



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



29 definitions; clarifying the application of certain
30 amendments; providing for an exemption from the tax
31 imposed under ch. 212, F.S., for certain machinery and
32 equipment; providing for repeal; amending s. 213.053,
33 F.S.; authorizing the Department of Revenue to make
34 certain information available to the director of the
35 Office of Program Policy Analysis and Government
36 Accountability and the coordinator of the Office of
37 Economic and Demographic Research; authorizing the
38 offices to share certain information; amending s.
39 220.194, F.S.; requiring the annual report for the
40 Florida Space Business Incentives Act to be included
41 in the annual incentives report; deleting certain
42 reporting requirements; amending s. 288.001, F.S.;
43 providing a network purpose; providing definitions;
44 requiring the statewide director and the network to
45 operate the program in compliance with federal laws
46 and regulations and a Board of Governors regulation;
47 requiring the statewide director to consult with the
48 Board of Governors, the Department of Economic
49 Opportunity, and the network's statewide advisory
50 board to establish certain policies and goals;
51 requiring the network to maintain a statewide advisory
52 board; providing for advisory board membership;
53 providing for terms of membership; providing for
54 certain member reimbursement; requiring the director
55 to develop support services; specifying support
56 service requirements; requiring businesses that



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



85 | Representatives; amending s. 288.005, F.S.; providing
86 | a definition; amending s. 288.012, F.S.; requiring
87 | each State of Florida international office to submit a
88 | report to Enterprise Florida, Inc., for inclusion in
89 | its annual report; deleting a reporting date; amending
90 | s. 288.061, F.S.; requiring the Department of Economic
91 | Opportunity to analyze each economic development
92 | incentive application; prohibiting the executive
93 | director from approving an economic development
94 | incentive application unless a specified written
95 | declaration is received; requiring an awardee to
96 | provide a signed written declaration in specified
97 | years; providing that the department may adopt rules
98 | to implement this section; amending s. 288.0656, F.S.;
99 | requiring the Rural Economic Development Initiative to
100 | submit a report to supplement the Department of
101 | Economic Opportunity's annual report; deleting certain
102 | reporting requirements; amending s. 288.076, F.S.;
103 | providing definitions; requiring the Department of
104 | Economic Opportunity to publish on a website specified
105 | information concerning state investment in economic
106 | development programs; requiring the department to work
107 | with the Office of Economic and Demographic Research
108 | to provide a description of specified methodology and
109 | requiring the department to publish such description
110 | on its website; providing procedures and requirements
111 | for reviewing, updating, and supplementing specified
112 | published information; requiring the department to



113 | annually publish information relating to the progress
114 | of Quick Action Closing Fund projects; requiring the
115 | department to publish certain confidential information
116 | pertaining to participant businesses upon expiration
117 | of a specified confidentiality period; requiring the
118 | department to publish certain reports concerning
119 | businesses that fail to complete tax refund agreements
120 | under the tax refund program for qualified target
121 | industry businesses; providing for construction and
122 | legislative intent; authorizing the department to
123 | adopt rules; repealing s. 288.095(3)(c), F.S.,
124 | relating to the annual report by Enterprise Florida,
125 | Inc., of programs funded by the Economic Development
126 | Incentives Account; amending s. 288.106, F.S.;
127 | deleting and adding provisions relating to the
128 | application and approval process of the tax refund
129 | program for qualified target industry businesses;
130 | requiring the Department of Economic Opportunity to
131 | include information on qualified target industry
132 | businesses in the annual incentives report; deleting
133 | certain reporting requirements; amending 288.107,
134 | F.S.; revising definitions; revising provisions to
135 | conform to changes made by the act; revising the
136 | minimum criteria for participation in the brownfield
137 | redevelopment bonus refund; clarifying the application
138 | of certain amendments; amending s. 288.1081, F.S.;
139 | requiring the use of loan funds from the Economic
140 | Gardening Business Loan Pilot Program to be included



141 | in the department's annual report; deleting certain
142 | reporting requirements; amending s. 288.1082, F.S.;
143 | requiring the progress of the Economic Gardening
144 | Technical Assistance Pilot Program to be included in
145 | the department's annual report; deleting certain
146 | reporting requirements; amending s. 288.1088, F.S.;
147 | requiring the department to validate contractor
148 | performance for the Quick Action Closing Fund and
149 | include the performance validation in the annual
150 | incentives report; deleting certain reporting
151 | requirements; amending s. 288.1089, F.S.; requiring
152 | that certain projects in the Innovation Incentive
153 | Program provide a cumulative break-even economic
154 | benefit; requiring the department to report
155 | information relating to the Innovation Incentive
156 | Program in the annual incentives report; deleting
157 | certain reporting requirements; deleting provisions
158 | that require the Office of Program Policy Analysis and
159 | Government Accountability and the Auditor General's
160 | Office to report on the Innovation Incentive Program;
161 | amending s. 288.1253, F.S.; revising a reporting date;
162 | requiring expenditures of the Office of Film and
163 | Entertainment to be included in the annual
164 | entertainment industry financial incentive program
165 | report; amending s. 288.1254, F.S.; revising a
166 | reporting date; requiring the annual entertainment
167 | industry financial incentive program report to include
168 | certain information; amending s. 288.1258, F.S.;



169 | revising a reporting date; requiring the report
170 | detailing the relationship between tax exemptions and
171 | incentives to industry growth to be included in the
172 | annual entertainment industry financial incentive
173 | program report; amending s. 288.714, F.S.; requiring
174 | the Department of Economic Opportunity's annual report
175 | to include a report on the Black Business Loan
176 | Program; deleting certain reporting requirements;
177 | amending s. 288.7771, F.S.; requiring the Florida
178 | Export Finance Corporation to submit a report to
179 | Enterprise Florida, Inc.; amending s. 288.903, F.S.;
180 | requiring Enterprise Florida, Inc., with the
181 | Department of Economic Opportunity, to prepare an
182 | annual incentives report; repealing s. 288.904(6),
183 | F.S., relating to Enterprise Florida, Inc., which
184 | requires the department to report the return on the
185 | public's investment; amending s. 288.906, F.S.;
186 | requiring certain reports to be included in the
187 | Enterprise Florida, Inc., annual report; amending s.
188 | 288.907, F.S.; requiring Enterprise Florida, Inc.,
189 | with the Department of Economic Opportunity, to
190 | prepare the annual incentives report; requiring the
191 | annual incentives report to include certain
192 | information; deleting a provision requiring the
193 | Division of Strategic Business Development to assist
194 | Enterprise Florida, Inc., with the report; 288.92,
195 | F.S.; requiring each division of Enterprise Florida,
196 | Inc., to submit a report; amending s. 288.95155, F.S.;



197 requiring the financial status of the Florida Small
198 Business Technology Growth Program to be included in
199 the annual incentives report; amending s. 288.9918,
200 F.S.; revising reporting requirements related to
201 community development entities; amending s. 290.0055,
202 F.S.; providing for the expansion of the boundaries of
203 enterprise zones that meet certain requirements;
204 providing an application deadline; amending s.
205 290.0056, F.S.; revising a reporting date; requiring
206 the enterprise zone development agency to submit
207 certain information for the Department of Economic
208 Opportunity's annual report; amending s. 290.014,
209 F.S.; revising a reporting date; requiring certain
210 reports on enterprise zones to be included in the
211 Department of Economic Opportunity's annual report;
212 amending s. 290.0455, F.S.; providing for the state's
213 guarantee of certain federal loans to local
214 governments; requiring applicants for such loans to
215 pledge a specified amount of revenues to guarantee the
216 loans; revising requirements for the department to
217 submit recommendations to the Federal Government for
218 such loans; revising the maximum amount of the loan
219 guarantee commitment that a local government may
220 receive and providing exceptions; providing for
221 reduction of a local government's future community
222 development block grants if the local government
223 defaults on the federal loan; providing procedures if
224 a local government is granted entitlement community



225 status; amending ss. 331.3051 and 331.310, F.S.;

226 revising requirements for annual reports by Space

227 Florida; amending s. 443.036, F.S.; providing examples

228 of misconduct; amending s. 443.091, F.S.; providing

229 for online work registration and providing exceptions;

230 limiting a claimant's use of the same prospective

231 employer to meet work search requirements; providing

232 an exception; providing that work search requirements

233 do not apply to individuals required to participate in

234 reemployment services; amending s. 443.101, F.S.;

235 providing for disqualification in any week with

236 respect to which the department finds that his or her

237 unemployment is due to failure without good cause to

238 maintain a license, registration, or certification

239 required by applicable law necessary for the employee

240 to perform her or his assigned job duties; providing

241 examples of "good cause"; amending s. 443.1113, F.S.,

242 relating to the Reemployment Assistance Claims and

243 Benefits Information System; revising timeframe for

244 deployment of a certain Internet portal as part of

245 such system; amending s. 443.131, F.S.; requiring the

246 tax collection service provider to calculate a certain

247 additional rate; providing for when an assessment may

248 not be made; requiring assessments to be available to

249 pay interest on federal advances; requiring certain

250 excess funds to be transferred to the Unemployment

251 Compensation Trust Fund after a certain time period;

252 deleting the provision referring to crediting employer



253 | accounts; providing an expiration date; amending s.
254 | 443.151 F.S.; revising provisions to conform to
255 | changes made to benefit eligibility; providing that an
256 | employer or its agent may not be relieved of benefit
257 | charges for failure to timely and adequately respond
258 | to notice of claim or request for information;
259 | requiring the department to impose a penalty against a
260 | claimant who is overpaid reemployment assistance
261 | benefits due to fraud by the claimant; requiring an
262 | appeals referee to be an attorney in good standing
263 | with the Florida Bar or successfully admitted within 8
264 | months of hire; providing an exception; amending s.
265 | 443.1715, F.S.; prohibiting the unlawful disclosure of
266 | certain confidential information relating to employing
267 | units and individuals under the Reemployment
268 | Assistance Program Law; providing criminal penalties;
269 | amending s. 443.191, F.S.; providing for the deposit
270 | of moneys recovered and penalties collected due to
271 | fraud in the Unemployment Compensation Trust Fund;
272 | amending s. 446.50, F.S.; requiring the Department of
273 | Economic Opportunity's annual report to include a plan
274 | for the displaced homemaker program; deleting certain
275 | reporting requirements; creating s. 288.80, F.S.;
276 | providing a short title; creating s. 288.801, F.S.;
277 | providing Legislative intent; creating s. 288.81,
278 | F.S.; providing definitions; creating s. 288.82, F.S.;
279 | creating Triumph Gulf Coast, Inc., as nonprofit
280 | corporation; requiring the Triumph Gulf Coast, Inc.,



281 | to create and administer the Recovery Fund for the
282 | benefit of disproportionately affected counties;
283 | providing for principal of the fund; providing for
284 | payment of administrative costs from the earnings of
285 | the fund; providing any remaining funds after 30 years
286 | revert to the State Treasury; authorizing investment
287 | of the principal of the fund; requiring an investment
288 | policy; requiring competitive procurement of money
289 | managers; requiring annual audits; requiring biannual
290 | reports; creating s. 288.83, F.S.; providing for
291 | application of public records and meetings laws;
292 | providing for governance by a 5 member board of
293 | directors; providing membership; providing for terms;
294 | providing for appointment for vacancies; providing
295 | limitations on board members; limiting postemployment
296 | activities; providing for a misdemeanor for
297 | violations; requiring financial disclosures; providing
298 | travel and per diem expenses; providing for removal;
299 | requiring quarterly meetings; providing for staffing;
300 | creating s. 288.831, F.S.; providing the powers and
301 | duties of the board of directors; creating s. 288.832,
302 | F.S.; providing the duties of Triumph Gulf Coast,
303 | Inc.; creating s. 288.84, F.S.; permitting awards for
304 | projects or programs from available earnings and
305 | principal; providing the award categories; providing
306 | the award categories for certain funds; establishing
307 | priority ranking for applications; prohibiting award
308 | from financing 100 percent of a project or program;



309 | permitting Triumph Gulf Coast, Inc., to requiring a
310 | one-to-one match; prohibiting an awardee from
311 | receiving all available funds; requiring a contract
312 | for an award; requiring regular reporting; requiring
313 | the scope of a financial audit for a local government
314 | entity to include funds related to Deepwater Horizon
315 | oil spill; requiring the Auditor General to conduct an
316 | operational audit of a local government entity's
317 | performance in the expenditure of funds related to the
318 | Deepwater Horizon oil spill; requiring the Auditor
319 | General to adopt rules for such audits; permitting the
320 | Auditor General to report to the Secretary of the
321 | Treasury of the United States; providing effective
322 | dates.

323

324 | Be It Enacted by the Legislature of the State of Florida:

325

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

333 | (1) The Office of Economic and Demographic Research and
334 | OPPAGA shall coordinate the development of a work plan for
335 | completing the Economic Development Programs Evaluation and
336 | shall submit the work plan to the President of the Senate and



337 the Speaker of the House of Representatives by July 1, 2013.

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

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

343 1. The capital investment tax credit established under s.
344 220.191, Florida Statutes.

345 2. The qualified target industry tax refund established
346 under s. 288.106, Florida Statutes.

347 3. The brownfield redevelopment bonus refund established
348 under s. 288.107, Florida Statutes.

349 4. High-impact business performance grants established
350 under s. 288.108, Florida Statutes.

351 5. The Quick Action Closing Fund established under s.
352 288.1088, Florida Statutes.

353 6. The Innovation Incentive Program established under s.
354 288.1089, Florida Statutes.

355 7. Enterprise Zone Program incentives established under
356 ss. 212.08(5), 212.08(15), 212.096, 220.181, and 220.182,
357 Florida Statutes.

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

360 1. The entertainment industry financial incentive program
361 established under s. 288.1254, Florida Statutes.

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

364 3. VISIT Florida and its programs established or funded



365 under ss. 288.122, 288.1226, 288.12265, and 288.124, Florida
366 Statutes.

367 4. The Florida Sports Foundation and related programs
368 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
369 288.1168, 288.1169, and 288.1171, Florida Statutes.

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

372 1. The qualified defense contractor and space flight
373 business tax refund program established under s. 288.1045,
374 Florida Statutes.

375 2. The tax exemption for semiconductor, defense, or space
376 technology sales established under s. 212.08(5)(j), Florida
377 Statutes.

378 3. The Military Base Protection Program established under
379 s. 288.980, Florida Statutes.

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

382 5. The Quick Response Training Program established under
383 s. 288.047, Florida Statutes.

384 6. The Incumbent Worker Training Program established under
385 s. 445.003, Florida Statutes.

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

388 (3) Pursuant to the schedule established in subsection
389 (2), the Office of Economic and Demographic Research shall
390 evaluate and determine the economic benefits, as defined in s.
391 288.005, Florida Statutes, of each program over the previous 3
392 years. The analysis must also evaluate the number of jobs



393 created, the increase or decrease in personal income, and the
394 impact on state gross domestic product from the direct,
395 indirect, and induced effects of the state's investment in each
396 program over the previous 3 years.

397 (a) For the purpose of evaluating tax credits, tax
398 refunds, sales tax exemptions, cash grants, and similar
399 programs, the Office of Economic and Demographic Research shall
400 evaluate data only from those projects in which businesses
401 received state funds during the evaluation period. Such projects
402 may be fully completed, partially completed with future fund
403 disbursal possible pending performance measures, or partially
404 completed with no future fund disbursal possible as a result of
405 a business's inability to meet performance measures.

406 (b) The analysis must use the model developed by the
407 Office of Economic and Demographic Research, as required in s.
408 216.138, Florida Statutes, to evaluate each program. The office
409 shall provide a written explanation of the key assumptions of
410 the model and how it is used. If the office finds that another
411 evaluation model is more appropriate to evaluate a program, it
412 may use another model, but it must provide an explanation as to
413 why the selected model was more appropriate.

414 (4) Pursuant to the schedule established in subsection
415 (2), OPPAGA shall evaluate each program over the previous 3
416 years for its effectiveness and value to the taxpayers of this
417 state and include recommendations on each program for
418 consideration by the Legislature. The analysis may include
419 relevant economic development reports or analyses prepared by
420 the Department of Economic Opportunity, Enterprise Florida,



421 Inc., or local or regional economic development organizations;
422 interviews with the parties involved; or any other relevant
423 data.

424 (5) The Office of Economic and Demographic Research and
425 OPPAGA must be given access to all data necessary to complete
426 the Economic Development Programs Evaluation, including any
427 confidential data. The offices may collaborate on data
428 collection and analysis.

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

431 20.60 Department of Economic Opportunity; creation; powers
432 and duties.—

433 (10) The department, with assistance from Enterprise
434 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,
435 submit an annual report to the Governor, the President of the
436 Senate, and the Speaker of the House of Representatives on the
437 condition of the business climate and economic development in
438 the state.

