

HB 7247

2011

1                                   A bill to be entitled  
2       An act relating to government reorganization; creating s.  
3       20.60, F.S.; creating the Department of Economic  
4       Opportunity; providing for the appointment of the  
5       Commissioner of Economic Opportunity, subject to  
6       confirmation by the Senate; specifying the commissioner's  
7       duties; restricting the amount of the commissioner's  
8       public remuneration; specifying the purpose and duties of  
9       the department; establishing divisions within the  
10      department and the duties of such divisions; designating  
11      the department as the administrative agency for receipt  
12      and administration of certain federal grants; providing  
13      for disbursement of such grants; authorizing the  
14      department to serve as contract administrator for  
15      specified contracts; specifying that the Unemployment  
16      Appeals Commission is not subject to the department's  
17      control, supervision, or direction; requiring the  
18      department to submit an annual report to the Governor and  
19      Legislature; requiring the department to establish  
20      performance standards for specified public-private  
21      partnerships; requiring the department to establish an  
22      official seal and provide for use of the seal; designating  
23      the department as the state agency responsible for the  
24      state's role in housing and urban development; assigning  
25      the role of state government to the department under the  
26      Housing Authorities Law, Housing Cooperation Law, and  
27      provisions relating to the tax exemption of housing  
28      authorities; repealing s. 14.2015, F.S., relating to the

29 establishment of the Office of Tourism, Trade, and  
30 Economic Development within the Executive Office of the  
31 Governor; transferring functions and trust funds of the  
32 Office of Tourism, Trade, and Economic Development of the  
33 Executive Office of the Governor to the Department of  
34 Economic Opportunity; repealing ss. 288.1221, 288.1222,  
35 288.1223, 288.1224, 288.1226, and 288.1227, F.S., relating  
36 to the Florida Commission on Tourism and the Florida  
37 Tourism Industry Marketing Corporation, doing business as  
38 VISIT Florida; repealing ss. 288.7065, 288.707, 288.708,  
39 288.709, 288.7091, and 288.712, F.S., relating to the  
40 Florida Black Business Investment Board, Inc.; providing  
41 for the merger of the Florida Sports Foundation, the  
42 Florida Tourism Industry Marketing Corporation, and the  
43 Florida Black Business Investment Board, Inc., into  
44 Enterprise, Florida, Inc.; requiring the not-for-profit  
45 entities to enter into a merger plan with Enterprise  
46 Florida, Inc.; providing legislative intent related to the  
47 merger; requiring the Governor to designate a transition  
48 coordinator for the merger; providing for certain  
49 transition activities; amending s. 14.32, F.S.; providing  
50 additional duties of the Chief Inspector General relating  
51 to public-private partnerships; amending s. 112.313, F.S.;  
52 providing for applicability of certain employment and  
53 contracting restrictions to the Commissioner of Economic  
54 Opportunity and the commissioner's duties as president of  
55 Enterprise Florida, Inc.; creating s. 288.005, F.S.;  
56 defining the terms "commissioner," "department," and

HB 7247

2011

"economic benefits"; amending s. 288.012, F.S.; renaming the state's foreign offices as international offices; authorizing the Governor to designate a state protocol officer; requiring the state protocol officer to publish a state protocol manual; amending s. 288.061, F.S.; revising the economic development incentive review process; providing for the Commissioner of Economic Opportunity to review and submit recommendations to the Governor on economic development incentive applications; providing for incentive award contracts; amending ss. 288.901, 288.9015, 288.903, 288.904, 288.905, and 288.906, F.S.; revising the organization, governance, powers, and duties of Enterprise Florida, Inc.; revising the membership, powers, and duties of the board of directors of Enterprise Florida, Inc.; revising private-sector matching requirements for state operational funding provided to Enterprise Florida, Inc.; providing that the Commissioner of Economic Opportunity serves ex officio as president of Enterprise Florida, Inc.; providing duties of the president; requiring contracts for performance bonuses for employees receiving compensation that exceeds a specified amount; revising requirements for the annual report of Enterprise Florida, Inc.; creating s. 288.907, F.S.; requiring Enterprise Florida, Inc., to submit an annual incentive report to the Governor and Legislature; specifying contents of the report; amending s. 288.911, F.S.; authorizing Enterprise Florida, Inc., to register a certain fictitious name for purposes of tourism promotion; creating s. 288.912, F.S.;

HB 7247

2011

85        requiring certain counties and municipalities to submit  
86        certain information to the Department of Economic  
87        Opportunity related to economic development incentives;  
88        creating s. 288.920, F.S.; requiring the establishment of  
89        divisions within Enterprise Florida, Inc.; providing for  
90        the division employees; establishing an advisory council  
91        for certain divisions; providing for the qualifications,  
92        nominations, appointments, terms, and removal of advisory  
93        council members; providing for the selection of advisory  
94        council chairs; creating ss. 288.921, 288.922, 288.923,  
95        and 288.925, F.S.; establishing specified divisions within  
96        Enterprise Florida, Inc.; specifying the duties of each  
97        division; requiring certain divisions to submit annual  
98        reports; providing for the appointment of advisory  
99        councils for each division; authorizing the advisory  
100        councils to submit recommendations to the board of  
101        directors of Enterprise Florida, Inc., on specified  
102        matters; transferring, renumbering, and amending s.  
103        288.1229, F.S.; deleting provisions relating to the  
104        direct-support organization for promotion and development  
105        of sports-related industries and amateur athletics;  
106        establishing the Division of Sports Industry Development  
107        within Enterprise Florida, Inc.; specifying the division's  
108        duties; providing for the appointment of an advisory  
109        council for the division; authorizing the advisory council  
110        to submit recommendations to the board of directors of  
111        Enterprise Florida, Inc., on specified matters; amending  
112        s. 288.9624, F.S.; revising provisions for the appointment

of the board of directors of the Florida Opportunity Fund and filling of anticipated vacancies on such board of directors; amending s. 331.3081, F.S.; revising the organization, governance, powers, and duties of Space Florida; specifying that Space Florida shall be governed by certain members of the board of directors of Enterprise Florida, Inc.; providing for an advisory council for Space Florida; providing for the qualifications, nominations, appointments, terms, and removal of advisory council members; providing for the selection of advisory council chairs; authorizing the advisory council to submit recommendations to the board of directors of Enterprise Florida, Inc., on specified matters; amending s. 331.310, F.S.; redesignating the president of Space Florida as the executive director; amending ss. 377.711 and 377.712, F.S.; reviving provisions of the Southern States Energy Compact to revise the powers of the Southern States Energy Board; deleting an obsolete reference to the former Department of Commerce; authorizing various state departments to cooperate with the Southern States Energy Board for certain purposes; amending ss. 15.182, 23.22, 24.113, 120.54, 125.045, 159.803, 159.8081, 159.8083, 159.809, 159.81, 163.3180, 163.3187, 166.021, 186.504, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 218.64, 220.181, 220.182, 220.183, 220.1895, 220.1896, 220.1899, 220.191, 267.0625, 272.11, 282.34, 287.0931, 287.0943, 287.09451, 287.0947, 288.017, 288.018, 288.019, 288.021, 288.0251, 288.035, 288.037, 288.041, 288.047,

HB 7247

2011

141        288.063, 288.065, 288.0655, 288.0656, 288.06561, 288.0657,  
142        288.0658, 288.0659, 288.075, 288.095, 288.1045, 288.106,  
143        288.107, 288.108, 288.1081, 288.1082, 288.1083, 288.1088,  
144        288.1089, 288.1095, 288.1162, 288.11621, 288.1168,  
145        288.1169, 288.1171, 288.1175, 288.122, 288.12265, 288.124,  
146        288.1251, 288.1252, 288.1253, 288.1254, 288.7015, 288.703,  
147        288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773,  
148        288.774, 288.776, 288.7771, 288.816, 288.809, 288.8175,  
149        288.826, 288.95155, 288.955, 288.9604, 288.9605, 288.9606,  
150        288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916,  
151        288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 288.99,  
152        290.004, 290.0055, 290.0056, 290.0058, 290.0065, 290.0066,  
153        290.00710, 290.0072, 290.00725, 290.0073, 290.0074,  
154        290.0077, 290.014, 290.053, 290.06561, 310.0015, 311.09,  
155        311.11, 311.115, 311.22, 320.08058, 320.63, 331.3051,  
156        375.021, 376.60, 376.86, 380.06, 381.0054, 403.973,  
157        440.45, 473.3065, 570.96, 597.006, 624.5105, 627.3511,  
158        641.217, 657.042, 658.67, 1003.492, 1003.493, 1004.226,  
159        and 1004.435, F.S.; conforming provisions to changes made  
160        by the act; deleting obsolete provisions; conforming  
161        cross-references; repealing s. 42, ch. 2005-71, and s. 1,  
162        ch. 2005-261, Laws of Florida, relating to the  
163        authorization for funding certain dredging projects, to  
164        delete obsolete provisions; repealing ss. 216.235,  
165        216.236, 216.237, and 216.238, F.S., relating to the  
166        Innovation Investment Program, the selection of review  
167        boards to evaluate innovative investment projects, the  
168        appointment of the State Innovation Committee and approval

