443.151 Procedure concerning claims.—

2270 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
2271 CLAIMANTS AND EMPLOYERS.—

2272 (b) *Process.*—When the Reemployment Assistance Claims and
2273 Benefits Information System described in s. 443.1113 is fully
2274 operational, the process for filing claims must incorporate the
2275 process for registering for work with the workforce information
2276 systems established pursuant to s. 445.011. Unless exempted
2277 under s. 443.091(1)(b)5., a claim for benefits may not be
2278 processed until the work registration requirement is satisfied.
2279 The department may adopt rules as necessary to administer the
2280 work registration requirement set forth in this paragraph.

2281 (3) DETERMINATION OF ELIGIBILITY.—

2282 (a) *Notices of claim.*—The Department of Economic
2283 Opportunity shall promptly provide a notice of claim to the
2284 claimant's most recent employing unit and all employers whose
2285 employment records are liable for benefits under the monetary
2286 determination. The employer must respond to the notice of claim
2287 within 20 days after the mailing date of the notice, or in lieu
2288 of mailing, within 20 days after the delivery of the notice. If
2289 a contributing employer or its agent fails to timely or
2290 adequately respond to the notice of claim or request for
2291 information, the employer's account may not be relieved of

576-04927B-13

20131024c2

2292 benefit charges as provided in s. 443.131(3)(a), notwithstanding
2293 paragraph (5)(b). The department may adopt rules as necessary to
2294 implement the processes described in this paragraph relating to
2295 notices of claim.

2296 (6) RECOVERY AND RECOUPMENT.—

2297 (a) Any person who, by reason of her or his fraud, receives
2298 benefits under this chapter to which she or he is not entitled
2299 is liable for repaying those benefits to the Department of
2300 Economic Opportunity on behalf of the trust fund or, in the
2301 discretion of the department, to have those benefits deducted
2302 from future benefits payable to her or him under this chapter.
2303 In addition, the department shall impose upon the claimant a
2304 penalty equal to 15 percent of the amount overpaid. To enforce
2305 this paragraph, the department must find the existence of fraud
2306 through a redetermination or decision under this section within
2307 2 years after the fraud was committed. Any recovery or
2308 recoupment of benefits must be commenced within 7 years after
2309 the redetermination or decision.

2310 Section 45. Effective January 1, 2014, paragraph (a) of
2311 subsection (4) of section 443.151, Florida Statutes, is amended
2312 to read:

2313 (4) APPEALS.—

2314 (a) Appeals referees.—The Department of Economic
2315 Opportunity shall appoint one or more impartial salaried appeals
2316 referees in accordance with s. 443.171(3) to hear and decide
2317 appealed claims. An appeals referee must be an attorney in good
2318 standing with the Florida Bar, or must be successfully admitted
2319 to the Florida Bar within 8 months of his or her date of
2320 employment. A person may not participate on behalf of the

576-04927B-13

20131024c2

2321 department as an appeals referee in any case in which she or he
2322 is an interested party. The department may designate alternates
2323 to serve in the absence or disqualification of any appeals
2324 referee on a temporary basis. These alternates must have the
2325 same qualifications required of appeals referees. The department
2326 shall provide the commission and the appeals referees with
2327 proper facilities and assistance for the execution of their
2328 functions.

2329 Section 46. After January 1, 2014, the department must,
2330 through attrition of staff, meet the requirements of Section 45
2331 of this bill.

2332 Section 47. Subsection (1) of section 443.1715, Florida
2333 Statutes, is amended to read:

2334 443.1715 Disclosure of information; confidentiality.-

2335 (1) RECORDS AND REPORTS.-Information revealing an employing
2336 unit's or individual's identity obtained from the employing unit
2337 or any individual under the administration of this chapter, and
2338 any determination revealing that information, is confidential
2339 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2340 Constitution. This confidential information may be released in
2341 accordance with the provisions in 20 C.F.R. part 603. A person
2342 receiving confidential information who violates this subsection
2343 commits a misdemeanor of the second degree, punishable as
2344 provided in s. 775.082 or s. 775.083. The Department of Economic
2345 Opportunity or its tax collection service provider may, however,
2346 furnish to any employer copies of any report submitted by that
2347 employer upon the request of the employer and may furnish to any
2348 claimant copies of any report submitted by that claimant upon
2349 the request of the claimant. The department or its tax

576-04927B-13

20131024c2

2350 collection service provider may charge a reasonable fee for
2351 copies of these reports as prescribed by rule, which may not
2352 exceed the actual reasonable cost of the preparation of the
2353 copies. Fees received for copies under this subsection must be
2354 deposited in the Employment Security Administration Trust Fund.

