## LEGISLATIVE ACTION Senate House Comm: RCS 03/27/2023

The Committee on Commerce and Tourism (Hooper) recommended the following:

## Senate Amendment (with title amendment)

Delete lines 172 - 687 4

and insert:

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comparable communities. Eligible uses of funds include, and improving access to and the availability of broadband Internet service; however, the funds may not be used to serve any retail end user that already has access to broadband Internet service.

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Eligible uses of funds also shall include improvements to public infrastructure for industrial or commercial sites, upgrades to or development of public tourism infrastructure, and improvements to broadband Internet service and access in unserved or underserved rural communities; however, the funds may not be used to serve any retail end user that already has access to broadband Internet service. Improvements to broadband Internet service and access must be conducted through a partnership or partnerships with one or more dealers, as defined in s. 202.11(2), and the partnership or partnerships must be established through a competitive selection process that is publicly noticed. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to

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serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

- 2. Such utilities as defined herein are willing and able to provide such service.
- (c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, The department may award grants of up to \$300,000 for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs; up to \$150,000 for an employment project with a business committed to create at least 300 jobs; and up to \$300,000 for a project in a rural area of opportunity. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.
- (e) To enable local governments to access the resources available pursuant to s. 403.973(18), the department may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph do not require a local match and may not exceed \$75,000 each, except in the case of a project in a rural area of opportunity, in which case the grant may not exceed

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\$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of opportunity must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561. In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The department, in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit of the projects and their long-term viability. The department shall have final approval for any grant under this section.

Section 7. Paragraph (a) of subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.

- (1) DEFINITIONS.—As used in this section, the term:
- (a) "Economic development agency" means:
- 1. The Department of Economic Opportunity;
- 2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;
  - 3. Space Florida created in part II of chapter 331;
  - 4. The public economic development agency of a county or

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municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;

- 5. Any research and development authority created in accordance with part V of chapter 159; or
- 6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 8. Subsection (1) of section 288.8017, Florida Statutes, is amended to read:

288.8017 Awards.-

- (1) Triumph Gulf Coast, Inc., shall make awards from available funds to projects or programs that meet the priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties. Awards may be provided for any of the following:
- (a) Ad valorem tax rate reduction within disproportionately affected counties. +
- (b) Local match requirements of s. 288.0655 for projects in the disproportionately affected counties. +
- (c) Public infrastructure projects for construction, expansion, or maintenance which are shown to enhance economic recovery, diversification, and enhancement of the disproportionately affected counties. For the purposes of this paragraph, the term "public infrastructure projects" includes projects for workforce housing.÷

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- (d) Grants to local governments in the disproportionately affected counties to establish and maintain equipment and trained personnel for local action plans of response to respond to disasters, such as plans created for the Coastal Impacts Assistance Program. +
- (e) Grants to support programs that prepare students for future occupations and careers at K-20 institutions that have campuses in the disproportionately affected counties. Eliqible programs include those that increase students' technology skills and knowledge; encourage industry certifications; provide rigorous, alternative pathways for students to meet high school graduation requirements; strengthen career readiness initiatives; fund high-demand programs of emphasis at the bachelor's and master's level designated by the Board of Governors; and, similar to or the same as talent retention programs created by the Chancellor of the State University System and the Commission of Education, encourage students with interest or aptitude for science, technology, engineering, mathematics, and medical disciplines to pursue postsecondary education at a state university or a Florida College System institution within the disproportionately affected counties. +
- (f) Grants to support programs that provide participants in the disproportionately affected counties with transferable, sustainable workforce skills that are not confined to a single employer.; and
- (q) Grants to the tourism entity created under s. 288.1226 for the purpose of advertising and promoting tourism and Fresh From Florida, and grants to promote workforce and infrastructure, on behalf of all of the disproportionately



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Section 9. Subsection (5) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the corporation.

(5) This section is repealed July 1, 2023, and July 1 of every fourth year thereafter, unless reviewed and saved from repeal by the Legislature.

Section 10. Paragraph (b) of subsection (2) of section 288.980, Florida Statutes, is amended to read:

288.980 Military base retention; legislative intent; grants program.-

(2)

- (b) 1. The department shall annually request military installations in the state to provide the department with a list of base buffering encroachment lands for fee simple or lessthan-fee simple acquisitions before October 1.
- 2. The department shall submit the list of base buffering encroachment lands to the Florida Defense Support Council Task Force created in s. 288.987.
- 3. The Florida Defense Support Council Task Force shall, annually by December 1, review the list of base buffering encroachment lands submitted by the military installations and provide its recommendations for ranking the lands for acquisition to the department.
- 4. The department shall annually submit the list of base buffering encroachment lands provided by the Florida Defense Support Council Task Force to the Board of Trustees of the Internal Improvement Trust Fund, which may acquire the lands pursuant to s. 253.025. At a minimum, the annual list must

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contain for each recommended land acquisition:

- a. A legal description of the land and its property identification number;
  - b. A detailed map of the land; and
- c. A management and monitoring agreement to ensure the land serves a base buffering purpose.