of such projects, the funding, recordkeeping, and reporting for such projects, the establishment by state agencies of internal innovations funds, and the adoption of rules by the Department of Management Services for the program; repealing s. 287.115, F.S., relating to provisions requiring the Chief Financial Officer to submit annual reports on disallowed contractual service contracts; repealing s. 288.038, F.S., relating to agreements for appointing county tax collectors as agents of the former Department of Labor and Employment Security for licenses and similar registrations; repealing s. 288.12295, F.S., relating to a public records exemption for donors for a direct-support organization on promotion and development of sports-related industries and amateur athletics; repealing s. 288.386, F.S., relating to the Florida-Caribbean Basin Trade Initiative; repealing s. 288.7011, F.S., relating to contracts between the Office of Tourism, Trade, and Economic Development and a certain nonprofit statewide development corporation; repealing s. 288.90151, F.S., relating to the return on investment from activities of Enterprise Florida, Inc.; repealing s. 288.9415, F.S., relating to Enterprise Florida, Inc., and international trade grants; repealing s. 288.9618, F.S., relating to an economic development program for microenterprises; repealing s. 288.982, F.S., relating to a public records exemption for certain records relating to the United States Department of Defense Base Realignment and Closure 2005 process; repealing s. 373.461, F.S.,

relating to Lake Apopka improvement and management;  
repealing s. 379.2353, F.S., relating to enterprise zone  
designations for certain communities suffering adverse  
impacts from the adoption of the constitutional amendment  
limiting the use of nets to harvest marine species;  
repealing ss. 409.944, 409.945, and 409.946, F.S.,  
relating to the Inner City Redevelopment Assistance Grants  
Program, eligibility criteria for the program, and the  
membership of the Inner City Redevelopment Review Panel;  
repealing s. 624.4072, F.S., relating to certain expired  
tax exemptions for minority-owned property and casualty  
insurers; repealing s. 625.3255, F.S., relating to capital  
participation investments issued by the Florida Black  
Business Investment Board; repealing s. 20.18, F.S.,  
relating to the establishment of the Department of  
Community Affairs; transferring the functions and trust  
funds of the Department of Community Affairs to other  
agencies; transferring the Division of Housing and  
Community Development to the Department of Economic  
Opportunity; transferring the Division of Community  
Planning to the Department of Economic Opportunity;  
transferring the Division of Emergency Management to the  
Executive Office of the Governor; transferring the Florida  
Building Commission to the Department of Business and  
Professional Regulation; transferring the responsibilities  
under the Florida Communities Trust to the Department of  
Environmental Protection; transferring the  
responsibilities under the Stan Mayfield Working



HB 7247

2011

Waterfronts Program to the Department of Environmental Protection; transferring the responsibilities under the Special District Information Program to the Department of Financial Services; transferring the responsibilities under the Community Services Block Grant Programs to the Department of Children and Family Services; transferring specified trust funds from the Department of Community Affairs to the Department of Economic Opportunity; transferring specified trust funds from the Department of Community Affairs to the Executive Office of the Governor; transferring specified trust funds from the Department of Community Affairs to the Department of Business and Professional Regulation; transferring the Florida Forever Program Trust Fund and the Florida Communities Trust Fund from the Department of Community Affairs to the Department of Environmental Protection; transferring the Community Services Block Grant Trust Fund from the Department of Community Affairs to the Department of Children and Families; terminating the Administrative Trust Fund of the Department of Community Affairs and providing for the transfer of the trust fund balance to a specified trust fund; providing for the continuation of binding contracts or agreements with the successor department or entity; providing for a type two transfer from the Department of Community Affairs to the Department of Economic Opportunity of all other things not specifically delineated for transfer; creating s. 14.2016, F.S.; establishing the Division of Emergency Management within

the Executive Office of the Governor; providing for the director of the division to serve at the pleasure of the Governor; providing duties of the division; amending s. 163.03, F.S.; deleting a requirement that the Secretary of Community Affairs administer certain programs during emergency situations; conforming provisions to changes made by the act; reenacting and amending s. 163.3191, F.S.; conforming provisions to changes made by the act; amending s. 215.559, F.S.; delaying the expiration date of the Hurricane Loss Mitigation Program; conforming provisions to changes made by the act; amending s. 290.044 F.S., relating to unallocated funds in the Florida Small Cities Community Development Block Grant Fund; amending s. 290.047, F.S.; deleting statutory grant ceilings for the Florida Small Cities Community Development Block Grant program; authorizing ceilings to be established by rule; amending ss. 11.40, 11.45, 11.905, 17.61, 20.181, 68.096, 68.105, 112.63, 112.665, 119.071, 161.142, 161.54, 163.06, 163.2517, 163.3164, 163.3177, 163.3178, 163.3180, 163.3204, 163.3221, 163.3246, 163.3247, 163.336, 163.458, 163.460, 163.461, 163.462, 163.5055, 163.506, 163.508, 163.511, 163.512, 165.031, 171.204, 189.403, 189.4035, 189.412, 189.413, 189.425, 189.427, 190.009, 190.047, 191.009, 191.015, 201.15, 215.5586, 215.55865, 215.5588, 218.32, 218.37, 218.411, 220.183, 252.34, 252.355, 252.371, 252.373, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.042, 258.004, 258.501, 259.035, 259.042,

HB 7247

2011

281        259.105, 260.0142, 282.34, 282.709, 288.021, 288.0656,  
282        288.109, 288.975, 288.984, 290.042, 290.043, 290.046,  
283        290.048, 290.0491, 311.105, 327.803, 332.115, 333.065,  
284        339.135, 339.175, 342.201, 369.303, 369.318, 369.321,  
285        369.322, 369.323, 369.324, 373.199, 373.4149, 373.453,  
286        376.86, 377.6015, 377.703, 377.809, 378.411, 379.2291,  
287        380.031, 380.06, 380.061, 380.0677, 380.503, 380.504,  
288        380.5115, 381.0303, 381.7354, 393.067, 395.1055, 395.1056,  
289        397.321, 397.801, 400.23, 400.497, 400.506, 400.605,  
290        400.935, 400.967, 401.245, 403.0752, 403.0891, 403.42,  
291        403.507, 403.508, 403.524, 403.526, 403.527, 403.757,  
292        403.941, 403.9411, 403.973, 404.056, 404.0617, 409.508,  
293        409.509, 410.502, 418.12, 420.0003, 420.0004, 420.0005,  
294        420.101, 420.111, 420.36, 420.424, 420.503, 420.504,  
295        420.506, 420.5095, 420.602, 420.606, 420.609, 420.622,  
296        420.631, 420.635, 421.001, 422.001, 423.001, 429.41,  
297        429.929, 450.261, 489.103, 489.109, 489.509, 497.271,  
298        526.144, 553.36, 553.382, 553.512, 553.71, 553.74,  
299        553.721, 553.841, 553.896, 553.901, 553.9085, 553.954,  
300        553.955, 553.973, 553.992, 553.995, 570.71, 604.006,  
301        624.5105, 627.0628, 627.0629, 720.403, 720.404, 720.406,  
302        760.854, 768.13, 943.0311, 943.0313, 1004.46, 1013.37,  
303        1013.372, and 1013.74, F.S.; conforming provisions to  
304        changes made by the act; deleting obsolete provisions;  
305        repealing s. 163.2523, F.S., relating to an urban infill  
306        and redevelopment assistance grant program; repealing s.  
307        380.285, F.S., relating to a study of lighthouses in the  
308        state; repealing s. 943.402, F.S., relating to transfer of