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

441 (b) The report must incorporate annual reports of other
442 programs, including:

443 1. The displaced homemaker program established under s.
444 446.50.

445 2. Information provided by the Department of Revenue under
446 s. 290.014.

447 3. Information provided by enterprise zone development
448 agencies under s. 290.0056 and an analysis of the activities and



449 accomplishments of each enterprise zone.

450 4. The Economic Gardening Business Loan Pilot Program
451 established under s. 288.1081 and the Economic Gardening
452 Technical Assistance Pilot Program established under s.
453 288.1082.

454 5. A detailed report of the performance of the Black
455 Business Loan Program and a cumulative summary of quarterly
456 report data required under s. 288.714.

457 6. The Rural Economic Development Initiative established
458 under s. 288.0656.

459 Section 3. Paragraph (c) of subsection (1) of section
460 201.15, Florida Statutes, is amended to read:

461 201.15 Distribution of taxes collected.—All taxes
462 collected under this chapter are subject to the service charge
463 imposed in s. 215.20(1). Prior to distribution under this
464 section, the Department of Revenue shall deduct amounts
465 necessary to pay the costs of the collection and enforcement of
466 the tax levied by this chapter. Such costs and the service
467 charge may not be levied against any portion of taxes pledged to
468 debt service on bonds to the extent that the costs and service
469 charge are required to pay any amounts relating to the bonds.
470 After distributions are made pursuant to subsection (1), all of
471 the costs of the collection and enforcement of the tax levied by
472 this chapter and the service charge shall be available and
473 transferred to the extent necessary to pay debt service and any
474 other amounts payable with respect to bonds authorized before
475 January 1, 2013, secured by revenues distributed pursuant to
476 subsection (1). All taxes remaining after deduction of costs and



477 the service charge shall be distributed as follows:

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

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

483 1. The State Transportation Trust Fund in the Department
484 of Transportation in the amount of the lesser of 38.2 percent of
485 the remainder or \$541.75 million in each fiscal year. Out of
486 such funds, the first \$50 million for the 2012-2013 fiscal year;
487 \$65 million for the 2013-2014 fiscal year; and \$75 million for
488 the 2014-2015 fiscal year and all subsequent years, shall be
489 transferred to the State Economic Enhancement and Development
490 Trust Fund within the Department of Economic Opportunity. The
491 remainder is to be used for the following specified purposes,
492 notwithstanding any other law to the contrary:

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

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

500 c. For the purposes of the Strategic Intermodal System
501 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
502 of these funds after allocating for the New Starts Transit
503 Program described in sub-subparagraph a. and the Small County
504 Outreach Program described in sub-subparagraph b.; and



505 d. For the purposes of the Transportation Regional
506 Incentive Program specified in s. 339.2819, 25 percent of these
507 funds after allocating for the New Starts Transit Program
508 described in sub-subparagraph a. and the Small County Outreach
509 Program described in sub-subparagraph b. Effective July 1, 2014,
510 the first \$60 million of the funds allocated pursuant to this
511 sub-subparagraph shall be allocated annually to the Florida Rail
512 Enterprise for the purposes established in s. 341.303(5).

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

518 3. The Ecosystem Management and Restoration Trust Fund in
519 the amount of the lesser of 2.12 percent of the remainder or \$30
520 million in each fiscal year, to be used for the preservation and
521 repair of the state's beaches as provided in ss. 161.091-
522 161.212.

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

527
528 Moneys distributed pursuant to this paragraph may not be pledged
529 for debt service unless such pledge is approved by referendum of
530 the voters.

531 Section 4. Paragraph (o) of subsection (5) of section
532 212.08, Florida Statutes, is amended to read:



533 212.08 Sales, rental, use, consumption, distribution, and
534 storage tax; specified exemptions.—The sale at retail, the
535 rental, the use, the consumption, the distribution, and the
536 storage to be used or consumed in this state of the following
537 are hereby specifically exempt from the tax imposed by this
538 chapter.

539 (5) EXEMPTIONS; ACCOUNT OF USE.—

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

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

542 a. "Building materials" means tangible personal property
543 that becomes a component part of a housing project or a mixed-
544 use project.

545 b. "Housing project" means the conversion of an existing
546 manufacturing or industrial building to a housing unit which is
547 ~~units~~ in an urban high-crime area, an enterprise zone, an
548 empowerment zone, a Front Porch Community, a designated
549 brownfield site for which a rehabilitation agreement with the
550 Department of Environmental Protection or a local government
551 delegated by the Department of Environmental Protection has been
552 executed under s. 376.80 and any abutting real property parcel
553 within a brownfield area, or an urban infill area; and in which
554 the developer agrees to set aside at least 20 percent of the
555 housing units in the project for low-income and moderate-income
556 persons or the construction in a designated brownfield area of
557 affordable housing for persons described in s. 420.0004(9),
558 (11), (12), or (17) or in s. 159.603(7).

559 c. "Mixed-use project" means the conversion of an existing
560 manufacturing or industrial building to mixed-use units that



561 include artists' studios, art and entertainment services, or
562 other compatible uses. A mixed-use project must be located in an
563 urban high-crime area, an enterprise zone, an empowerment zone,
564 a Front Porch Community, a designated brownfield site for which
565 a rehabilitation agreement with the Department of Environmental
566 Protection or a local government delegated by the Department of
567 Environmental Protection has been executed under s. 376.80 and
568 any abutting real property parcel within a brownfield area, or
569 an urban infill area; 7 and the developer must agree to set aside
570 at least 20 percent of the square footage of the project for
571 low-income and moderate-income housing.

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

574 2. Building materials used in the construction of a
575 housing project or mixed-use project are exempt from the tax
576 imposed by this chapter upon an affirmative showing to the
577 satisfaction of the department that the requirements of this
578 paragraph have been met. This exemption inures to the owner
579 through a refund of previously paid taxes. To receive this
580 refund, the owner must file an application under oath with the
581 department which includes:

582 a. The name and address of the owner.

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

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

586 d. A certification by the local building code inspector
587 that the project is substantially completed.

588 e. A sworn statement, under penalty of perjury, from the



589 general contractor licensed in this state with whom the owner
590 contracted to construct the project, which statement lists the
591 building materials used in the construction of the project and
592 the actual cost thereof, and the amount of sales tax paid on
593 these materials. If a general contractor was not used, the owner
594 shall provide this information in a sworn statement, under
595 penalty of perjury. Copies of invoices evidencing payment of
596 sales tax must be attached to the sworn statement.

597 3. An application for a refund under this paragraph must
598 be submitted to the department within 6 months after the date
599 the project is deemed to be substantially completed by the local
600 building code inspector. Within 30 working days after receipt of
601 the application, the department shall determine if it meets the
602 requirements of this paragraph. A refund approved pursuant to
603 this paragraph shall be made within 30 days after formal
604 approval of the application by the department.

605 4. The department shall establish by rule an application
606 form and criteria for establishing eligibility for exemption
607 under this paragraph.

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

610 Section 5. The amendments to section 212.08, Florida
611 Statutes, made by this act do not apply to any housing project
612 or mixed-use project where site development or construction work
613 was initiated prior to the effective date of this act.

614 Section 6. Effective April 30, 2014, paragraph (kkk) is
615 added to subsection (7) of section 212.08, Florida Statutes, to
616 read:



617 212.08 Sales, rental, use, consumption, distribution, and
618 storage tax; specified exemptions.—The sale at retail, the
619 rental, the use, the consumption, the distribution, and the
620 storage to be used or consumed in this state of the following
621 are hereby specifically exempt from the tax imposed by this
622 chapter.

623 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
624 entity by this chapter do not inure to any transaction that is
625 otherwise taxable under this chapter when payment is made by a
626 representative or employee of the entity by any means,
627 including, but not limited to, cash, check, or credit card, even
628 when that representative or employee is subsequently reimbursed
629 by the entity. In addition, exemptions provided to any entity by
630 this subsection do not inure to any transaction that is
631 otherwise taxable under this chapter unless the entity has
632 obtained a sales tax exemption certificate from the department
633 or the entity obtains or provides other documentation as
634 required by the department. Eligible purchases or leases made
635 with such a certificate must be in strict compliance with this
636 subsection and departmental rules, and any person who makes an
637 exempt purchase with a certificate that is not in strict
638 compliance with this subsection and the rules is liable for and
639 shall pay the tax. The department may adopt rules to administer
640 this subsection.

641 (kkk) Certain machinery and equipment.—

642 1. Industrial machinery and equipment purchased by
643 eligible manufacturing businesses which is used at a fixed
644 location within this state for the manufacture, processing,



645 compounding, or production of items of tangible personal
646 property for sale shall be exempt from the tax imposed by this
647 chapter. If at the time of purchase the purchaser furnishes the
648 seller with a signed certificate certifying the purchaser's
649 entitlement to exemption pursuant to this paragraph, the seller
650 is relieved of the responsibility for collecting the tax on the
651 sale of such items, and the department shall look solely to the
652 purchaser for recovery of the tax if it determines that the
653 purchaser was not entitled to the exemption.

654 2. For purposes of this paragraph, the term:

655 a. "Eligible manufacturing business" means any business
656 whose primary business activity at the location where the
657 industrial machinery and equipment is located is within the
658 industries classified under NAICS codes 31, 32, and 33. As used
659 in this subparagraph, "NAICS" means those classifications
660 contained in the North American Industry Classification System,
661 as published in 2007 by the Office of Management and Budget,
662 Executive Office of the President.

663 b. "Primary business activity" means an activity
664 representing more than fifty percent of the activities conducted
665 at the location where the industrial machinery and equipment is
666 located.

667 c. "Industrial machinery and equipment" means tangible
668 personal property or other property that has a depreciable life
669 of 3 years or more and that is used as an integral part in the
670 manufacturing, processing, compounding, or production of
671 tangible personal property for sale. A building and its
672 structural components are not industrial machinery and equipment



673 unless the building or structural component is so closely
674 related to the industrial machinery and equipment that it houses
675 or supports that the building or structural component can be
676 expected to be replaced when the machinery and equipment are
677 replaced. Heating and air conditioning systems are not
678 industrial machinery and equipment unless the sole justification
679 for their installation is to meet the requirements of the
680 production process, even though the system may provide
681 incidental comfort to employees or serve, to an insubstantial
682 degree, nonproduction activities. The term includes parts and
683 accessories for industrial machinery and equipment only to the
684 extent that the parts and accessories are purchased prior to the
685 date the machinery and equipment are placed in service.

686 3. This paragraph is repealed effective April 30, 2017.

687 Section 7. Paragraph (bb) is added to subsection (8) of
688 section 213.053, Florida Statutes, to read:

689 213.053 Confidentiality and information sharing.—

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

692 (bb) Information to the director of the Office of Program
693 Policy Analysis and Government Accountability or his or her
694 authorized agent, and to the coordinator of the Office of
695 Economic and Demographic Research or his or her authorized
696 agent, for purposes of completing the Economic Development
697 Programs Evaluation. Information obtained from the department
698 pursuant to this paragraph may be shared by the director and the
699 coordinator, or the director's or coordinator's authorized
700 agent, for purposes of completing the Economic Development



701 Programs Evaluation.

702

703 Disclosure of information under this subsection shall be
704 pursuant to a written agreement between the executive director
705 and the agency. Such agencies, governmental or nongovernmental,
706 shall be bound by the same requirements of confidentiality as
707 the Department of Revenue. Breach of confidentiality is a
708 misdemeanor of the first degree, punishable as provided by s.
709 775.082 or s. 775.083.

710 Section 8. Subsection (9) of section 220.194, Florida
711 Statutes, is amended to read:

712 220.194 Corporate income tax credits for spaceflight
713 projects.—

714 (9) ANNUAL REPORT.—Beginning in 2014, the Department of
715 Economic Opportunity, in cooperation with Space Florida and the
716 department, shall include in the ~~submit an~~ annual incentives
717 report required under s. 288.907 a summary of ~~summarizing~~
718 activities relating to the Florida Space Business Incentives Act
719 established under this section ~~to the Governor, the President of~~
720 ~~the Senate, and the Speaker of the House of Representatives by~~
721 ~~each November 30.~~

722 Section 9. Section 288.001, Florida Statutes, is amended
723 to read:

724 288.001 The Florida Small Business Development Center
725 Network; ~~purpose.~~—

726 (1) PURPOSE.—The Florida Small Business Development Center
727 Network is the principal business assistance organization for
728 small businesses in the state. The purpose of the network is to



729 serve emerging and established for-profit, privately held
730 businesses that maintain a place of business in the state.

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

732 (a) "Board of Governors" is the Board of Governors of the
733 State University System.

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

737 (c) "Network" means the Florida Small Business Development
738 Center Network.

739 (3) OPERATION; POLICIES AND PROGRAMS.—

740 (a) The network's statewide director shall operate the
741 network in compliance with the federal laws and regulations
742 governing the network and the Board of Governors Regulation
743 10.015.

744 (b) The network's statewide director shall consult with
745 the Board of Governors, the department, and the network's
746 statewide advisory board to ensure that the network's policies
747 and programs align with the statewide goals of the State
748 University System and the statewide strategic economic
749 development plan as provided under s. 20.60.

750 (4) STATEWIDE ADVISORY BOARD.—

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

754 (b) The statewide advisory board shall consist of 19
755 members from across the state. At least 12 members must be
756 representatives of the private sector who are knowledgeable of



757 the needs and challenges of small businesses. The members must
758 represent various segments and industries of the economy in this
759 state and must bring knowledge and skills to the statewide
760 advisory board which would enhance the board's collective
761 knowledge of small business assistance needs and challenges.
762 Minority and gender representation must be considered when
763 making appointments to the board. The board must include the
764 following members:

765 1. Three members appointed from the private sector by the
766 President of the Senate.

767 2. Three members appointed from the private sector by the
768 Speaker of the House of Representatives.

769 3. Three members appointed from the private sector by the
770 Governor.

771 4. Three members appointed from the private sector by the
772 network's statewide director.

773 5. One member appointed by the host institution.

774 6. The President of Enterprise Florida, Inc., or his or
775 her designee.

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

777 8. The President of the Florida Chamber of Commerce or his
778 or her designee.

779 9. The Small Business Development Center Project Officer
780 from the U.S. Small Business Administration at the South Florida
781 District Office or his or her designee.

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

784 11. The executive director of the Florida United Business



785 Association or his or her designee.

786 (c) The term of an appointed member shall be for 4 years,
787 beginning August 1, 2013, except that at the time of initial
788 appointments, two members appointed by the Governor, one member
789 appointed by the President of the Senate, one member appointed
790 by the Speaker of the House of Representatives, and one member
791 appointed by the network's statewide director shall be appointed
792 for 2 years. An appointed member may be reappointed to a
793 subsequent term. Members of the statewide advisory board may not
794 receive compensation but may be reimbursed for per diem and
795 travel expenses in accordance with s. 112.061.

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

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

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

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

810 2. Developing and implementing strategic or business
811 plans. Such activities include analyzing a business's mission,
812 vision, strategies, and goals; critiquing the overall plan; and



813 creating performance measures.

814 3. Developing the financial literacy of existing
815 businesses related to their business cash flow and financial
816 management plans. Such activities include conducting financial
817 analysis health checks, assessing cost control management
818 techniques, and building financial management strategies and
819 solutions.

820 4. Developing and implementing plans for existing
821 businesses to access or expand to new or existing markets. Such
822 activities include conducting market research, researching and
823 identifying expansion opportunities in international markets,
824 and identifying opportunities in selling to units of government.

825 5. Supporting access to capital for business investment
826 and expansion. Such activities include providing technical
827 assistance relating to obtaining surety bonds; identifying and
828 assessing potential debt or equity investors or other financing
829 opportunities; assisting in the preparation of applications,
830 projections, or pro forma or other support documentation for
831 surety bond, loan, financing, or investment requests; and
832 facilitating conferences with lenders or investors.

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

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



841 characteristics, changes in employment and sales, debt and
842 equity capital attained, and government contracts acquired. The
843 host institution may require additional reporting requirements
844 for funding described in subsection (7).

845 (6) REQUIRED MATCH.—The network must provide a match equal
846 to the total amount of any direct legislative appropriation
847 which is received directly by the host institution and is
848 specifically designated for the network. The match may include
849 funds from federal or other nonstate funding sources designated
850 for the network. At least 50 percent of the match must be cash.
851 The remaining 50 percent may be provided through any allowable
852 combination of additional cash, in-kind contributions, or
853 indirect costs.

