

By Senator Bean

4-01074D-21

20211948__

1 A bill to be entitled
2 An act relating to the Department of Economic
3 Opportunity; amending s. 20.60, F.S.; renaming the
4 executive director of the Department of Economic
5 Opportunity as the Secretary of Economic Opportunity;
6 authorizing the secretary to appoint deputy and
7 assistant secretaries for a specified purpose;
8 establishing the Office of the Secretary and the
9 Office of Economic Accountability and Transparency;
10 providing duties for the Office of Economic
11 Accountability and Transparency; authorizing the
12 secretary to create offices within the Office of the
13 Secretary and within the divisions; requiring the
14 secretary to appoint division directors; providing
15 duties for the division directors; conforming
16 provisions to changes made by the act; amending s.
17 288.901, F.S.; revising the membership of the board of
18 directors of Enterprise Florida, Inc.; amending s.
19 290.042, F.S.; revising the definition of the term
20 "administrative costs" relating to the Florida Small
21 Cities Community Development Block Grant Program Act;
22 amending s. 290.044, F.S.; revising the application
23 process and funding for the Florida Small Cities
24 Community Development Block Grant Program Fund;
25 amending s. 290.046, F.S.; revising the application
26 process and funding for development grants awarded by
27 the department to local governments; amending s.
28 331.3081, F.S.; conforming a cross-reference; amending
29 s. 435.02, F.S.; revising the definition of the term

4-01074D-21

20211948__

30 "specified agency" to include certain regional
31 workforce boards for the purposes of labor laws;
32 amending s. 443.091, F.S.; revising the reporting
33 requirements for reemployment assistance benefit
34 eligibility; defining the term "address"; amending s.
35 443.101, F.S.; deleting a provision providing that
36 individuals who voluntarily leave work as a direct
37 result of circumstances relating to domestic violence
38 are ineligible for benefits under certain
39 circumstances; amending s. 443.1113, F.S.; requiring
40 the department to implement an integrated modular
41 cloud-based system, rather than an integrated
42 Internet-based system, for the reemployment assistance
43 program; revising the functions and objectives of the
44 Reemployment Assistance Claims and Benefits
45 Information System; deleting obsolete language;
46 requiring the department to maintain a sustainable
47 culture of continuous modernization and to maintain a
48 specified reemployment assistance governance
49 structure; requiring the system to be governed by the
50 Reemployment Assistance Modernization Strategic
51 Planning Office; providing duties of the office;
52 providing reporting requirements; authorizing the
53 department to implement an emergency reemployment
54 assistance system under certain circumstances;
55 providing applicability; deleting provisions relating
56 to duties of the governance structure of the system
57 project; amending s. 443.151, F.S.; revising the
58 timeline for employers' responses to notices of

4-01074D-21

20211948__

59 benefits claims sent by the department; authorizing
60 claimants to request the department to reconsider a
61 monetary determination; providing requirements for
62 such request; providing that monetary determinations
63 and redeterminations are final after a specified
64 period of time; providing exceptions; deleting a
65 requirement that appeals referees be attorneys in good
66 standing with The Florida Bar or be admitted to The
67 Florida Bar within 8 months after the date of
68 employment; prohibiting appeals from being filed after
69 a specified time; amending s. 445.004, F.S.; revising
70 the membership of the state board, which directs
71 CareerSource Florida, Inc.; amending s. 553.79, F.S.;

72 requiring specified building permit applications
73 applied for by licensed contractors for property
74 owners under certain programs administered by the
75 department to be issued within a reduced timeframe;
76 amending ss. 14.20195, 16.615, 20.04, 213.053,
77 220.194, 288.005, 288.061, 288.0656, 288.106,
78 288.1089, 288.1251, 288.8014, 288.955, 288.9604,
79 288.987, 290.0065, 311.09, 311.105, 334.065, 373.4149,
80 380.045, 403.0752, 420.0005, 420.0006, 420.101,
81 420.503, 420.504, 420.506, 420.507, 420.511, 420.602,
82 420.609, 420.622, 427.012, 443.1116, 446.53, 450.261,
83 624.5105, and 1004.015, F.S.; conforming provisions to
84 changes made by the act; providing an effective date.

85

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

87

4-01074D-21

20211948__

88 Section 1. Subsections (2) and (3), paragraph (a) of
89 subsection (5), paragraph (b) of subsection (6), and subsection
90 (9) of section 20.60, Florida Statutes, are amended, and
91 subsection (1) of that section is republished, to read:

92 20.60 Department of Economic Opportunity; creation; powers
93 and duties.—

94 (1) There is created the Department of Economic
95 Opportunity.

96 (2) The head of the department is the Secretary of Economic
97 Opportunity ~~executive director~~, who shall be appointed by the
98 Governor, subject to confirmation by the Senate. The secretary
99 ~~executive director~~ shall serve at the pleasure of and report to
100 the Governor. The secretary may appoint deputy and assistant
101 secretaries as necessary to aid the secretary in fulfilling his
102 or her statutory obligations.

103 (3) (a) The following divisions and offices of the
104 Department of Economic Opportunity are established:

105 1. ~~(a)~~ The Division of Strategic Business Development.

106 2. ~~(b)~~ The Division of Community Development.

107 3. ~~(c)~~ The Division of Workforce Services.

108 4. ~~(d)~~ The Division of Finance and Administration.

109 5. ~~(e)~~ The Division of Information Technology.

110 6. The Office of the Secretary.

111 7. The Office of Economic Accountability and Transparency,
112 which shall:

113 a. Oversee the department's critical objectives as
114 determined by the secretary and make sure that the department's
115 key objectives are clearly communicated to the public.

116 b. Organize department resources, expertise, data, and

4-01074D-21

20211948__

117 research to focus on and solve the complex economic challenges
118 facing the state.

119 c. Provide leadership for the department's priority issues
120 that require integration of policy, management, and critical
121 objectives from multiple programs and organizations internal and
122 external to the department; and organize and manage external
123 communication on such priority issues.

124 d. Promote and facilitate key department initiatives to
125 address priority economic issues and explore data and identify
126 opportunities for innovative approaches to address such economic
127 issues.

128 e. Promote strategic planning for the department.

129 (b) The secretary:

130 1. May create offices within the Office of the Secretary
131 and within the divisions established in paragraph (a) to promote
132 efficient and effective operation of the department.

133 2. Shall appoint a director for each division, who shall
134 directly administer his or her division and be responsible to
135 the secretary.

136 (5) The divisions within the department have specific
137 responsibilities to achieve the duties, responsibilities, and
138 goals of the department. Specifically:

139 (a) The Division of Strategic Business Development shall:

140 1. Analyze and evaluate business prospects identified by
141 the Governor, the secretary ~~executive director of the~~
142 ~~department~~, and Enterprise Florida, Inc.

143 2. Administer certain tax refund, tax credit, and grant
144 programs created in law. Notwithstanding any other provision of
145 law, the department may expend interest earned from the

4-01074D-21

20211948__

146 investment of program funds deposited in the Grants and
147 Donations Trust Fund to contract for the administration of those
148 programs, or portions of the programs, assigned to the
149 department by law, by the appropriations process, or by the
150 Governor. Such expenditures shall be subject to review under
151 chapter 216.

152 3. Develop measurement protocols for the state incentive
153 programs and for the contracted entities which will be used to
154 determine their performance and competitive value to the state.
155 Performance measures, benchmarks, and sanctions must be
156 developed in consultation with the legislative appropriations
157 committees and the appropriate substantive committees, and are
158 subject to the review and approval process provided in s.
159 216.177. The approved performance measures, standards, and
160 sanctions shall be included and made a part of the strategic
161 plan for contracts entered into for delivery of programs
162 authorized by this section.

163 4. Develop a 5-year statewide strategic plan. The strategic
164 plan must include, but need not be limited to:

165 a. Strategies for the promotion of business formation,
166 expansion, recruitment, and retention through aggressive
167 marketing, international development, and export assistance,
168 which lead to more and better jobs and higher wages for all
169 geographic regions, disadvantaged communities, and populations
170 of the state, including rural areas, minority businesses, and
171 urban core areas.

172 b. The development of realistic policies and programs to
173 further the economic diversity of the state, its regions, and
174 their associated industrial clusters.

4-01074D-21

20211948__

175 c. Specific provisions for the stimulation of economic
176 development and job creation in rural areas and midsize cities
177 and counties of the state, including strategies for rural
178 marketing and the development of infrastructure in rural areas.

179 d. Provisions for the promotion of the successful long-term
180 economic development of the state with increased emphasis in
181 market research and information.

182 e. Plans for the generation of foreign investment in the
183 state which create jobs paying above-average wages and which
184 result in reverse investment in the state, including programs
185 that establish viable overseas markets, assist in meeting the
186 financing requirements of export-ready firms, broaden
187 opportunities for international joint venture relationships, use
188 the resources of academic and other institutions, coordinate
189 trade assistance and facilitation services, and facilitate
190 availability of and access to education and training programs
191 that assure requisite skills and competencies necessary to
192 compete successfully in the global marketplace.

193 f. The identification of business sectors that are of
194 current or future importance to the state's economy and to the
195 state's global business image, and development of specific
196 strategies to promote the development of such sectors.

197 g. Strategies for talent development necessary in the state
198 to encourage economic development growth, taking into account
199 factors such as the state's talent supply chain, education and
200 training opportunities, and available workforce.

201 5. Update the strategic plan every 5 years.

202 6. Involve Enterprise Florida, Inc.; CareerSource Florida,
203 Inc.; local governments; the general public; local and regional

4-01074D-21

20211948__

204 economic development organizations; other local, state, and
205 federal economic, international, and workforce development
206 entities; the business community; and educational institutions
207 to assist with the strategic plan.

208 (6)

209 (b) The Department of Economic Opportunity shall serve as
210 the designated agency for purposes of each federal workforce
211 development grant assigned to it for administration. The
212 department shall carry out the duties assigned to it by the
213 Governor, under the terms and conditions of each grant. The
214 department shall have the level of authority and autonomy
215 necessary to be the designated recipient of each federal grant
216 assigned to it and shall disburse such grants pursuant to the
217 plans and policies of the state board as defined in s. 445.002.
218 The secretary ~~executive director~~ may, upon delegation from the
219 Governor and pursuant to agreement with the state board, sign
220 contracts, grants, and other instruments as necessary to execute
221 functions assigned to the department. Notwithstanding other
222 provisions of law, the department shall administer other
223 programs funded by federal or state appropriations, as
224 determined by the Legislature in the General Appropriations Act
225 or other law.

226 (9) The secretary ~~executive director~~ shall:

227 (a) Manage all activities and responsibilities of the
228 department.

229 (b) Serve as the manager for the state with respect to
230 contracts with Enterprise Florida, Inc., and all applicable
231 direct-support organizations. To accomplish the provisions of
232 this section and applicable provisions of chapter 288, and

4-01074D-21

20211948__

233 notwithstanding the provisions of part I of chapter 287, the
234 secretary ~~director~~ shall enter into specific contracts with
235 Enterprise Florida, Inc., and other appropriate direct-support
236 organizations. Such contracts may be for multiyear terms and
237 must include specific performance measures for each year. For
238 purposes of this section, the Florida Tourism Industry Marketing
239 Corporation and the Institute for Commercialization of Florida
240 Technology are not appropriate direct-support organizations.

241 (c) Serve as a member of the board of directors of the
242 Florida Development Finance Corporation. The secretary ~~executive~~
243 ~~director~~ may designate an employee of the department to serve in
244 this capacity.