HB 7247

2011

the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; repealing s. 20.50, F.S., relating to the establishment of the Agency for Workforce Innovation; transferring the functions and trust funds of the Agency for Workforce Innovation to other agencies; transferring the Office of Early Learning to the Department of Economic Opportunity; transferring the Office of Unemployment Compensation Services to the Department of Economic Opportunity; transferring the Office of Workforce Services to the Department of Economic Opportunity; providing for the continuation of binding contracts or agreements with the successor department or entity; providing for a type two transfer; transferring, renumbering, and amending ss. 20.505, 331.369, and 1004.99, F.S.; conforming provisions to changes made by the act; amending s. 112.044, F.S.; requiring employers, employment agencies, and labor organizations to post notices required by the United States Department of Labor and the United States Equal Employment Opportunity Commission; amending s. 409.942, F.S.; deleting requirements that Workforce Florida, Inc., establish an electronic transfer benefit program; amending s. 411.0102, F.S.; requiring each participating early learning coalition board to develop a plan for the use of child care purchasing pool funds; conforming provisions to changes made by the act; amending s. 445.004, F.S.; providing that the Commissioner of Economic Opportunity shall serve ex officio as a voting member of the board of

directors of Workforce Florida, Inc.; deleting a provision  
pertaining to funds and contributions provided by clients  
of the Quick Response Training Program; amending s.  
445.007, F.S.; revising the membership of the regional  
workforce boards; conforming provisions to changes made by  
the act; amending s. 553.62, F.S.; deleting provisions  
authorizing the adoption of rules to incorporate future  
changes to certain federal excavation safety standards;  
amending ss. 11.905, 14.20195, 16.615, 39.001, 45.031,  
69.041, 112.3135, 120.80, 202.37, 212.096, 213.053,  
216.136, 216.292, 216.231, 220.03, 222.15, 250.06,  
255.099, 287.09431, 287.09451, 381.0086, 383.14, 402.281,  
402.45, 402.56, 403.7032, 409.017, 409.1451, 411.01,  
411.0101, 411.01013, 411.01014, 411.01015, 411.0103,  
411.0104, 411.0105, 411.0106, 411.011, 411.226, 411.227,  
414.24, 414.295, 414.411, 427.012, 429.907, 440.12,  
440.15, 440.381, 443.012, 443.036, 443.041, 443.051,  
443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115,  
443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312,  
443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151,  
443.163, 443.171, 443.1715, 443.181, 443.191, 443.211,  
443.221, 445.002, 445.003, 445.009, 445.016, 445.024,  
445.0325, 445.038, 445.045, 445.048, 445.049, 445.051,  
446.41, 446.44, 446.50, 446.52, 448.109, 448.110, 450.161,  
450.191, 450.31, 464.203, 468.529, 489.1455, 489.5335,  
551.104, 944.708, 944.801, 945.10, 985.601, 1002.375,  
1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69,  
1002.71, 1002.72, 1002.75, 1002.77, 1002.79, 1003.4285,

HB 7247

2011

1003.491, 1003.492, 1003.493, 1003.575, 1008.39, 1008.41,  
1011.76, and 1012.2251, F.S.; conforming provisions to  
changes made by the act; conforming cross-references;  
deleting obsolete provisions; repealing s. 446.60, F.S.,  
relating to assistance for displaced local exchange  
telecommunications company workers; repealing s. 445.056,  
F.S., relating to the Citizen Soldier Matching Grant  
Program and the award of grants to private sector  
employers who employ certain military personnel on federal  
active duty; directing the Department of Economic  
Opportunity, the Department of Education, and the  
Department of Children and Family Services to submit a  
joint report to the Legislature on the state's early  
learning programs; directing the Auditor General to  
conduct audits of the early learning coalitions by a  
specified date; providing legislative intent with respect  
to the transfer of programs and administrative  
responsibilities; providing for a transition period;  
providing for coordination between the Department of  
Community Affairs, the Agency for Workforce Innovation,  
the Office of Tourism, Trade, and Economic Development,  
and other state agencies to implement the transition;  
providing for the appointment of agency transition  
coordinators; requiring the transition coordinators to  
submit a progress report to the Governor and Legislature  
by a specified date; authorizing the Executive Office of  
the Governor, upon approval by the Legislative Budget  
Commission, to transfer funds between agencies under

HB 7247

2011

393 certain circumstances; requiring that the Governor submit  
394 information and obtain waivers as required by federal law;  
395 providing effective dates.

396  
397 Be It Enacted by the Legislature of the State of Florida:

398  
399 Section 1. Section 20.60, Florida Statutes, is created to  
400 read:

401 20.60 Department of Economic Opportunity.-There is created  
402 a Department of Economic Opportunity.

403 (1) (a) The head of the department is the Commissioner of  
404 Economic Opportunity, who shall be appointed by the Governor,  
405 subject to confirmation by the Senate. The commissioner shall  
406 serve at the pleasure of and report to the Governor.

407 (b) The commissioner shall:

408 1. Manage all activities and responsibilities of the  
409 Department of Economic Opportunity.

410 2. Serve as the state's chief negotiator for business  
411 recruitment and business expansion.

412 (2) The purpose of the department is to assist the  
413 Governor in working with the Legislature, state agencies, local  
414 governments, business leaders, and economic development  
415 professionals to formulate and implement coherent and consistent  
416 policies and strategies designed to promote economic  
417 opportunities for the people of this state. To accomplish these  
418 purposes, the department shall:

419 (a) Facilitate the direct involvement of the Governor and  
420 the Lieutenant Governor in economic development and workforce

421 development projects designed to create, expand, and retain  
422 businesses in the state, to globally recruit business, and to  
423 facilitate other job-creating efforts.

424 (b) Recruit new businesses to the state and promote the  
425 expansion of existing businesses by expediting location  
426 decisions, worker placement and training, and incentive awards.

427 (c) Promote viable, sustainable communities by providing  
428 technical assistance and guidance on growth and development  
429 issues, grants, and other assistance to local communities.

430 (d) Ensure that the state's goals and policies relating to  
431 economic development, workforce development, community planning  
432 and development, and affordable housing are fully integrated  
433 with appropriate implementation strategies.

434 (e) Manage the activities of public-private partnerships  
435 and coordinate with other state agencies in order to avoid  
436 duplication and promote coordinated and consistent  
437 implementation of programs in areas including, but not limited  
438 to, tourism; international trade and investment; business  
439 recruitment, creation, retention, and expansion; minority and  
440 small business development; community planning and development;  
441 commercialization of products, services, or ideas developed in  
442 public universities or other public institutions; and the  
443 development and promotion of professional and amateur sporting  
444 events.

445 (f) Coordinate efforts of entities to address  
446 transportation needs, including port development, housing,  
447 recreation, and other community infrastructure to support the  
448 needs of local and regional areas.



HB 7247

2011

449 (g) Assist, promote, and enhance economic opportunities in  
450 the state's rural and urban communities.

451 (3) The following divisions are established within the  
452 department and have the following specific responsibilities in  
453 order to achieve the department's duties, responsibilities, and  
454 goals:

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

456 1. Analyze and evaluate business prospects identified by  
457 the Governor, the commissioner, and Enterprise Florida, Inc.

458 2. Administer certain tax refund, tax credit, and grant  
459 programs created in law.

460 3. Develop a 5-year statewide strategic plan. The  
461 strategic plan shall include, but is not limited to:

462 a. Strategies for the promotion of business formation,  
463 expansion, recruitment, and retention through aggressive  
464 marketing, international development, and export assistance,  
465 which lead to more and better jobs and higher wages for all  
466 geographic regions, disadvantaged communities, and populations  
467 of the state, including rural areas, minority businesses, and  
468 urban core areas.

469 b. The development of realistic policies and programs to  
470 further the economic diversity of the state, its regions, and  
471 their associated industrial clusters.

472 c. Specific provisions for the stimulation of economic  
473 development and job creation in rural areas and midsize cities  
474 and counties of the state.

475 d. Provisions for the promotion of the successful long-  
476 term economic development of the state with increased emphasis

HB 7247

2011

477 in market research and information.

478 e. Plans for the generation of foreign investment in the  
479 state which creates jobs with above-average wages and results in  
480 reverse investment in the state, including programs that  
481 establish viable overseas markets, assist in meeting the  
482 financing requirements of export-ready firms, broaden  
483 opportunities for international joint venture relationships, use  
484 the resources of academic and other institutions, coordinate  
485 trade assistance and facilitation services, and facilitate  
486 availability of and access to education and training programs  
487 which will assure requisite skills and competencies necessary to  
488 compete successfully in the global marketplace.

489 f. The identification of business sectors that are of  
490 current or future importance to the state's economy and to the  
491 state's global business image, and development of specific  
492 strategies to promote the development of such sectors.

493 g. Strategies for talent development necessary in the  
494 state to encourage development growth, taking into account  
495 factors such as the state's talent supply chain, education and  
496 training opportunities, and available workforce.

497 4. Update the strategic plan every 5 years. The division  
498 shall involve Enterprise Florida, Inc., Workforce Florida, Inc.,  
499 local governments; the general public; local and regional  
500 economic development organizations; other local, state, and  
501 federal economic, international, and workforce development  
502 entities; the business community; and educational institutions  
503 to assist with each update.

504 (b) The Division of Community Planning and Development

HB 7247

2011

shall:

1. Assist local governments and their communities in finding creative planning solutions to help them foster vibrant, healthy communities, while protecting the functions of important state resources and facilities.

2. Administer state and federal grant programs as provided by law to provide community development and project planning activities to maintain viable communities, revitalize existing communities, and expand economic development and employment opportunities.

3. Assist in developing the 5-year statewide strategic plan required by this section.

(c) The Division of Workforce Services shall:

1. Administer federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.

a. All program and fiscal instructions to regional workforce boards shall emanate from the department pursuant to plans and policies of Workforce Florida, Inc. Workforce Florida, Inc., is responsible for all policy directions to the regional workforce boards.

b. Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies shall apply.