2355 Section 48. Subsection (1) of section 443.191, Florida
2356 Statutes, is amended to read:

2357 443.191 Unemployment Compensation Trust Fund; establishment
2358 and control.—

2359 (1) There is established, as a separate trust fund apart
2360 from all other public funds of this state, an Unemployment
2361 Compensation Trust Fund, which shall be administered by the
2362 Department of Economic Opportunity exclusively for the purposes
2363 of this chapter. The fund must ~~shall~~ consist of:

2364 (a) All contributions and reimbursements collected under
2365 this chapter;

2366 (b) Interest earned on any moneys in the fund;

2367 (c) Any property or securities acquired through the use of
2368 moneys belonging to the fund;

2369 (d) All earnings of these properties or securities;

2370 (e) All money credited to this state's account in the
2371 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
2372 1103; ~~and~~

2373 (f) All money collected for penalties imposed pursuant to
2374 s. 443.151(6) (a); and

2375 (g) Advances on the amount in the federal Unemployment
2376 Compensation Trust Fund credited to the state under 42 U.S.C. s.
2377 1321, as requested by the Governor or the Governor's designee.
2378

576-04927B-13

20131024c2

2379 Except as otherwise provided in s. 443.1313(4), all moneys in
2380 the fund must ~~shall~~ be mingled and undivided.

2381 Section 49. Paragraph (b) of subsection (3) and subsection
2382 (4) of section 446.50, Florida Statutes, are amended to read:

2383 446.50 Displaced homemakers; multiservice programs; report
2384 to the Legislature; Displaced Homemaker Trust Fund created.—

2385 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2386 OPPORTUNITY.—

2387 (b)1. The department shall enter into contracts with, and
2388 make grants to, public and nonprofit private entities for
2389 purposes of establishing multipurpose service programs for
2390 displaced homemakers under this section. Such grants and
2391 contracts must ~~shall~~ be awarded pursuant to chapter 287 and
2392 based on criteria established in the program state plan as
2393 provided in subsection (4) developed pursuant to this section.
2394 The department shall designate catchment areas that together,
2395 must ~~shall~~ compose the entire state, and, to the extent possible
2396 from revenues in the Displaced Homemaker Trust Fund, the
2397 department shall contract with, and make grants to, entities
2398 that will serve entire catchment areas so that displaced
2399 homemaker service programs are available statewide. These
2400 catchment areas must ~~shall~~ be coterminous with the state's
2401 workforce development regions. The department may give priority
2402 to existing displaced homemaker programs when evaluating bid
2403 responses to the request for proposals.

2404 2. In order to receive funds under this section, and unless
2405 specifically prohibited by law from doing so, an entity that
2406 provides displaced homemaker service programs must receive at
2407 least 25 percent of its funding from one or more local,

576-04927B-13

20131024c2

2408 municipal, or county sources or nonprofit private sources. In-
 2409 kind contributions may be evaluated by the department and
 2410 counted as part of the required local funding.

2411 3. The department shall require an entity that receives
 2412 funds under this section to maintain appropriate data to be
 2413 compiled in an annual report to the department. Such data must
 2414 ~~shall~~ include, but is ~~shall~~ not ~~be~~ limited to, the number of
 2415 clients served, the units of services provided, designated
 2416 client-specific information including intake and outcome
 2417 information specific to each client, costs associated with
 2418 specific services and program administration, total program
 2419 revenues by source and other appropriate financial data, and
 2420 client followup information at specified intervals after the
 2421 placement of a displaced homemaker in a job.