245 Section 2. Paragraph (a) of subsection (5) of section
246 288.901, Florida Statutes, is amended to read:

247 288.901 Enterprise Florida, Inc.—

248 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

249 (a) In addition to the Governor or his or her designee, the
250 board of directors shall consist of the following appointed
251 members:

- 252 1. The Commissioner of Education or his or her designee.
- 253 2. The Chief Financial Officer or his or her designee.
- 254 3. The Attorney General or his or her designee.
- 255 4. The Commissioner of Agriculture or his or her designee.
- 256 5. The chairperson of the state board as defined in s.
257 445.002.
- 258 6. The Secretary of State or his or her designee.
- 259 7. The Secretary of Economic Opportunity or his or her
260 designee.
- 261 8. Twelve members from the private sector, six of whom

4-01074D-21

20211948__

262 shall be appointed by the Governor, three of whom shall be
263 appointed by the President of the Senate, and three of whom
264 shall be appointed by the Speaker of the House of
265 Representatives. Members appointed by the Governor are subject
266 to Senate confirmation.

267
268 All board members shall serve without compensation, but are
269 entitled to receive reimbursement for per diem and travel
270 expenses pursuant to s. 112.061. Such expenses must be paid out
271 of funds of Enterprise Florida, Inc.

272 Section 3. Subsection (2) of section 290.042, Florida
273 Statutes, is amended to read:

274 290.042 Definitions relating to Florida Small Cities
275 Community Development Block Grant Program Act.—As used in ss.
276 290.0401-290.048, the term:

277 (2) "Administrative costs" has the same meaning as defined
278 in the Housing and Community Development Act of 1974, as
279 amended, and applicable federal regulations ~~means the payment of~~
280 ~~all reasonable costs of management, coordination, monitoring,~~
281 ~~and evaluation, and similar costs and carrying charges, related~~
282 ~~to the planning and execution of community development~~
283 ~~activities which are funded in whole or in part under the~~
284 ~~Florida Small Cities Community Development Block Grant Program.~~
285 ~~Administrative costs shall include all costs of administration,~~
286 ~~including general administration, planning and urban design, and~~
287 ~~project administration costs.~~

288 Section 4. Subsections (3), (4), and (5) of section
289 290.044, Florida Statutes, are amended to read:

290 290.044 Florida Small Cities Community Development Block

4-01074D-21

20211948__

291 Grant Program Fund; administration; distribution.—

292 (3) The department shall require applicants for grants to
293 compete against each other in ~~the following grant program~~
294 categories that may include one or more of the following:

295 (a) Housing rehabilitation.

296 (b) Economic development.

297 (c) Neighborhood revitalization.

298 (d) Commercial revitalization.

299 (e) Any other activity authorized by the Housing and
300 Community Development Act of 1974, as amended, and applicable
301 federal regulations.

302 (4) The department shall define broad community development
303 objectives to be achieved by the activities in ~~each of~~ the grant
304 program categories with the use of funds from the Florida Small
305 Cities Community Development Block Grant Program Fund. Such
306 objectives shall be designed to meet at least one of the
307 national objectives provided in the Housing and Community
308 Development Act of 1974.

309 (5) The department may set aside an amount of up to 15 ~~5~~
310 percent of the funds annually for use in any eligible local
311 government jurisdiction for which an emergency or natural
312 disaster has been declared by executive order. Such funds may
313 only be provided to a local government to fund eligible
314 emergency-related activities for which no other source of
315 federal, state, or local disaster funds is available. The
316 department may provide for such set-aside by rule. In the last
317 quarter of the state fiscal year, any funds not allocated under
318 the emergency-related set-aside shall be distributed to unfunded
319 applications ~~from the most recent funding cycle.~~

4-01074D-21

20211948__

320 Section 5. Subsection (2), paragraph (b) of subsection (3),
321 and subsection (6) of section 290.046, Florida Statutes, are
322 amended to read:

323 290.046 Applications for grants; procedures; requirements.-

324 ~~(2) (a) Except for applications for economic development~~
325 ~~grants as provided in subparagraph (b)1., an eligible local~~
326 ~~government may submit one application for a grant during each~~
327 ~~application cycle.~~

328 ~~(b)1. An eligible local government may apply up to three~~
329 ~~times in any one annual funding cycle for an economic~~
330 ~~development grant but may not receive more than one such grant~~
331 ~~per annual funding cycle. A local government may have more than~~
332 ~~one open economic development grant.~~

333 (2) (a)2. The department shall establish minimum criteria
334 pertaining to the number of jobs created for persons of low or
335 moderate income, the degree of private sector financial
336 commitment, and the economic feasibility of the proposed project
337 and shall establish any other criteria the department deems
338 appropriate. Assistance to a private, for-profit business may
339 not be provided from a grant award unless sufficient evidence
340 exists to demonstrate that without such public assistance the
341 creation or retention of such jobs would not occur.

342 (b) (e)1. A local government with an open housing
343 rehabilitation, neighborhood revitalization, or commercial
344 revitalization contract is not eligible to apply for another
345 housing rehabilitation, neighborhood revitalization, or
346 commercial revitalization grant until administrative closeout of
347 its existing contract. The department shall notify a local
348 government of administrative closeout or of any outstanding

4-01074D-21

20211948__

349 closeout issues within 45 days after receipt of a closeout
350 package from the local government. A local government with an
351 open housing rehabilitation, neighborhood revitalization, or
352 commercial revitalization community development block grant
353 contract whose activities are on schedule in accordance with the
354 expenditure rates and accomplishments described in the contract
355 may apply for an economic development grant.

356 (c)2- A local government with an open economic development
357 community development block grant contract whose activities are
358 on schedule in accordance with the expenditure rates and
359 accomplishments described in the contract may apply for a
360 housing rehabilitation, neighborhood revitalization, or
361 commercial revitalization community development block grant. A
362 local government with an open economic development contract
363 whose activities are on schedule in accordance with the
364 expenditure rates and accomplishments described in the contract
365 may receive ~~no~~ more than one additional economic development
366 grant in each fiscal year.

367 (d) The department may not award a grant until it has
368 conducted a site visit to verify the information contained in
369 the local government's application.

370 (3)

371 (b) Funds shall be distributed according to the rankings
372 established in each application cycle. If economic development
373 funds remain available after the application cycle closes, the
374 remaining funds shall be awarded to eligible projects ~~on a~~
375 ~~first come, first served basis until such funds are fully~~
376 ~~obligated.~~

377 (6) The department shall, before approving an application

4-01074D-21

20211948__

378 for a grant, determine that the applicant has the administrative
379 capacity to carry out the proposed activities and has performed
380 satisfactorily in carrying out past activities funded by
381 community development block grants. The evaluation of past
382 performance shall take into account procedural aspects of
383 previous grants as well as substantive results. If the
384 department determines that any applicant has failed to
385 accomplish substantially the results it proposed in ~~its last~~
386 previously funded applications ~~application~~, it may prohibit the
387 applicant from receiving a grant or may penalize the applicant
388 in the rating of the current application. An application for
389 grant funds may not be denied solely upon the basis of the past
390 performance of the eligible applicant.

391 Section 6. Section 331.3081, Florida Statutes, is amended
392 to read:

393 331.3081 Board of directors.—Space Florida shall be
394 governed by a 13-member independent board of directors that
395 consists of the members appointed to the board of directors of
396 Enterprise Florida, Inc., by the Governor, the President of the
397 Senate, and the Speaker of the House of Representatives pursuant
398 to s. 288.901(5)(a)8. ~~s. 288.901(5)(a)7.~~ and the Governor, who
399 shall serve ex officio, or who may appoint a designee to serve,
400 as the chair and a voting member of the board.

401 Section 7. Subsection (5) of section 435.02, Florida
402 Statutes, is amended to read:

403 435.02 Definitions.—For the purposes of this chapter, the
404 term:

405 (5) "Specified agency" means the Department of Health, the
406 Department of Children and Families, the Division of Vocational

4-01074D-21

20211948__

407 Rehabilitation within the Department of Education, the Agency
408 for Health Care Administration, the Department of Elderly
409 Affairs, the Department of Juvenile Justice, the Agency for
410 Persons with Disabilities, regional workforce boards providing
411 services as defined in s. 445.002(3), and local licensing
412 agencies approved pursuant to s. 402.307, when these agencies
413 are conducting state and national criminal history background
414 screening on persons who work with children or persons who are
415 elderly or disabled.

416 Section 8. Paragraph (c) of subsection (1) of section
417 443.091, Florida Statutes, is amended to read:

418 443.091 Benefit eligibility conditions.—

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

422 (c) To make continued claims for benefits, she or he is
423 reporting to the department in accordance with this paragraph
424 and department rules. Department rules may not conflict with s.
425 443.111(1)(b), which requires that each claimant continue to
426 report regardless of any pending appeal relating to her or his
427 eligibility or disqualification for benefits.

428 1. For each week of unemployment claimed, each report must,
429 at a minimum, include the name and, ~~address, and telephone~~
430 ~~number~~ of each prospective employer contacted, or the date the
431 claimant reported to a one-stop career center, pursuant to
432 paragraph (d). For the purposes of this subparagraph, the term
433 "address" means a website address, a physical address, or an e-
434 mail address.

435 2. The department shall offer an online assessment aimed at

4-01074D-21

20211948__

436 identifying an individual's skills, abilities, and career
437 aptitude. The skills assessment must be voluntary, and the
438 department shall allow a claimant to choose whether to take the
439 skills assessment. The online assessment shall be made available
440 to any person seeking services from a local workforce
441 development board or a one-stop career center.

442 a. If the claimant chooses to take the online assessment,
443 the outcome of the assessment shall be made available to the
444 claimant, local workforce development board, and one-stop career
445 center. The department, local workforce development board, or
446 one-stop career center shall use the assessment to develop a
447 plan for referring individuals to training and employment
448 opportunities. Aggregate data on assessment outcomes may be made
449 available to CareerSource Florida, Inc., and Enterprise Florida,
450 Inc., for use in the development of policies related to
451 education and training programs that will ensure that businesses
452 in this state have access to a skilled and competent workforce.

453 b. Individuals shall be informed of and offered services
454 through the one-stop delivery system, including career
455 counseling, the provision of skill match and job market
456 information, and skills upgrade and other training
457 opportunities, and shall be encouraged to participate in such
458 services at no cost to the individuals. The department shall
459 coordinate with CareerSource Florida, Inc., the local workforce
460 development boards, and the one-stop career centers to identify,
461 develop, and use best practices for improving the skills of
462 individuals who choose to participate in skills upgrade and
463 other training opportunities. The department may contract with
464 an entity to create the online assessment in accordance with the

4-01074D-21

20211948__

465 competitive bidding requirements in s. 287.057. The online
466 assessment must work seamlessly with the Reemployment Assistance
467 Claims and Benefits Information System.

468 Section 9. Paragraph (a) of subsection (1) and subsection
469 (6) of section 443.101, Florida Statutes, are amended to read:

470 443.101 Disqualification for benefits.—An individual shall
471 be disqualified for benefits:

472 (1) (a) For the week in which he or she has voluntarily left
473 work without good cause attributable to his or her employing
474 unit or for the week in which he or she has been discharged by
475 the employing unit for misconduct connected with his or her
476 work, based on a finding by the Department of Economic
477 Opportunity. As used in this paragraph, the term "work" means
478 any work, whether full-time, part-time, or temporary.

479 1. Disqualification for voluntarily quitting continues for
480 the full period of unemployment next ensuing after the
481 individual has left his or her full-time, part-time, or
482 temporary work voluntarily without good cause and until the
483 individual has earned income equal to or greater than 17 times
484 his or her weekly benefit amount. As used in this subsection,
485 the term "good cause" includes only that cause attributable to
486 the employing unit which would compel a reasonable employee to
487 cease working or attributable to the individual's illness or
488 disability requiring separation from his or her work. Any other
489 disqualification may not be imposed.