2. Implement the state's unemployment compensation program, pursuant to state and federal law.

3. Implement and administer, through the Office of Early

HB 7247

2011

533 Learning, the state's school readiness system and the Voluntary  
534 Prekindergarten Education Program.

535 (d) The Division of Finance and Administration shall:

536 1. Administer all department budget and finance matters.

537 2. Administer all department personnel matters.

538 3. Maintain proper records.

539 (4) The department is designated as the administrative  
540 agency designated for receipt and administration of federal  
541 workforce development grants and other federal funds and shall  
542 carry out the duties assigned to it by the Governor, under the  
543 terms and conditions of each grant. The department shall  
544 disburse such grants pursuant to the plans and policies of  
545 Workforce Florida, Inc. The department may, to the extent  
546 authorized by Workforce Florida, Inc., serve as the contract  
547 administrator for contracts entered into by Workforce Florida,  
548 Inc., pursuant to s. 445.004(5). The Governor may sign  
549 contracts, grants, and other instruments as necessary to execute  
550 functions assigned to the department. Notwithstanding any other  
551 law, the department shall administer other programs funded by  
552 federal or state appropriations, as determined by the  
553 Legislature in the General Appropriations Act or by law.

554 (5) The department may provide or contract for training  
555 for employees of administrative entities and case managers of  
556 any contracted providers to ensure they have the necessary  
557 competencies and skills to provide adequate administrative  
558 oversight and delivery of the full array of client services.

559 (6) The Unemployment Appeals Commission created pursuant  
560 to s. 443.012 is not subject to control, supervision, or

HB 7247

2011

561 direction by the department in the performance of the  
562 commission's powers and duties. However, the department shall  
563 provide any support and assistance that is required for the  
564 performance of the commission's duties.

565 (7) The department, with assistance from Enterprise  
566 Florida, Inc., and Workforce Florida, Inc., shall, by January 1  
567 of each year, submit an annual report to the Governor, the  
568 President of the Senate, and the Speaker of the House of  
569 Representatives on the condition of the business climate and  
570 economic development in the state. The report shall include the  
571 identification of problems and a prioritized list of  
572 recommendations.

573 (8) The department shall establish annual performance  
574 standards for Enterprise Florida, Inc., Workforce Florida, Inc.,  
575 and Space Florida and report annually on how these performance  
576 measures are being met in the annual report required under  
577 subsection (7).

578 (9) The department shall have an official seal by which  
579 its records, orders, and proceedings are authenticated. The seal  
580 shall be judicially noticed.

581 (10) The department shall administer the role of state  
582 government under part I of chapter 421, relating to the Housing  
583 Authorities Law; chapter 422, relating to the Housing  
584 Cooperation Law; and chapter 423, relating to the tax exemption  
585 of housing authorities. The department is the state agency  
586 responsible for the state's role in housing and urban  
587 development.

588 Section 2. Section 14.2015, Florida Statutes, is repealed.

HB 7247

2011

589       Section 3. Transfers from Executive Office of the  
590 Governor.—

591       (1) All powers, duties, functions, records, offices,  
592 personnel, associated administrative support positions,  
593 property, pending issues, and existing contracts, administrative  
594 authority, administrative rules, and unexpended balances of  
595 appropriations, allocations, and other funds relating to the  
596 Office of Tourism, Trade, and Economic Development in the  
597 Executive Office of the Governor are transferred by a type two  
598 transfer, as defined in s. 20.06(2), Florida Statutes, to the  
599 Department of Economic Opportunity.

600       (2) The following trust funds are transferred from the  
601 Executive Office of the Governor to the Department of Economic  
602 Opportunity:

603       (a) The Economic Development Trust Fund, FLAIR number 31-  
604 2-177.

605       (b) The Economic Development Transportation Trust Fund,  
606 FLAIR number 31-2-175.

607       (c) The Tourism Promotional Trust Fund, FLAIR number 31-2-  
608 722.

609       (d) The Professional Sports Development Trust Fund, FLAIR  
610 number 31-2-551.

611       (e) The Florida International Trade and Promotion Trust  
612 Fund, FLAIR number 31-2-338.

613       (3) Any binding contract or interagency agreement existing  
614 on or before July 1, 2011, between the Office of Tourism, Trade,  
615 and Economic Development in the Executive Office of the  
616 Governor, or an entity or agent of the office, and any other

HB 7247

2011

agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor, and not specifically delineated for transfer within this section are transferred by a type two transfer to the Department of Economic Opportunity.

Section 4. Sections 288.1221, 288.1222, 288.1223, 288.1224, 288.1226, and 288.1227, Florida Statutes, are repealed.

Section 5. Sections 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, Florida Statutes, are repealed.

Section 6. (1) The not-for-profit corporations established in ss. 288.1226, 288.1229, and 288.707, Florida Statutes, are merged into and transferred to Enterprise Florida, Inc.

(2) The Florida Sports Foundation; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; and the Florida Black Business Investment Board, Inc., must enter into a plan of merger to merge into Enterprise Florida, Inc. Such merger must be complete by December 31, 2011. The

HB 7247

2011

merger is governed by chapter 617, Florida Statutes, related to the merger of not-for-profit corporations.

(3) It is the intent of the Legislature that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs that notwithstanding the changes made by this act, the Florida Sports Foundation; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; and the Florida Black Business Investment Board, Inc., may continue with such powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts as provided in Florida Statutes 2010 until December 31, 2011. The Legislature believes that a transition period between the effective date of this act and December 31, 2011, is appropriate and warranted.

(4) The Governor shall designate a transition coordinator who shall serve as the Governor's primary representative on matters related to the implementation of this act for the merger of the Florida Sports Foundation; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; and the Florida Black Business Investment Board, Inc., into Enterprise Florida, Inc., and the transition plans developed pursuant to this section. The Governor's transition coordinator shall submit a progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by



HB 7247

2011

673 this act, and any difficulties experienced by the entities. The  
674 Governor's transition coordinator shall also coordinate the  
675 submission of any budget amendments, in accordance with chapter  
676 216, Florida Statutes, that may be necessary to implement this  
677 act.

678 (5) Any funds held in trust which were donated to or  
679 earned by the Florida Sports Foundation; the Florida Tourism  
680 Industry Marketing Corporation, doing business as VISIT Florida;  
681 or the Florida Black Business Investment Board, Inc., while  
682 previously organized as a corporation under chapter 617, Florida  
683 Statutes, shall be transferred to Enterprise Florida, Inc., to  
684 be used by the respective division for the funds' original  
685 purposes.

686 (6) Upon the recommendation and guidance of the Florida  
687 Sports Foundation; the Florida Tourism Industry Marketing  
688 Corporation, doing business as VISIT Florida; or the Florida  
689 Black Business Investment Board, Inc., the Governor shall submit  
690 in a timely manner to the applicable Federal departments or  
691 agencies any necessary amendments or supplemental information  
692 concerning plans that the state or one of the entities is  
693 required to submit to the Federal Government in connection with  
694 any federal or state program. The Governor shall seek any  
695 waivers from the requirements of federal law or rules which may  
696 be necessary to administer this act.

697 (7) The transfer of any program, activity, duty, or  
698 function under this act includes the transfer of any records and  
699 unexpended balances of appropriations, allocations, or other  
700 funds related to such program, activity, duty, or function.

HB 7247

2011

Except as otherwise provided by law, Enterprise Florida, Inc., shall become the custodian of any property of the Florida Sports Foundation; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; and the Florida Black Business Investment Board, Inc., on the date specified in the plan of merger or December 31, 2011, whichever occurs first.

(8) The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., and may hire any individual who was employed by the Florida Black Business Investment Board, Inc., under a previous lease agreement under s. 288.708(2), Florida Statutes 2010. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System and shall continue until the employee voluntarily or involuntarily terminates his or her status with Enterprise Florida, Inc. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 7. Subsection (3) of section 14.32, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

14.32 Office of Chief Inspector General.—

(3) The Chief Inspector General:

(a) Shall advise public-private partnerships, including Enterprise Florida, Inc., in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability.

HB 7247

2011

729        (b) May conduct, direct, and supervise audits relating to  
730 the programs and operations of public-private partnerships.

731        (c) Shall receive and investigate complaints of fraud,  
732 abuses, and deficiencies relating to programs and operations of  
733 public-private partnerships.

734        (d) May request and have access to any records, data, and  
735 other information of public-private partnerships that the Chief  
736 Inspector General deems necessary to carry out his or her  
737 responsibilities with respect to accountability.

738        (e) Shall monitor public-private partnerships for  
739 compliance with the terms and conditions of contracts with the  
740 department and report noncompliance to the Governor.

741        (f) Shall advise public-private partnerships in the  
742 development, utilization, and improvement of performance  
743 measures for the evaluation of their operations.

744        (g) Shall review and make recommendations for improvements  
745 in the actions taken by public-private partnerships to meet  
746 performance standards.