2422 (4) DISPLACED HOMEMAKER PROGRAM STATE PLAN.—

2423 ~~(a)~~ The Department of Economic Opportunity shall include in
 2424 its annual report required under s. 20.60 a develop a 3-year
 2425 state plan for the displaced homemaker program which shall be
 2426 updated annually. The plan must address, at a minimum, the need
 2427 for programs specifically designed to serve displaced
 2428 homemakers, any necessary service components for such programs
 2429 in addition to those described ~~enumerated~~ in this section, goals
 2430 of the displaced homemaker program with an analysis of the
 2431 extent to which those goals are being met, and recommendations
 2432 for ways to address any unmet program goals. Any request for
 2433 funds for program expansion must be based on the ~~state~~ plan.

2434 ~~(b)~~ The displaced homemaker program ~~Each annual update must~~
 2435 ~~address any changes in the components of the 3-year state plan~~
 2436 ~~and a report that~~ must include, but need not be limited to, the

576-04927B-13

20131024c2

2437 following:

2438 (a)1. The scope of the incidence of displaced homemakers;2439 (b)2. A compilation and report, by program, of data
2440 submitted to the department pursuant to subparagraph (3) (b)3.2441 ~~subparagraph 3.~~ by funded displaced homemaker service programs;2442 (c)3. An identification and description of the programs in
2443 the state which receive funding from the department, including
2444 funding information; and2445 (d)4. An assessment of the effectiveness of each displaced
2446 homemaker service program based on outcome criteria established
2447 by rule of the department.2448 ~~(c) The 3-year state plan must be submitted to the~~
2449 ~~President of the Senate, the Speaker of the House of~~
2450 ~~Representatives, and the Governor on or before January 1, 2001,~~
2451 ~~and annual updates of the plan must be submitted by January 1 of~~
2452 ~~each subsequent year.~~2453 Section 50. Section 288.80, Florida Statutes, is created to
2454 read:2455 288.80 Short title.—Sections 288.80-288.84 may be cited as
2456 the "Gulf Coast Economic Corridor Act."2457 Section 51. Section 288.801, Florida Statutes, is created
2458 to read:2459 288.801 Gulf Coast Economic Corridor; Legislative Intent.—
2460 The Legislature recognizes that fully supporting areas affected
2461 by the Deepwater Horizon disaster to ensure goals for economic
2462 recovery and diversification are achieved is in the best
2463 interest of the citizens of the state. The Legislature intends
2464 to provide a long-term source of funding for efforts of economic
2465 recovery and enhancement in the gulf coast region. The

576-04927B-13

20131024c2

2466 Legislature finds that it is important to help businesses,
2467 individuals, and local governments in the Gulf Coast region
2468 recover.

2469 Section 52. Section 288.81, Florida Statutes, is created to
2470 read:

2471 288.81 Definitions.—As used in ss. 288.80-288.84, the term:

2472 (a) "Awardee" means a person, organization, or local
2473 government granted an award of funds from the Recovery Fund for
2474 a project or program.

2475 (b) "Disproportionately affected county" means Bay County,
2476 Escambia County, Franklin County, Gulf County, Okaloosa County,
2477 Santa Rosa County, Walton County, or Wakulla County.

2478 (c) "Earnings" means all the income generated by
2479 investments and interest.

2480 (d) "Recovery Fund" means a trust account established by
2481 Triumph Gulf Coast, Inc., for the benefit of the
2482 disproportionately affected counties.

2483 Section 53. Section 288.82, Florida Statutes, is created to
2484 read:

2485 288.82 Triumph Gulf Coast, Inc.; Recovery Fund; Creation;
2486 Investment.—

2487 (1) There is created within the Department of Economic
2488 Opportunity a nonprofit corporation, to be known as Triumph Gulf
2489 Coast, Inc., which shall be registered, incorporated, organized,
2490 and operated in compliance with chapter 617, and which is not a
2491 unit or entity of state government. Triumph Gulf Coast, Inc.,
2492 may receive, hold, invest, and administer the Recovery Fund in
2493 support of this act. Triumph Gulf Coast, Inc., is a separate
2494 budget entity and is not subject to control, supervision, or

576-04927B-13

20131024c2

2495 direction by the Department of Economic Opportunity in any
2496 manner, including, but not limited to, personnel, purchasing,
2497 transactions involving real or personal property, and budgetary
2498 matters.