854 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE
855 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST
856 PRACTICES; ELIGIBILITY.—

857 (a) The statewide director, in coordination with the host
858 institution, shall establish a pay-per-performance incentive for
859 regional small business development centers. Such incentive
860 shall be funded from half of any state appropriation received
861 directly by the host institution, which appropriation is
862 specifically designated for the network. These funds shall be
863 distributed to the regional small business development centers
864 based upon data collected from the businesses as provided under
865 paragraph (5)(c). The distribution formula must provide for the
866 distribution of funds in part on the gross number of jobs
867 created annually by each center and in part on the number of
868 jobs created per support service hour. The pay-per-performance



869 incentive must supplement the operations and support services of
870 each regional small business development center.

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

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

878 2. Enhancing participation in the network among state
879 universities and colleges; and

880 3. Facilitating the adoption of innovative small business
881 assistance best practices by the regional small business
882 development centers.

883 (c) The statewide director, in coordination with the
884 advisory board, shall develop annual programs to distribute
885 funds for each of the purposes described in paragraph (b). The
886 network shall announce the annual amount of available funds for
887 each program, performance expectations, and other requirements.
888 For each program, the statewide director shall present
889 applications and recommendations to the advisory board. The
890 advisory board shall make the final approval of applications.
891 Approved applications must be publicly posted. At a minimum,
892 programs must include:

893 1. New regional small business development centers; and

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



897 must be made available to regional small business development
898 centers for voluntary implementation.

899 (d) A regional small business development center that has
900 been found by the statewide director to perform poorly, to
901 engage in improper activity affecting the operation and
902 integrity of the network, or to fail to follow the rules and
903 procedures set forth in the laws, regulations, and policies
904 governing the network, is not eligible for funds under this
905 subsection.

906 (e) Funds awarded under this subsection may not reduce
907 matching funds dedicated to the regional small business
908 development centers.

909 (8) REPORTING.—

910 (a) The statewide director shall quarterly update the
911 Board of Governors, the department, and the advisory board on
912 the network's progress and outcomes, including aggregate
913 information on businesses assisted by the network.

914 (b) The statewide director, in coordination with the
915 advisory board, shall annually report, on October 1, to the
916 President of the Senate and the Speaker of the House of
917 Representatives on the network's progress and outcomes for the
918 previous fiscal year. The report must include aggregate
919 information on businesses assisted by the network; network
920 services and programs; the use of all federal, state, local, and
921 private funds received by the network and the regional small
922 business development centers, including any additional funds
923 specifically appropriated by the Legislature for the purposes
924 described in subsection (7); and the network's economic benefit



925 to the state. The report must contain specific information on
926 performance-based metrics and contain the methodology used to
927 calculate the network's economic benefit to the state.

928 Section 10. Subsection (4) is added to section 288.005,
929 Florida Statutes, to read:

930 288.005 Definitions.—As used in this chapter, the term:

931 (4) "Jobs" means full-time equivalent positions,
932 including, but not limited to, positions obtained from a
933 temporary employment agency or employee leasing company or
934 through a union agreement or coemployment under a professional
935 employer organization agreement, which result directly from a
936 project in this state. This number does not include temporary
937 construction jobs involved with the construction of facilities
938 for the project.

939 Section 11. Subsection (3) of section 288.012, Florida
940 Statutes, is amended to read:

941 288.012 State of Florida international offices; state
942 protocol officer; protocol manual.—The Legislature finds that
943 the expansion of international trade and tourism is vital to the
944 overall health and growth of the economy of this state. This
945 expansion is hampered by the lack of technical and business
946 assistance, financial assistance, and information services for
947 businesses in this state. The Legislature finds that these
948 businesses could be assisted by providing these services at
949 State of Florida international offices. The Legislature further
950 finds that the accessibility and provision of services at these
951 offices can be enhanced through cooperative agreements or
952 strategic alliances between private businesses and state, local,



953 and international governmental entities.

954 (3) ~~By October 1 of each year,~~ Each international office
955 shall annually submit to Enterprise Florida, Inc., ~~the~~
956 ~~department~~ a complete and detailed report on its activities and
957 accomplishments during the previous ~~preceding~~ fiscal year for
958 inclusion in the annual report required under s. 288.906. In the
959 ~~a~~ format and by the annual date prescribed ~~provided~~ by
960 Enterprise Florida, Inc., the report must set forth information
961 on:

962 (a) The number of Florida companies assisted.

963 (b) The number of inquiries received about investment
964 opportunities in this state.

965 (c) The number of trade leads generated.

966 (d) The number of investment projects announced.

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

969 (f) The number of representation agreements.

970 (g) The number of company consultations.

971 (h) Barriers or other issues affecting the effective
972 operation of the office.

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

975 (j) Marketing activities conducted.

976 (k) Strategic alliances formed with organizations in the
977 country in which the office is located.

978 (l) Activities conducted with Florida's other
979 international offices.

980 (m) Any other information that the office believes would



981 contribute to an understanding of its activities.

982 Section 12. Section 288.061, Florida Statutes, is amended
983 to read:

984 288.061 Economic development incentive application
985 process.—

986 (1) Upon receiving a submitted economic development
987 incentive application, the Division of Strategic Business
988 Development of the Department of Economic Opportunity and
989 designated staff of Enterprise Florida, Inc., shall review the
990 application to ensure that the application is complete, whether
991 and what type of state and local permits may be necessary for
992 the applicant's project, whether it is possible to waive such
993 permits, and what state incentives and amounts of such
994 incentives may be available to the applicant. The department
995 shall recommend to the executive director to approve or
996 disapprove an applicant business. If review of the application
997 demonstrates that the application is incomplete, the executive
998 director shall notify the applicant business within the first 5
999 business days after receiving the application.

1000 (2) Beginning July 1, 2013, the department shall review
1001 and evaluate each economic development incentive application for
1002 the economic benefits of the proposed award of state incentives
1003 proposed for the project. The term "economic benefits" has the
1004 same meaning as in s. 288.005. The Office of Economic and
1005 Demographic Research shall establish the methodology and model
1006 used to calculate the economic benefits. For purposes of this
1007 requirement, an amended definition of "economic benefits" may be
1008 developed by the Office of Economic and Demographic Research.



1009 (3)~~(2)~~ Within 10 business days after the department
 1010 receives the submitted economic development incentive
 1011 application, the executive director shall approve or disapprove
 1012 the application and issue a letter of certification to the
 1013 applicant which includes a justification of that decision,
 1014 unless the business requests an extension of that time.

1015 (a) The contract or agreement with the applicant must
 1016 ~~shall~~ specify the total amount of the award, the performance
 1017 conditions that must be met to obtain the award, the schedule
 1018 for payment, and sanctions that would apply for failure to meet
 1019 performance conditions. The department may enter into one
 1020 agreement or contract covering all of the state incentives that
 1021 are being provided to the applicant. The contract must provide
 1022 that release of funds is contingent upon sufficient
 1023 appropriation of funds by the Legislature.

1024 (b) The release of funds for the incentive or incentives
 1025 awarded to the applicant depends upon the statutory requirements
 1026 of the particular incentive program, except as provided in
 1027 subsection (4).

1028 (4)~~(3)~~ The department shall validate contractor
 1029 performance and report, such ~~Such~~ validation ~~shall be reported~~
 1030 in the annual incentives ~~incentive~~ report required under s.
 1031 288.907.

1032 (5) (a) The executive director may not approve an economic
 1033 development incentive application unless the application
 1034 includes a signed written declaration by the applicant which
 1035 states that the applicant has read the information in the
 1036 application and that the information is true, correct, and



1037 complete to the best of the applicant's knowledge and belief.

1038 (b) After an economic development incentive application is
 1039 approved, the awardee shall provide, in each year that the
 1040 department is required to validate contractor performance, a
 1041 signed written declaration. The written declaration must state
 1042 that the awardee has reviewed the information and that the
 1043 information is true, correct, and complete to the best of the
 1044 awardee's knowledge and belief.

1045 (6) The department is authorized to adopt rules to
 1046 implement this section.

1047 Section 13. Subsection (8) of section 288.0656, Florida
 1048 Statutes, is amended to read:

1049 288.0656 Rural Economic Development Initiative.—

1050 (8) REDI shall submit a report to the department ~~Governor,~~
 1051 ~~the President of the Senate, and the Speaker of the House of~~
 1052 ~~Representatives each year on or before September 1~~ on all REDI
 1053 activities for the previous ~~prior~~ fiscal year as a supplement to
 1054 the department's annual report required under s. 20.60. This
 1055 supplementary report must ~~shall~~ include:

1056 (a) A status report on all projects currently being
 1057 coordinated through REDI, the number of preferential awards and
 1058 allowances made pursuant to this section, the dollar amount of
 1059 such awards, and the names of the recipients.

1060 (b) ~~The report shall also include~~ A description of all
 1061 waivers of program requirements granted.

1062 (c) ~~The report shall also include~~ Information as to the
 1063 economic impact of the projects coordinated by REDI. ~~and~~

1064 (d) Recommendations based on the review and evaluation of



1065 statutes and rules having an adverse impact on rural
1066 communities, and proposals to mitigate such adverse impacts.

1067 Section 14. Effective October 1, 2013, section 288.076,
1068 Florida Statutes, is created to read:

1069 288.076 Return on investment reporting for economic
1070 development programs.-

1071 (1) As used in this section, the term:

1072 (a) "Jobs" has the same meaning as provided in s.
1073 288.106(2)(i).

1074 (b) "Participant business" means an employing unit, as
1075 defined in s. 443.036, that has entered into an agreement with
1076 the department to receive a state investment.

1077 (c) "Project" has the same meaning as provided in s.
1078 288.106(2)(m).

1079 (d) "Project award date" means the date a participant
1080 business enters into an agreement with the department to receive
1081 a state investment.

1082 (e) "State investment" means any state grants, tax
1083 exemptions, tax refunds, tax credits, or other state incentives
1084 provided to a business under a program administered by the
1085 department, including the capital investment tax credit under s.
1086 220.191.

1087 (2) The department shall maintain a website for the
1088 purpose of publishing the information described in this section.
1089 The information required to be published under this section must
1090 be provided in a format accessible to the public which enables
1091 users to search for and sort specific data and to easily view
1092 and retrieve all data at once.



1093 (3) Within 48 hours after expiration of the period of
1094 confidentiality for project information deemed confidential and
1095 exempt pursuant to s. 288.075, the department shall publish the
1096 following information pertaining to each project:

1097 (a) Projected economic benefits.—The projected economic
1098 benefits at the time of the initial project award date.

1099 (b) Project information.—

1100 1. The program or programs through which state investment
1101 is being made.

1102 2. The maximum potential cumulative state investment in
1103 the project.

1104 3. The target industry or industries, and any high impact
1105 sectors implicated by the project.

1106 4. The county or counties that will be impacted by the
1107 project.

1108 5. For a project that requires local commitment, the total
1109 cumulative local financial commitment and in-kind support for
1110 the project.

1111 (c) Participant business information.—

1112 1. The location of the headquarters of the participant
1113 business or, if a subsidiary, the headquarters of the parent
1114 company.

1115 2. The firm size class of the participant business, or
1116 where owned by a parent company the firm size class of the
1117 participant business's parent company, using the firm size
1118 classes established by the United States Department of Labor
1119 Bureau of Labor Statistics, and whether the participant business
1120 qualifies as a small business as defined in s. 288.703.



- 1121 | 3. The date of the project award.
- 1122 | 4. The expected duration of the contract.
- 1123 | 5. The anticipated dates when the participant business
1124 | will claim the last state investment.
- 1125 | (d) Project evaluation criteria.—Economic benefits
1126 | generated by the project.
- 1127 | (e) Project performance goals.—
- 1128 | 1. The incremental direct jobs attributable to the
1129 | project, identifying the number of jobs generated and the number
1130 | of jobs retained.
- 1131 | 2. The number of jobs generated and the number of jobs
1132 | retained by the project, and for projects commencing after
1133 | October 1, 2013, the average annual wage of persons holding such
1134 | jobs.
- 1135 | 3. The incremental direct capital investment in the state
1136 | generated by the project.
- 1137 | (f) Total state investment to date.—The total amount of
1138 | state investment disbursed to the participant business to date
1139 | under the terms of the contract, itemized by incentive program.
- 1140 | (4) The department shall calculate and publish on its
1141 | website the economic benefits of each project within 48 hours
1142 | after the conclusion of the agreement between each participant
1143 | business and the department. The department shall work with the
1144 | Office of Economic and Demographic Research to provide a
1145 | description of the methodology used to calculate the economic
1146 | benefits of a project, and the department must publish the
1147 | information on its website.
- 1148 | (5) At least annually, from the project award date, the



1149 department shall:

1150 (a) Publish verified results to update the information
1151 described in paragraphs (3)(b)-(f) to accurately reflect any
1152 changes in the published information since the project award
1153 date.

1154 (b) Publish on its website the date on which the
1155 information collected and published for each project was last
1156 updated.

1157 (6) Annually, the department shall publish information
1158 relating to the progress of Quick Action Closing Fund projects,
1159 including the average number of days between the date the
1160 department receives a completed application and the date on
1161 which the application is approved.

1162 (7)(a) Within 48 hours after expiration of the period of
1163 confidentiality provided under s. 288.075, the department shall
1164 publish the contract or agreement described in s. 288.061,
1165 redacted to protect the participant business from disclosure of
1166 information that remains confidential or exempt by law.

1167 (b) Within 48 hours after submitting any report of
1168 findings and recommendations made pursuant to s. 288.106(7)(d)
1169 concerning a business's failure to complete a tax refund
1170 agreement pursuant to the tax refund program for qualified
1171 target industry businesses, the department shall publish such
1172 report.

1173 (8) For projects completed before October 1, 2013, the
1174 department shall compile and, by October 1, 2014, shall publish
1175 the information described in subsections (3), (4), and (5), to
1176 the extent such information is available and applicable.



1177 (9) The provisions of this section that restrict the
1178 department's publication of information are intended only to
1179 limit the information that the department may publish on its
1180 website and shall not be construed to create an exemption from
1181 public records requirements under s. 119.07(1) or s. 24(a), Art.
1182 I of the State Constitution.

1183 (10) The department may adopt rules to administer this
1184 section.

1185 Section 15. Paragraph (c) of subsection (3) of section
1186 288.095, Florida Statutes, is repealed.

1187 Section 16. Paragraph (c) of subsection (4) and paragraph
1188 (d) of subsection (7) of section 288.106, Florida Statutes, are
1189 amended to read:

1190 288.106 Tax refund program for qualified target industry
1191 businesses.—

1192 (4) APPLICATION AND APPROVAL PROCESS.—

1193 (c) Each application meeting the requirements of paragraph
1194 (b) must be submitted to the department for determination of
1195 eligibility. The department shall review and evaluate each
1196 application based on, but not limited to, the following
1197 criteria:

1198 1. Expected contributions to the state's economy,
1199 consistent with the state strategic economic development plan
1200 prepared by the department.

1201 2. The economic benefits of the proposed award of tax
1202 refunds under this section ~~and the economic benefits of state~~
1203 ~~incentives proposed for the project. The term "economic~~
1204 ~~benefits" has the same meaning as in s. 288.005. The Office of~~



1205 ~~Economic and Demographic Research shall review and evaluate the~~
 1206 ~~methodology and model used to calculate the economic benefits~~
 1207 ~~and shall report its findings by September 1 of every 3rd year,~~
 1208 ~~to the President of the Senate and the Speaker of the House of~~
 1209 ~~Representatives.~~

1210 3. The amount of capital investment to be made by the
 1211 applicant in this state.

1212 4. The local financial commitment and support for the
 1213 project.

1214 5. The expected effect of the project on the unemployed
 1215 and underemployed ~~unemployment rate~~ in the county where the
 1216 project will be located.

1217 6. The expected effect of the award on the viability of
 1218 the project and the probability that the project would be
 1219 undertaken in this state if such tax refunds are granted to the
 1220 applicant.

1221 ~~7. The expected long-term commitment of the applicant to~~
 1222 ~~economic growth and employment in this state resulting from the~~
 1223 ~~project.~~

1224 ~~7.8.~~ A review of the business's past activities in this
 1225 state or other states, including whether the ~~such~~ business has
 1226 been subjected to criminal or civil fines and penalties. This
 1227 subparagraph does not require the disclosure of confidential
 1228 information.