490 2. An individual is not disqualified under this subsection
491 for:

492 a. Voluntarily leaving temporary work to return immediately
493 when called to work by the permanent employing unit that

4-01074D-21

20211948__

494 temporarily terminated his or her work within the previous 6
495 calendar months;

496 b. Voluntarily leaving work to relocate as a result of his
497 or her military-connected spouse's permanent change of station
498 orders, activation orders, or unit deployment orders; or

499 c. Voluntarily leaving work if he or she proves that his or
500 her discontinued employment is a direct result of circumstances
501 related to domestic violence as defined in s. 741.28. An
502 individual who voluntarily leaves work under this sub-
503 subparagraph must:

504 (I) Make reasonable efforts to preserve employment, unless
505 the individual establishes that such remedies are likely to be
506 futile or to increase the risk of future incidents of domestic
507 violence. Such efforts may include seeking a protective
508 injunction, relocating to a secure place, or seeking reasonable
509 accommodation from the employing unit, such as a transfer or
510 change of assignment;

511 (II) Provide evidence such as an injunction, a protective
512 order, or other documentation authorized by state law which
513 reasonably proves that domestic violence has occurred; and

514 (III) Reasonably believe that he or she is likely to be the
515 victim of a future act of domestic violence at, in transit to,
516 or departing from his or her place of employment. ~~An individual
517 who is otherwise eligible for benefits under this sub-
518 subparagraph is ineligible for each week that he or she no
519 longer meets such criteria or refuses a reasonable accommodation
520 offered in good faith by his or her employing unit.~~

521 3. The employment record of an employing unit may not be
522 charged for the payment of benefits to an individual who has

4-01074D-21

20211948__

523 voluntarily left work under sub-subparagraph 2.c.

524 4. Disqualification for being discharged for misconduct
525 connected with his or her work continues for the full period of
526 unemployment next ensuing after having been discharged and until
527 the individual is reemployed and has earned income of at least
528 17 times his or her weekly benefit amount and for not more than
529 52 weeks immediately following that week, as determined by the
530 department in each case according to the circumstances or the
531 seriousness of the misconduct, under the department's rules for
532 determining disqualification for benefits for misconduct.

533 5. If an individual has provided notification to the
534 employing unit of his or her intent to voluntarily leave work
535 and the employing unit discharges the individual for reasons
536 other than misconduct before the date the voluntary quit was to
537 take effect, the individual, if otherwise entitled, shall
538 receive benefits from the date of the employer's discharge until
539 the effective date of his or her voluntary quit.

540 6. If an individual is notified by the employing unit of
541 the employer's intent to discharge the individual for reasons
542 other than misconduct and the individual quits without good
543 cause before the date the discharge was to take effect, the
544 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
545 for failing to be available for work for the week or weeks of
546 unemployment occurring before the effective date of the
547 discharge.

548 (6) For making any false or fraudulent representation for
549 the purpose of obtaining benefits contrary to this chapter,
550 constituting a violation under s. 443.071. The disqualification
551 imposed under this subsection shall begin with the week for ~~in~~

4-01074D-21

20211948__

552 which the false or fraudulent representation was ~~is~~ made and
553 shall continue for a period not to exceed 1 year after the date
554 the Department of Economic Opportunity discovers the false or
555 fraudulent representation and until any overpayment of benefits
556 resulting from such representation has been repaid in full. This
557 disqualification may be appealed in the same manner as any other
558 disqualification imposed under this section. A conviction by any
559 court of competent jurisdiction in this state of the offense
560 prohibited or punished by s. 443.071 is conclusive upon the
561 appeals referee and the commission of the making of the false or
562 fraudulent representation for which disqualification is imposed
563 under this section.

564 Section 10. Section 443.1113, Florida Statutes, is amended
565 to read:

566 443.1113 Reemployment Assistance Claims and Benefits
567 Information System.—

568 (1) Subject to legislative appropriation, the Department of
569 Economic Opportunity shall implement an integrated modular
570 cloud-based system that is necessary for the efficient
571 distribution of benefits and the effective operation and
572 management of the reemployment assistance program. ~~To The extent~~
573 ~~that funds are appropriated for each phase of the Reemployment~~
574 ~~Assistance Claims and Benefits Information system~~ may be cited
575 by the Legislature, the Department of Economic Opportunity shall
576 replace and enhance the functionality provided in the following
577 systems with an integrated Internet-based system that is known
578 as the "Reemployment Assistance Claims and Benefits Information
579 System" and must:

580 (a) Be accessible through the Internet ~~Claims and benefit~~

4-01074D-21

20211948__

581 ~~mainframe system.~~

582 (b) Be accessible on mobile devices and personal computers
583 ~~Florida unemployment Internet direct.~~

584 (c) Process reemployment assistance claims ~~Florida~~
585 ~~continued claim Internet directory.~~

586 (d) Process benefit payments ~~Call center interactive voice~~
587 ~~response system.~~

588 (e) Process and manage overpayments ~~Benefit overpayment~~
589 ~~screening system.~~

590 (f) Perform adjudication functions ~~Internet and Intranet~~
591 ~~appeals system.~~

592 (g) Process appeals and manage appeal hearings.

593 (h) Manage and process employer charging.

594 (2) Wherever cost-effective and operationally feasible, the
595 Reemployment Assistance Claims and Benefits System shall
596 accomplish the following main ~~business~~ objectives:

597 (a) ~~Wherever cost-effective and operationally feasible,~~
598 Eliminate or automate existing paper processes and enhance any
599 existing automated workflows in order to expedite customer
600 transactions and eliminate redundancy.

601 (b) Enable and enhance online, self-service capabilities
602 ~~access~~ to claimant and employer information and federal and
603 state reporting.

604 (c) Integrate benefit payment control with the adjudication
605 program and collection system in order to improve the detection
606 of fraud.

607 (d) Comply with all requirements established in federal and
608 state law for reemployment assistance.

609 (e) Integrate with the Department of Revenue's statewide

4-01074D-21

20211948__

610 unified tax system that collects reemployment assistance taxes.

611 (3) The scope of the Reemployment Assistance Claims and
612 Benefits Information System does not include any of the
613 following functionalities:

614 (a) Collection of reemployment assistance taxes.

615 (b) General ledger, financial management, or budgeting
616 capabilities.

617 (c) Human resource planning or management capabilities.

618 ~~(4) The project to implement the Reemployment Assistance~~
619 ~~Claims and Benefits Information System is comprised of the~~
620 ~~following phases and corresponding implementation timeframes:~~

621 ~~(a) No later than the end of fiscal year 2009-2010~~
622 ~~completion of the business re-engineering analysis and~~
623 ~~documentation of both the detailed system requirements and the~~
624 ~~overall system architecture.~~

625 ~~(b) The Reemployment Assistance Claims and Benefits~~
626 ~~Internet portal that replaces the Florida Unemployment Internet~~
627 ~~Direct and the Florida Continued Claims Internet Directory~~
628 ~~systems, the Call Center Interactive Voice Response System, the~~
629 ~~Benefit Overpayment Screening System, the Internet and Intranet~~
630 ~~Appeals System, and the Claims and Benefits Mainframe System~~
631 ~~shall be deployed to full operational status no later than the~~
632 ~~end of fiscal year 2013-2014.~~

633 (4)~~(5)~~ The Department of Economic Opportunity shall
634 maintain a sustainable culture of continuous modernization and
635 shall implement and maintain the following Reemployment
636 Assistance Claims and Benefits Information System ~~project~~
637 ~~governance structure until such time as the project is~~
638 ~~completed, suspended, or terminated:~~

4-01074D-21

20211948__

639 ~~(a) The project sponsor for the Reemployment Assistance~~
 640 ~~Claims and Benefits Information System project is the~~
 641 ~~department.~~

642 ~~(a)(b)~~ The system project shall be governed by ~~an executive~~
 643 ~~steering committee composed of the~~ Reemployment Assistance
 644 Modernization Strategic Planning Office.

645 (b) The Reemployment Assistance Modernization Strategic
 646 Planning Office shall report directly to the Secretary of
 647 Economic Opportunity and is responsible for:

648 1. Coordinating and seeking input, including, but not
 649 limited to, from the following entities ~~voting members or their~~
 650 ~~designees:~~

651 ~~1. The executive director of the department.~~

652 ~~a.2. The executive director of the Department of Revenue.~~

653 ~~b.3. The Department of Management Services, including, but~~
 654 ~~not limited to, the state chief information officer~~ The director
 655 ~~of the Division of Workforce Services within the department.~~

656 ~~4. The program director of the General Tax Administration~~
 657 ~~Program Office within the Department of Revenue.~~

658 ~~5. The chief information officer of the department.~~

659 ~~(c) The executive steering committee has the overall~~
 660 ~~responsibility for ensuring that the project meets its primary~~
 661 ~~objectives and is specifically responsible for:~~

662 ~~1. Providing management direction and support to the~~
 663 ~~project management team.~~

664 ~~2. Assessing the project's alignment with the strategic~~
 665 ~~goals of the department for administering the reemployment~~
 666 ~~assistance program.~~

667 2. Implementing continuous modernization initiatives for

4-01074D-21

20211948__

668 the Reemployment Assistance Claims and Benefits Information
669 System. The modernization initiatives must include, but need not
670 be limited to:

671 a. Infrastructure.

672 b. Software.

673 c. Data and analytics.

674 d. Security.

675 3. Providing regular updates to the Secretary of Economic
676 Opportunity.

677 4. Developing and maintaining an enterprise disaster
678 preparedness plan.

679 (5) By October 1, 2023, and each year thereafter, the
680 Department of Economic Opportunity shall submit a Reemployment
681 Assistance Claims and Benefits Information System report to the
682 Governor, the President of the Senate, and the Speaker of the
683 House of Representatives. The report must, at a minimum,
684 include:

685 (a) A summary of continuous modernization efforts over the
686 last fiscal year.

687 (b) A 3-year outlook of recommended modernization projects
688 that include projected costs and timeframes for completion.

689 (6) In the event of a disaster or an emergency, as declared
690 by the President of the United States or the Governor of this
691 state, which may disrupt or endanger the Department of Economic
692 Opportunity's usual procedures or facilities, the department may
693 implement an emergency reemployment assistance system.

694 Subsection (1) does not apply to an emergency reemployment
695 assistance system.

696 ~~3. Reviewing and approving or disapproving any changes to~~

4-01074D-21

20211948__

697 ~~the project's scope, schedule, and costs.~~

698 ~~4. Reviewing, approving or disapproving, and determining~~
699 ~~whether to proceed with any major project deliverables.~~

700 ~~5. Recommending suspension or termination of the project to~~
701 ~~the Governor, the President of the Senate, and the Speaker of~~
702 ~~the House of Representatives if it determines that the primary~~
703 ~~objectives cannot be achieved.~~

704 ~~(d) The project management team shall work under the~~
705 ~~direction of the executive steering committee and shall be~~
706 ~~minimally comprised of senior managers and stakeholders from the~~
707 ~~department and the Department of Revenue. The project management~~
708 ~~team is responsible for:~~

709 ~~1. Providing daily planning, management, and oversight of~~
710 ~~the project.~~

711 ~~2. Submitting an operational work plan and providing~~
712 ~~quarterly updates to that plan to the executive steering~~
713 ~~committee. The plan must specify project milestones,~~
714 ~~deliverables, and expenditures.~~

715 ~~3. Submitting written monthly project status reports to the~~
716 ~~executive steering committee which include:~~

717 ~~a. Planned versus actual project costs;~~

718 ~~b. An assessment of the status of major milestones and~~
719 ~~deliverables;~~

720 ~~c. Identification of any issues requiring resolution, the~~
721 ~~proposed resolution for these issues, and information regarding~~
722 ~~the status of the resolution;~~

723 ~~d. Identification of risks that must be managed; and~~

724 ~~e. Identification of and recommendations regarding~~
725 ~~necessary changes in the project's scope, schedule, or costs.~~

4-01074D-21

20211948__

726 ~~All recommendations must be reviewed by project stakeholders~~
727 ~~before submission to the executive steering committee in order~~
728 ~~to ensure that the recommendations meet required acceptance~~
729 ~~criteria.~~

730 Section 11. Paragraphs (a) and (b) of subsection (3) and
731 paragraphs (a) and (b) of subsection (4) of section 443.151,
732 Florida Statutes, are amended to read:

733 443.151 Procedure concerning claims.—

734 (3) DETERMINATION OF ELIGIBILITY.—

735 (a) *Notices of claim.*—The Department of Economic
736 Opportunity shall promptly provide a notice of claim to the
737 claimant's most recent employing unit and all employers whose
738 employment records are liable for benefits under the monetary
739 determination. The employer must respond to the notice of claim
740 within 14 ~~20~~ days after the mailing date of the notice, or in
741 lieu of mailing, within 14 ~~20~~ days after the delivery of the
742 notice. If a contributing employer or its agent fails to timely
743 or adequately respond to the notice of claim or request for
744 information, the employer's account may not be relieved of
745 benefit charges as provided in s. 443.131(3)(a), notwithstanding
746 paragraph (5)(b). The department may adopt rules as necessary to
747 implement the processes described in this paragraph relating to
748 notices of claim.