747        Section 8. Section 15.182, Florida Statutes, is amended to  
748 read:

749        15.182 International travel by state-funded musical,  
750 cultural, or artistic organizations; notification to Department  
751 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
752 ~~Development.~~—

753        (1) If a musical, cultural, or artistic organization that  
754 receives state funding is traveling internationally for a  
755 presentation, performance, or other significant public viewing,  
756 including an organization associated with a college or

HB 7247

2011

757 university, such organization shall notify the Department of  
758 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
759 ~~Development~~ of its intentions to travel, together with the date,  
760 time, and location of each appearance.

761 (2) The Department of Economic Opportunity ~~Office of~~  
762 ~~Tourism, Trade, and Economic Development~~, in conjunction with  
763 Enterprise Florida, Inc., shall act as an intermediary between  
764 performing musical, cultural, and artistic organizations and  
765 Florida businesses to encourage and coordinate joint  
766 undertakings. Such coordination may include, but is not limited  
767 to, encouraging business and industry to sponsor cultural  
768 events, assistance with travel of such organizations, and  
769 coordinating travel schedules of cultural performance groups and  
770 international trade missions.

771 (3) An organization shall provide the notification to the  
772 Department of Economic Opportunity ~~State~~ required by this  
773 section at least 30 days before ~~prior to~~ the date the  
774 international travel is to commence or, when an intention to  
775 travel internationally is not formed at least 30 days before ~~in~~  
776 ~~advance of~~ the date that ~~the~~ travel is to commence, as soon as  
777 feasible after forming such travel intention. The Department of  
778 Economic Opportunity ~~State~~ shall take an active role in  
779 informing such groups of the responsibility to notify the  
780 department of travel intentions.

781 Section 9. Subsection (3) of section 23.22, Florida  
782 Statutes, is renumbered as subsection (2) and present subsection  
783 (2) of that section is amended to read:

784 23.22 Paperwork reduction; activities of departments.—

HB 7247

2011

~~(2) Departments shall consider applying to the Innovation Investment Program, pursuant to s. 216.235, for financial assistance required in streamlining and integrating information systems to reduce paperwork requirements.~~

Section 10. Subsection (1) of section 24.113, Florida Statutes, is amended to read:

24.113 Minority participation.—

(1) It is the intent of the Legislature that the department encourage participation by minority business enterprises as defined in s. 288.703. Accordingly, 15 percent of the retailers shall be minority business enterprises as defined in s. 288.703~~(2)~~; however, no more than 35 percent of such retailers shall be owned by the same type of minority person~~7~~ as defined in s. 288.703~~(3)~~. The department is encouraged to meet the minority business enterprise procurement goals set forth in s. 287.09451 in the procurement of commodities, contractual services, construction, and architectural and engineering services. This section does ~~shall~~ not preclude or prohibit a minority person from competing for any other retailing or vending agreement awarded by the department.

Section 11. Paragraph (c) is added to subsection (7) of section 112.313, Florida Statutes, to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(c) This subsection does not prohibit the Commissioner of Economic Opportunity, who, by virtue of his or her office, serves as president of Enterprise Florida, Inc., from executing

HB 7247

2011

an annual contract with the board of directors of Enterprise Florida, Inc., that provides the basis for privately funded performance bonuses.

Section 12. Paragraph (b) of subsection (3) of section 120.54, Florida Statutes, as amended by chapter 2010-279, Laws of Florida, is amended to read:

120.54 Rulemaking.—

(3) ADOPTION PROCEDURES.—

(b) Special matters to be considered in rule adoption.—

1. Statement of estimated regulatory costs.—~~Before~~ Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

a. The proposed rule will have an adverse impact on small business; or

b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

2. Small businesses, small counties, and small cities.—

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce

HB 7247

2011

disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define "small business" to include businesses employing more than 200 persons, may define "small county" to include those with populations of more than 75,000, and may define "small city" to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule's compliance or reporting requirements.

(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency shall send written

HB 7247

2011

notice of the rule to the Small Business Regulatory Advisory Council and the Department of Economic Opportunity at least ~~Office of Tourism, Trade, and Economic Development not less than~~ 28 days before ~~prior to~~ the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the Small Business Regulatory Advisory Council and provided to the agency no later than 21 days after the council's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the Small Business Regulatory Advisory Council, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it shall, before ~~prior to~~ rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days after ~~of~~ the filing of such notice, the agency shall send a copy of such notice to the Small Business Regulatory Advisory Council. The Small Business Regulatory Advisory Council may make a request of the President of the Senate and the Speaker of the House of Representatives that the presiding officers direct the Office of Program Policy Analysis and Government Accountability to determine whether the rejected alternatives reduce the impact on small business while meeting the stated objectives of the proposed rule. Within 60 days after



HB 7247

2011

the date of the directive from the presiding officers, the Office of Program Policy Analysis and Government Accountability shall report to the Administrative Procedures Committee its findings as to whether an alternative reduces the impact on small business while meeting the stated objectives of the proposed rule. The Office of Program Policy Analysis and Government Accountability shall consider the proposed rule, the economic impact statement, the written statement of the agency, the proposed alternatives, and any comment submitted during the comment period on the proposed rule. The Office of Program Policy Analysis and Government Accountability shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Administrative Procedures Committee shall report such findings to the agency, and the agency shall respond in writing to the Administrative Procedures Committee if the Office of Program Policy Analysis and Government Accountability found that the alternative reduced the impact on small business while meeting the stated objectives of the proposed rule. If the agency will not adopt the alternative, it must also provide a detailed written statement to the committee as to why it will not adopt the alternative.

Section 13. Subsections (4) and (5) of section 125.045, Florida Statutes, are amended to read:

125.045 County economic development powers.—

(4) A contract between the governing body of a county or other entity engaged in economic development activities on behalf of the county and an economic development agency must

HB 7247

2011

925 require the agency or entity receiving county funds to submit a  
926 report to the governing body of the county detailing how county  
927 funds were spent and detailing the results of the economic  
928 development agency's or entity's efforts on behalf of the  
929 county. By January 15, 2011, and annually thereafter, the county  
930 must file a copy of the report with the Office of Economic and  
931 Demographic Research ~~Legislative Committee on Intergovernmental~~  
932 ~~Relations or its successor entity~~ and post a copy of the report  
933 on the county's website.

934 (5) (a) By January 15, 2011, and annually thereafter, each  
935 county shall report to the Office of Economic and Demographic  
936 Research ~~Legislative Committee on Intergovernmental Relations or~~  
937 ~~its successor entity~~ the economic development incentives in  
938 excess of \$25,000 given to any business during the county's  
939 previous fiscal year. The Office of Economic and Demographic  
940 Research ~~Legislative Committee on Intergovernmental Relations or~~  
941 ~~its successor entity~~ shall compile the information from the  
942 counties into a report and provide the report to the Department  
943 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
944 ~~Development~~. Economic development incentives include:

945 1. Direct financial incentives of monetary assistance  
946 provided to a business from the county or through an  
947 organization authorized by the county. Such incentives include,  
948 but are not limited to, grants, loans, equity investments, loan  
949 insurance and guarantees, and training subsidies.

950 2. Indirect incentives in the form of grants and loans  
951 provided to businesses and community organizations that provide  
952 support to businesses or promote business investment or

HB 7247

2011

development.

3. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

4. Below-market rate leases or deeds for real property.

(b) A county shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~.

(c) The Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the economic development incentives provided by each county in a manner that shows the total of each class of economic development incentives provided by each county and all counties.

Section 14. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

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

(11) "Florida First Business project" means any project which is certified by the Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. The Governor ~~Office of Tourism, Trade, and Economic Development~~ may certify those projects meeting the criteria set forth in s. 288.106(4)(b) or any project providing a substantial economic benefit to this state.

Section 15. Paragraph (a) of subsection (2) of section

HB 7247

2011

159.8081, Florida Statutes, is amended to read:

159.8081 Manufacturing facility bond pool.—

(2)(a) The first 75 percent of this pool shall be available on a first come, first served basis, except that 15 percent of the state volume limitation allocated to this pool shall be available as provided in paragraph (b). ~~Before~~ Prior to issuing any written confirmations for the remaining 25 percent of this pool, the director shall forward all notices of intent to issue which are received by the division for manufacturing facility projects to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~. The Governor ~~Office of Tourism, Trade, and Economic Development and the Department of Community Affairs~~ shall decide, after receipt of the notices of intent to issue, which notices shall ~~will~~ receive written confirmations. The Department of Economic Opportunity shall communicate the Governor's ~~Such~~ decision ~~shall be~~ communicated in writing ~~by the Office of Tourism, Trade, and Economic Development~~ to the director within 10 days after ~~of~~ receipt of such notices of intent to issue. The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development, in consultation with the Department of Community Affairs,~~ may adopt ~~develop~~ rules to ensure that allocation of the remaining 25 percent is consistent with the state's economic development policy.