1229 (7) ADMINISTRATION.—

1230 (d) Beginning with tax refund agreements signed after July
 1231 1, 2010, the department shall attempt to ascertain the causes
 1232 for any business's failure to complete its agreement and ~~shall~~



1233 ~~report~~ its findings and recommendations must be included in the
 1234 annual incentives report under s. 288.907 ~~to the Governor, the~~
 1235 ~~President of the Senate, and the Speaker of the House of~~
 1236 ~~Representatives. The report shall be submitted by December 1 of~~
 1237 ~~each year beginning in 2011.~~

1238 Section 17. Paragraphs (c) and (d) of subsection (1),
 1239 subsections (2) and (3), and paragraphs (a), (b), and (f) of
 1240 subsection (4) of section 288.107, Florida Statutes, are amended
 1241 to read:

1242 288.107 Brownfield redevelopment bonus refunds.—

1243 (1) DEFINITIONS.—As used in this section:

1244 (c) "Brownfield area eligible for bonus refunds" means a
 1245 brownfield site for which a rehabilitation agreement with the
 1246 Department of Environmental Protection or a local government
 1247 delegated by the Department of Environmental Protection has been
 1248 executed under s. 376.80 and any abutting real property parcel
 1249 within a brownfield ~~contiguous area of one or more brownfield~~
 1250 ~~sites, some of which may not be contaminated, and which has been~~
 1251 ~~designated by a local government by resolution under s. 376.80.~~
 1252 ~~Such areas may include all or portions of community~~
 1253 ~~redevelopment areas, enterprise zones, empowerment zones, other~~
 1254 ~~such designated economically deprived communities and areas, and~~
 1255 ~~Environmental Protection Agency-designated brownfield pilot~~
 1256 ~~projects.~~

1257 (d) "Eligible business" means:

- 1258 1. A qualified target industry business as defined in s.
- 1259 288.106(2); or
- 1260 2. A business that can demonstrate a fixed capital



1261 investment of at least \$2 million in mixed-use business
1262 activities, including multiunit housing, commercial, retail, and
1263 industrial in brownfield areas eligible for bonus refunds, ~~or at~~
1264 ~~least \$500,000 in brownfield areas that do not require site~~
1265 ~~cleanup~~, and that provides benefits to its employees.

1266 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
1267 shall be approved by the department as specified in the final
1268 order and allowed from the account as follows:

1269 (a) A bonus refund of \$2,500 shall be allowed to any
1270 qualified target industry business as defined in s. 288.106 for
1271 each new Florida job created in a brownfield area eligible for
1272 bonus refunds which ~~that~~ is claimed on the qualified target
1273 industry business's annual refund claim authorized in s.
1274 288.106(6).

1275 (b) A bonus refund of up to \$2,500 shall be allowed to any
1276 other eligible business as defined in subparagraph (1)(d)2. for
1277 each new Florida job created in a brownfield area eligible for
1278 bonus refunds which ~~that~~ is claimed under an annual claim
1279 procedure similar to the annual refund claim authorized in s.
1280 288.106(6). The amount of the refund shall be equal to 20
1281 percent of the average annual wage for the jobs created.

1282 (3) CRITERIA.—The minimum criteria for participation in
1283 the brownfield redevelopment bonus refund are:

1284 (a) The creation of at least 10 new full-time permanent
1285 jobs. Such jobs shall not include construction or site
1286 rehabilitation jobs associated with the implementation of a
1287 brownfield site agreement as described in s. 376.80(5).

1288 (b) The completion of a fixed capital investment of at



1289 least \$2 million in mixed-use business activities, including
 1290 multiunit housing, commercial, retail, and industrial in
 1291 brownfield areas eligible for bonus refunds, ~~or at least~~
 1292 ~~\$500,000 in brownfield areas that do not require site cleanup,~~
 1293 by an eligible business applying for a refund under paragraph
 1294 (2) (b) which provides benefits to its employees.

1295 ~~(c) That the designation as a brownfield will diversify~~
 1296 ~~and strengthen the economy of the area surrounding the site.~~

1297 ~~(d) That the designation as a brownfield will promote~~
 1298 ~~capital investment in the area beyond that contemplated for the~~
 1299 ~~rehabilitation of the site.~~

1300 ~~(e) A resolution adopted by the governing board of the~~
 1301 ~~county or municipality in which the project will be located that~~
 1302 ~~recommends that certain types of businesses be approved.~~

1303 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1304 (a) To be eligible to receive a bonus refund for new
 1305 Florida jobs created in a brownfield area eligible for bonus
 1306 refunds, a business must have been certified as a qualified
 1307 target industry business under s. 288.106 or eligible business
 1308 as defined in paragraph (1) (d) and must have indicated on the
 1309 qualified target industry business tax refund application form
 1310 submitted in accordance with s. 288.106(4) or other similar
 1311 agreement for other eligible business as defined in paragraph
 1312 (1) (d) that the project for which the application is submitted
 1313 is or will be located in a brownfield area eligible for bonus
 1314 refunds and that the business is applying for certification as a
 1315 qualified brownfield business under this section, and must have
 1316 signed a qualified target industry business tax refund agreement



1317 | with the department that indicates that the business has been
1318 | certified as a qualified target industry business located in a
1319 | brownfield area eligible for bonus refunds and specifies the
1320 | schedule of brownfield redevelopment bonus refunds that the
1321 | business may be eligible to receive in each fiscal year.

1322 | (b) To be considered to receive an eligible brownfield
1323 | redevelopment bonus refund payment, the business meeting the
1324 | requirements of paragraph (a) must submit a claim once each
1325 | fiscal year on a claim form approved by the department which
1326 | indicates the location of the brownfield site for which a
1327 | rehabilitation agreement with the Department of Environmental
1328 | Protection or a local government delegated by the Department of
1329 | Environmental Protection has been executed under s. 376.80, the
1330 | address of the business facility's brownfield location, the name
1331 | of the brownfield in which it is located, the number of jobs
1332 | created, and the average wage of the jobs created by the
1333 | business within the brownfield as defined in s. 288.106 or other
1334 | eligible business as defined in paragraph (1)(d) and the
1335 | administrative rules and policies for that section.

1336 | (f) Applications shall be reviewed and certified pursuant
1337 | to s. 288.061. The department shall review all applications
1338 | submitted under s. 288.106 or other similar application forms
1339 | for other eligible businesses as defined in paragraph (1)(d)
1340 | which indicate that the proposed project will be located in a
1341 | brownfield area eligible for bonus refunds and determine, with
1342 | the assistance of the Department of Environmental Protection,
1343 | that the project location is within a brownfield area eligible
1344 | for bonus refunds as provided in this act.



1345 Section 18. The amendments to s. 288.107, Florida
1346 Statutes, made by this act do not apply to any party seeking a
1347 brownfield redevelopment bonus refund where, before the
1348 effective date of this act:

1349 (1) A resolution endorsing the refund was approved by the
1350 local government;

1351 (2) Any such party seeking the refund filed a notice of
1352 intent to seek a refund or filed an application for the refund
1353 with the Department of Economic Opportunity or Enterprise
1354 Florida, Inc.; or

1355 (3) Any such party seeking the refund executed an actual
1356 tax refund agreement with the Department of Economic
1357 Opportunity.

1358 Section 19. Subsection (8) of section 288.1081, Florida
1359 Statutes, is amended to read:

1360 288.1081 Economic Gardening Business Loan Pilot Program.-

1361 (8) The annual report required under s. 20.60 must
1362 describe ~~On June 30 and December 31 of each year, the department~~
1363 ~~shall submit a report to the Governor, the President of the~~
1364 ~~Senate, and the Speaker of the House of Representatives which~~
1365 ~~describes~~ in detail the use of the loan funds. The report must
1366 include, at a minimum, the number of businesses receiving loans,
1367 the number of full-time equivalent jobs created as a result of
1368 the loans, the amount of wages paid to employees in the newly
1369 created jobs, the locations and types of economic activity
1370 undertaken by the borrowers, the amounts of loan repayments made
1371 to date, and the default rate of borrowers.

1372 Section 20. Subsection (8) of section 288.1082, Florida



1373 Statutes, is amended to read:

1374 288.1082 Economic Gardening Technical Assistance Pilot
1375 Program.—

1376 (8) The annual report required under s. 20.60 must
1377 describe ~~On December 31 of each year, the department shall~~
1378 ~~submit a report to the Governor, the President of the Senate,~~
1379 ~~and the Speaker of the House of Representatives which describes~~
1380 in detail the progress of the pilot program. The report must
1381 include, at a minimum, the number of businesses receiving
1382 assistance, the number of full-time equivalent jobs created as a
1383 result of the assistance, if any, the amount of wages paid to
1384 employees in the newly created jobs, and the locations and types
1385 of economic activity undertaken by the businesses.

1386 Section 21. Paragraph (e) of subsection (3) of section
1387 288.1088, Florida Statutes, is amended to read:

1388 288.1088 Quick Action Closing Fund.—

1389 (3)

1390 (e) The department ~~Enterprise Florida, Inc.,~~ shall
1391 validate contractor performance and report- such validation in
1392 the annual incentives report required under s. 288.907 ~~shall be~~
1393 ~~reported within 6 months after completion of the contract to the~~
1394 ~~Governor, President of the Senate, and the Speaker of the House~~
1395 ~~of Representatives.~~

1396 Section 22. Paragraphs (b) and (d) of subsection (4), and
1397 subsections (9) and (11) of section 288.1089, Florida Statutes,
1398 are amended to read:

1399 288.1089 Innovation Incentive Program.—

1400 (4) To qualify for review by the department, the applicant



1401 must, at a minimum, establish the following to the satisfaction
1402 of the department:

1403 (b) A research and development project must:

1404 1. Serve as a catalyst for an emerging or evolving
1405 technology cluster.

1406 2. Demonstrate a plan for significant higher education
1407 collaboration.

1408 3. Provide the state, at a minimum, a cumulative break-
1409 even economic benefit ~~return on investment~~ within a 20-year
1410 period.

1411 4. Be provided with a one-to-one match from the local
1412 community. The match requirement may be reduced or waived in
1413 rural areas of critical economic concern or reduced in rural
1414 areas, brownfield areas, and enterprise zones.

1415 (d) For an alternative and renewable energy project in
1416 this state, the project must:

1417 1. Demonstrate a plan for significant collaboration with
1418 an institution of higher education;

1419 2. Provide the state, at a minimum, a cumulative break-
1420 even economic benefit ~~return on investment~~ within a 20-year
1421 period;

1422 3. Include matching funds provided by the applicant or
1423 other available sources. The match requirement may be reduced or
1424 waived in rural areas of critical economic concern or reduced in
1425 rural areas, brownfield areas, and enterprise zones;

1426 4. Be located in this state; and

1427 5. Provide at least 35 direct, new jobs that pay an
1428 estimated annual average wage that equals at least 130 percent



1429 of the average private sector wage.

1430 (9) The department shall validate the performance of an
1431 innovation business, a research and development facility, or an
1432 alternative and renewable energy business that has received an
1433 award. At the conclusion of the innovation incentive award
1434 agreement, or its earlier termination, the department shall
1435 include in the annual incentives report required under s.
1436 288.907 a detailed description of, ~~within 90 days, submit a~~
1437 ~~report to the Governor, the President of the Senate, and the~~
1438 ~~Speaker of the House of Representatives detailing whether the~~
1439 recipient of the innovation incentive grant achieved its
1440 specified outcomes.

1441 (11)~~(a)~~ The department shall include in ~~submit to the~~
1442 ~~Governor, the President of the Senate, and the Speaker of the~~
1443 ~~House of Representatives, as part of the annual~~ incentives
1444 report required under s. 288.907, a report summarizing the
1445 activities and accomplishments of the recipients of grants from
1446 the Innovation Incentive Program during the previous 12 months
1447 and an evaluation of whether the recipients are catalysts for
1448 additional direct and indirect economic development in Florida.

1449 ~~(b) Beginning March 1, 2010, and every third year~~
1450 ~~thereafter, the Office of Program Policy Analysis and Government~~
1451 ~~Accountability, in consultation with the Auditor General's~~
1452 ~~Office, shall release a report evaluating the Innovation~~
1453 ~~Incentive Program's progress toward creating clusters of high-~~
1454 ~~wage, high skilled, complementary industries that serve as~~
1455 ~~catalysts for economic growth specifically in the regions in~~
1456 ~~which they are located, and generally for the state as a whole.~~



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1457 ~~Such report should include critical analyses of quarterly and~~
1458 ~~annual reports, annual audits, and other documents prepared by~~
1459 ~~the Innovation Incentive Program awardees; relevant economic~~
1460 ~~development reports prepared by the department, Enterprise~~
1461 ~~Florida, Inc., and local or regional economic development~~
1462 ~~organizations; interviews with the parties involved; and any~~
1463 ~~other relevant data. Such report should also include legislative~~
1464 ~~recommendations, if necessary, on how to improve the Innovation~~
1465 ~~Incentive Program so that the program reaches its anticipated~~
1466 ~~potential as a catalyst for direct and indirect economic~~
1467 ~~development in this state.~~

1468 Section 23. Subsection (3) of section 288.1253, Florida
1469 Statutes, is amended to read:

1470 288.1253 Travel and entertainment expenses.—

1471 (3) The Office of Film and Entertainment ~~department~~ shall
1472 include in the annual report for the entertainment industry
1473 financial incentive program required under s. 288.1254(10) a
1474 ~~prepare an annual~~ report of the office's expenditures ~~of the~~
1475 ~~Office of Film and Entertainment and provide such report to the~~
1476 ~~Legislature no later than December 30 of each year for the~~
1477 ~~expenditures of~~ the previous fiscal year. The report must ~~shall~~
1478 consist of a summary of all travel, entertainment, and
1479 incidental expenses incurred within the United States and all
1480 travel, entertainment, and incidental expenses incurred outside
1481 the United States, as well as a summary of all successful
1482 projects that developed from such travel.

1483 Section 24. Subsection (10) of section 288.1254, Florida
1484 Statutes, is amended to read:



1485 | 288.1254 Entertainment industry financial incentive
1486 | program.—

1487 | (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office
1488 | of Film and Entertainment shall submit ~~provide~~ an annual report
1489 | for the previous fiscal year to the Governor, the President of
1490 | the Senate, and the Speaker of the House of Representatives
1491 | which outlines the incentive program's return on investment and
1492 | economic benefits to the state. The report must ~~shall~~ also
1493 | include an estimate of the full-time equivalent positions
1494 | created by each production that received tax credits under this
1495 | section and information relating to the distribution of
1496 | productions receiving credits by geographic region and type of
1497 | production. The report must also include the expenditures report
1498 | required under s. 288.1253(3) and the information describing the
1499 | relationship between tax exemptions and incentives to industry
1500 | growth required under s. 288.1258(5).

1501 | Section 25. Subsection (5) of section 288.1258, Florida
1502 | Statutes, is amended to read:

1503 | 288.1258 Entertainment industry qualified production
1504 | companies; application procedure; categories; duties of the
1505 | Department of Revenue; records and reports.—

1506 | (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
1507 | INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
1508 | and Entertainment shall keep annual records from the information
1509 | provided on taxpayer applications for tax exemption certificates
1510 | beginning January 1, 2001. These records also must ~~shall~~ reflect
1511 | a ratio of the annual amount of sales and use tax exemptions
1512 | under this section, plus the incentives awarded pursuant to s.



1513 288.1254 to the estimated amount of funds expended by certified
1514 productions. In addition, the office shall maintain data showing
1515 annual growth in Florida-based entertainment industry companies
1516 and entertainment industry employment and wages. The employment
1517 information must ~~shall~~ include an estimate of the full-time
1518 equivalent positions created by each production that received
1519 tax credits pursuant to s. 288.1254. The Office of Film and
1520 Entertainment shall include ~~report~~ this information in the
1521 annual report for the entertainment industry financial incentive
1522 program required under s. 288.1254(10) to the Legislature no
1523 later than December 1 of each year.

1524 Section 26. Subsection (3) of section 288.714, Florida
1525 Statutes, is amended to read:

1526 288.714 Quarterly and annual reports.—

1527 (3) ~~By August 31 of each year,~~ The department shall
1528 include in its annual report required under s. 20.60 provide to
1529 the Governor, the President of the Senate, and the Speaker of
1530 the House of Representatives a detailed report of the
1531 performance of the Black Business Loan Program. The report must
1532 include a cumulative summary of the quarterly report data
1533 compiled pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1534 Section 27. Section 288.7771, Florida Statutes, is amended
1535 to read:

1536 288.7771 Annual report of Florida Export Finance
1537 Corporation.—The corporation shall annually prepare and submit
1538 to Enterprise Florida, Inc., the department for inclusion in its
1539 annual report required under s. 288.906 ~~by s. 288.095~~ a complete
1540 and detailed report setting forth:



1541 (1) The report required in s. 288.776(3).

1542 (2) Its assets and liabilities at the end of its most
1543 recent fiscal year.

1544 Section 28. Subsections (3), (4), and (5) of section
1545 288.903, Florida Statutes, are amended to read:

1546 288.903 Duties of Enterprise Florida, Inc.—Enterprise
1547 Florida, Inc., shall have the following duties:

1548 (3) Prepare an annual report pursuant to s. 288.906.