749 (b) *Monetary determinations.*—In addition to the notice of
750 claim, the department shall also promptly provide an initial
751 monetary determination to the claimant and each base period
752 employer whose account is subject to being charged for its
753 respective share of benefits on the claim. The monetary
754 determination must include a statement of whether and in what

4-01074D-21

20211948__

755 amount the claimant is entitled to benefits, and, in the event
756 of a denial, must state the reasons for the denial. A monetary
757 determination for the first week of a benefit year must also
758 include a statement of whether the claimant was paid the wages
759 required under s. 443.091(1)(g) and, if so, the first day of the
760 benefit year, the claimant's weekly benefit amount, and the
761 maximum total amount of benefits payable to the claimant for a
762 benefit year. The claimant may file a request for the department
763 to reconsider a monetary determination within 20 days after the
764 department mails the notice to the claimant's last known address
765 or, in lieu of mailing, within 20 days after the delivery of the
766 notice. A monetary determination is final for a claimant if the
767 claimant does not file a timely request for the department to
768 reconsider the monetary determination. A monetary
769 redetermination is final for a claimant unless within 20 days
770 after the mailing of the notice of monetary redetermination to
771 the claimant's last known address or, in lieu of mailing, within
772 20 days after the delivery of the notice, the claimant files an
773 appeal. The monetary determination or monetary redetermination
774 is final for an employer or other party entitled to notice
775 unless within 20 days after the mailing of the respective notice
776 to the employer or party to its last known address or, in lieu
777 of mailing, within 20 days after delivery of the notice, an
778 appeal is filed by the employer or the party ~~The monetary~~
779 ~~determination is final unless within 20 days after the mailing~~
780 ~~of the notices to the parties' last known addresses, or in lieu~~
781 ~~of mailing, within 20 days after the delivery of the notices, an~~
782 ~~appeal or written request for reconsideration is filed by the~~
783 ~~claimant or other party entitled to notice.~~ The department may

4-01074D-21

20211948__

784 adopt rules as necessary to implement the processes described in
785 this paragraph relating to notices of monetary determinations
786 and the appeals or reconsideration requests filed in response to
787 such notices.

788 (4) APPEALS.—

789 (a) *Appeals referees.*—

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

793 ~~2. An appeals referee must be an attorney in good standing~~
794 ~~with The Florida Bar or be successfully admitted to The Florida~~
795 ~~Bar within 8 months after his or her date of employment. This~~
796 ~~subparagraph does not apply to an appeals referee appointed~~
797 ~~before January 1, 2014.~~

798 ~~3.~~ A person may not participate on behalf of the department
799 as an appeals referee in any case in which she or he is an
800 interested party.

801 ~~3.4.~~ The department may designate alternates to serve in
802 the absence or disqualification of any appeals referee on a
803 temporary basis. These alternates must have the same
804 qualifications required of appeals referees.

805 ~~4.5.~~ The department shall provide the commission and the
806 appeals referees with proper facilities and assistance for the
807 execution of their functions.

808 (b) *Filing and hearing.*—

809 1. The claimant or any other party entitled to notice of a
810 determination may appeal an adverse determination to an appeals
811 referee within 20 days after the date of mailing of the notice
812 to her or his last known address or, if the notice is not

4-01074D-21

20211948__

813 mailed, within 20 days after the date of delivering the notice.

814 2. Unless the appeal is untimely or withdrawn or review is
815 initiated by the commission, the appeals referee, after mailing
816 all parties and attorneys of record a notice of hearing at least
817 10 days before the date of hearing, notwithstanding the 14-day
818 notice requirement in s. 120.569(2)(b), may only affirm, modify,
819 or reverse the determination. An appeal may not be withdrawn
820 without the permission of the appeals referee.

821 3. ~~However,~~ If an appeal appears to have been filed after
822 the permissible time limit, the Office of Appeals may issue an
823 order to show cause to the appellant which requires the
824 appellant to show why the appeal should not be dismissed as
825 untimely. If, within 15 days after the mailing date of the order
826 to show cause, the appellant does not provide written evidence
827 of timely filing or good cause for failure to appeal timely, the
828 appeal shall be dismissed. However, an appeal may not be filed
829 more than 5 years after the date of the mailing of the
830 determination or, if the determination is not mailed, more than
831 5 years after the date of the delivery of the determination.

832 4. If an appeal involves a question of whether services
833 were performed by a claimant in employment or for an employer,
834 the referee must give special notice of the question and of the
835 pendency of the appeal to the employing unit and to the
836 department, both of which become parties to the proceeding.

837 5.a. Any part of the evidence may be received in written
838 form, and all testimony of parties and witnesses shall be made
839 under oath.

840 b. Irrelevant, immaterial, or unduly repetitious evidence
841 shall be excluded, but all other evidence of a type commonly

4-01074D-21

20211948__

842 relied upon by reasonably prudent persons in the conduct of
843 their affairs is admissible, whether or not such evidence would
844 be admissible in a trial in state court.

845 c. Hearsay evidence may be used for the purpose of
846 supplementing or explaining other evidence, or to support a
847 finding if it would be admissible over objection in civil
848 actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may
849 support a finding of fact if:

850 (I) The party against whom it is offered has a reasonable
851 opportunity to review such evidence prior to the hearing; and

852 (II) The appeals referee or special deputy determines,
853 after considering all relevant facts and circumstances, that the
854 evidence is trustworthy and probative and that the interests of
855 justice are best served by its admission into evidence.

856 6. The parties must be notified promptly of the referee's
857 decision. The referee's decision is final unless further review
858 is initiated under paragraph (c) within 20 days after the date
859 of mailing notice of the decision to the party's last known
860 address or, in lieu of mailing, within 20 days after the
861 delivery of the notice.

862 Section 12. Paragraph (d) of subsection (3) of section
863 445.004, Florida Statutes, is amended, and subsections (1) and
864 (2) of that section are republished, to read:

865 445.004 CareerSource Florida, Inc., and the state board;
866 creation; purpose; membership; duties and powers.—

867 (1) CareerSource Florida, Inc., is created as a not-for-
868 profit corporation, which shall be registered, incorporated,
869 organized, and operated in compliance with chapter 617 and shall
870 operate at the direction of the state board. CareerSource

4-01074D-21

20211948__

871 Florida, Inc., is not a unit or entity of state government and
872 is exempt from chapters 120 and 287. CareerSource Florida, Inc.,
873 shall apply the procurement and expenditure procedures required
874 by federal law for the expenditure of federal funds.

875 CareerSource Florida, Inc., shall be administratively housed
876 within the department and shall operate under agreement with the
877 department. The Legislature finds that public policy dictates
878 that CareerSource Florida, Inc., operate in the most open and
879 accessible manner consistent with its public purpose. To this
880 end, the Legislature specifically declares that CareerSource
881 Florida, Inc., its board, councils, and any advisory committees
882 or similar groups created by CareerSource Florida, Inc., are
883 subject to the provisions of chapter 119 relating to public
884 records, and those provisions of chapter 286 relating to public
885 meetings.

886 (2) CareerSource Florida, Inc., provides administrative
887 support for the state board, the principal workforce policy
888 organization for the state. The purpose of the state board is to
889 design and implement strategies that help Floridians enter,
890 remain in, and advance in the workplace, so that they may become
891 more highly skilled and successful, which benefits these
892 Floridians, Florida businesses, and the entire state, and
893 fosters the development of the state's business climate.
894 CareerSource Florida, Inc., shall, consistent with its agreement
895 with the department, implement the policy directives of the
896 state board and administer state workforce development programs
897 as authorized by law.

898 (3)

899 (d) The state board must include the Secretary of Economic

4-01074D-21

20211948__

900 Opportunity or his or her designee, the vice chairperson of the
901 board of directors of Enterprise Florida, Inc., and one member
902 representing each of the Workforce Innovation and Opportunity
903 Act partners, including the Division of Career and Adult
904 Education, and other entities representing programs identified
905 in the Workforce Innovation and Opportunity Act, as determined
906 necessary.

907 Section 13. Subsection (14) of section 553.79, Florida
908 Statutes, is amended to read:

909 553.79 Permits; applications; issuance; inspections.—

910 (14) (a) Except as provided in paragraph (b), a building
911 permit for a single-family residential dwelling must be issued
912 within 30 working days after receipt of the application ~~therefor~~
913 unless unusual circumstances require a longer time for
914 processing the application or unless the permit application
915 fails to satisfy the Florida Building Code or the enforcing
916 agency's laws or ordinances.

917 (b) A building permit for a single-family residential
918 dwelling applied for by a contractor licensed in this state on
919 behalf of a property owner who participates in a Community
920 Development Block Grant-Disaster Recovery program administered
921 by the Department of Economic Opportunity must be issued within
922 15 working days after receipt of the application unless the
923 permit application fails to satisfy the Florida Building Code or
924 the enforcing agency's laws or ordinances.

925 Section 14. Paragraph (b) of subsection (2) of section
926 14.20195, Florida Statutes, is amended to read:

927 14.20195 Suicide Prevention Coordinating Council; creation;
928 membership; duties.—There is created within the Statewide Office

4-01074D-21

20211948__

929 for Suicide Prevention a Suicide Prevention Coordinating
930 Council. The council shall develop strategies for preventing
931 suicide.

932 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
933 shall consist of 31 voting members and 1 nonvoting member.

934 (b) The following state officials or their designees shall
935 serve on the coordinating council:

- 936 1. The Secretary of Elderly Affairs.
- 937 2. The State Surgeon General.
- 938 3. The Commissioner of Education.
- 939 4. The Secretary of Health Care Administration.
- 940 5. The Secretary of Juvenile Justice.
- 941 6. The Secretary of Corrections.
- 942 7. The executive director of the Department of Law
943 Enforcement.
- 944 8. The executive director of the Department of Veterans'
945 Affairs.
- 946 9. The Secretary of Children and Families.
- 947 10. The Secretary ~~executive director of the Department of~~
948 Economic Opportunity.

949 Section 15. Paragraph (j) of subsection (1) of section
950 16.615, Florida Statutes, is amended to read:

951 16.615 Council on the Social Status of Black Men and Boys.—

952 (1) The Council on the Social Status of Black Men and Boys
953 is established within the Department of Legal Affairs and shall
954 consist of 19 members appointed as follows:

955 (j) The Secretary ~~executive director of the Department of~~
956 Economic Opportunity or his or her designee.

957 Section 16. Subsection (3) and paragraph (b) of subsection

4-01074D-21

20211948__

958 (7) of section 20.04, Florida Statutes, are amended to read:

959 20.04 Structure of executive branch.—The executive branch
960 of state government is structured as follows:

961 (3) For their internal structure, all departments, except
962 for the Department of Financial Services, the Department of
963 Economic Opportunity, the Department of Children and Families,
964 the Department of Corrections, the Department of Management
965 Services, the Department of Revenue, and the Department of
966 Transportation, must adhere to the following standard terms:

967 (a) The principal unit of the department is the "division."
968 Each division is headed by a "director."