2499 (2) Triumph Gulf Coast, Inc., must create and administer
2500 the Recovery Fund for the benefit of the disproportionately
2501 affected counties. The principal of the fund shall derive from:

2502 (a) Seventy-five percent of all funds recovered by the
2503 Attorney General for economic damage to the state resulting from
2504 the Deepwater Horizon disaster, including penalties, fines,
2505 fees, and settlements; and

2506 (b) Any funds distributed to the state under 33 U.S.C.
2507 1321(t)(1)(C)(i)(I). Notwithstanding any other provision under
2508 this act, this act shall not affect any funds distributed to any
2509 county under 33 U.S.C. 1321(t).

2510 (3) The Recovery Fund must be maintained as a long-term and
2511 stable source of revenue, which shall decline over a 30-year
2512 period in equal amounts each year. Triumph Gulf Coast, Inc.,
2513 shall establish a trust account at a federally insured financial
2514 institution to hold funds and make deposits and payments.

2515 Earnings generated by investments and interest of the fund, plus
2516 the amount of principal available each year, shall be available
2517 to make awards pursuant to this act and pay administrative
2518 costs. Earnings shall be accounted for separately from principal
2519 funds. Principal funds set forth in subsection (2) must be
2520 accounted for separately. Administrative costs are limited to 1
2521 percent of the earnings in a calendar year. Administrative costs
2522 include payment of investment fees, travel and per diem expenses
2523 of board members, audits, salary or other costs for employed or

576-04927B-13

20131024c2

2524 contracted staff, including required staff under s. 288.83(9),
2525 and other allowable costs. Any funds remaining in the Recovery
2526 Fund after 30 years shall revert to the State Treasury.

2527 (4) Triumph Gulf Coast, Inc., shall invest and reinvest the
2528 principal of the Recovery Fund in accordance with s. 617.2104,
2529 in such a manner not to subject the funds to state or federal
2530 taxes, and consistent with an investment policy statement
2531 adopted by the corporation.

2532 (a) The board of directors shall formulate an investment
2533 policy governing the investment of the principal of the Recovery
2534 Fund. The policy shall pertain to the types, kinds or nature of
2535 investment of any of the funds, and any limitations, conditions
2536 or restrictions upon the methods, practices or procedures for
2537 investment, reinvestments, purchases, sales or exchange
2538 transactions, provided such policies shall not conflict with nor
2539 be in derogation of any state constitutional provision or law.
2540 The policy shall be formulated with the advice of the financial
2541 advisor in consultation with the State Board of Administration

2542 (b) Triumph Gulf Coast, Inc., must competitively procure
2543 one or more money managers, under the advice of the financial
2544 advisor in consultation with the State Board of Administration,
2545 to invest the principal of the Recovery Fund. The applicant
2546 manager or managers may not include representatives from the
2547 financial institution housing the trust account for the Recovery
2548 Fund. The applicant manager or managers must present a plan to
2549 invest the Recovery Fund to maximize earnings while prioritizing
2550 the preservation of Recovery Fund principal. Any agreement with
2551 a money manager must be reviewed by Triumph Gulf Coast, Inc.,
2552 for continuance at least every 5 years. Plans should include

576-04927B-13

20131024c2

2553 investment in technology and growth businesses domiciled in, or
2554 that will be domiciled in, this state or businesses whose
2555 principal address is in this state.

2556 (c) Costs and fees for investment services shall be
2557 deducted from the earnings as administrative costs. Fees for
2558 investment services shall be no greater than 1.5 basis points.

2559 (d) Annually, Triumph Gulf Coast, Inc., shall cause an
2560 audit to be conducted of the investment of the Recovery Fund by
2561 the independent certified public accountant retained in s.
2562 288.83. The expense of such audit shall be paid from earnings
2563 for administrative purposes.