1549 (4) Prepare, in conjunction with the department, and an
1550 annual incentives report pursuant to s. 288.907.

1551 (5)-(4) Assist the department with the development of an
1552 annual and a long-range strategic business blueprint for
1553 economic development required in s. 20.60.

1554 (6)-(5) In coordination with Workforce Florida, Inc.,
1555 identify education and training programs that will ensure
1556 Florida businesses have access to a skilled and competent
1557 workforce necessary to compete successfully in the domestic and
1558 global marketplace.

1559 Section 29. Subsection (6) of section 288.904, Florida
1560 Statutes, is repealed.

1561 Section 30. Subsection (3) is added to section 288.906,
1562 Florida Statutes, to read:

1563 288.906 Annual report of Enterprise Florida, Inc., and its
1564 divisions; audits.—

1565 (3) The following reports must be included as supplements
1566 to the detailed report required by this section:

1567 (a) The annual report of the Florida Export Finance
1568 Corporation required under s. 288.7771.



1569 (b) The report on international offices required under s.
1570 288.012.

1571 Section 31. Section 288.907, Florida Statutes, is amended
1572 to read:

1573 288.907 Annual incentives report.—

1574 ~~(1) By December 30 of each year, In addition to the annual~~
1575 ~~report required under s. 288.906, Enterprise Florida, Inc., in~~
1576 ~~conjunction with the department, by December 30 of each year,~~
1577 shall provide the Governor, the President of the Senate, and the
1578 Speaker of the House of Representatives a detailed incentives
1579 report quantifying the economic benefits for all of the economic
1580 development incentive programs marketed by Enterprise Florida,
1581 Inc.

1582 ~~(a) The annual incentives report must include:~~

1583 (1) For each incentive program:

1584 (a)1. A brief description of the incentive program.

1585 (b)2. The amount of awards granted, by year, since
1586 inception and the annual amount actually transferred from the
1587 state treasury to businesses or for the benefit of businesses
1588 for each of the previous 3 years.

1589 ~~3. The economic benefits, as defined in s. 288.005, based~~
1590 ~~on the actual amount of private capital invested, actual number~~
1591 ~~of jobs created, and actual wages paid for incentive agreements~~
1592 ~~completed during the previous 3 years.~~

1593 (c)4. The report shall also include The actual amount of
1594 private capital invested, actual number of jobs created, and
1595 actual wages paid for incentive agreements completed during the
1596 previous 3 years for each target industry sector.



1597 ~~(2)(b)~~ For projects completed during the previous state
 1598 fiscal year, ~~the report must include:~~
 1599 (a)1. The number of economic development incentive
 1600 applications received.
 1601 (b)2. The number of recommendations made to the department
 1602 by Enterprise Florida, Inc., including the number recommended
 1603 for approval and the number recommended for denial.
 1604 (c)3. The number of final decisions issued by the
 1605 department for approval and for denial.
 1606 (d)4. The projects for which a tax refund, tax credit, or
 1607 cash grant agreement was executed, identifying for each project:
 1608 1.a. The number of jobs committed to be created.
 1609 2.b. The amount of capital investments committed to be
 1610 made.
 1611 3.e. The annual average wage committed to be paid.
 1612 4.d. The amount of state economic development incentives
 1613 committed to the project from each incentive program under the
 1614 project's terms of agreement with the Department of Economic
 1615 Opportunity.
 1616 5.e. The amount and type of local matching funds committed
 1617 to the project.
 1618 (e) Tax refunds paid or other payments made funded out of
 1619 the Economic Development Incentives Account for each project.
 1620 (f) The types of projects supported.
 1621 ~~(3)(e)~~ For economic development projects that received tax
 1622 refunds, tax credits, or cash grants under the terms of an
 1623 agreement for incentives, ~~the report must identify:~~
 1624 (a)1. The number of jobs actually created.



1625 (b)2- The amount of capital investments actually made.

1626 (c)3- The annual average wage paid.

1627 (4)(d) For a project receiving economic development
1628 incentives approved by the department and receiving federal or
1629 local incentives, ~~the report must include~~ a description of the
1630 federal or local incentives, if available.

1631 (5)(e) The ~~report must state~~ the number of withdrawn or
1632 terminated projects that did not fulfill the terms of their
1633 agreements with the department and, consequently, are not
1634 receiving incentives.

1635 (6) For any agreements signed after July 1, 2010, findings
1636 and recommendations on the efforts of the department to
1637 ascertain the causes of any business's inability to complete its
1638 agreement made under s. 288.106.

1639 (7)(f) The amount ~~report must include an analysis of the~~
1640 ~~economic benefits, as defined in s. 288.005,~~ of tax refunds, tax
1641 credits, or other payments made to projects locating or
1642 expanding in state enterprise zones, rural communities,
1643 brownfield areas, or distressed urban communities. The report
1644 must include a separate analysis of the impact of such tax
1645 refunds on state enterprise zones designated under s. 290.0065,
1646 rural communities, brownfield areas, and distressed urban
1647 communities.

1648 (8) The name of and tax refund amount for each business
1649 that has received a tax refund under s. 288.1045 or s. 288.106
1650 during the preceding fiscal year.

1651 (9)(g) An identification of ~~The report must identify~~ the
1652 target industry businesses and high-impact businesses.



1653 ~~(10)(h)~~ A description of ~~The report must describe~~ the
 1654 trends relating to business interest in, and usage of, the
 1655 various incentives, and the number of minority-owned or woman-
 1656 owned businesses receiving incentives.

1657 ~~(11)(i)~~ An identification of ~~The report must identify~~
 1658 incentive programs not used and recommendations for program
 1659 changes or program elimination ~~utilized~~.

1660 (12) Information related to the validation of contractor
 1661 performance required under s. 288.061.

1662 (13) Beginning in 2014, a summation of the activities
 1663 related to the Florida Space Business Incentives Act.

1664 ~~(2) The Division of Strategic Business Development within~~
 1665 ~~the department shall assist Enterprise Florida, Inc., in the~~
 1666 ~~preparation of the annual incentives report.~~

1667 Section 32. Subsection (3) of section 288.92, Florida
 1668 Statutes, is amended to read:

1669 288.92 Divisions of Enterprise Florida, Inc.—

1670 ~~(3) By October 15 each year,~~ Each division shall draft and
 1671 submit an annual report for inclusion in the report required
 1672 under s. 288.906 which details the division's activities during
 1673 the previous ~~prior~~ fiscal year and includes ~~any~~ recommendations
 1674 for improving current statutes related to the division's ~~related~~
 1675 area of responsibility.

1676 Section 33. Subsection (5) of section 288.95155, Florida
 1677 Statutes, is amended to read:

1678 288.95155 Florida Small Business Technology Growth
 1679 Program.—

1680 (5) Enterprise Florida, Inc., shall prepare for inclusion



1681 in the annual report ~~of the department~~ required under s. 288.907
1682 ~~by s. 288.095~~ a report on the financial status of the program.
1683 The report must specify the assets and liabilities of the
1684 program within the current fiscal year and must include a
1685 portfolio update that lists all of the businesses assisted, the
1686 private dollars leveraged by each business assisted, and the
1687 growth in sales and in employment of each business assisted.

1688 Section 34. Section 288.9918, Florida Statutes, is amended
1689 to read:

1690 288.9918 Annual reporting by a community development
1691 entity.—

1692 (1) A community development entity that has issued a
1693 qualified investment shall submit an annual report to the
1694 department by January 31 ~~April 30~~ after the end of each year
1695 which includes a credit allowance date. The report shall include
1696 information on investments made in the preceding calendar year
1697 to include but not limited to the following:

1698 ~~(1) The entity's annual financial statements for the~~
1699 ~~preceding tax year, audited by an independent certified public~~
1700 ~~accountant.~~

1701 (a) ~~(2)~~ The identity of the types of industries, identified
1702 by the North American Industry Classification System Code, in
1703 which qualified low-income community investments were made.

1704 (b) ~~(3)~~ The names of the counties in which the qualified
1705 active low-income businesses are located which received
1706 qualified low-income community investments.

1707 (c) ~~(4)~~ The number of jobs created and retained by
1708 qualified active low-income community businesses receiving



1709 qualified low-income community investments, including
1710 verification that the average wages paid meet or exceed 115
1711 percent of the federal poverty income guidelines for a family of
1712 four.

1713 ~~(d)(5)~~ A description of the relationships that the entity
1714 has established with community-based organizations and local
1715 community development offices and organizations and a summary of
1716 the outcomes resulting from those relationships.

1717 ~~(e)(6)~~ Other information and documentation required by the
1718 department to verify continued certification as a qualified
1719 community development entity under 26 U.S.C. s. 45D.

1720 (2) By April 30 after the end of each year which includes
1721 a credit allowance date, a community development entity shall
1722 submit annual financial statements for the preceding tax year,
1723 audited by an independent certified public accountant.

1724 Section 35. Subsection (6) of section 290.0055, Florida
1725 Statutes, is amended to read:

1726 290.0055 Local nominating procedure.—

1727 (6) (a) The department may approve a change in the boundary
1728 of any enterprise zone which was designated pursuant to s.
1729 290.0065. A boundary change must continue to satisfy the
1730 requirements of subsections (3), (4), and (5).

1731 (b) Upon a recommendation by the enterprise zone
1732 development agency, the governing body of the jurisdiction which
1733 authorized the application for an enterprise zone may apply to
1734 the department for a change in boundary once every 3 years by
1735 adopting a resolution that:

1736 1. States with particularity the reasons for the change;



1737 and

1738 2. Describes specifically and, to the extent required by
1739 the department, the boundary change to be made.

1740 (c) At least 90 days before adopting a resolution seeking
1741 a change in the boundary of an enterprise zone, the governing
1742 body shall include in a notice of the meeting at which the
1743 resolution will be considered an explanation that a change in
1744 the boundary of an enterprise zone will be considered and that
1745 the change may result in loss of enterprise zone eligibility for
1746 the area affected by the boundary change.

1747 (d)1. The governing body of a jurisdiction which has
1748 nominated an application for an enterprise zone that is at least
1749 15 square miles and less than 20 square miles ~~no larger than 12~~
1750 ~~square miles~~ and includes a portion of the state designated as a
1751 rural area of critical economic concern under s. 288.0656(7) may
1752 apply to the department to expand the boundary of the existing
1753 enterprise zone by not more than 3 square miles. ~~An application~~
1754 ~~to expand the boundary of an enterprise zone under this~~
1755 ~~paragraph must be submitted by December 31, 2012.~~

1756 2. The governing body of a jurisdiction which has
1757 nominated an application for an enterprise zone that is at least
1758 20 square miles and includes a portion of the state designated
1759 as a rural area of critical economic concern under s.
1760 288.0656(7) may apply to the department to expand the boundary
1761 of the existing enterprise zone by not more than 5 square miles.

1762 3. An application to expand the boundary of an enterprise
1763 zone under this paragraph must be submitted by December 31,
1764 2013.



1765 | ~~4.2.~~ Notwithstanding the area limitations specified in
1766 | subsection (4), the department may approve the request for a
1767 | boundary amendment if the area continues to satisfy the
1768 | remaining requirements of this section.

1769 | ~~5.3.~~ The department shall establish the initial effective
1770 | date of an enterprise zone designated under this paragraph.

1771 | Section 36. Subsection (11) of section 290.0056, Florida
1772 | Statutes, is amended to read:

1773 | 290.0056 Enterprise zone development agency.—

1774 | (11) Before October 1 ~~December 1~~ of each year, the agency
1775 | shall submit to the department for inclusion in the annual
1776 | report required under s. 20.60 a complete and detailed written
1777 | report setting forth:

1778 | (a) Its operations and accomplishments during the fiscal
1779 | year.

1780 | (b) The accomplishments and progress concerning the
1781 | implementation of the strategic plan or measurable goals, and
1782 | any updates to the strategic plan or measurable goals.

1783 | (c) The number and type of businesses assisted by the
1784 | agency during the fiscal year.

1785 | (d) The number of jobs created within the enterprise zone
1786 | during the fiscal year.

1787 | (e) The usage and revenue impact of state and local
1788 | incentives granted during the calendar year.

1789 | (f) Any other information required by the department.

1790 | Section 37. Section 290.014, Florida Statutes, is amended
1791 | to read:

1792 | 290.014 Annual reports on enterprise zones.—



1793 (1) By October 1 ~~February 1~~ of each year, the Department
 1794 of Revenue shall submit an annual report to the department
 1795 detailing the usage and revenue impact by county of the state
 1796 incentives listed in s. 290.007.

1797 (2) ~~By March 1 of each year, the department shall submit~~
 1798 ~~an annual report to the Governor, the Speaker of the House of~~
 1799 ~~Representatives, and the President of the Senate.~~ The annual
 1800 report required under s. 20.60 shall include the information
 1801 provided by the Department of Revenue pursuant to subsection (1)
 1802 and the information provided by enterprise zone development
 1803 agencies pursuant to s. 290.0056. In addition, the report shall
 1804 include an analysis of the activities and accomplishments of
 1805 each enterprise zone.

1806 Section 38. Section 290.0455, Florida Statutes, is amended
 1807 to read:

1808 290.0455 Small Cities Community Development Block Grant
 1809 Loan Guarantee Program; Section 108 loan guarantees.—

1810 (1) The Small Cities Community Development Block Grant
 1811 Loan Guarantee Program is created. The department shall
 1812 administer the loan guarantee program pursuant to Section 108 ~~s.~~
 1813 ~~108~~ of Title I of the Housing and Community Development Act of
 1814 1974, as amended, and as further amended by s. 910 of the
 1815 Cranston-Gonzalez National Affordable Housing Act. The purpose
 1816 of the Small Cities Community Development Block Grant Loan
 1817 Guarantee Program is to guarantee, or to make commitments to
 1818 guarantee, notes or other obligations issued by public entities
 1819 for the purposes of financing activities enumerated in 24 C.F.R.
 1820 s. 570.703.



1821 (2) Activities assisted under the loan guarantee program
 1822 must meet the requirements contained in 24 C.F.R. ss. 570.700-
 1823 570.710 and may not otherwise be financed in whole or in part
 1824 from the Florida Small Cities Community Development Block Grant
 1825 Program.

1826 (3) The department may pledge existing revenues on deposit
 1827 or future revenues projected to be available for deposit in the
 1828 Florida Small Cities Community Development Block Grant Program
 1829 in order to guarantee, ~~in whole or in part,~~ the payment of
 1830 principal and interest on a Section 108 loan ~~made under the loan~~
 1831 ~~guarantee program.~~

1832 (4) An applicant approved by the United States Department
 1833 of Housing and Urban Development to receive a Section 108 loan
 1834 shall enter into an agreement with the Department of Economic
 1835 Opportunity which requires the applicant to pledge half of the
 1836 amount necessary to guarantee the loan in the event of default.

1837 (5) The department shall review all Section 108 loan
 1838 applications that it receives from local governments. The
 1839 department shall review the applications ~~must submit all~~
 1840 ~~applications it receives to the United States Department of~~
 1841 ~~Housing and Urban Development for loan approval,~~ in the order
 1842 received, subject to a determination by the department
 1843 ~~determining~~ that each ~~the~~ application meets all eligibility
 1844 requirements contained in 24 C.F.R. ss. 570.700-570.710~~7~~ and has
 1845 been deemed financially feasible by a loan underwriter approved
 1846 by the department. If the statewide maximum available for loan
 1847 guarantee commitments established in subsection (6) has not been
 1848 committed, the department may submit the Section 108 loan



1849 application to the United States Department of Housing and Urban
1850 Development with a recommendation that the loan be approved,
1851 with or without conditions, or be denied ~~provided that the~~
1852 ~~applicant has submitted the proposed activity to a loan~~
1853 ~~underwriter to document its financial feasibility.~~

1854 (6)-(5) The maximum amount of an individual loan guarantee
1855 commitment that an ~~commitments that any~~ eligible local
1856 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million
1857 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan
1858 guarantee commitments statewide may not exceed an amount equal
1859 to two ~~five~~ times the amount of the most recent grant received
1860 by the department under the Florida Small Cities Community
1861 Development Block Grant Program. The \$5 million loan guarantee
1862 limit does not apply to loans guaranteed prior to July 1, 2013,
1863 that may be refinanced.

1864 (7)-(6) Section 108 loans guaranteed by the Small Cities
1865 Community Development Block Grant Program ~~loan guarantee program~~
1866 must be repaid within 20 years.

1867 (8)-(7) Section 108 loan applicants must demonstrate
1868 ~~guarantees may be used for an activity only if the local~~
1869 ~~government provides evidence to the department that the~~
1870 applicant investigated alternative financing services ~~were~~
1871 ~~investigated~~ and the services were unavailable or insufficient
1872 to meet the financing needs of the proposed activity.