969 (b) The principal unit of the division is the "bureau."
970 Each bureau is headed by a "chief."

971 (c) The principal unit of the bureau is the "section." Each
972 section is headed by an "administrator."

973 (d) If further subdivision is necessary, sections may be
974 divided into "subsections," which are headed by "supervisors."

975 (7)

976 (b) Within the limitations of this subsection, the head of
977 the department may recommend the establishment of additional
978 divisions, bureaus, sections, and subsections of the department
979 to promote efficient and effective operation of the department.
980 However, additional divisions, or offices in the Department of
981 Children and Families, the Department of Corrections, the
982 Department of Economic Opportunity, and the Department of
983 Transportation, may be established only by specific statutory
984 enactment. New bureaus, sections, and subsections of departments
985 may be initiated by a department and established as recommended
986 by the Department of Management Services and approved by the

4-01074D-21

20211948__

987 Executive Office of the Governor, or may be established by
988 specific statutory enactment.

989 Section 17. Paragraph (a) of subsection (7) of section
990 213.053, Florida Statutes, is amended to read:

991 213.053 Confidentiality and information sharing.—

992 (7) (a) Any information received by the Department of
993 Revenue in connection with the administration of taxes,
994 including, but not limited to, information contained in returns,
995 reports, accounts, or declarations filed by persons subject to
996 tax, shall be made available to the following in performance of
997 their official duties:

998 1. The Auditor General or his or her authorized agent;

999 2. The director of the Office of Program Policy Analysis
1000 and Government Accountability or his or her authorized agent;

1001 3. The Chief Financial Officer or his or her authorized
1002 agent;

1003 4. The Director of the Office of Insurance Regulation of
1004 the Financial Services Commission or his or her authorized
1005 agent;

1006 5. A property appraiser or tax collector or their
1007 authorized agents pursuant to s. 195.084(1);

1008 6. Designated employees of the Department of Education
1009 solely for determination of each school district's price level
1010 index pursuant to s. 1011.62(2);

1011 7. The Secretary ~~executive director of the Department of~~
1012 Economic Opportunity or his or her authorized agent;

1013 8. The taxpayers' rights advocate or his or her authorized
1014 agent pursuant to s. 20.21(3); and

1015 9. The coordinator of the Office of Economic and

4-01074D-21

20211948__

1016 Demographic Research or his or her authorized agent.

1017 Section 18. Paragraph (b) of subsection (5) of section
1018 220.194, Florida Statutes, is amended to read:

1019 220.194 Corporate income tax credits for spaceflight
1020 projects.—

1021 (5) APPLICATION AND CERTIFICATION.—

1022 (b) In order to take a tax credit under subparagraph (a)1.
1023 or, if applicable, to transfer an approved credit under
1024 subparagraph (a)2., a spaceflight business must submit an
1025 application for certification to the Department of Economic
1026 Opportunity along with a nonrefundable \$250 fee.

1027 1. The application must include:

1028 a. The name and physical in-state address of the taxpayer.

1029 b. Documentation demonstrating to the satisfaction of the
1030 Department of Economic Opportunity that:

1031 (I) The taxpayer is a spaceflight business.

1032 (II) The business has engaged in a qualifying spaceflight
1033 project before taking or transferring a credit under this
1034 section.

1035 c. In addition to any requirement specific to a credit,
1036 documentation that the business has:

1037 (I) Created 35 new jobs in this state directly associated
1038 with spaceflight projects during its immediately preceding 3
1039 taxable years. The business shall be deemed to have created new
1040 jobs if the number of full-time jobs located in this state at
1041 the time of application for certification is greater than the
1042 total number of full-time jobs located in this state at the time
1043 of application for approval to earn credits; and

1044 (II) Invested a total of at least \$15 million in this state

4-01074D-21

20211948__

1045 on a spaceflight project during its immediately preceding 3
1046 taxable years.

1047 d. The total amount and types of credits sought.

1048 e. An acknowledgment that a transfer of a tax credit is to
1049 be accomplished pursuant to subsection (5).

1050 f. A copy of an audit or audits of the preceding 3 taxable
1051 years, prepared by a certified public accountant licensed to
1052 practice in this state, which identifies that portion of the
1053 business's activities in this state related to spaceflight
1054 projects in this state.

1055 g. An acknowledgment that the business must file an annual
1056 report on the spaceflight project's progress with the Department
1057 of Economic Opportunity.

1058 h. Any other information necessary to demonstrate that the
1059 applicant meets the job creation, investment, and other
1060 requirements of this section.

1061 2. Within 60 days after receipt of the application for
1062 certification, the Department of Economic Opportunity shall
1063 evaluate the application and recommend the business for
1064 certification or denial. The Secretary ~~executive director of the~~
1065 ~~Department~~ of Economic Opportunity must approve or deny the
1066 application within 30 days after receiving the recommendation.
1067 If approved, the Department of Economic Opportunity must provide
1068 a letter of certification to the applicant consistent with any
1069 restrictions imposed. If the Department of Economic Opportunity
1070 denies any part of the requested credit, the Department of
1071 Economic Opportunity must inform the applicant of the grounds
1072 for the denial. A copy of the certification shall be submitted
1073 to the department within 10 days after the secretary's ~~executive~~

4-01074D-21

20211948__

1074 ~~director's~~ approval.

1075 Section 19. Subsection (3) of section 288.005, Florida
1076 Statutes, is amended to read:

1077 288.005 Definitions.—As used in this chapter, the term:

1078 ~~(3) "Executive director" means the executive director of~~
1079 ~~the Department of Economic Opportunity, unless otherwise stated.~~

1080 Section 20. Subsections (1) and (3), paragraph (a) of
1081 subsection (5), and subsection (6) of section 288.061, Florida
1082 Statutes, are amended to read:

1083 288.061 Economic development incentive application
1084 process.—

1085 (1) Upon receiving a submitted economic development
1086 incentive application, the Division of Strategic Business
1087 Development of the Department of Economic Opportunity and
1088 designated staff of Enterprise Florida, Inc., shall review the
1089 application to ensure that the application is complete, whether
1090 and what type of state and local permits may be necessary for
1091 the applicant's project, whether it is possible to waive such
1092 permits, and what state incentives and amounts of such
1093 incentives may be available to the applicant. The department
1094 shall recommend to the Secretary of Economic Opportunity
1095 ~~executive director~~ to approve or disapprove an applicant
1096 business. If review of the application demonstrates that the
1097 application is incomplete, the secretary ~~executive director~~
1098 shall notify the applicant business within the first 5 business
1099 days after receiving the application.

1100 (3) Within 10 business days after the department receives
1101 the submitted economic development incentive application, the
1102 Secretary of Economic Opportunity ~~executive director~~ shall

4-01074D-21

20211948__

1103 approve or disapprove the application and issue a letter of
1104 certification to the applicant which includes a justification of
1105 that decision, unless the business requests an extension of that
1106 time.

1107 (a) The contract or agreement with the applicant must
1108 specify the total amount of the award, the performance
1109 conditions that must be met to obtain the award, the schedule
1110 for payment, and sanctions that would apply for failure to meet
1111 performance conditions. The department may enter into one
1112 agreement or contract covering all of the state incentives that
1113 are being provided to the applicant. The contract must provide
1114 that release of funds is contingent upon sufficient
1115 appropriation of funds by the Legislature.

1116 (b) The release of funds for the incentive or incentives
1117 awarded to the applicant depends upon the statutory requirements
1118 of the particular incentive program.

1119 (5) (a) The Secretary of Economic Opportunity ~~executive~~
1120 ~~director~~ may not approve an economic development incentive
1121 application unless the application includes a signed written
1122 declaration by the applicant which states that the applicant has
1123 read the information in the application and that the information
1124 is true, correct, and complete to the best of the applicant's
1125 knowledge and belief.

1126 (6) Beginning July 1, 2020, the Secretary of Economic
1127 Opportunity ~~executive director~~ may not approve an economic
1128 development incentive application unless the application
1129 includes proof to the department that the applicant business is
1130 registered with and uses the E-Verify system, as defined in s.
1131 448.095, to verify the work authorization status of all newly

4-01074D-21

20211948__

1132 hired employees. If the department determines that an awardee is
1133 not complying with this subsection, the department must notify
1134 the awardee by certified mail of the department's determination
1135 of noncompliance and the awardee's right to appeal the
1136 determination. Upon a final determination of noncompliance, the
1137 awardee must repay all moneys received as an economic
1138 development incentive to the department within 30 days after the
1139 final determination.

1140 Section 21. Paragraph (a) of subsection (6) of section
1141 288.0656, Florida Statutes, is amended to read:

1142 288.0656 Rural Economic Development Initiative.—

1143 (6) (a) By August 1 of each year, the head of each of the
1144 following agencies and organizations shall designate a deputy
1145 secretary or higher-level staff person from within the agency or
1146 organization to serve as the REDI representative for the agency
1147 or organization:

- 1148 1. The Department of Transportation.
- 1149 2. The Department of Environmental Protection.
- 1150 3. The Department of Agriculture and Consumer Services.
- 1151 4. The Department of State.
- 1152 5. The Department of Health.
- 1153 6. The Department of Children and Families.
- 1154 7. The Department of Corrections.
- 1155 8. The Department of Education.
- 1156 9. The Department of Juvenile Justice.
- 1157 10. The Fish and Wildlife Conservation Commission.
- 1158 11. Each water management district.
- 1159 12. Enterprise Florida, Inc.
- 1160 13. CareerSource Florida, Inc.

4-01074D-21

20211948__

- 1161 14. VISIT Florida.
 1162 15. The Florida Regional Planning Council Association.
 1163 16. The Agency for Health Care Administration.
 1164 17. The Institute of Food and Agricultural Sciences (IFAS).

1165

1166 An alternate for each designee shall also be chosen, and the
 1167 names of the designees and alternates shall be sent to the
 1168 Secretary of Economic Opportunity ~~executive director of the~~
 1169 ~~department.~~

1170 Section 22. Paragraph (c) of subsection (5) and subsection
 1171 (8) of section 288.106, Florida Statutes, are amended to read:

1172 288.106 Tax refund program for qualified target industry
 1173 businesses.—

1174 (5) TAX REFUND AGREEMENT.—

1175 (c) The agreement must be signed by the Secretary of
 1176 Economic Opportunity ~~executive director~~ and by an authorized
 1177 officer of the qualified target industry business within 120
 1178 days after the issuance of the letter of certification under
 1179 subsection (4), but not before passage and receipt of the
 1180 resolution of local financial support. The department may grant
 1181 an extension of this period at the written request of the
 1182 qualified target industry business.

1183 (8) SPECIAL INCENTIVES.—If the department determines it is
 1184 in the best interest of the public for reasons of facilitating
 1185 economic development, growth, or new employment opportunities
 1186 within a Disproportionally Affected County, the department may,
 1187 between July 1, 2011, and June 30, 2014, waive any or all wage
 1188 or local financial support eligibility requirements and allow a
 1189 qualified target industry business from another state which

4-01074D-21

20211948__

1190 relocates all or a portion of its business to a
1191 Disproportionally Affected County to receive a tax refund
1192 payment of up to \$6,000 multiplied by the number of jobs
1193 specified in the tax refund agreement under subparagraph
1194 (5) (a)1. over the term of the agreement. Before ~~Prior to~~
1195 granting such waiver, the Secretary of Economic Opportunity
1196 ~~executive director of the department~~ shall file with the
1197 Governor a written statement of the conditions and circumstances
1198 constituting the reason for the waiver. Such business shall be
1199 eligible for the additional tax refund payments specified in
1200 subparagraph (3) (b)4. if it meets the criteria. As used in this
1201 section, the term "Disproportionally Affected County" means Bay
1202 County, Escambia County, Franklin County, Gulf County, Okaloosa
1203 County, Santa Rosa County, Walton County, or Wakulla County.