2564 (5) Triumph Gulf Coast, Inc., shall report on June 30 and
2565 December 30 each year to the Governor, the President of the
2566 Senate, and the Speaker of the House of Representatives on the
2567 financial status of the Recovery Fund and its investments, the
2568 established priorities, the project and program selection
2569 process, including a list of all submitted projects and reasons
2570 for approval or denial, and the status of all approved awards.

2571 (6) The Auditor General shall conduct an audit of the
2572 Recovery Fund and Triumph Gulf Coast, Inc., annually. Triumph
2573 Gulf Coast, Inc., shall provide to the Auditor General any
2574 detail or supplemental data required.

2575 Section 54. Section 288.83, Florida Statutes, is created to
2576 read:

2577 288.83 Triumph Gulf Coast, Inc.; Organization; Board of
2578 Directors.—

2579 (1) Triumph Gulf Coast, Inc., is subject to the provisions
2580 of chapter 119 relating to public records and those provisions
2581 of chapter 286 relating to public meetings and records.

576-04927B-13

20131024c2

2582 (2) Triumph Gulf Coast, Inc., shall be governed by a 5-
2583 member board of directors. Each of the Trustees of the State
2584 Board of Administration, the President of the Senate, and the
2585 Speaker of the House of Representatives shall each appoint one
2586 member from the private sector. The board of directors shall
2587 annually elect a chairperson from among the board's members. The
2588 chairperson may be removed by a majority vote of the members.
2589 His or her successor shall be elected to serve for the balance
2590 of the removed chairperson's term. The chairperson is
2591 responsible to ensure records are kept of the proceedings of the
2592 board of directors and is the custodian of all books, documents,
2593 and papers filed with the board; the minutes of meetings of the
2594 board; and the official seal of Triumph Gulf Coast, Inc.

2595 (3) Each member of the board of directors shall serve for a
2596 term of 4 years, except that initially the appointments of the
2597 President of the Senate and the Speaker of the House of
2598 Representatives each shall serve a term of 2 years to achieve
2599 staggered terms among the members of the board. A member is not
2600 eligible for reappointment to the board, except, however, any
2601 member appointed to a term of 2 years or less may be reappointed
2602 for an additional term of 4 years. The initial appointments to
2603 the board must be made by November 15, 2013. Vacancies on the
2604 board of directors shall be filled by the officer who originally
2605 appointed the member. A vacancy that occurs before the scheduled
2606 expiration of the term of the member shall be filled for the
2607 remainder of the unexpired term.

2608 (4) The Legislature determines that it is in the public
2609 interest for the members of the board of directors to be subject
2610 to the requirements of ss. 112.3135, 112.3143, and 112.313,

576-04927B-13

20131024c2

2611 notwithstanding the fact that the board members are not public
2612 officers or employees. For purposes of those sections, the board
2613 members shall be considered to be public officers or employees.
2614 In addition to the postemployment restrictions of s. 112.313(9),
2615 a person appointed to the board of directors must agree to
2616 refrain from having any direct interest in any contract,
2617 franchise, privilege, project, program, or other benefit arising
2618 from an award by Triumph Gulf Coast, Inc., during the term of
2619 his or her appointment and for 2 years after the termination of
2620 such appointment. It is a misdemeanor of the first degree,
2621 punishable as provided in s. 775.082 or s. 775.083, for a person
2622 to accept appointment to the board of directors in violation of
2623 this subsection or to accept a direct interest in any contract,
2624 franchise, privilege, project, program, or other benefit granted
2625 by Triumph Gulf Coast, Inc., to an awardee within 2 years after
2626 the termination of his or her service on the board. Further,
2627 each member of the board of directors who is not otherwise
2628 required to file financial disclosure under s. 8, Art. II of the
2629 State Constitution or s. 112.3144 shall file disclosure of
2630 financial interests under s. 112.3145.

2631 (5) Each member of the board of directors shall serve
2632 without compensation, but shall receive travel and per diem
2633 expenses as provided in s. 112.061 while in the performance of
2634 his or her duties.