1873 (9) If a local government defaults on a Section 108 loan
1874 received from the United States Department of Housing and Urban
1875 Development and guaranteed through the Florida Small Cities
1876 Community Development Block Grant Program, thereby requiring the



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1877 department to reduce its annual grant award in order to pay the
1878 annual debt service on the loan, any future community
1879 development block grants that the local government receives must
1880 be reduced in an amount equal to the amount of the state's grant
1881 award used in payment of debt service on the loan.

1882 (10) If a local government receives a Section 108 loan
1883 guaranteed through the Florida Small Cities Community
1884 Development Block Grant Program and is granted entitlement
1885 community status as defined in subpart D of 24 C.F.R. part 570
1886 by the United States Department of Housing and Urban Development
1887 before paying the loan in full, the local government must pledge
1888 its community development block grant entitlement allocation as
1889 a guarantee of its previous loan and request that the United
1890 States Department of Housing and Urban Development release the
1891 department as guarantor of the loan.

1892 ~~(8) The department must, before approving an application~~
1893 ~~for a loan, evaluate the applicant's prior administration of~~
1894 ~~block grant funds for community development. The evaluation of~~
1895 ~~past performance must take into account the procedural aspects~~
1896 ~~of previous grants or loans as well as substantive results. If~~
1897 ~~the department finds that any applicant has failed to~~
1898 ~~substantially accomplish the results proposed in the applicant's~~
1899 ~~last previously funded application, the department may prohibit~~
1900 ~~the applicant from receiving a loan or may penalize the~~
1901 ~~applicant in the rating of the current application.~~

1902 Section 39. Subsection (11) of section 331.3051, Florida
1903 Statutes, is amended to read:

1904 331.3051 Duties of Space Florida.—Space Florida shall:



1905 (11) Annually report on its performance with respect to
 1906 its business plan, to include finance, spaceport operations,
 1907 research and development, workforce development, and education.
 1908 Space Florida shall submit the report ~~shall be submitted~~ to the
 1909 Governor, the President of the Senate, and the Speaker of the
 1910 House of Representatives by November 30 ~~no later than September~~
 1911 ~~1~~ for the previous ~~prior~~ fiscal year. The annual report must
 1912 include operations information as required under s.
 1913 331.310(2)(e).

1914 Section 40. Paragraph (e) of subsection (2) of section
 1915 331.310, Florida Statutes, is amended to read:

1916 331.310 Powers and duties of the board of directors.—

1917 (2) The board of directors shall:

1918 (e) Prepare an annual report of operations as a supplement
 1919 to the annual report required under s. 331.3051(11). The report
 1920 must ~~shall~~ include, but not be limited to, a balance sheet, an
 1921 income statement, a statement of changes in financial position,
 1922 a reconciliation of changes in equity accounts, a summary of
 1923 significant accounting principles, the auditor's report, a
 1924 summary of the status of existing and proposed bonding projects,
 1925 comments from management about the year's business, and
 1926 prospects for the next year, ~~which shall be submitted each year~~
 1927 ~~by November 30 to the Governor, the President of the Senate, the~~
 1928 ~~Speaker of the House of Representatives, the minority leader of~~
 1929 ~~the Senate, and the minority leader of the House of~~
 1930 ~~Representatives.~~

1931 Section 41. Paragraphs (a) and (e) of subsection (30) of
 1932 section 443.036, Florida Statutes, is amended to read:



1933 443.036 Definitions.—As used in this chapter, the term:

1934 (30) "Misconduct," irrespective of whether the misconduct
 1935 occurs at the workplace or during working hours, includes, but
 1936 is not limited to, the following, which may not be construed in
 1937 pari materia with each other:

1938 (a) Conduct demonstrating conscious disregard of an
 1939 employer's interests and found to be a deliberate violation or
 1940 disregard of the reasonable standards of behavior which the
 1941 employer expects of his or her employee. Such conduct may
 1942 include, but is not limited to, willful damage to an employer's
 1943 property that results in damage of more than \$50; or theft of
 1944 employer property or property of a customer or invitee of the
 1945 employer.

1946 (e)1. A violation of an employer's rule, unless the
 1947 claimant can demonstrate that:

1948 a.1. He or she did not know, and could not reasonably
 1949 know, of the rule's requirements;

1950 b.2. The rule is not lawful or not reasonably related to
 1951 the job environment and performance; or

1952 c.3. The rule is not fairly or consistently enforced.

1953 2. Such conduct may include, but is not limited to,
 1954 committing criminal assault or battery on another employee, or
 1955 on a customer or invitee of the employer; or committing abuse or
 1956 neglect of a patient, resident, disabled person, elderly person,
 1957 or child in her or his professional care.

1958 Section 42. Paragraphs (b), (c), and (d) of subsection (1)
 1959 of section 443.091, Florida Statutes, are amended to read:

1960 443.091 Benefit eligibility conditions.—



1961 (1) An unemployed individual is eligible to receive
 1962 benefits for any week only if the Department of Economic
 1963 Opportunity finds that:

1964 (b) She or he has completed the department's online work
 1965 registration ~~registered with the department for work~~ and
 1966 subsequently reports to the one-stop career center as directed
 1967 by the regional workforce board for reemployment services. This
 1968 requirement does not apply to persons who are:

- 1969 1. Non-Florida residents;
- 1970 2. On a temporary layoff;
- 1971 3. Union members who customarily obtain employment through
 1972 a union hiring hall; ~~or~~
- 1973 4. Claiming benefits under an approved short-time
 1974 compensation plan as provided in s. 443.1116; or
- 1975 5. Unable to complete the online work registration due to
 1976 illiteracy, physical or mental impairment, a legal prohibition
 1977 from using a computer, or a language impediment. If a person is
 1978 exempted from the online work registration under this
 1979 subparagraph, then the filing of his or her claim constitutes
 1980 registration for work.

1981 (c) To make continued claims for benefits, she or he is
 1982 reporting to the department in accordance with this paragraph
 1983 and department rules, and participating in an initial skills
 1984 review, as directed by the department. Department rules may not
 1985 conflict with s. 443.111(1)(b), which requires that each
 1986 claimant continue to report regardless of any pending appeal
 1987 relating to her or his eligibility or disqualification for
 1988 benefits.



1989 | 1. For each week of unemployment claimed, each report
1990 | must, at a minimum, include the name, address, and telephone
1991 | number of each prospective employer contacted, or the date the
1992 | claimant reported to a one-stop career center, pursuant to
1993 | paragraph (d).

1994 | 2. The administrator or operator of the initial skills
1995 | review shall notify the department when the individual completes
1996 | the initial skills review and report the results of the review
1997 | to the regional workforce board or the one-stop career center as
1998 | directed by the workforce board. The department shall prescribe
1999 | a numeric score on the initial skills review that demonstrates a
2000 | minimal proficiency in workforce skills. The department,
2001 | workforce board, or one-stop career center shall use the initial
2002 | skills review to develop a plan for referring individuals to
2003 | training and employment opportunities. The failure of the
2004 | individual to comply with this requirement will result in the
2005 | individual being determined ineligible for benefits for the week
2006 | in which the noncompliance occurred and for any subsequent week
2007 | of unemployment until the requirement is satisfied. However,
2008 | this requirement does not apply if the individual ~~is able to~~
2009 | ~~affirmatively attest to being unable to complete such review due~~
2010 | ~~to illiteracy or a language impediment or~~ is exempt from the
2011 | work registration requirement as set forth in paragraph (b).

2012 | 3. Any individual who falls below the minimal proficiency
2013 | score prescribed by the department in subparagraph 2. on the
2014 | initial skills review shall be offered training opportunities
2015 | and encouraged to participate in such training at no cost to the
2016 | individual in order to improve his or her workforce skills to



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2017 the minimal proficiency level.

2018 4. The department shall coordinate with Workforce Florida,
2019 Inc., the workforce boards, and the one-stop career centers to
2020 identify, develop, and utilize best practices for improving the
2021 skills of individuals who choose to participate in training
2022 opportunities and who have a minimal proficiency score below the
2023 score prescribed in subparagraph 2.

2024 5. The department, in coordination with Workforce Florida,
2025 Inc., the workforce boards, and the one-stop career centers,
2026 shall evaluate the use, effectiveness, and costs associated with
2027 the training prescribed in subparagraph 3. and report its
2028 findings and recommendations for training and the use of best
2029 practices to the Governor, the President of the Senate, and the
2030 Speaker of the House of Representatives by January 1, 2013.

2031 (d) She or he is able to work and is available for work.
2032 In order to assess eligibility for a claimed week of
2033 unemployment, the department shall develop criteria to determine
2034 a claimant's ability to work and availability for work. A
2035 claimant must be actively seeking work in order to be considered
2036 available for work. This means engaging in systematic and
2037 sustained efforts to find work, including contacting at least
2038 five prospective employers for each week of unemployment
2039 claimed. The department may require the claimant to provide
2040 proof of such efforts to the one-stop career center as part of
2041 reemployment services. A claimant's proof of work search efforts
2042 may not include the same prospective employer at the same
2043 location in three consecutive weeks, unless the employer has
2044 indicated since the time of the initial contact that the



2045 employer is hiring. The department shall conduct random reviews
2046 of work search information provided by claimants. As an
2047 alternative to contacting at least five prospective employers
2048 for any week of unemployment claimed, a claimant may, for that
2049 same week, report in person to a one-stop career center to meet
2050 with a representative of the center and access reemployment
2051 services of the center. The center shall keep a record of the
2052 services or information provided to the claimant and shall
2053 provide the records to the department upon request by the
2054 department. However:

2055 1. Notwithstanding any other provision of this paragraph
2056 or paragraphs (b) and (e), an otherwise eligible individual may
2057 not be denied benefits for any week because she or he is in
2058 training with the approval of the department, or by reason of s.
2059 443.101(2) relating to failure to apply for, or refusal to
2060 accept, suitable work. Training may be approved by the
2061 department in accordance with criteria prescribed by rule. A
2062 claimant's eligibility during approved training is contingent
2063 upon satisfying eligibility conditions prescribed by rule.

2064 2. Notwithstanding any other provision of this chapter, an
2065 otherwise eligible individual who is in training approved under
2066 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
2067 determined ineligible or disqualified for benefits due to
2068 enrollment in such training or because of leaving work that is
2069 not suitable employment to enter such training. As used in this
2070 subparagraph, the term "suitable employment" means work of a
2071 substantially equal or higher skill level than the worker's past
2072 adversely affected employment, as defined for purposes of the



2073 Trade Act of 1974, as amended, the wages for which are at least
2074 80 percent of the worker's average weekly wage as determined for
2075 purposes of the Trade Act of 1974, as amended.

2076 3. Notwithstanding any other provision of this section, an
2077 otherwise eligible individual may not be denied benefits for any
2078 week because she or he is before any state or federal court
2079 pursuant to a lawfully issued summons to appear for jury duty.

2080 4. Union members who customarily obtain employment through
2081 a union hiring hall may satisfy the work search requirements of
2082 this paragraph by reporting daily to their union hall.

2083 5. The work search requirements of this paragraph do not
2084 apply to persons who are unemployed as a result of a temporary
2085 layoff or who are claiming benefits under an approved short-time
2086 compensation plan as provided in s. 443.1116.

2087 6. In small counties as defined in s. 120.52(19), a
2088 claimant engaging in systematic and sustained efforts to find
2089 work must contact at least three prospective employers for each
2090 week of unemployment claimed.

2091 7. The work search requirements of this paragraph do not
2092 apply to persons required to participate in reemployment
2093 services under paragraph (e).

2094 Section 43. Subsection (13) is added to section 443.101,
2095 Florida Statutes, to read:

2096 443.101 Disqualification for benefits.—An individual shall
2097 be disqualified for benefits:

2098 (13) For any week with respect to which the department
2099 finds that his or her unemployment is due to a discharge from
2100 employment for failure without good cause to maintain a license,



2101 registration, or certification required by applicable law
 2102 necessary for the employee to perform her or his assigned job
 2103 duties. For purposes of this paragraph, the term "good cause"
 2104 includes, but is not limited to, failure of the employer to
 2105 submit information required for a license, registration, or
 2106 certification; short-term physical injury which prevents the
 2107 employee from completing or taking a required test; and
 2108 inability to take or complete a required test that is outside
 2109 the employee's control.

2110 Section 44. Paragraph (b) of subsection (4) of section
 2111 443.1113, Florida Statutes, is amended to read:

2112 443.1113 Reemployment Assistance Claims and Benefits
 2113 Information System.—

2114 (4) The project to implement the Reemployment Assistance
 2115 Claims and Benefits Information System is ~~shall be~~ comprised of
 2116 the following phases and corresponding implementation
 2117 timeframes:

2118 (b) The Reemployment Assistance Claims and Benefits
 2119 Internet portal that replaces the Florida Unemployment Internet
 2120 Direct and the Florida Continued Claims Internet Directory
 2121 systems, the Call Center Interactive Voice Response System, the
 2122 Benefit Overpayment Screening System, the Internet and Intranet
 2123 Appeals System, and the Claims and Benefits Mainframe System
 2124 shall be deployed to full operational status no later than the
 2125 end of fiscal year 2013-2014 ~~2012-2013~~.

2126 Section 45. Subsection (5) of section 443.131, Florida
 2127 Statutes, is amended to read:

2128 443.131 Contributions.—



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2129 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

2130 (a) When the Unemployment Compensation Trust Fund has
2131 received advances from the Federal Government under the
2132 provisions of 42 U.S.C. s. 1321, each contributing employer
2133 shall be assessed an additional rate solely for the purpose of
2134 paying interest due on such federal advances. The additional
2135 rate shall be assessed no later than February 1 in each calendar
2136 year in which an interest payment is due.

2137 (b) The Revenue Estimating Conference shall estimate the
2138 amount of ~~such~~ interest due on federal advances by no later than
2139 December 1 of the calendar year before ~~preceding~~ the calendar
2140 year in which an interest payment is due. The Revenue Estimating
2141 Conference shall, at a minimum, consider the following as the
2142 basis for the estimate:

- 2143 1. The amounts actually advanced to the trust fund.
- 2144 2. Amounts expected to be advanced to the trust fund based
2145 on current and projected unemployment patterns and employer
2146 contributions.
- 2147 3. The interest payment due date.
- 2148 4. The interest rate that will be applied by the Federal
2149 Government to any accrued outstanding balances.

2150 (c) ~~(b)~~ The tax collection service provider shall calculate
2151 the additional rate to be assessed against contributing
2152 employers. The additional rate assessed for a calendar year is
2153 ~~shall be~~ determined by dividing the estimated amount of interest
2154 to be paid in that year by 95 percent of the taxable wages as
2155 described in s. 443.1217 paid by all employers for the year
2156 ending June 30 of the previous ~~immediately preceding~~ calendar



2157 | year. The amount to be paid by each employer is ~~shall be~~ the
2158 | product obtained by multiplying such employer's taxable wages as
2159 | described in s. 443.1217 for the year ending June 30 of the
2160 | previous immediately preceding calendar year by the rate as
2161 | determined by this subsection. An assessment may not be made if
2162 | the amount of assessments on deposit from previous years, plus
2163 | any earned interest, is at least 80 percent of the estimated
2164 | amount of interest.

2165 | (d) The tax collection service provider shall make a
2166 | separate collection of such assessment, which may be collected
2167 | at the time of employer contributions and subject to the same
2168 | penalties for failure to file a report, imposition of the
2169 | standard rate pursuant to paragraph (3)(h), and interest if the
2170 | assessment is not received on or before June 30. Section
2171 | 443.141(1)(d) and (e) does not apply to this separately
2172 | collected assessment. The tax collection service provider shall
2173 | maintain those funds in the tax collection service provider's
2174 | Audit and Warrant Clearing Trust Fund until the provider is
2175 | directed by the Governor or the Governor's designee to make the
2176 | interest payment to the Federal Government. Assessments on
2177 | deposit must be available to pay the interest on advances
2178 | received from the Federal Government under 42 U.S.C. s. 1321.
2179 | Assessments on deposit may be invested and any interest earned
2180 | shall be part of the balance available to pay the interest on
2181 | advances received from the Federal Government under 42 U.S.C. s.
2182 | 1321.