Section 11. Subsection (1) and paragraph (a) of subsection (2) of section 288.985, Florida Statutes, are amended to read:

288.985 Exemptions from public records and public meetings requirements.-

- (1) The following records held by the Florida Defense Support Council Task Force are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:
- (a) That portion of a record which relates to strengths and weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure process.
- (b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense base realignment and closure process, and any agreements or proposals to relocate or realign military units and missions from other states or territories.
- (c) That portion of a record which relates to the state's strategy to retain its military bases during any United States

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Department of Defense base realignment and closure process and any agreements or proposals to relocate or realign military units and missions.

(2)(a) Meetings or portions of meetings of the Florida Defense Support Council Task Force, or a workgroup of the council task force, at which records are presented or discussed that are exempt under subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 12. Section 288.987, Florida Statutes, is amended to read:

288.987 Florida Defense Support Council Task Force. -

- (1) The Florida Defense Support Council Task Force is created.
- (2) The mission of the council task force is to make recommendations to preserve and protect military installations to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for servicemembers, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.
- (3) The council task force shall be comprised of the Governor or his or her designee, and 12 members appointed as follows:
  - (a) Four members appointed by the Governor.
  - (b) Four members appointed by the President of the Senate.
- (c) Four members appointed by the Speaker of the House of Representatives.
  - (d) Appointed members must represent defense-related

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industries or communities that host military bases and installations. All appointments must be made by August 1, 2011. Members shall serve for a term of 4 years, with the first term ending July 1, 2015. However, if members of the Legislature are appointed to the council task force, those members shall serve until the expiration of their legislative term and may be reappointed once. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the initial appointment. All members of the council are eligible for reappointment. A member who serves in the Legislature may participate in all council task force activities but may only vote on matters that are advisory.

- (4) The President of the Senate and the Speaker of the House of Representatives shall each designate one of their appointees to serve as chair of the council task force. The chair shall rotate each July 1. The appointee designated by the President of the Senate shall serve as initial chair. If the Governor, instead of his or her designee, participates in the activities of the council task force, then the Governor shall serve as chair.
- (5) The Secretary of Economic Opportunity, or his or her designee, shall serve as the ex officio, nonvoting executive director of the council task force.
- (6) The council task force shall submit an annual progress report and work plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives each February 1.
- (7) The department shall contract with the council task force for expenditure of appropriated funds, which may be used

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by the council task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The council task force may annually spend up to \$250,000 of funds appropriated to the department for the council task force for staffing and administrative expenses of the council task force, including travel and per diem costs incurred by council task force members who are not otherwise eligible for state reimbursement.

Section 13. Section 446.71, Florida Statutes, is amended to read:

- 446.71 Everglades Restoration Agricultural Community Employment Training Program. -
- (1) The Department of Economic Opportunity, in cooperation with the state board as defined in s. 445.002, shall establish the Everglades Restoration Agricultural Community Employment Training Program within the Department of Economic Opportunity. The Department of Economic Opportunity shall use funds appropriated to the program by the Legislature to provide grants to stimulate and support training and employment programs that seek to match persons who complete such training programs to nonagricultural employment opportunities in areas of high agricultural unemployment, and to provide other training,

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educational, and information services necessary to stimulate the creation of jobs in the areas of high agricultural unemployment. In determining whether to provide funds to a particular program, the Department of Economic Opportunity shall consider the location of the program in proximity to the program's intended participants.

- (2) The Legislature supports projects that improve the economy in the Everglades Agricultural Area. In recognition of the employment opportunities and economic development generated by new and expanding industries in the area, such as the Airglades Airport in Hendry County and the development of an inland port in Palm Beach County, the Legislature finds that training the citizens of the state to fill the needs of these industries significantly enhances the economic viability of the region.
  - (2) As used in this section, the term:
- (a) "Department" means the Department of Economic Opportunity.
- (b) "Employer-based training program" means a program established by, or to be established by, a business in this state that provides training for in-demand nonagricultural occupations for its employees.
- (c) "Everglades Agricultural Area" has the same meaning as in s. 373.4592(15).
- (d) "Institution-based training program" means a certificate program or other program of study provided by a public or private university, college, or technical or vocational training institution which provides training for indemand nonagricultural occupations.

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- (e) "Program" means the Everglades Restoration Agricultural Community Employment Training Program.
- (3) The department, in cooperation with the state board as defined in s. 445.002, shall establish the Everglades Restoration Agricultural Community Employment Training Program. The department shall use funds appropriated to the program by the Legislature to provide grants to stimulate and support employer-based training programs and institution-based training programs that seek to match persons who complete such training programs to nonagricultural employment opportunities in the Everglades Agricultural Area and any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay. The department shall use program funds to provide training, educational, and information services necessary to stimulate the creation of jobs in the Everglades Agricultural Area and in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay. In determining whether to provide funds to a particular employer-based training program or institutionbased training program, the department must consider the location of such training program in proximity to the program's intended participants.
- (4) Program funds may be used to provide for grants for tuition for institution-based training public or private technical or vocational programs. Program funds may also be used for and matching grants to employers to conduct employer-based

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training programs. Funds may be used, or for the purchase of equipment necessary to be used for training purposes, the hiring of instructors, or any other purpose directly associated with the employer-based training programs or institution-based training programs. For the first 6 months of each fiscal year, the department shall set aside up to 50 percent of the funds appropriated to the program by the Legislature to fund employerbased training programs. At the end of the 6-month period, any unused funds from the set-aside funds may be used to provide funding for institution-based training programs program.