1204 Section 23. Subsection (5) of section 288.1089, Florida
1205 Statutes, is amended to read:

1206 288.1089 Innovation Incentive Program.—

1207 (5) The department shall review proposals pursuant to s.
1208 288.061 for all three categories of innovation incentive awards.
1209 Before making a recommendation to the Secretary of Economic
1210 Opportunity ~~executive director~~, the department shall solicit
1211 comments and recommendations from the Department of Agriculture
1212 and Consumer Services. For each project, the evaluation and
1213 recommendation to the department must include, but need not be
1214 limited to:

1215 (a) A description of the project, its required facilities,
1216 and the associated product, service, or research and development
1217 associated with the project.

1218 (b) The percentage of match provided for the project.

4-01074D-21

20211948__

1219 (c) The number of full-time equivalent jobs that will be
1220 created by the project, the total estimated average annual wages
1221 of such jobs, and the types of business activities and jobs
1222 likely to be stimulated by the project.

1223 (d) The cumulative investment to be dedicated to the
1224 project within 5 years and the total investment expected in the
1225 project if more than 5 years.

1226 (e) The projected economic and fiscal impacts on the local
1227 and state economies relative to investment.

1228 (f) A statement of any special impacts the project is
1229 expected to stimulate in a particular business sector in the
1230 state or regional economy or in the state's universities and
1231 community colleges.

1232 (g) A statement of any anticipated or proposed
1233 relationships with state universities.

1234 (h) A statement of the role the incentive is expected to
1235 play in the decision of the applicant to locate or expand in
1236 this state.

1237 (i) A recommendation and explanation of the amount of the
1238 award needed to cause the applicant to expand or locate in this
1239 state.

1240 (j) A discussion of the efforts and commitments made by the
1241 local community in which the project is to be located to induce
1242 the applicant's location or expansion, taking into consideration
1243 local resources and abilities.

1244 (k) A recommendation for specific performance criteria the
1245 applicant would be expected to achieve in order to receive
1246 payments from the fund and penalties or sanctions for failure to
1247 meet or maintain performance conditions.

4-01074D-21

20211948__

1248 (1) Additional evaluative criteria for a research and
1249 development facility project, including:

1250 1. A description of the extent to which the project has the
1251 potential to serve as catalyst for an emerging or evolving
1252 cluster.

1253 2. A description of the extent to which the project has or
1254 could have a long-term collaborative research and development
1255 relationship with one or more universities or community colleges
1256 in this state.

1257 3. A description of the existing or projected impact of the
1258 project on established clusters or targeted industry sectors.

1259 4. A description of the project's contribution to the
1260 diversity and resiliency of the innovation economy of this
1261 state.

1262 5. A description of the project's impact on special needs
1263 communities, including, but not limited to, rural areas,
1264 distressed urban areas, and enterprise zones.

1265 (m) Additional evaluative criteria for alternative and
1266 renewable energy proposals, including:

1267 1. The availability of matching funds or other in-kind
1268 contributions applied to the total project from an applicant.
1269 The Department of Agriculture and Consumer Services shall give
1270 greater preference to projects that provide such matching funds
1271 or other in-kind contributions.

1272 2. The degree to which the project stimulates in-state
1273 capital investment and economic development in metropolitan and
1274 rural areas, including the creation of jobs and the future
1275 development of a commercial market for renewable energy
1276 technologies.

4-01074D-21

20211948__

1277 3. The extent to which the proposed project has been
 1278 demonstrated to be technically feasible based on pilot project
 1279 demonstrations, laboratory testing, scientific modeling, or
 1280 engineering or chemical theory that supports the proposal.

1281 4. The degree to which the project incorporates an
 1282 innovative new technology or an innovative application of an
 1283 existing technology.

1284 5. The degree to which a project generates thermal,
 1285 mechanical, or electrical energy by means of a renewable energy
 1286 resource that has substantial long-term production potential.

1287 6. The degree to which a project demonstrates efficient use
 1288 of energy and material resources.

1289 7. The degree to which the project fosters overall
 1290 understanding and appreciation of renewable energy technologies.

1291 8. The ability to administer a complete project.

1292 9. Project duration and timeline for expenditures.

1293 10. The geographic area in which the project is to be
 1294 conducted in relation to other projects.

1295 11. The degree of public visibility and interaction.

1296 Section 24. Paragraph (b) of subsection (1) of section
 1297 288.1251, Florida Statutes, is amended to read:

1298 288.1251 Promotion and development of entertainment
 1299 industry; Office of Film and Entertainment; creation; purpose;
 1300 powers and duties.—

1301 (1) CREATION.—

1302 (b) The department shall conduct a national search for a
 1303 qualified person to fill the position of Commissioner of Film
 1304 and Entertainment when the position is vacant. The Secretary of
 1305 Economic Opportunity ~~executive director of the department~~ has

4-01074D-21

20211948__

1306 the responsibility to hire the film commissioner. Qualifications
1307 for the film commissioner include, but are not limited to, the
1308 following:

1309 1. A working knowledge of the equipment, personnel,
1310 financial, and day-to-day production operations of the
1311 industries to be served by the Office of Film and Entertainment;

1312 2. Marketing and promotion experience related to the film
1313 and entertainment industries to be served;

1314 3. Experience working with a variety of individuals
1315 representing large and small entertainment-related businesses,
1316 industry associations, local community entertainment industry
1317 liaisons, and labor organizations; and

1318 4. Experience working with a variety of state and local
1319 governmental agencies.

1320 Section 25. Subsection (8) of section 288.8014, Florida
1321 Statutes, is amended to read:

1322 288.8014 Triumph Gulf Coast, Inc.; organization; board of
1323 directors.—

1324 (8) The Secretary ~~executive director of the Department~~ of
1325 Economic Opportunity, or his or her designee, the secretary of
1326 the Department of Environmental Protection, or his or her
1327 designee, and the chair of the Committee of 8 Disproportionally
1328 Affected Counties, or his or her designee, shall be available to
1329 consult with the board of directors and may be requested to
1330 attend meetings of the board of directors. These individuals
1331 shall not be permitted to vote on any matter before the board.

1332 Section 26. Paragraph (a) of subsection (4) of section
1333 288.955, Florida Statutes, is amended to read:

1334 288.955 Scripps Florida Funding Corporation.—

4-01074D-21

20211948__

1335 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
1336 a board of directors.

1337 (a) The board of directors shall consist of nine voting
1338 members, of whom the Governor shall appoint three, the President
1339 of the Senate shall appoint three, and the Speaker of the House
1340 of Representatives shall appoint three. The Secretary of
1341 Economic Opportunity ~~executive director of the department~~ or the
1342 secretary's ~~director's~~ designee shall serve as an ex-officio,
1343 nonvoting member of the board of directors.

1344 Section 27. Subsection (2) of section 288.9604, Florida
1345 Statutes, is amended to read:

1346 288.9604 Creation of the corporation.—

1347 (2) The board of directors of the corporation shall consist
1348 of seven directors. The Secretary of Economic Opportunity
1349 ~~executive director of the department~~, or his or her designee,
1350 shall serve as chair of the board of directors of the
1351 corporation. The director of the Division of Bond Finance of the
1352 State Board of Administration, or his or her designee, shall
1353 serve as a director on the board of directors of the
1354 corporation. The Governor, subject to confirmation by the
1355 Senate, shall appoint the remaining five directors of the board
1356 of directors of the corporation. The terms of office for the
1357 appointed directors are for 4 years after the date of their
1358 appointment. A vacancy occurring during a term of an appointed
1359 director shall be filled for the unexpired term. An appointed
1360 director is eligible for reappointment. At least three of the
1361 appointed directors of the corporation must have experience in
1362 finance, and one of the directors must have experience in
1363 economic development.

4-01074D-21

20211948__

1364 Section 28. Subsection (5) of section 288.987, Florida
1365 Statutes, is amended to read:

1366 288.987 Florida Defense Support Task Force.—

1367 (5) The Secretary ~~executive director of the Department~~ of
1368 Economic Opportunity, or his or her designee, shall serve as the
1369 ex officio, nonvoting executive director of the task force.

1370 Section 29. Paragraph (a) of subsection (6) of section
1371 290.0065, Florida Statutes, is amended to read:

1372 290.0065 State designation of enterprise zones.—

1373 (6) (a) The department may develop guidelines necessary for
1374 the approval of areas under this section by the Secretary of
1375 Economic Opportunity ~~executive director~~.

1376 Section 30. Subsection (1) of section 311.09, Florida
1377 Statutes, is amended to read:

1378 311.09 Florida Seaport Transportation and Economic
1379 Development Council.—

1380 (1) The Florida Seaport Transportation and Economic
1381 Development Council is created within the Department of
1382 Transportation. The council consists of the following 17
1383 members: the port director, or the port director's designee, of
1384 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
1385 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
1386 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
1387 West, and Fernandina; the secretary of the Department of
1388 Transportation or his or her designee; and the secretary
1389 ~~director~~ of the Department of Economic Opportunity or his or her
1390 designee.

1391 Section 31. Paragraph (b) of subsection (1) of section
1392 311.105, Florida Statutes, is amended to read:

4-01074D-21

20211948__

1393 311.105 Florida Seaport Environmental Management Committee;
1394 permitting; mitigation.-

1395 (1)

1396 (b) The committee shall consist of the following members:
1397 the Secretary of Environmental Protection, or his or her
1398 designee, as an ex officio, nonvoting member; a designee from
1399 the United States Army Corps of Engineers, as an ex officio,
1400 nonvoting member; a designee from the Florida Inland Navigation
1401 District, as an ex officio, nonvoting member; the Secretary
1402 ~~executive director of the Department~~ of Economic Opportunity, or
1403 his or her designee, as an ex officio, nonvoting member; and
1404 five or more port directors, as voting members, appointed to the
1405 committee by the council chair, who shall also designate one
1406 such member as committee chair.

1407 Section 32. Subsection (3) of section 334.065, Florida
1408 Statutes, is amended to read:

1409 334.065 Center for Urban Transportation Research.-

1410 (3) An advisory board shall be created to periodically and
1411 objectively review and advise the center concerning its research
1412 program. Except for projects mandated by law, state-funded base
1413 projects shall not be undertaken without approval of the
1414 advisory board. The membership of the board shall consist of
1415 nine experts in transportation-related areas, including the
1416 secretaries of the Department ~~Florida Departments~~ of
1417 Transportation, the Department of ~~and~~ Environmental Protection,
1418 and ~~the executive director of~~ the Department of Economic
1419 Opportunity, or their designees, and a member of the Florida
1420 Transportation Commission. The nomination of the remaining
1421 members of the board shall be made to the President of the

4-01074D-21

20211948__

1422 University of South Florida by the College of Engineering at the
1423 University of South Florida, and the appointment of these
1424 members must be reviewed and approved by the Florida
1425 Transportation Commission and confirmed by the Board of
1426 Governors.

1427 Section 33. Subsection (5) of section 373.4149, Florida
1428 Statutes, is amended to read:

1429 373.4149 Miami-Dade County Lake Belt Plan.—

1430 (5) The secretary of the Department of Environmental
1431 Protection, the secretary ~~executive director~~ of the Department
1432 of Economic Opportunity, the secretary of the Department of
1433 Transportation, the Commissioner of Agriculture, the executive
1434 director of the Fish and Wildlife Conservation Commission, and
1435 the executive director of the South Florida Water Management
1436 District may enter into agreements with landowners, developers,
1437 businesses, industries, individuals, and governmental agencies
1438 as necessary to effectuate the Miami-Dade County Lake Belt Plan
1439 and the provisions of this section.