2635 (6) Each member of the board of directors is accountable
2636 for the proper performance of the duties of office, and each
2637 member owes a fiduciary duty to the people of the state to
2638 ensure that awards provided are disbursed and used, and
2639 investments are made, as prescribed by law and contract. An

576-04927B-13

20131024c2

2640 appointed member of the board of directors may be removed by the
2641 officer that appointed the member for malfeasance, misfeasance,
2642 neglect of duty, incompetence, permanent inability to perform
2643 official duties, unexcused absence from three consecutive
2644 meetings of the board, arrest or indictment for a crime that is
2645 a felony or a misdemeanor involving theft or a crime of
2646 dishonesty, or pleading nolo contendere to, or being found
2647 guilty of, any crime.

2648 (7) The board of directors shall meet at least quarterly,
2649 upon the call of the chairperson or at the request of a majority
2650 of the membership, to review the Recovery Fund, establish and
2651 review priorities for economic recovery in disproportionately
2652 affected counties, and determine use of the earnings available.
2653 A majority of the members of the board of directors constitutes
2654 a quorum. Members may not vote by proxy.

2655 (8) The executive director of the Department of Economic
2656 Opportunity, or his or her designee, the secretary of the
2657 Department of Environmental Protection, or his or her designee,
2658 and the chair of the Committee of 8 Disproportionally Affected
2659 Counties, or his or her designee, shall be available to consult
2660 with the board of directors and may be requested to attend
2661 meetings of the board of directors. These individuals shall not
2662 be permitted to vote on any matter before the board.

2663 (9) (a) Triumph Gulf Coast, Inc., is permitted to hire or
2664 contract for all staff necessary to the proper execution of its
2665 powers and duties to implement this act. The corporation is
2666 required to retain:

2667 1. An independent certified public accountant licensed in
2668 this state pursuant to chapter 473 to inspect the records of and

576-04927B-13

20131024c2

2669 to audit the expenditure of the earnings and available principal
2670 disbursed by Triumph Gulf Coast, Inc.

2671 2. An independent financial advisor to assist Triumph Gulf
2672 Coast, Inc., in the development and implementation of a
2673 strategic plan consistent with the requirements of this act.

2674 3. An economic advisor who will assist in the award
2675 process, including the development of priorities, allocation
2676 decisions, and the application and process; will assist the
2677 board in determining eligibility of award applications and the
2678 evaluation and scoring of applications; and will assist in the
2679 development of award documentation.

2680 4. A legal advisor with expertise in not-for-profit
2681 investing and contracting and who is a member of the Florida Bar
2682 to assist with contracting and carrying out the intent of this
2683 statute.

2684 (b) Triumph Gulf Coast, Inc., shall require all employees
2685 of the corporation to comply with the code of ethics for public
2686 employees under part III of chapter 112. Retained staff under
2687 paragraph (a) must agree to refrain from having any direct
2688 interest in any contract, franchise, privilege, project,
2689 program, or other benefit arising from an award by Triumph Gulf
2690 Coast, Inc., during the term of his or her appointment and for 2
2691 years after the termination of such appointment.

2692 (c) Retained staff under paragraph (a) shall be available
2693 to consult with the board of directors and shall attend meetings
2694 of the board of directors. These individuals shall not be
2695 permitted to vote on any matter before the board.

2696 Section 55. Section 288.831, Florida Statutes, is created
2697 to read:

576-04927B-13

20131024c2

2698 288.831 Board of Directors; Powers.—In addition to the
2699 powers and duties prescribed in chapter 617 and the articles and
2700 bylaws adopted in compliance with that chapter, the board of
2701 directors may:

2702 (1) Make and enter into contracts and other instruments
2703 necessary or convenient for the exercise of its powers and
2704 functions.

2705 (2) Make expenditures including any necessary
2706 administrative expenditure from earnings consistent with its
2707 powers.

2708 (3) Adopt, use, and alter a common corporate seal.
2709 Notwithstanding any provision of chapter 617 to the contrary,
2710 this seal is not required to contain the words "corporation not
2711 for profit."

2712 (4) Adopt, amend, and repeal bylaws, not inconsistent with
2713 the powers granted to it or the articles of incorporation, for
2714 the administration of the activities of Triumph Gulf Coast,
2715 Inc., and the exercise of its corporate powers.