Section 16. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is ~~hereby~~ established.

HB 7247

2011

1009 The Florida First Business allocation pool shall be available  
1010 solely to provide written confirmation for private activity  
1011 bonds to finance Florida First Business projects certified by  
1012 the Governor, through the Department of Economic Opportunity,  
1013 ~~Office of Tourism, Trade, and Economic Development~~ as eligible  
1014 to receive a written confirmation. Allocations from such pool  
1015 shall be awarded statewide pursuant to procedures specified in  
1016 s. 159.805, except that the provisions of s. 159.805(2), (3),  
1017 and (6) do not apply. Florida First Business projects that are  
1018 eligible for a carryforward do ~~shall~~ not lose their allocation  
1019 pursuant to s. 159.809(3) on October 1, or pursuant to s.  
1020 159.809(4) on November 16, if they have applied for and have  
1021 been granted a carryforward by the division pursuant to s.  
1022 159.81(1). In issuing written confirmations of allocations for  
1023 Florida First Business projects, the division shall use the  
1024 Florida First Business allocation pool. If allocation is not  
1025 available from the Florida First Business allocation pool, the  
1026 division shall issue written confirmations of allocations for  
1027 Florida First Business projects pursuant to s. 159.806 or s.  
1028 159.807, in such order. For the purpose of determining priority  
1029 within a regional allocation pool or the state allocation pool,  
1030 notices of intent to issue bonds for Florida First Business  
1031 projects to be issued from a regional allocation pool or the  
1032 state allocation pool shall be considered to have been received  
1033 by the division at the time it is determined by the division  
1034 that the Florida First Business allocation pool is unavailable  
1035 to issue confirmation for such Florida First Business project.  
1036 If the total amount requested in notices of intent to issue

HB 7247

2011

private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to the Governor, through the Department of Economic Opportunity, Office of Tourism, Trade, and Economic Development ~~who~~ ~~which~~ shall render a decision as to which notices of intent to issue are to receive written confirmations. The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, in consultation with the division, shall adopt ~~develop~~ rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 17. Subsection (3) of section 159.809, Florida Statutes, is amended to read:

159.809 Recapture of unused amounts.—

(3) On October 1 of each year, any portion of the allocation made to the Florida First Business allocation pool pursuant to s. 159.804(5) , or subsection (1), ~~or~~ subsection (2), which is eligible for carryforward pursuant to s. 146(f) of the Code but which has not been certified for carryforward by the Governor, through the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, shall be returned to the Florida First Business allocation pool.

Section 18. Subsection (1) of section 159.81, Florida Statutes, is amended to read:

HB 7247

2011

159.81 Unused allocations; carryforwards.—

(1) The division shall, when requested, provide carryforwards pursuant to s. 146(f) of the Code for written confirmations for priority projects which qualify for a carryforward pursuant to s. 146(f) of the Code, if such request is accompanied by an opinion of bond counsel to that effect. In addition, in the case of Florida First Business projects, the division shall, when requested, grant requests for carryforward only after receipt of a certification from the Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ that the project has been approved by the Governor, through the department, ~~such office~~ to receive carryforward.

Section 19. Subsection (10) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(10) Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. However, if the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may provide for a waiver of transportation concurrency for the project. For all other roads

HB 7247

2011

on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

Section 20. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be



HB 7247

2011

adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government may ~~shall~~ not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may not be applied to ~~no~~ more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) may ~~shall~~ not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the previous ~~prior~~ 12 months.

c. The proposed amendment does not involve the same

HB 7247

2011

owner's property within 200 feet of property granted a change within the previous ~~prior~~ 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and does ~~shall~~ not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property

HB 7247

2011

1177 which will be the subject of a land use restriction agreement,  
1178 or small scale amendments described in sub-sub-subparagraph  
1179 a.(I) that are designated in the local comprehensive plan for  
1180 urban infill, urban redevelopment, or downtown revitalization as  
1181 defined in s. 163.3164, urban infill and redevelopment areas  
1182 designated under s. 163.2517, transportation concurrency  
1183 exception areas approved pursuant to s. 163.3180(5), or regional  
1184 activity centers and urban central business districts approved  
1185 pursuant to s. 380.06(2)(e).

1186       2.a. A local government that proposes to consider a plan  
1187 amendment pursuant to this paragraph is not required to comply  
1188 with the procedures and public notice requirements of s.  
1189 163.3184(15)(c) for such plan amendments if the local government  
1190 complies with the provisions in s. 125.66(4)(a) for a county or  
1191 in s. 166.041(3)(c) for a municipality. If a request for a plan  
1192 amendment under this paragraph is initiated by other than the  
1193 local government, public notice is required.

1194       b. The local government shall send copies of the notice  
1195 and amendment to the state land planning agency, the regional  
1196 planning council, and any other person or entity requesting a  
1197 copy. This information shall also include a statement  
1198 identifying any property subject to the amendment that is  
1199 located within a coastal high-hazard area as identified in the  
1200 local comprehensive plan.

1201       3. Small scale development amendments adopted pursuant to  
1202 this paragraph require only one public hearing before the  
1203 governing board, which shall be an adoption hearing as described  
1204 in s. 163.3184(7), and are not subject to the requirements of s.

HB 7247

2011

1205 163.3184(3)-(6) unless the local government elects to have them  
1206 subject to those requirements.

1207 4. If the small scale development amendment involves a  
1208 site within an area that is designated by the Governor as a  
1209 rural area of critical economic concern under s. 288.0656(7) for  
1210 the duration of such designation, the 10-acre limit listed in  
1211 subparagraph 1. shall be increased by 100 percent to 20 acres.  
1212 The local government approving the small scale plan amendment  
1213 shall certify to the Department of Economic Opportunity ~~Office~~  
1214 ~~of Tourism, Trade, and Economic Development~~ that the plan  
1215 amendment furthers the economic objectives set forth in the  
1216 executive order issued under s. 288.0656(7), and the property  
1217 subject to the plan amendment shall undergo public review to  
1218 ensure that all concurrency requirements and federal, state, and  
1219 local environmental permit requirements are met.

1220 Section 21. Paragraphs (d) and (e) of subsection (9) of  
1221 section 166.021, Florida Statutes, are amended to read:

1222 166.021 Powers.—

1223 (9)

1224 (d) A contract between the governing body of a  
1225 municipality or other entity engaged in economic development  
1226 activities on behalf of the municipality and an economic  
1227 development agency must require the agency or entity receiving  
1228 municipal funds to submit a report to the governing body of the  
1229 municipality detailing how the municipal funds are spent and  
1230 detailing the results of the economic development agency's or  
1231 entity's efforts on behalf of the municipality. By January 15,  
1232 2011, and annually thereafter, the municipality shall file a

HB 7247

2011

1233 copy of the report with the Office of Economic and Demographic  
1234 Research ~~Legislative Committee on Intergovernmental Relations or~~  
1235 ~~its successor entity~~ and post a copy of the report on the  
1236 municipality's website.

1237 (e)1. By January 15, 2011, and annually thereafter  
1238 ~~thereafter~~, each municipality having annual revenues or  
1239 expenditures greater than \$250,000 shall report to the Office of  
1240 Economic Demographic Research ~~Legislative Committee on~~  
1241 ~~Intergovernmental Relations or its successor entity~~ the economic  
1242 development incentives in excess of \$25,000 given to any  
1243 business during the municipality's previous fiscal year. The  
1244 Office of Economic and Demographic Research ~~Legislative~~  
1245 ~~Committee on Intergovernmental Relations or its successor entity~~  
1246 shall compile the information from the municipalities into a  
1247 report and provide the report to the Department of Economic  
1248 Opportunity ~~Office of Tourism, Trade, and Economic Development.~~  
1249 Economic development incentives include:

1250 a. Direct financial incentives of monetary assistance  
1251 provided to a business from the municipality or through an  
1252 organization authorized by the municipality. Such incentives  
1253 include, but are not limited to, grants, loans, equity  
1254 investments, loan insurance and guarantees, and training  
1255 subsidies.

1256 b. Indirect incentives in the form of grants and loans  
1257 provided to businesses and community organizations that provide  
1258 support to businesses or promote business investment or  
1259 development.

1260 c. Fee-based or tax-based incentives, including, but not

HB 7247

2011

limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~.

3. The Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

Section 22. Paragraph (c) of subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.—

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

(c) A representative nominated by the Department of Economic Opportunity ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development~~.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

Section 23. Paragraphs (g), (h), (j), and (p) of subsection (5) and paragraph (b) of subsection (15) of section

HB 7247

2011

1289 212.08, Florida Statutes, are amended to read:

1290 212.08 Sales, rental, use, consumption, distribution, and  
1291 storage tax; specified exemptions.—The sale at retail, the  
1292 rental, the use, the consumption, the distribution, and the  
1293 storage to be used or consumed in this state of the following  
1294 are hereby specifically exempt from the tax imposed by this  
1295 chapter.