1440 Section 34. Subsection (2) of section 380.045, Florida
1441 Statutes, is amended to read:

1442 380.045 Resource planning and management committees;
1443 objectives; procedures.—

1444 (2) The committee must ~~shall~~ include, but is ~~shall~~ not ~~be~~
1445 limited to, representation from each of the following: elected
1446 officials from the local governments within the area under
1447 study; the planning office of each of the local governments
1448 within the area under study; the state land planning agency; any
1449 other state agency under chapter 20 a representative of which
1450 the Governor feels is relevant to the compilation of the

4-01074D-21

20211948__

1451 committee; and a water management district, if appropriate, and
1452 regional planning council all or part of whose jurisdiction lies
1453 within the area under study. After the appointment of the
1454 members, the Governor shall select a chair and vice chair. A
1455 staff member of the state land planning agency shall be
1456 appointed by the secretary ~~director~~ of such agency to serve as
1457 the secretary of the committee. The state land planning agency
1458 shall, to the greatest extent possible, provide technical
1459 assistance and administrative support to the committee. Meetings
1460 will be called as needed by the chair or on the demand of three
1461 or more members of the committee. The committee will act on a
1462 simple majority of a quorum present and shall make a report
1463 within 6 months to the head of the state land planning agency.
1464 The committee must ~~shall~~, from the time of appointment, remain
1465 in existence for no less than 6 months.

1466 Section 35. Subsection (5) of section 403.0752, Florida
1467 Statutes, is amended to read:

1468 403.0752 Ecosystem management agreements.—

1469 (5) The Secretary ~~Executive Director of the Department of~~
1470 Economic Opportunity, the Secretary of Transportation, the
1471 Commissioner of Agriculture, the Executive Director of the Fish
1472 and Wildlife Conservation Commission, and the executive
1473 directors of the water management districts are authorized to
1474 participate in the development of ecosystem management
1475 agreements with regulated entities and other governmental
1476 agencies as necessary to effectuate the provisions of this
1477 section. Local governments are encouraged to participate in
1478 ecosystem management agreements.

1479 Section 36. Subsection (1) of section 420.0005, Florida

4-01074D-21

20211948__

1480 Statutes, is amended to read:

1481 420.0005 State Housing Trust Fund; State Housing Fund.—

1482 (1) There is established in the State Treasury a separate
1483 trust fund to be named the "State Housing Trust Fund." There
1484 shall be deposited in the fund all moneys appropriated by the
1485 Legislature, or moneys received from any other source, for the
1486 purpose of this chapter, and all proceeds derived from the use
1487 of such moneys. The fund shall be administered by the Florida
1488 Housing Finance Corporation on behalf of the department, as
1489 specified in this chapter. Money deposited to the fund and
1490 appropriated by the Legislature must, notwithstanding the
1491 provisions of chapter 216 or s. 420.504(3), be transferred
1492 quarterly in advance, to the extent available, or, if not so
1493 available, as soon as received into the State Housing Trust
1494 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
1495 by the Chief Financial Officer to the corporation upon
1496 certification by the Secretary ~~executive director of the~~
1497 ~~Department~~ of Economic Opportunity that the corporation is in
1498 compliance with the requirements of s. 420.0006. The
1499 certification made by the secretary ~~executive director~~ shall
1500 also include the split of funds among programs administered by
1501 the corporation and the department as specified in chapter 92-
1502 317, Laws of Florida, as amended. Moneys advanced by the Chief
1503 Financial Officer must be deposited by the corporation into a
1504 separate fund established with a qualified public depository
1505 meeting the requirements of chapter 280 to be named the "State
1506 Housing Fund" and used for the purposes of this chapter.
1507 Administrative and personnel costs incurred in implementing this
1508 chapter may be paid from the State Housing Fund, but such costs

4-01074D-21

20211948__

1509 may not exceed 5 percent of the moneys deposited into such fund.
1510 To the State Housing Fund shall be credited all loan repayments,
1511 penalties, and other fees and charges accruing to such fund
1512 under this chapter. It is the intent of this chapter that all
1513 loan repayments, penalties, and other fees and charges collected
1514 be credited in full to the program account from which the loan
1515 originated. Moneys in the State Housing Fund which are not
1516 currently needed for the purposes of this chapter shall be
1517 invested in such manner as is provided for by statute. The
1518 interest received on any such investment shall be credited to
1519 the State Housing Fund.

1520 Section 37. Section 420.0006, Florida Statutes, is amended
1521 to read:

1522 420.0006 Authority to contract with corporation; contract
1523 requirements; nonperformance.—The Secretary ~~executive director~~
1524 of Economic Opportunity ~~the department~~ shall contract,
1525 notwithstanding part I of chapter 287, with the Florida Housing
1526 Finance Corporation on a multiyear basis to stimulate, provide,
1527 and foster affordable housing in the state. The contract must
1528 incorporate the performance measures required by s. 420.511 and
1529 be consistent with the corporation's strategic business plan
1530 prepared in accordance with s. 420.511. The contract must
1531 provide that if the corporation fails to comply with a
1532 performance measure required by s. 420.511, the secretary
1533 ~~executive director~~ shall notify the Governor and refer the
1534 nonperformance to the department's inspector general for review
1535 and determination as to whether such failure is due to forces
1536 beyond the corporation's control or whether such failure is due
1537 to inadequate management of the corporation's resources.

4-01074D-21

20211948__

1538 Advances shall continue to be made pursuant to s. 420.0005
1539 during the pendency of the review. If such failure is due to
1540 outside forces, it may not be deemed a violation of the
1541 contract. If such failure is due to inadequate management, the
1542 department's inspector general shall provide recommendations
1543 regarding solutions. The Governor may resolve differences of
1544 opinion with respect to performance under the contract and may
1545 request that advances continue in the event of a failure under
1546 the contract due to inadequate management. The Chief Financial
1547 Officer shall approve the request absent a finding by the Chief
1548 Financial Officer that continuing such advances would adversely
1549 impact the state; however, the Chief Financial Officer shall
1550 provide advances sufficient to meet the debt service
1551 requirements of the corporation and sufficient to fund contracts
1552 committing funds from the State Housing Trust Fund if such
1553 contracts are in accordance with the laws of this state.

1554 Section 38. Paragraph (d) of subsection (1) of section
1555 420.101, Florida Statutes, is amended to read:

1556 420.101 Housing Development Corporation of Florida;
1557 creation, membership, and purposes.—

1558 (1) Twenty-five or more persons, a majority of whom shall
1559 be residents of this state, who may desire to create a housing
1560 development corporation under the provisions of this part for
1561 the purpose of promoting and developing housing and advancing
1562 the prosperity and economic welfare of the state and, to that
1563 end, to exercise the powers and privileges hereinafter provided,
1564 may be incorporated by filing in the Department of State, as
1565 hereinafter provided, articles of incorporation. The articles of
1566 incorporation shall contain:

4-01074D-21

20211948__

1567 (d) The names and post office addresses of the members of
1568 the first board of directors. The first board of directors shall
1569 be elected by and from the stockholders of the corporation and
1570 shall consist of 21 members. However, five of such members shall
1571 consist of the following persons, who shall be nonvoting
1572 members: the Secretary ~~executive director of the Department~~ of
1573 Economic Opportunity or her or his designee; the head of the
1574 Department of Financial Services or her or his designee with
1575 expertise in banking matters; a designee of the head of the
1576 Department of Financial Services with expertise in insurance
1577 matters; one state senator appointed by the President of the
1578 Senate; and one representative appointed by the Speaker of the
1579 House of Representatives.

1580 Section 39. Subsection (8) of section 420.503, Florida
1581 Statutes, is amended to read:

1582 420.503 Definitions.—As used in this part, the term:

1583 (8) "Contract" means the contract between the Secretary
1584 ~~executive director~~ of Economic Opportunity ~~the department~~ and
1585 the corporation for provision of housing services referenced in
1586 s. 420.0006.

1587 Section 40. Subsections (1) and (3) of section 420.504,
1588 Florida Statutes, are amended to read:

1589 420.504 Public corporation; creation, membership, terms,
1590 expenses.—

1591 (1) A public corporation and a public body corporate and
1592 politic, to be known as the "Florida Housing Finance
1593 Corporation," is created within the Department of Economic
1594 Opportunity. It is declared to be the intent of and
1595 constitutional construction by the Legislature that the Florida

4-01074D-21

20211948__

1596 Housing Finance Corporation constitutes an entrepreneurial
1597 public corporation organized to provide and promote the public
1598 welfare by administering the governmental function of financing
1599 or refinancing housing and related facilities in this state and
1600 that the corporation is not a department of the executive branch
1601 of state government within the scope and meaning of s. 6, Art.
1602 IV of the State Constitution, but is functionally related to the
1603 Department of Economic Opportunity in which it is placed. The
1604 executive function of state government to be performed by the
1605 Secretary ~~executive director of the Department~~ of Economic
1606 Opportunity in the conduct of the business of the Florida
1607 Housing Finance Corporation must be performed pursuant to a
1608 contract to monitor and set performance standards for the
1609 implementation of the business plan for the provision of housing
1610 approved for the corporation as provided in s. 420.0006. This
1611 contract must include performance standards for the provision of
1612 affordable housing in this state established in the strategic
1613 business plan described in s. 420.511.

1614 (3) The corporation is a separate budget entity and is not
1615 subject to control, supervision, or direction by the Department
1616 of Economic Opportunity in any manner, including, but not
1617 limited to, personnel, purchasing, transactions involving real
1618 or personal property, and budgetary matters. The corporation
1619 shall consist of a board of directors composed of the Secretary
1620 ~~executive director of the Department~~ of Economic Opportunity as
1621 an ex officio and voting member, or a senior-level agency
1622 employee designated by the secretary ~~director~~, and eight members
1623 appointed by the Governor subject to confirmation by the Senate
1624 from the following:

4-01074D-21

20211948__

1625 (a) One citizen actively engaged in the residential home
1626 building industry.

1627 (b) One citizen actively engaged in the banking or mortgage
1628 banking industry.

1629 (c) One citizen who is a representative of those areas of
1630 labor engaged in home building.

1631 (d) One citizen with experience in housing development who
1632 is an advocate for low-income persons.

1633 (e) One citizen actively engaged in the commercial building
1634 industry.

1635 (f) One citizen who is a former local government elected
1636 official.

1637 (g) Two citizens of the state who are not principally
1638 employed as members or representatives of any of the groups
1639 specified in paragraphs (a)-(f).

1640 Section 41. Subsection (1) of section 420.506, Florida
1641 Statutes, is amended to read:

1642 420.506 Executive director; agents and employees; inspector
1643 general.—

1644 (1) The appointment and removal of an executive director
1645 shall be by the Secretary ~~executive director of the Department~~
1646 of Economic Opportunity, with the advice and consent of the
1647 corporation's board of directors. The executive director shall
1648 employ legal and technical experts and such other agents and
1649 employees, permanent and temporary, as the corporation may
1650 require, and shall communicate with and provide information to
1651 the Legislature with respect to the corporation's activities.
1652 Notwithstanding s. 216.262, the board may develop and implement
1653 rules regarding the employment of employees of the corporation

4-01074D-21

20211948__

1654 and service providers, including legal counsel. The board is
1655 entitled to establish travel procedures and guidelines for
1656 employees of the corporation, subject to s. 112.061(6) and (7).
1657 The executive director's office and the corporation's files and
1658 records must be located in Leon County.