2183 | (e) Four months after ~~In the calendar year that~~ all
2184 | advances from the Federal Government under 42 U.S.C. s. 1321 and



2185 associated interest are repaid, ~~if there are assessment funds in~~
2186 ~~excess of the amount required to meet the final interest~~
2187 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
2188 Clearing Trust Fund, including associated interest, shall be
2189 transferred to ~~credited to employer accounts in the Unemployment~~
2190 Compensation Trust Fund. Any assessment amounts subsequently
2191 collected shall also be transferred to the Unemployment
2192 Compensation Trust Fund ~~in an amount equal to the employer's~~
2193 ~~contribution to the assessment for that year divided by the~~
2194 ~~total amount of the assessment for that year, the result of~~
2195 ~~which is multiplied by the amount of excess assessed funds.~~

2196 (f) ~~If However,~~ if the state is permitted to defer
2197 interest payments due during a calendar year under 42 U.S.C. s.
2198 1322, payment of the interest assessment is ~~shall~~ not be due. If
2199 a deferral of interest expires or is subsequently disallowed by
2200 the Federal Government, either prospectively or retroactively,
2201 the interest assessment shall be immediately due and payable.
2202 Notwithstanding any other provision of this section, if interest
2203 due during a calendar year on federal advances is forgiven or
2204 postponed under federal law and is no longer due during that
2205 calendar year, no interest assessment shall be assessed against
2206 an employer for that calendar year, and any assessment already
2207 assessed and collected against an employer before the
2208 forgiveness or postponement of the interest for that calendar
2209 year shall be credited to such employer's account in the
2210 Unemployment Compensation Trust Fund. However, such funds may be
2211 used only to pay benefits or refunds of erroneous contributions.

2212 (g) This subsection expires July 1, 2014.



2213 Section 46. Paragraph (b) of subsection (2) and paragraph
2214 (a) of subsection (3), and paragraph (a) of subsection (6) of
2215 section 443.151, Florida Statutes, are amended to read:

2216 443.151 Procedure concerning claims.—

2217 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
2218 CLAIMANTS AND EMPLOYERS.—

2219 (b) *Process.*—When the Reemployment Assistance Claims and
2220 Benefits Information System described in s. 443.1113 is fully
2221 operational, the process for filing claims must incorporate the
2222 process for registering for work with the workforce information
2223 systems established pursuant to s. 445.011. Unless exempted
2224 under s. 443.091(1)(b)5., a claim for benefits may not be
2225 processed until the work registration requirement is satisfied.
2226 The department may adopt rules as necessary to administer the
2227 work registration requirement set forth in this paragraph.

2228 (3) DETERMINATION OF ELIGIBILITY.—

2229 (a) *Notices of claim.*—The Department of Economic
2230 Opportunity shall promptly provide a notice of claim to the
2231 claimant's most recent employing unit and all employers whose
2232 employment records are liable for benefits under the monetary
2233 determination. The employer must respond to the notice of claim
2234 within 20 days after the mailing date of the notice, or in lieu
2235 of mailing, within 20 days after the delivery of the notice. If
2236 a contributing employer or its agent fails to timely or
2237 adequately respond to the notice of claim or request for
2238 information, the employer's account may not be relieved of
2239 benefit charges as provided in s. 443.131(3)(a), notwithstanding
2240 paragraph (5)(b). The department may adopt rules as necessary to



2241 | implement the processes described in this paragraph relating to
 2242 | notices of claim.

2243 | (6) RECOVERY AND RECOUPMENT.—

2244 | (a) Any person who, by reason of her or his fraud,
 2245 | receives benefits under this chapter to which she or he is not
 2246 | entitled is liable for repaying those benefits to the Department
 2247 | of Economic Opportunity on behalf of the trust fund or, in the
 2248 | discretion of the department, to have those benefits deducted
 2249 | from future benefits payable to her or him under this chapter.
 2250 | In addition, the department shall impose upon the claimant a
 2251 | penalty equal to 15 percent of the amount overpaid. To enforce
 2252 | this paragraph, the department must find the existence of fraud
 2253 | through a redetermination or decision under this section within
 2254 | 2 years after the fraud was committed. Any recovery or
 2255 | recoupment of benefits must be commenced within 7 years after
 2256 | the redetermination or decision.

2257 | Section 47. Effective January 1, 2014, paragraph (a) of
 2258 | subsection (4) of section 443.151, Florida Statutes, is amended
 2259 | to read:

2260 | (4) APPEALS.—

2261 | (a) Appeals referees.—

2262 | 1. The Department of Economic Opportunity shall appoint
 2263 | one or more impartial salaried appeals referees in accordance
 2264 | with s. 443.171(3) to hear and decide appealed claims.

2265 | 2. An appeals referee must be an attorney in good standing
 2266 | with the Florida Bar or be successfully admitted to the Florida
 2267 | Bar within 8 months after his or her date of employment. This
 2268 | subparagraph does not apply to an appeals referee appointed



2269 before January 1, 2014.

2270 3. A person may not participate on behalf of the
2271 department as an appeals referee in any case in which she or he
2272 is an interested party.

2273 4. The department may designate alternates to serve in the
2274 absence or disqualification of any appeals referee on a
2275 temporary basis. These alternates must have the same
2276 qualifications required of appeals referees.

2277 5. The department shall provide the commission and the
2278 appeals referees with proper facilities and assistance for the
2279 execution of their functions.

2280 Section 48. Subsection (1) of section 443.1715, Florida
2281 Statutes, is amended to read:

2282 443.1715 Disclosure of information; confidentiality.—

2283 (1) RECORDS AND REPORTS.—Information revealing an
2284 employing unit's or individual's identity obtained from the
2285 employing unit or any individual under the administration of
2286 this chapter, and any determination revealing that information,
2287 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
2288 I of the State Constitution. This confidential information may
2289 be released in accordance with the provisions in 20 C.F.R. part
2290 603. A person receiving confidential information who violates
2291 this subsection commits a misdemeanor of the second degree,
2292 punishable as provided in s. 775.082 or s. 775.083. The
2293 Department of Economic Opportunity or its tax collection service
2294 provider may, however, furnish to any employer copies of any
2295 report submitted by that employer upon the request of the
2296 employer and may furnish to any claimant copies of any report



2297 submitted by that claimant upon the request of the claimant. The
 2298 department or its tax collection service provider may charge a
 2299 reasonable fee for copies of these reports as prescribed by
 2300 rule, which may not exceed the actual reasonable cost of the
 2301 preparation of the copies. Fees received for copies under this
 2302 subsection must be deposited in the Employment Security
 2303 Administration Trust Fund.

2304 Section 49. Subsection (1) of section 443.191, Florida
 2305 Statutes, is amended to read:

2306 443.191 Unemployment Compensation Trust Fund;
 2307 establishment and control.—

2308 (1) There is established, as a separate trust fund apart
 2309 from all other public funds of this state, an Unemployment
 2310 Compensation Trust Fund, which shall be administered by the
 2311 Department of Economic Opportunity exclusively for the purposes
 2312 of this chapter. The fund must ~~shall~~ consist of:

- 2313 (a) All contributions and reimbursements collected under
 2314 this chapter;
- 2315 (b) Interest earned on any moneys in the fund;
- 2316 (c) Any property or securities acquired through the use of
 2317 moneys belonging to the fund;
- 2318 (d) All earnings of these properties or securities;
- 2319 (e) All money credited to this state's account in the
 2320 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
 2321 1103; ~~and~~
- 2322 (f) All money collected for penalties imposed pursuant to
 2323 s. 443.151(6) (a); and
- 2324 (g) Advances on the amount in the federal Unemployment



2325 Compensation Trust Fund credited to the state under 42 U.S.C. s.
 2326 1321, as requested by the Governor or the Governor's designee.
 2327

2328 Except as otherwise provided in s. 443.1313(4), all moneys in
 2329 the fund must ~~shall~~ be mingled and undivided.

2330 Section 50. Paragraph (b) of subsection (3) and subsection
 2331 (4) of section 446.50, Florida Statutes, are amended to read:

2332 446.50 Displaced homemakers; multiservice programs; report
 2333 to the Legislature; Displaced Homemaker Trust Fund created.—

2334 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
 2335 OPPORTUNITY.—

2336 (b)1. The department shall enter into contracts with, and
 2337 make grants to, public and nonprofit private entities for
 2338 purposes of establishing multipurpose service programs for
 2339 displaced homemakers under this section. Such grants and
 2340 contracts must ~~shall~~ be awarded pursuant to chapter 287 and
 2341 based on criteria established in the program state plan as
 2342 provided in subsection (4) ~~developed pursuant to this section.~~

2343 The department shall designate catchment areas that together,
 2344 must ~~shall~~ compose the entire state, and, to the extent possible
 2345 from revenues in the Displaced Homemaker Trust Fund, the
 2346 department shall contract with, and make grants to, entities
 2347 that will serve entire catchment areas so that displaced
 2348 homemaker service programs are available statewide. These
 2349 catchment areas must ~~shall~~ be coterminous with the state's
 2350 workforce development regions. The department may give priority
 2351 to existing displaced homemaker programs when evaluating bid
 2352 responses to the request for proposals.



2353 | 2. In order to receive funds under this section, and
 2354 | unless specifically prohibited by law from doing so, an entity
 2355 | that provides displaced homemaker service programs must receive
 2356 | at least 25 percent of its funding from one or more local,
 2357 | municipal, or county sources or nonprofit private sources. In-
 2358 | kind contributions may be evaluated by the department and
 2359 | counted as part of the required local funding.

2360 | 3. The department shall require an entity that receives
 2361 | funds under this section to maintain appropriate data to be
 2362 | compiled in an annual report to the department. Such data must
 2363 | ~~shall~~ include, but is ~~shall~~ not be limited to, the number of
 2364 | clients served, the units of services provided, designated
 2365 | client-specific information including intake and outcome
 2366 | information specific to each client, costs associated with
 2367 | specific services and program administration, total program
 2368 | revenues by source and other appropriate financial data, and
 2369 | client followup information at specified intervals after the
 2370 | placement of a displaced homemaker in a job.

2371 | (4) DISPLACED HOME MAKER PROGRAM STATE PLAN.-

2372 | ~~(a)~~ The Department of Economic Opportunity shall include
 2373 | in its annual report required under s. 20.60 a develop a 3-year
 2374 | state plan for the displaced homemaker program which shall be
 2375 | updated annually. The plan must address, at a minimum, the need
 2376 | for programs specifically designed to serve displaced
 2377 | homemakers, any necessary service components for such programs
 2378 | in addition to those described ~~enumerated~~ in this section, goals
 2379 | of the displaced homemaker program with an analysis of the
 2380 | extent to which those goals are being met, and recommendations



2381 for ways to address any unmet program goals. Any request for
 2382 funds for program expansion must be based on the ~~state~~ plan.

2383 ~~(b) The displaced homemaker program Each annual update~~
 2384 ~~must address any changes in the components of the 3-year state~~
 2385 ~~plan and a report that~~ must include, but need not be limited to,
 2386 the following:

2387 (a)1. The scope of the incidence of displaced homemakers;

2388 (b)2. A compilation and report, by program, of data
 2389 submitted to the department pursuant to subparagraph (3) (b)3.

2390 ~~subparagraph 3.~~ by funded displaced homemaker service programs;

2391 (c)3. An identification and description of the programs in
 2392 the state which receive funding from the department, including
 2393 funding information; and

2394 (d)4. An assessment of the effectiveness of each displaced
 2395 homemaker service program based on outcome criteria established
 2396 by rule of the department.

2397 ~~(c) The 3-year state plan must be submitted to the~~
 2398 ~~President of the Senate, the Speaker of the House of~~
 2399 ~~Representatives, and the Governor on or before January 1, 2001,~~
 2400 ~~and annual updates of the plan must be submitted by January 1 of~~
 2401 ~~each subsequent year.~~

2402 Section 51. Section 288.80, Florida Statutes, is created
 2403 to read:

2404 288.80 Short title.—Sections 288.80–288.84 may be
 2405 cited as the "Gulf Coast Economic Corridor Act."

2406 Section 52. Section 288.801, Florida Statutes, is created
 2407 to read:

2408 288.801 Gulf Coast Economic Corridor; Legislative Intent.—



2409 The Legislature recognizes that fully supporting areas affected
 2410 by the Deepwater Horizon disaster to ensure goals for economic
 2411 recovery and diversification are achieved is in the best
 2412 interest of the citizens of the state. The Legislature intends
 2413 to provide a long-term source of funding for efforts of economic
 2414 recovery and enhancement in the gulf coast region. The
 2415 Legislature finds that it is important to help businesses,
 2416 individuals, and local governments in the Gulf Coast region
 2417 recover.

2418 Section 53. Section 288.81, Florida Statutes, is created
 2419 to read:

2420 288.81 Definitions.—As used in ss. 288.80-288.84, the
 2421 term:

2422 (a) "Awardee" means a person, organization, or local
 2423 government granted an award of funds from the Recovery Fund for
 2424 a project or program.

2425 (b) "Disproportionately affected county" means Bay County,
 2426 Escambia County, Franklin County, Gulf County, Okaloosa County,
 2427 Santa Rosa County, Walton County, or Wakulla County.

2428 (c) "Earnings" means all the income generated by
 2429 investments and interest.

2430 (d) "Recovery Fund" means a trust account established by
 2431 Triumph Gulf Coast, Inc., for the benefit of the
 2432 disproportionately affected counties.

2433 Section 54. Section 288.82, Florida Statutes, is created
 2434 to read:

2435 288.82 Triumph Gulf Coast, Inc.; Recovery Fund; Creation;
 2436 Investment.—



2437 (1) There is created within the Department of Economic
2438 Opportunity a nonprofit corporation, to be known as Triumph Gulf
2439 Coast, Inc., which shall be registered, incorporated, organized,
2440 and operated in compliance with chapter 617, and which is not a
2441 unit or entity of state government. Triumph Gulf Coast, Inc.,
2442 may receive, hold, invest, and administer the Recovery Fund in
2443 support of this act. Triumph Gulf Coast, Inc., is a separate
2444 budget entity and is not subject to control, supervision, or
2445 direction by the Department of Economic Opportunity in any
2446 manner, including, but not limited to, personnel, purchasing,
2447 transactions involving real or personal property, and budgetary
2448 matters.

2449 (2) Triumph Gulf Coast, Inc., must create and administer
2450 the Recovery Fund for the benefit of the disproportionately
2451 affected counties. The principal of the fund shall derive from
2452 75 percent of all funds recovered by the Attorney General for
2453 economic damage to the state resulting from the Deepwater
2454 Horizon disaster, after payment of reasonable and necessary
2455 attorney fees, costs, and expenses, including such attorney
2456 fees, costs, and expenses pursuant to s. 16.0155.

2457 (3) The Recovery Fund must be maintained as a long-term
2458 and stable source of revenue, which shall decline over a 30-year
2459 period in equal amounts each year. Triumph Gulf Coast, Inc.,
2460 shall establish a trust account at a federally insured financial
2461 institution to hold funds and make deposits and payments.
2462 Earnings generated by investments and interest of the fund, plus
2463 the amount of principal available each year, shall be available
2464 to make awards pursuant to this act and pay administrative



2465 costs. Earnings shall be accounted for separately from principal
2466 funds set forth in subsection (2). Administrative costs are
2467 limited to 2.25 percent of the earnings in a calendar year.
2468 Administrative costs include payment of investment fees, travel
2469 and per diem expenses of board members, audits, salary or other
2470 costs for employed or contracted staff, including required staff
2471 under s. 288.83(9), and other allowable costs. Any funds
2472 remaining in the Recovery Fund after 30 years shall revert to
2473 the State Treasury.

2474 (4) Triumph Gulf Coast, Inc., shall invest and reinvest
2475 the principal of the Recovery Fund in accordance with s.
2476 617.2104, in such a manner not to subject the funds to state or
2477 federal taxes, and consistent with an investment policy
2478 statement adopted by the corporation.

2479 (a) The board of directors shall formulate an investment
2480 policy governing the investment of the principal of the Recovery
2481 Fund. The policy shall pertain to the types, kinds or nature of
2482 investment of any of the funds, and any limitations, conditions
2483 or restrictions upon the methods, practices or procedures for
2484 investment, reinvestments, purchases, sales or exchange
2485 transactions, provided such policies shall not conflict with nor
2486 be in derogation of any state constitutional provision or law.
2487 The policy shall be formulated with the advice of the financial
2488 advisor in consultation with the State Board of Administration

2489 (b) Triumph Gulf Coast, Inc., must competitively procure
2490 one or more money managers, under the advice of the financial
2491 advisor in consultation with the State Board of Administration,
2492 to invest the principal of the Recovery Fund. The applicant



2493 manager or managers may not include representatives from the
2494 financial institution housing the trust account for the Recovery
2495 Fund. The applicant manager or managers must present a plan to
2496 invest the Recovery Fund to maximize earnings while prioritizing
2497 the preservation of Recovery Fund principal. Any agreement with
2498 a money manager must be reviewed by Triumph Gulf Coast, Inc.,
2499 for continuance at least every 5 years. Plans should include
2500 investment in technology and growth businesses domiciled in, or
2501 that will be domiciled in, this state or businesses whose
2502 principal address is in this state.