1296 (5) EXEMPTIONS; ACCOUNT OF USE.—

1297 (g) Building materials used in the rehabilitation of real  
1298 property located in an enterprise zone.—

1299 1. Building materials used in the rehabilitation of real  
1300 property located in an enterprise zone are exempt from the tax  
1301 imposed by this chapter upon an affirmative showing to the  
1302 satisfaction of the department that the items have been used for  
1303 the rehabilitation of real property located in an enterprise  
1304 zone. Except as provided in subparagraph 2., this exemption  
1305 inures to the owner, lessee, or lessor at the time the real  
1306 property is rehabilitated, but only through a refund of  
1307 previously paid taxes. To receive a refund pursuant to this  
1308 paragraph, the owner, lessee, or lessor of the rehabilitated  
1309 real property must file an application under oath with the  
1310 governing body or enterprise zone development agency having  
1311 jurisdiction over the enterprise zone where the business is  
1312 located, as applicable. A single application for a refund may be  
1313 submitted for multiple, contiguous parcels that were part of a  
1314 single parcel that was divided as part of the rehabilitation of  
1315 the property. All other requirements of this paragraph apply to  
1316 each parcel on an individual basis. The application must

HB 7247

2011

include:

a. The name and address of the person claiming the refund.

b. An address and assessment roll parcel number of the rehabilitated real property for which a refund of previously paid taxes is being sought.

c. A description of the improvements made to accomplish the rehabilitation of the real property.

d. A copy of a valid building permit issued by the county or municipal building department for the rehabilitation of the real property.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to rehabilitate the real property, which lists the building materials used to rehabilitate the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. If a general contractor was not used, the applicant, not a general contractor, shall make the sworn statement required by this sub-subparagraph. Copies of the invoices that evidence the purchase of the building materials used in the rehabilitation and the payment of sales tax on the building materials must be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes is documented by a general contractor or by the applicant in this manner, the cost of the building materials is deemed to be an amount equal to 40 percent of the increase in assessed



HB 7247

2011

value for ad valorem tax purposes.

f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.

g. A certification by the local building code inspector that the improvements necessary to rehabilitate the real property are substantially completed.

h. A statement of whether the business is a small business as defined by s. 288.703~~(1)~~.

i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials used in the rehabilitation are paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program. To receive a refund, a municipality, county, other governmental unit or agency, or nonprofit community-based organization must file an application that includes the same information required in subparagraph 1. In addition, the application must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the building

HB 7247

2011

1373 materials for which a refund is sought were funded by a  
1374 community development block grant, State Housing Initiatives  
1375 Partnership Program, or similar grant or loan program.

1376 3. Within 10 working days after receipt of an application,  
1377 the governing body or enterprise zone development agency shall  
1378 review the application to determine if it contains all the  
1379 information required by subparagraph 1. or subparagraph 2. and  
1380 meets the criteria set out in this paragraph. The governing body  
1381 or agency shall certify all applications that contain the  
1382 required information and are eligible to receive a refund. If  
1383 applicable, the governing body or agency shall also certify if  
1384 20 percent of the employees of the business are residents of an  
1385 enterprise zone, excluding temporary and part-time employees.  
1386 The certification must be in writing, and a copy of the  
1387 certification shall be transmitted to the executive director of  
1388 the department. The applicant is responsible for forwarding a  
1389 certified application to the department within the time  
1390 specified in subparagraph 4.

1391 4. An application for a refund must be submitted to the  
1392 department within 6 months after the rehabilitation of the  
1393 property is deemed to be substantially completed by the local  
1394 building code inspector or by November 1 after the rehabilitated  
1395 property is first subject to assessment.

1396 5. Only one exemption through a refund of previously paid  
1397 taxes for the rehabilitation of real property is permitted for  
1398 any single parcel of property unless there is a change in  
1399 ownership, a new lessor, or a new lessee of the real property. A  
1400 refund may not be granted unless the amount to be refunded

HB 7247

2011

1401 exceeds \$500. A refund may not exceed the lesser of 97 percent  
1402 of the Florida sales or use tax paid on the cost of the building  
1403 materials used in the rehabilitation of the real property as  
1404 determined pursuant to sub-subparagraph 1.e. or \$5,000, or, if  
1405 at least 20 percent of the employees of the business are  
1406 residents of an enterprise zone, excluding temporary and part-  
1407 time employees, the amount of refund may not exceed the lesser  
1408 of 97 percent of the sales tax paid on the cost of the building  
1409 materials or \$10,000. A refund shall be made within 30 days  
1410 after formal approval by the department of the application for  
1411 the refund.

1412 6. The department shall adopt rules governing the manner  
1413 and form of refund applications and may establish guidelines as  
1414 to the requisites for an affirmative showing of qualification  
1415 for exemption under this paragraph.

1416 7. The department shall deduct an amount equal to 10  
1417 percent of each refund granted under this paragraph from the  
1418 amount transferred into the Local Government Half-cent Sales Tax  
1419 Clearing Trust Fund pursuant to s. 212.20 for the county area in  
1420 which the rehabilitated real property is located and shall  
1421 transfer that amount to the General Revenue Fund.

1422 8. For the purposes of the exemption provided in this  
1423 paragraph, the term:

1424 a. "Building materials" means tangible personal property  
1425 that becomes a component part of improvements to real property.

1426 b. "Real property" has the same meaning as provided in s.  
1427 192.001(12), except that the term does not include a condominium  
1428 parcel or condominium property as defined in s. 718.103.

HB 7247

2011

c. "Rehabilitation of real property" means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property.

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

9. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(h) Business property used in an enterprise zone.—

1. Business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

a. The name and address of the business claiming the refund.

b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d. The location of the property.

HB 7247

2011

1457 e. The sales invoice or other proof of purchase of the  
1458 property, showing the amount of sales tax paid, the date of  
1459 purchase, and the name and address of the sales tax dealer from  
1460 whom the property was purchased.

1461 f. Whether the business is a small business as defined by  
1462 s. 288.703~~(1)~~.

1463 g. If applicable, the name and address of each permanent  
1464 employee of the business, including, for each employee who is a  
1465 resident of an enterprise zone, the identifying number assigned  
1466 pursuant to s. 290.0065 to the enterprise zone in which the  
1467 employee resides.

1468 3. Within 10 working days after receipt of an application,  
1469 the governing body or enterprise zone development agency shall  
1470 review the application to determine if it contains all the  
1471 information required pursuant to subparagraph 2. and meets the  
1472 criteria set out in this paragraph. The governing body or agency  
1473 shall certify all applications that contain the information  
1474 required pursuant to subparagraph 2. and meet the criteria set  
1475 out in this paragraph as eligible to receive a refund. If  
1476 applicable, the governing body or agency shall also certify if  
1477 20 percent of the employees of the business are residents of an  
1478 enterprise zone, excluding temporary and part-time employees.  
1479 The certification shall be in writing, and a copy of the  
1480 certification shall be transmitted to the executive director of  
1481 the Department of Revenue. The business shall be responsible for  
1482 forwarding a certified application to the department within the  
1483 time specified in subparagraph 4.

1484 4. An application for a refund pursuant to this paragraph

HB 7247

2011

1485 must be submitted to the department within 6 months after the  
1486 tax is due on the business property that is purchased.

1487       5. The amount refunded on purchases of business property  
1488 under this paragraph shall be the lesser of 97 percent of the  
1489 sales tax paid on such business property or \$5,000, or, if no  
1490 less than 20 percent of the employees of the business are  
1491 residents of an enterprise zone, excluding temporary and part-  
1492 time employees, the amount refunded on purchases of business  
1493 property under this paragraph shall be the lesser of 97 percent  
1494 of the sales tax paid on such business property or \$10,000. A  
1495 refund approved pursuant to this paragraph shall be made within  
1496 30 days after ~~of~~ formal approval by the department of the  
1497 application for the refund. A ~~No~~ refund may not ~~shall~~ be granted  
1498 under this paragraph unless the amount to be refunded exceeds  
1499 \$100 in sales tax paid on purchases made within a 60-day time  
1500 period.

1501       6. The department shall adopt rules governing the manner  
1502 and form of refund applications and may establish guidelines as  
1503 to the requisites for an affirmative showing of qualification  
1504 for exemption under this paragraph.

1505       7. If the department determines that the business property  
1506 is used outside an enterprise zone within 3 years from the date  
1507 of purchase, the amount of taxes refunded to the business  
1508 purchasing such business property shall immediately be due and  
1509 payable to the department by the business, together with the  
1510 appropriate interest and penalty, computed from the date of  
1511 purchase, in the manner provided by this chapter.  
1512 Notwithstanding this subparagraph, business property used

HB 7247

2011

exclusively in:

- a. Licensed commercial fishing vessels,
- b. Fishing guide boats, or
- c. Ecotourism guide boats

that leave and return to a fixed location within an area designated under s. 379.2353, Florida Statutes 2010, are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.