2716 (5) Use the state seal, notwithstanding the provisions of
2717 s. 15.03, when appropriate, for standard corporate identity
2718 applications. Use of the state seal is not intended to replace
2719 use of a corporate seal as provided in this section.

2720
2721 Under no circumstances may the credit of the State of Florida be
2722 pledged on behalf of Triumph Gulf Coast, Inc.

2723 Section 56. Section 288.832, Florida Statutes, is created
2724 to read:

2725 288.832 Triumph Gulf Coast, Inc.; Duties.—Triumph Gulf
2726 Coast, Inc., shall have the following duties:

576-04927B-13

20131024c2

2727 (1) Manage responsibly and prudently all funds received,
2728 and ensure that the use of such funds is in accordance with all
2729 applicable laws, bylaws, or contractual requirements.

2730 (2) Administer the program created under this act.

2731 (3) Monitor, review, and annually evaluate awardees and
2732 their projects or programs to determine whether an award should
2733 be continued, terminated, reduced, or increased.

2734 (4) Operate in a transparent manner, providing public
2735 access to information, notice of meetings, awards, and the
2736 status of projects and programs. To this end, Triumph Gulf
2737 Coast, Inc., shall maintain a website that provides public
2738 access to this information.

2739 Section 57. Section 288.84, Florida Statutes, is created to
2740 read:

2741 288.84 Awards.—

2742 (1) (a) Triumph Gulf Coast, Inc., shall make awards from
2743 available earnings and principal derived under s. 288.82(2) (a)
2744 to projects or programs that meet the priorities for economic
2745 recovery, diversification, and enhancement of the
2746 disproportionately affected counties, notwithstanding s. 377.43.

2747 Awards may be provided for:

2748 1. Ad valorem tax reduction within disproportionately
2749 affected counties;

2750 2. Payment of impact fees adopted pursuant to s. 163.31801
2751 and imposed within disproportionately affected counties;

2752 3. Administrative funding for economic development
2753 organizations located within the disproportionately affected
2754 counties;

2755 4. Local match requirements of ss. 288.0655, 288.0659,

576-04927B-13

20131024c2

2756 288.1045, and 288.106 for projects in the disproportionately
2757 affected counties;

2758 5. Economic development projects in the disproportionately
2759 affected counties;

2760 6. Infrastructure projects that are shown to enhance
2761 economic development in the disproportionately affected
2762 counties;

2763 7. Grants to local governments in the disproportionately
2764 affected counties to establish and maintain equipment and
2765 trained personnel for local action plans of response to respond
2766 to disasters, such as plans created for the Coastal Impacts
2767 Assistance Program;

2768 8. Grants to support programs of excellence that prepare
2769 students for future occupations and careers at K-20 institutions
2770 that have home campuses in the disproportionately affected
2771 counties. Eligible programs include those that increase
2772 students' technology skills and knowledge; encourage industry
2773 certifications; provide rigorous, alternative pathways for
2774 students to meet high school graduation requirements; strengthen
2775 career readiness initiatives; fund high-demand programs of
2776 emphasis at the bachelor's and master's level designated by the
2777 Board of Governors; and, similar to or the same as talent
2778 retention programs created by the Chancellor of the State
2779 University System and the Commission of Education, encourage
2780 students with interest or aptitude for science, technology,
2781 engineering, mathematics, and medical disciplines to pursue
2782 postsecondary education at a state university within the
2783 disproportionately affected counties; and

2784 9. Grants to the tourism entity created under s. 288.1226

576-04927B-13

20131024c2

2785 for the purpose of advertising and promoting tourism, Fresh From
2786 Florida, or related content on behalf of one or all of the
2787 disproportionately affected counties.