1659 Section 42. Subsection (30) of section 420.507, Florida
1660 Statutes, is amended to read:

1661 420.507 Powers of the corporation.—The corporation shall
1662 have all the powers necessary or convenient to carry out and
1663 effectuate the purposes and provisions of this part, including
1664 the following powers which are in addition to all other powers
1665 granted by other provisions of this part:

1666 (30) To prepare and submit to the Secretary ~~executive~~
1667 ~~director~~ of Economic Opportunity ~~the department~~ a budget request
1668 for purposes of the corporation, which request shall,
1669 notwithstanding the provisions of chapter 216 and in accordance
1670 with s. 216.351, contain a request for operational expenditures
1671 and separate requests for other authorized corporation programs.
1672 The request need not contain information on the number of
1673 employees, salaries, or any classification thereof, and the
1674 approved operating budget therefor need not comply with s.
1675 216.181(8)-(10). The secretary ~~executive director~~ may include
1676 within the department's budget request the corporation's budget
1677 request in the form as authorized by this section.

1678 Section 43. Subsection (2) of section 420.511, Florida
1679 Statutes, is amended to read:

1680 420.511 Strategic business plan; long-range program plan;
1681 annual report; audited financial statements.—

1682 (2) The corporation, in coordination with the department,

4-01074D-21

20211948__

1683 shall annually develop a long-range program plan for the
1684 provision of affordable housing in this state as required
1685 pursuant to chapter 186. In part, the plan must include
1686 provisions that maximize the abilities of the corporation to
1687 implement the state housing strategy established under s.
1688 420.0003, to respond to federal housing initiatives, and to
1689 develop programs in a manner that is more responsive to the
1690 needs of public and private partners. The plan shall be
1691 developed on a schedule consistent with that established by s.
1692 186.021. For purposes of this section, the Secretary of Economic
1693 Opportunity ~~executive director~~ or his or her designee shall
1694 serve as the corporation's representative to achieve a
1695 coordinated and integrated planning relationship with the
1696 department.

1697 Section 44. Subsection (7) of section 420.602, Florida
1698 Statutes, is amended to read:

1699 420.602 Definitions.—As used in this part, the following
1700 terms shall have the following meanings, unless the context
1701 otherwise requires:

1702 (7) ~~"Director" means the executive director of the~~
1703 ~~Department of Economic Opportunity.~~

1704 Section 45. Subsection (5) of section 420.609, Florida
1705 Statutes, is amended to read:

1706 420.609 Affordable Housing Study Commission.—Because the
1707 Legislature firmly supports affordable housing in Florida for
1708 all economic classes:

1709 (5) The commission shall review, evaluate, and make
1710 recommendations regarding existing and proposed housing programs
1711 and initiatives. The commission shall provide these and any

4-01074D-21

20211948__

1712 other housing recommendations to the Secretary ~~director~~ of
1713 Economic Opportunity ~~the department~~ and the executive director
1714 of the corporation.

1715 Section 46. Subsection (2) of section 420.622, Florida
1716 Statutes, is amended to read:

1717 420.622 State Office on Homelessness; Council on
1718 Homelessness.—

1719 (2) The Council on Homelessness is created to consist of 19
1720 representatives of public and private agencies who shall develop
1721 policy and advise the State Office on Homelessness. The council
1722 members shall be: the Secretary of Children and Families, or his
1723 or her designee; the Secretary ~~executive director of the~~
1724 ~~Department~~ of Economic Opportunity, or his or her designee, who
1725 shall advise the council on issues related to rural development;
1726 the State Surgeon General, or his or her designee; the Executive
1727 Director of Veterans' Affairs, or his or her designee; the
1728 Secretary of Corrections, or his or her designee; the Secretary
1729 of Health Care Administration, or his or her designee; the
1730 Commissioner of Education, or his or her designee; the Executive
1731 Director of CareerSource Florida, Inc., or his or her designee;
1732 one representative of the Florida Association of Counties; one
1733 representative of the Florida League of Cities; one
1734 representative of the Florida Supportive Housing Coalition; one
1735 representative of the Florida Housing Coalition; the Executive
1736 Director of the Florida Housing Finance Corporation, or his or
1737 her designee; one representative of the Florida Coalition for
1738 the Homeless; the secretary of the Department of Elder Affairs,
1739 or his or her designee; and four members appointed by the
1740 Governor. The council members shall be nonpaid volunteers and

4-01074D-21

20211948__

1741 shall be reimbursed only for travel expenses. The appointed
1742 members of the council shall be appointed to staggered 2-year
1743 terms and are encouraged to have experience in the
1744 administration or provision of resources, services, or housing
1745 that addresses the needs of persons experiencing homelessness.
1746 The council shall meet at least four times per year. The
1747 importance of minority, gender, and geographic representation
1748 shall be considered in appointing members to the council.

1749 Section 47. Paragraph (g) of subsection (1) of section
1750 427.012, Florida Statutes, is amended to read:

1751 427.012 The Commission for the Transportation
1752 Disadvantaged.—There is created the Commission for the
1753 Transportation Disadvantaged in the Department of
1754 Transportation.

1755 (1) The commission shall consist of seven members, all of
1756 whom shall be appointed by the Governor, in accordance with the
1757 requirements of s. 20.052.

1758 (g) The Secretary of Transportation, the Secretary of
1759 Children and Families, the Secretary ~~executive director of the~~
1760 ~~Department~~ of Economic Opportunity, the executive director of
1761 the Department of Veterans' Affairs, the Secretary of Elderly
1762 Affairs, the Secretary of Health Care Administration, the
1763 director of the Agency for Persons with Disabilities, and a
1764 county manager or administrator who is appointed by the
1765 Governor, or a senior management level representative of each,
1766 shall serve as ex officio, nonvoting advisors to the commission.

1767 Section 48. Subsections (2), (3), and (4) of section
1768 443.1116, Florida Statutes, are amended to read:

1769 443.1116 Short-time compensation.—

4-01074D-21

20211948__

1770 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
1771 wishing to participate in the short-time compensation program
1772 must submit a signed, written, short-time plan to the Department
1773 of Economic Opportunity for approval. The Secretary of Economic
1774 Opportunity ~~director~~ or his or her designee shall approve the
1775 plan if:

1776 (a) The plan applies to and identifies each specific
1777 affected unit;

1778 (b) The individuals in the affected unit are identified by
1779 name and social security number;

1780 (c) The normal weekly hours of work for individuals in the
1781 affected unit are reduced by at least 10 percent and by not more
1782 than 40 percent;

1783 (d) The plan includes a certified statement by the employer
1784 that the aggregate reduction in work hours is in lieu of layoffs
1785 that would affect at least 10 percent of the employees in the
1786 affected unit and that would have resulted in an equivalent
1787 reduction in work hours;

1788 (e) The plan applies to at least 10 percent of the
1789 employees in the affected unit;

1790 (f) The plan is approved in writing by the collective
1791 bargaining agent for each collective bargaining agreement
1792 covering any individual in the affected unit;

1793 (g) The plan does not serve as a subsidy to seasonal
1794 employers during the off-season or as a subsidy to employers who
1795 traditionally use part-time employees;

1796 (h) The plan certifies that, if the employer provides
1797 fringe benefits to any employee whose workweek is reduced under
1798 the program, the fringe benefits will continue to be provided to

4-01074D-21

20211948__

1799 the employee participating in the short-time compensation
1800 program under the same terms and conditions as though the
1801 workweek of such employee had not been reduced or to the same
1802 extent as other employees not participating in the short-time
1803 compensation program. As used in this paragraph, the term
1804 "fringe benefits" includes, but is not limited to, health
1805 insurance, retirement benefits under defined benefit pension
1806 plans as defined in subsection 35 of s. 1002 of the Employee
1807 Retirement Income Security Act of 1974, 29 U.S.C., contributions
1808 under a defined contribution plan as defined in s. 414(i) of the
1809 Internal Revenue Code, paid vacation and holidays, and sick
1810 leave;

1811 (i) The plan describes the manner in which the requirements
1812 of this subsection will be implemented, including a plan for
1813 giving notice, if feasible, to an employee whose workweek is to
1814 be reduced, together with an estimate of the number of layoffs
1815 that would have occurred absent the ability to participate in
1816 short-time compensation; and

1817 (j) The terms of the employer's written plan and
1818 implementation are consistent with employer obligations under
1819 applicable federal laws and laws of this state.

1820 (3) APPROVAL OR DISAPPROVAL OF THE PLAN.—The Secretary of
1821 Economic Opportunity ~~director~~ or his or her designee shall
1822 approve or disapprove a short-time compensation plan in writing
1823 within 15 days after its receipt. If the plan is denied, the
1824 secretary ~~director~~ or his or her designee shall notify the
1825 employer of the reasons for disapproval.

1826 (4) BEGINNING AND TERMINATION OF SHORT-TIME COMPENSATION
1827 BENEFIT PERIOD.—A plan takes effect on the date of its approval

4-01074D-21

20211948__

1828 by the Secretary of Economic Opportunity ~~director~~ or his or her
1829 designee and expires at the end of the 12th full calendar month
1830 after its effective date.

1831 Section 49. Paragraph (d) of subsection (2) of section
1832 446.53, Florida Statutes, is amended to read:

1833 446.53 Concrete masonry education.—

1834 (2)

1835 (d) In addition to the 13 voting members described in
1836 paragraph (a), the Secretary ~~executive director of the~~
1837 ~~Department~~ of Economic Opportunity, or his or her designee,
1838 shall serve ex officio as a nonvoting member of the board of
1839 directors of the council.

1840 Section 50. Section 450.261, Florida Statutes, is amended
1841 to read:

1842 450.261 Interstate Migrant Labor Commission; Florida
1843 membership.—In selecting the Florida membership of the
1844 Interstate Migrant Labor Commission, the Governor may designate
1845 the Secretary ~~executive director of the Department~~ of Economic
1846 Opportunity as his or her representative.

1847 Section 51. Paragraph (d) of subsection (1), paragraph (a)
1848 of subsection (4), and paragraphs (b), (c), and (d) of
1849 subsection (5) of section 624.5105, Florida Statutes, are
1850 amended to read:

1851 624.5105 Community contribution tax credit; authorization;
1852 limitations; eligibility and application requirements;
1853 administration; definitions; expiration.—

1854 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

1855 (d) Each proposal for the granting of such tax credit
1856 requires the prior approval of the Secretary of Economic

4-01074D-21

20211948__

1857 Opportunity ~~director~~.

1858 (4) ADMINISTRATION.—

1859 (a)1. The Department of Economic Opportunity may adopt
1860 rules to administer this section, including rules for the
1861 approval or disapproval of proposals by insurers.

1862 2. The decision of the Secretary of Economic Opportunity
1863 ~~director~~ shall be in writing, and, if approved, the proposal
1864 shall state the maximum credit allowable to the insurer. A copy
1865 of the decision shall be transmitted to the executive director
1866 of the Department of Revenue, who shall apply such credit to the
1867 tax liability of the insurer.

1868 3. The Department of Economic Opportunity shall monitor all
1869 projects periodically, in a manner consistent with available
1870 resources to ensure that resources are utilized in accordance
1871 with this section; however, each project shall be reviewed no
1872 less frequently than once every 2 years.

1873 4. The Department of Economic Opportunity shall, in
1874 consultation with the Florida Housing Finance Corporation and
1875 the statewide and regional housing and financial intermediaries,
1876 market the availability of the community contribution tax credit
1877 program to community-based organizations.

1878 (5) DEFINITIONS.—As used in this section, the term:

1879 ~~(b) "Director" means the director of the Department of~~
1880 ~~Economic Opportunity.~~

1881 (b) ~~(e)~~ "Local government" means any county or incorporated
1882 municipality in the state.

1883 (c) ~~(d)~~ "Project" means an activity as defined in s.

1884 220.03(1)(t).

1885 Section 52. Paragraph (f) of subsection (2) of section

4-01074D-21

20211948__

1886 1004.015, Florida Statutes, is amended to read:
1887 1004.015 Florida Talent Development Council.—
1888 (2) Members of the council shall include:
1889 (f) The Secretary ~~executive director of the Department~~ of
1890 Economic Opportunity.
1891 Section 53. This act shall take effect upon becoming a law.