2503 (c) Costs and fees for investment services shall be
2504 deducted from the earnings as administrative costs. Fees for
2505 investment services shall be no greater than 150 basis points.

2506 (d) Annually, Triumph Gulf Coast, Inc., shall cause an
2507 audit to be conducted of the investment of the Recovery Fund by
2508 the independent certified public accountant retained in s.
2509 288.83. The expense of such audit shall be paid from earnings
2510 for administrative purposes.

2511 (5) Triumph Gulf Coast, Inc., shall report on June 30 and
2512 December 30 each year to the Governor, the President of the
2513 Senate, and the Speaker of the House of Representatives on the
2514 financial status of the Recovery Fund and its investments, the
2515 established priorities, the project and program selection
2516 process, including a list of all submitted projects and reasons
2517 for approval or denial, and the status of all approved awards.

2518 (6) The Auditor General shall conduct an audit of the
2519 Recovery Fund and Triumph Gulf Coast, Inc., annually. Triumph
2520 Gulf Coast, Inc., shall provide to the Auditor General any



2521 detail or supplemental data required.

2522 Section 55. Section 288.83, Florida Statutes, is created
2523 to read:

2524 288.83 Triumph Gulf Coast, Inc.; Organization; Board of
2525 Directors.—

2526 (1) Triumph Gulf Coast, Inc., is subject to the provisions
2527 of chapter 119 relating to public records and those provisions
2528 of chapter 286 relating to public meetings and records.

2529 (2) Triumph Gulf Coast, Inc., shall be governed by a 5-
2530 member board of directors. Each of the Trustees of the State
2531 Board of Administration, the President of the Senate, and the
2532 Speaker of the House of Representatives shall each appoint one
2533 member from the private sector. The board of directors shall
2534 annually elect a chairperson from among the board's members. The
2535 chairperson may be removed by a majority vote of the members.
2536 His or her successor shall be elected to serve for the balance
2537 of the removed chairperson's term. The chairperson is
2538 responsible to ensure records are kept of the proceedings of the
2539 board of directors and is the custodian of all books, documents,
2540 and papers filed with the board; the minutes of meetings of the
2541 board; and the official seal of Triumph Gulf Coast, Inc.

2542 (3) Each member of the board of directors shall serve for
2543 a term of 4 years, except that initially the appointments of the
2544 President of the Senate and the Speaker of the House of
2545 Representatives each shall serve a term of 2 years to achieve
2546 staggered terms among the members of the board. A member is not
2547 eligible for reappointment to the board, except, however, any
2548 member appointed to a term of 2 years or less may be reappointed



2549 for an additional term of 4 years. The initial appointments to
2550 the board must be made by November 15, 2013. Vacancies on the
2551 board of directors shall be filled by the officer who originally
2552 appointed the member. A vacancy that occurs before the scheduled
2553 expiration of the term of the member shall be filled for the
2554 remainder of the unexpired term.

2555 (4) The Legislature determines that it is in the public
2556 interest for the members of the board of directors to be subject
2557 to the requirements of ss. 112.3135, 112.3143, and 112.313,
2558 notwithstanding the fact that the board members are not public
2559 officers or employees. For purposes of those sections, the board
2560 members shall be considered to be public officers or employees.
2561 In addition to the postemployment restrictions of s. 112.313(9),
2562 a person appointed to the board of directors must agree to
2563 refrain from having any direct interest in any contract,
2564 franchise, privilege, project, program, or other benefit arising
2565 from an award by Triumph Gulf Coast, Inc., during the term of
2566 his or her appointment and for 2 years after the termination of
2567 such appointment. It is a misdemeanor of the first degree,
2568 punishable as provided in s. 775.082 or s. 775.083, for a person
2569 to accept appointment to the board of directors in violation of
2570 this subsection or to accept a direct interest in any contract,
2571 franchise, privilege, project, program, or other benefit granted
2572 by Triumph Gulf Coast, Inc., to an awardee within 2 years after
2573 the termination of his or her service on the board. Further,
2574 each member of the board of directors who is not otherwise
2575 required to file financial disclosure under s. 8, Art. II of the
2576 State Constitution or s. 112.3144 shall file disclosure of



2577 financial interests under s. 112.3145.

2578 (5) Each member of the board of directors shall serve
2579 without compensation, but shall receive travel and per diem
2580 expenses as provided in s. 112.061 while in the performance of
2581 his or her duties.

2582 (6) Each member of the board of directors is accountable
2583 for the proper performance of the duties of office, and each
2584 member owes a fiduciary duty to the people of the state to
2585 ensure that awards provided are disbursed and used, and
2586 investments are made, as prescribed by law and contract. An
2587 appointed member of the board of directors may be removed by the
2588 officer that appointed the member for malfeasance, misfeasance,
2589 neglect of duty, incompetence, permanent inability to perform
2590 official duties, unexcused absence from three consecutive
2591 meetings of the board, arrest or indictment for a crime that is
2592 a felony or a misdemeanor involving theft or a crime of
2593 dishonesty, or pleading nolo contendere to, or being found
2594 guilty of, any crime.

2595 (7) The board of directors shall meet at least quarterly,
2596 upon the call of the chairperson or at the request of a majority
2597 of the membership, to review the Recovery Fund, establish and
2598 review priorities for economic recovery in disproportionately
2599 affected counties, and determine use of the earnings available.
2600 A majority of the members of the board of directors constitutes
2601 a quorum. Members may not vote by proxy.

2602 (8) The executive director of the Department of Economic
2603 Opportunity, or his or her designee, the secretary of the
2604 Department of Environmental Protection, or his or her designee,



2605 and the chair of the Committee of 8 Disproportionally Affected
2606 Counties, or his or her designee, shall be available to consult
2607 with the board of directors and may be requested to attend
2608 meetings of the board of directors. These individuals shall not
2609 be permitted to vote on any matter before the board.

2610 (9) (a) Triumph Gulf Coast, Inc., is permitted to hire or
2611 contract for all staff necessary to the proper execution of its
2612 powers and duties to implement this act. The corporation is
2613 required to retain:

2614 1. An independent certified public accountant licensed in
2615 this state pursuant to chapter 473 to inspect the records of and
2616 to audit the expenditure of the earnings and available principal
2617 disbursed by Triumph Gulf Coast, Inc.

2618 2. An independent financial advisor to assist Triumph Gulf
2619 Coast, Inc., in the development and implementation of a
2620 strategic plan consistent with the requirements of this act.

2621 3. An economic advisor who will assist in the award
2622 process, including the development of priorities, allocation
2623 decisions, and the application and process; will assist the
2624 board in determining eligibility of award applications and the
2625 evaluation and scoring of applications; and will assist in the
2626 development of award documentation.

2627 4. A legal advisor with expertise in not-for-profit
2628 investing and contracting and who is a member of the Florida Bar
2629 to assist with contracting and carrying out the intent of this
2630 act.

2631 (b) Triumph Gulf Coast, Inc., shall require all employees
2632 of the corporation to comply with the code of ethics for public



2633 employees under part III of chapter 112. Retained staff under
2634 paragraph (a) must agree to refrain from having any direct
2635 interest in any contract, franchise, privilege, project,
2636 program, or other benefit arising from an award by Triumph Gulf
2637 Coast, Inc., during the term of his or her appointment and for 2
2638 years after the termination of such appointment.

2639 (c) Retained staff under paragraph (a) shall be available
2640 to consult with the board of directors and shall attend meetings
2641 of the board of directors. These individuals shall not be
2642 permitted to vote on any matter before the board.

2643 Section 56. Section 288.831, Florida Statutes, is created
2644 to read:

2645 288.831 Board of Directors; Powers.—In addition to the
2646 powers and duties prescribed in chapter 617 and the articles and
2647 bylaws adopted in compliance with that chapter, the board of
2648 directors may:

2649 (1) Make and enter into contracts and other instruments
2650 necessary or convenient for the exercise of its powers and
2651 functions.

2652 (2) Make expenditures including any necessary
2653 administrative expenditure from earnings consistent with its
2654 powers.

2655 (3) Adopt, use, and alter a common corporate seal.
2656 Notwithstanding any provision of chapter 617 to the contrary,
2657 this seal is not required to contain the words "corporation not
2658 for profit."

2659 (4) Adopt, amend, and repeal bylaws, not inconsistent with
2660 the powers granted to it or the articles of incorporation, for



2661 the administration of the activities of Triumph Gulf Coast,
2662 Inc., and the exercise of its corporate powers.

2663 (5) Use the state seal, notwithstanding the provisions of
2664 s. 15.03, when appropriate, for standard corporate identity
2665 applications. Use of the state seal is not intended to replace
2666 use of a corporate seal as provided in this section.

2667
2668 Under no circumstances may the credit of the State of Florida be
2669 pledged on behalf of Triumph Gulf Coast, Inc.

2670 Section 57. Section 288.832, Florida Statutes, is created
2671 to read:

2672 288.832 Triumph Gulf Coast, Inc.; Duties.—Triumph Gulf
2673 Coast, Inc., shall have the following duties:

2674 (1) Manage responsibly and prudently all funds received,
2675 and ensure that the use of such funds is in accordance with all
2676 applicable laws, bylaws, or contractual requirements.

2677 (2) Administer the program created under this act.

2678 (3) Monitor, review, and annually evaluate awardees and
2679 their projects or programs to determine whether an award should
2680 be continued, terminated, reduced, or increased.

2681 (4) Operate in a transparent manner, providing public
2682 access to information, notice of meetings, awards, and the
2683 status of projects and programs. To this end, Triumph Gulf
2684 Coast, Inc., shall maintain a website that provides public
2685 access to this information.

2686 Section 58. Section 288.84, Florida Statutes, is created
2687 to read:

2688 288.84 Awards.—



2689 (1) Triumph Gulf Coast, Inc., shall make awards from
2690 available earnings and principal derived under s. 288.82(2) to
2691 projects or programs that meet the priorities for economic
2692 recovery, diversification, and enhancement of the
2693 disproportionately affected counties, notwithstanding s. 377.43.

2694 Awards may be provided for:

2695 (a) Ad valorem tax reduction within disproportionately
2696 affected counties;

2697 (b) Payment of impact fees adopted pursuant to s.
2698 163.31801 and imposed within disproportionately affected
2699 counties;

2700 (c) Administrative funding for economic development
2701 organizations located within the disproportionately affected
2702 counties;

2703 (d) Local match requirements of ss. 288.0655, 288.0659,
2704 288.1045, and 288.106 for projects in the disproportionately
2705 affected counties;

2706 (e) Economic development projects in the
2707 disproportionately affected counties;

2708 (f) Infrastructure projects that are shown to enhance
2709 economic development in the disproportionately affected
2710 counties;

2711 (g) Grants to local governments in the disproportionately
2712 affected counties to establish and maintain equipment and
2713 trained personnel for local action plans of response to respond
2714 to disasters, such as plans created for the Coastal Impacts
2715 Assistance Program;

2716 (h) Grants to support programs of excellence that prepare



2717 students for future occupations and careers at K-20 institutions
2718 that have home campuses in the disproportionately affected
2719 counties. Eligible programs include those that increase
2720 students' technology skills and knowledge; encourage industry
2721 certifications; provide rigorous, alternative pathways for
2722 students to meet high school graduation requirements; strengthen
2723 career readiness initiatives; fund high-demand programs of
2724 emphasis at the bachelor's and master's level designated by the
2725 Board of Governors; and, similar to or the same as talent
2726 retention programs created by the Chancellor of the State
2727 University System and the Commission of Education, encourage
2728 students with interest or aptitude for science, technology,
2729 engineering, mathematics, and medical disciplines to pursue
2730 postsecondary education at a state university within the
2731 disproportionately affected counties; and

2732 (i) Grants to the tourism entity created under s. 288.1226
2733 for the purpose of advertising and promoting tourism, Fresh From
2734 Florida, or related content on behalf of one or all of the
2735 disproportionately affected counties.

2736 (2) Triumph Gulf Coast, Inc., shall establish an
2737 application procedure for awards and a scoring process for the
2738 selection of projects and programs that have the potential to
2739 generate increased economic activity in the disproportionately
2740 affected counties, giving priority to projects and programs
2741 that:

2742 (a) Generate maximum estimated economic benefits, based on
2743 tools and models not generally employed by economic input-output
2744 analyses, including cost-benefit, return-on-investment, or



2745 dynamic scoring techniques to determine how the long-term
2746 economic growth potential of the disproportionately affected
2747 counties may be enhanced by the investment.

2748 (b) Increase household income in the disproportionately
2749 affected counties above national average household income.

2750 (c) Expand high growth industries or establish new high
2751 growth industries in the region.

2752 1. Industries that are supported must have strong growth
2753 potential in the disproportionately affected counties.

2754 2. An industry's growth potential is defined based on a
2755 detailed review of the current industry trends nationally and
2756 the necessary supporting asset base for that industry in the
2757 disproportionately affected counties region.

2758 (d) Leverage or further enhance key regional assets,
2759 including educational institutions, research facilities, and
2760 military bases.

2761 (e) Partner with local governments to provide funds,
2762 infrastructure, land, or other assistance for the project.

2763 (f) Have investment commitments from private equity or
2764 private venture capital funds.

2765 (g) Provide or encourage seed stage investments in start-
2766 up companies.

2767 (h) Provide advice and technical assistance to companies
2768 on restructuring existing management, operations, or production
2769 to attract advantageous business opportunities.

2770 (i) Benefit the environment in addition to the economy.

2771 (j) Provide outcome measures for programs of excellence
2772 support, including terms of intent and metrics.



2773 (k) Partner with K-20 educational institutions or school
2774 districts located within the disproportionately affected
2775 counties.

2776 (1) Partner with convention and visitor bureaus, tourist
2777 development councils, or chambers of commerce located within the
2778 disproportionately affected counties.

2779 (3) Triumph Gulf Coast, Inc., may make awards as
2780 applications are received or may establish application periods
2781 for selection. Awards may not be used to finance 100 percent of
2782 any project or program. Triumph Gulf Coast, Inc., may require a
2783 one-to-one private-sector match or higher for an award, if
2784 applicable and deemed prudent by the board of directors. An
2785 awardee may not receive all of the earnings or available
2786 principal in any given year.

2787 (4) A contract executed by Triumph Gulf Coast, Inc., with
2788 an awardee must include provisions requiring a performance
2789 report on the contracted activities, must account for the proper
2790 use of funds provided under the contract, and must include
2791 provisions for recovery of awards in the event the award was
2792 based upon fraudulent information or the awardee is not meeting
2793 the performance requirements of the award. Awardees must
2794 regularly report to Triumph Gulf Coast, Inc., the status of the
2795 project or program on a schedule determined by the corporation.

2796 Section 59. Gulf Coast Audits.—

2797 (1) The scope of a financial audit conducted pursuant to
2798 s. 218.39, Florida Statutes, shall include funds related to the
2799 Deepwater Horizon oil spill for any year in which a local
2800 government entity receives or expends funds related to the



2801 Deepwater Horizon oil spill, including any funds under s.
2802 288.84, Florida Statutes, or under 33 U.S.C. 1321(t). The scope
2803 of review for these funds shall include, but is not limited to,
2804 compliance with state and federal laws related to the receipt
2805 and expenditure of these funds.

2806 (2) Every 2 years, the Auditor General shall conduct an
2807 operational audit, as defined in s. 11.45, Florida Statutes, of
2808 a local government entity's funds related to the Deepwater
2809 Horizon oil spill to evaluate the local government entity's
2810 performance in administering laws, policies, and procedures
2811 governing the expenditure of funds related to the Deepwater
2812 Horizon oil spill in an efficient and effective manner. The
2813 scope of review shall include, but is not limited to, evaluating
2814 internal controls, internal audit functions, reporting and
2815 performance requirements required for use of the funds, and
2816 compliance with state and federal law. The audit shall include
2817 any funds the local government entity receives or expends
2818 related to the Deepwater Horizon oil spill, including any funds
2819 under s. 288.84, Florida Statutes, or under 33 U.S.C. 1321(t).

2820 (3) In addition to the rules of the Auditor General
2821 adopted under s. 11.45(8), Florida Statutes, the Auditor General
2822 shall adopt rules for the form and conduct of all financial
2823 audits performed by independent certified public accountants and
2824 for audits of local government entities conducted under this
2825 section for funds received under 33 U.S.C. 1321(t). Such rules
2826 shall take into account the rules for such audits set forth by
2827 the Secretary of the Treasury pursuant to 33 U.S.C 1321(t).

2828 (4) The Auditor General may report findings to the



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2829 | Secretary of the Treasury of the United States in addition to
2830 | the reporting requirements under state law.

2831 | Section 60. Except as otherwise expressly provided in this
2832 | act, this act shall take effect upon becoming law.