2788 (b) Triumph Gulf Coast, Inc., shall make awards from
2789 earnings and principal derived under s. 288.82(2) (b) to projects
2790 or programs that meet the priorities for economic recovery,
2791 diversification, and enhancement of the disproportionately
2792 affected counties, notwithstanding s. 377.43. Awards may be
2793 provided for the following purposes as eligible under 33 U.S.
2794 1321(t) (1) (B) :

2795 1. Administrative funding for economic development
2796 organizations located within the disproportionately affected
2797 counties;

2798 2. Local match requirements of ss. 288.0655, 288.0659,
2799 288.1045, and 288.106 for projects in the disproportionately
2800 affected counties;

2801 3. Economic development projects in the disproportionately
2802 affected counties;

2803 4. Infrastructure projects that are shown to enhance
2804 economic development in the disproportionately affected
2805 counties;

2806 5. Grants to local governments in the disproportionately
2807 affected counties to establish and maintain equipment and
2808 trained personnel for local action plans of response to respond
2809 to disasters, such as plans created for the Coastal Impacts
2810 Assistance Program; and

2811 6. Grants to the tourism entity created under s. 288.1226
2812 for the purpose of advertising and promoting tourism, Fresh From
2813 Florida, or related content on behalf of one or all of the

576-04927B-13

20131024c2

2814 disproportionately affected counties.

2815 (2) Triumph Gulf Coast, Inc., shall establish an
2816 application procedure for awards and a scoring process for the
2817 selection of projects and programs that have the potential to
2818 generate increased economic activity in the disproportionately
2819 affected counties, giving priority to projects and programs
2820 that:

2821 (a) Generate maximum estimated economic benefits, based on
2822 tools and models not generally employed by economic input-output
2823 analyses, including cost-benefit, return-on-investment, or
2824 dynamic scoring techniques to determine how the long-term
2825 economic growth potential of the disproportionately affected
2826 counties may be enhanced by the investment.

2827 (b) Increase household income in the disproportionately
2828 affected counties above national average household income.

2829 (c) Expand high growth industries or establish new high
2830 growth industries in the region.

2831 1. Industries that are supported must have strong growth
2832 potential in the disproportionately affected counties.

2833 2. An industry's growth potential is defined based on a
2834 detailed review of the current industry trends nationally and
2835 the necessary supporting asset base for that industry in the
2836 disproportionately affected counties region.

2837 (d) Leverage or further enhance key regional assets,
2838 including educational institutions, research facilities, and
2839 military bases.

2840 (e) Partner with local governments to provide funds,
2841 infrastructure, land, or other assistance for the project.

2842 (f) Have investment commitments from private equity or

576-04927B-13

20131024c2

2843 private venture capital funds.

2844 (g) Provide or encourage seed stage investments in start-up
2845 companies.

2846 (h) Provide advice and technical assistance to companies on
2847 restructuring existing management, operations, or production to
2848 attract advantageous business opportunities.

2849 (i) Benefit the environment in addition to the economy.

2850 (j) Provide outcome measures for programs of excellence
2851 support, including terms of intent and metrics.

2852 (k) Partner with K-20 educational institutions or school
2853 districts located within the disproportionately affected
2854 counties.

2855 (l) Partner with convention and visitor bureaus, tourist
2856 development councils, or chambers of commerce located within the
2857 disproportionately affected counties.

2858 (3) Triumph Gulf Coast, Inc., may make awards as
2859 applications are received or may establish application periods
2860 for selection. Awards may not be used to finance 100 percent of
2861 any project or program. Triumph Gulf Coast, Inc., may require a
2862 one-to-one private-sector match or higher for an award, if
2863 applicable and deemed prudent by the board of directors. An
2864 awardee may not receive all of the earnings or available
2865 principal in any given year.

2866 (4) A contract executed by Triumph Gulf Coast, Inc., with
2867 an awardee must include provisions requiring a performance
2868 report on the contracted activities, must account for the proper
2869 use of funds provided under the contract, and must include
2870 provisions for recovery of awards in the event the award was
2871 based upon fraudulent information or the awardee is not meeting

576-04927B-13

20131024c2

2872 the performance requirements of the award. Awardees must
2873 regularly report to Triumph Gulf Coast, Inc., the status of the
2874 project or program on a schedule determined by the corporation.

2875 Section 58. Except as otherwise expressly provided in this
2876 act, this act shall take effect upon becoming a law.