(5) (4) The department of Economic Opportunity may not award a grant to any employer-based given training program if the grant which exceeds 50 percent of the total cost of the program. If, unless the employer-based training program is located within a rural area of opportunity, the department may award a grant of in which case the grant may exceed 50 percent of the total cost of the program and up to 100 percent of program costs. Employer matching contributions may include in-kind services, including, but not limited to, the provision of training instructors, equipment, and training facilities. The department must prioritize grants to employer-based training programs that are located in the Everglades Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay.

(6) (5) Before awarding a grant pursuant to granting a request for funds made in accordance with this section, the department of Economic Opportunity shall enter into a grant

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agreement with the employer or requester of funds and the institution receiving funding through the program. Such agreement must include all of the following information:

- (a) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.
- (b) An identification of the estimated length of the instructional program.
- (c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs.
- (d) An identification of special program requirements that are not otherwise addressed in the agreement.
- (7) (6) The department of Economic Opportunity may grant up to 100 percent of the tuition for an institution-based  $\frac{1}{4}$ training program participant who currently resides, and has resided for the preceding 12 months at least 3 of the 5 immediately preceding years, within the Everglades Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay, as described in s. 373.4592 and in counties that provides provide for water storage and dispersed water storage that are located in rural areas of opportunity as described in s. 288.0656.
- (8) (7) Employer-based training programs established in the Everglades Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades,

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Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay, must include opportunities to obtain the qualifications and skills necessary for jobs related to federal and state restoration projects, the Airglades Airport in Hendry County, an inland port in Palm Beach County, or other industries with a verifiable, demonstrated interest in operating within the Everglades Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay, and in counties that provides <del>provide</del> for water storage and dispersed water storage that are located in rural areas of opportunity as described in s. 288.0656.

(9) (8) The department may of Economic Opportunity shall adopt rules to implement this section.

Section 14. Subsections (2) and (3) of section 695.03, Florida Statutes, are amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials. - To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated in one of the following forms:

(2) OUTSIDE THIS STATE BUT WITHIN THE UNITED STATES.—An acknowledgment or a proof taken, administered, or made outside of this state but within the United States may be taken, administered, or made by or before a civil-law notary of this state or a commissioner of deeds appointed by the Secretary of

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the Department of Economic Opportunity Governor of this state; a judge or clerk of any court of the United States or of any state, territory, or district; by or before a United States commissioner or magistrate; or by or before any notary public, justice of the peace, master in chancery, or registrar or recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. If the acknowledgment or proof is taken, administered, or made by or before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, "I am a Notary Public of the State of ...(state)..., and my commission expires on ...(date)...."

(3) OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN COUNTRIES.—An acknowledgment, an affidavit, an oath, a legalization, an authentication, or a proof taken, administered, or made outside the United States or in a foreign country may be taken, administered, or made by or before a commissioner of deeds appointed by the Secretary of the Department Economic Opportunity Governor of this state to act in such country; before a notary public of such foreign country or a civil-law notary of this state or of such foreign country who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by 10 U.S.C. s. 1044a to perform the duties of notary public, and the certificate of acknowledgment,



legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term "civil-law notary" means a civil-law notary as defined in chapter 118 or an official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction, in which jurisdiction the affixing of her or his official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction.

Section 15. For the purpose of incorporating the amendment made by this act to section 288.075, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 288.106, Florida Statutes, is reenacted to read:

288.106 Tax refund program for qualified target industry businesses.-

- (2) DEFINITIONS.—As used in this section:
- (b) "Authorized local economic development agency" means a public or private entity, including an entity defined in s. 288.075, authorized by a county or municipality to promote the general business or industrial interests of that county or municipality.

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======== T I T L E A M E N D M E N T ======== 500 501 And the title is amended as follows: 502

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288.8017, F.S.; specifying that the term "public infrastructure projects" includes projects for workforce housing; conforming provisions to changes made by the act; amending s. 288.9604, F.S.; deleting the future repeal of provisions governing the Florida Development Finance Corporation; amending ss. 288.980 and 288.985, F.S.; conforming provisions to changes made by the act; amending s. 288.987, F.S.; renaming the Florida Defense Support Task Force as the Florida Defense Support Council; amending s. 446.71, F.S.; revising requirements relating to the Everglades Restoration Agricultural Community Employment Training Program; defining terms; authorizing, rather than requiring, the department to adopt rules; amending s. 695.03, F.S.; requiring the Secretary of the Department of Economic Opportunity, rather than the Governor, to appoint certain commissioners of deeds; reenacting s. 288.106(2)(b), F.S., relating to the tax refund