8. The department shall deduct an amount equal to 10 percent of each refund granted under ~~the provisions of~~ this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

- a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;
- b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. and eligible for exemption under paragraph (b);
- c. Building materials as defined in sub-subparagraph (g)8.a.; and

HB 7247

2011

d. Business property having a sales price of under \$5,000 per unit.

10. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(j) Machinery and equipment used in semiconductor, defense, or space technology production.—

1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 5. to design, manufacture, assemble, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

3. In addition to meeting the criteria mandated by subparagraph 1. or subparagraph 2., a business must be certified



HB 7247

2011

1569 by the Governor, through the Department of Economic Opportunity,  
1570 ~~Office of Tourism, Trade, and Economic Development~~ in order to  
1571 qualify for exemption under this paragraph.

1572 4. For items purchased tax-exempt pursuant to this  
1573 paragraph, possession of a written certification from the  
1574 purchaser, certifying the purchaser's entitlement to the  
1575 exemption, relieves the seller of the responsibility of  
1576 collecting the tax on the sale of such items, and the department  
1577 shall look solely to the purchaser for recovery of the tax if it  
1578 determines that the purchaser was not entitled to the exemption.

1579 5.a. To be eligible to receive the exemption provided by  
1580 subparagraph 1. or subparagraph 2., a qualifying business entity  
1581 shall initially apply to Enterprise Florida, Inc. The original  
1582 certification is valid for a period of 2 years. In lieu of  
1583 submitting a new application, the original certification may be  
1584 renewed biennially by submitting to the Department of Economic  
1585 Opportunity ~~Office of Tourism, Trade, and Economic Development~~ a  
1586 statement, certified under oath, that there has not been a ~~no~~  
1587 material change in the conditions or circumstances entitling the  
1588 business entity to the original certification. The initial  
1589 application and the certification renewal statement shall be  
1590 developed by the Department of Economic Opportunity ~~Office of~~  
1591 ~~Tourism, Trade, and Economic Development~~ in consultation with  
1592 ~~Enterprise Florida, Inc.~~

1593 b. The Department of Economic Opportunity ~~Enterprise~~  
1594 ~~Florida, Inc.,~~ shall review each submitted initial application  
1595 and determine whether or not the application is complete within  
1596 5 working days. Once complete, the Department of Economic

HB 7247

2011

1597 Opportunity Enterprise Florida, Inc., shall, within 10 working  
1598 days, evaluate the application and recommend approval or  
1599 disapproval to the Governor Office of Tourism, Trade, and  
1600 Economic Development.

1601       c. Upon receipt of the initial application and  
1602 recommendation from the Department of Economic Opportunity  
1603 Enterprise Florida, Inc., or upon receipt of a certification  
1604 renewal statement, the Governor, through the Department of  
1605 Economic Opportunity, Office of Tourism, Trade, and Economic  
1606 Development shall certify within 5 working days those applicants  
1607 who are found to meet the requirements of this section and  
1608 notify the applicant, Enterprise Florida, Inc., and the  
1609 department of the original certification or certification  
1610 renewal. If the Department of Economic Opportunity Office of  
1611 Tourism, Trade, and Economic Development finds that the  
1612 applicant does not meet the requirements, it shall notify the  
1613 applicant and Enterprise Florida, Inc., within 10 working days  
1614 that the application for certification has been denied and the  
1615 reasons for denial. The Governor Office of Tourism, Trade, and  
1616 Economic Development has final approval authority for  
1617 certification under this section.

1618       d. The initial application and certification renewal  
1619 statement must indicate, for program evaluation purposes only,  
1620 the average number of full-time equivalent employees at the  
1621 facility over the preceding calendar year, the average wage and  
1622 benefits paid to those employees over the preceding calendar  
1623 year, the total investment made in real and tangible personal  
1624 property over the preceding calendar year, and the total value

HB 7247

2011

1625 of tax-exempt purchases and taxes exempted during the previous  
1626 year. The department shall assist the Department of Economic  
1627 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
1628 in evaluating and verifying information provided in the  
1629 application for exemption.

1630 e. The Department of Economic Opportunity ~~Office of~~  
1631 ~~Tourism, Trade, and Economic Development~~ may use the information  
1632 reported on the initial application and certification renewal  
1633 statement for evaluation purposes only.

1634 6. A business certified to receive this exemption may  
1635 elect to designate one or more state universities or community  
1636 colleges as recipients of up to 100 percent of the amount of the  
1637 exemption. To receive these funds, the institution must agree to  
1638 match the funds with equivalent cash, programs, services, or  
1639 other in-kind support on a one-to-one basis for research and  
1640 development projects requested by the certified business. The  
1641 rights to any patents, royalties, or real or intellectual  
1642 property must be vested in the business unless otherwise agreed  
1643 to by the business and the university or community college.

1644 7. As used in this paragraph, the term:

1645 a. "Semiconductor technology products" means raw  
1646 semiconductor wafers or semiconductor thin films that are  
1647 transformed into semiconductor memory or logic wafers, including  
1648 wafers containing mixed memory and logic circuits; related  
1649 assembly and test operations; active-matrix flat panel displays;  
1650 semiconductor chips; semiconductor lasers; optoelectronic  
1651 elements; and related semiconductor technology products as  
1652 determined by the Department of Economic Opportunity ~~Office of~~

HB 7247

2011

~~Tourism, Trade, and Economic Development.~~

b. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

c. "Defense technology products" means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems, communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a recognized foreign government or a subcontract thereunder which relates to matters of national defense.

d. "Space technology products" means products that are specifically designed or manufactured for application in space activities, including, but not limited to, space launch vehicles, space flight vehicles, missiles, satellites or research payloads, avionics, and associated control systems and processing systems and components of any of the foregoing. The term does not include products that are designed or manufactured for general commercial aviation or other uses even though those products may also serve an incidental use in space applications.

(p) Community contribution tax credit for donations.—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as

HB 7247

2011

provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution.

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the Governor, through the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development.~~

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is \$10.5 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects.

f. A person who is eligible to receive the credit provided

HB 7247

2011

for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development.~~

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to

HB 7247

2011

s. 290.0065. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

HB 7247

2011

1765           (IV)   A local housing authority created under chapter 421;  
 1766           (V)    A community redevelopment agency created under s.  
 1767   163.356;  
 1768           (VI)   The Florida Industrial Development Corporation;  
 1769           (VII)   A historic preservation district agency or  
 1770   organization;  
 1771           (VIII)  A regional workforce board;  
 1772           (IX)   A direct-support organization as provided in s.  
 1773   1009.983;  
 1774           (X)    An enterprise zone development agency created under s.  
 1775   290.0056;  
 1776           (XI)   A community-based organization incorporated under  
 1777   chapter 617 which is recognized as educational, charitable, or  
 1778   scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
 1779   and whose bylaws and articles of incorporation include  
 1780   affordable housing, economic development, or community  
 1781   development as the primary mission of the corporation;  
 1782           (XII)   Units of local government;  
 1783           (XIII)  Units of state government; or  
 1784           (XIV)   Any other agency that the Department of Economic  
 1785   Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
 1786   designates by rule.  
 1787  
 1788   In no event may a contributing person have a financial interest  
 1789   in the eligible sponsor.  
 1790           d.   The project must be located in an area designated an  
 1791   enterprise zone or a Front Porch Florida Community ~~pursuant to~~  
 1792   ~~s. 20.18(6)~~, unless the project increases access to high-speed



HB 7247

2011

broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Governor, through the Department of Economic Opportunity, ~~office~~ shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

HB 7247

2011

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-paragraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Governor, through the Department of Economic Opportunity, ~~office~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity ~~office~~ shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Department of Economic

HB 7247

2011

1849 ~~Opportunity Office of Tourism, Trade, and Economic Development~~  
1850 which sets forth the name of the sponsor, a description of the  
1851 project, and the area in which the project is located, together  
1852 with such supporting information as is prescribed by rule. The  
1853 proposal must also contain a resolution from the local  
1854 governmental unit in which the project is located certifying  
1855 that the project is consistent with local plans and regulations.

1856 b. Any person seeking to participate in this program must  
1857 submit an application for tax credit to the Department of  
1858 Economic Opportunity ~~office~~ which sets forth the name of the  
1859 sponsor, a description of the project, and the type, value, and  
1860 purpose of the contribution. The sponsor shall verify the terms  
1861 of the application and indicate its receipt of the contribution,  
1862 which verification must be in writing and accompany the  
1863 application for tax credit. The person must submit a separate  
1864 tax credit application to the Department of Economic Opportunity  
1865 ~~office~~ for each individual contribution that it makes to each  
1866 individual project.

1867 c. Any person who has received notification from the  
1868 Governor, through the Department of Economic Opportunity, ~~office~~  
1869 that a tax credit has been approved must apply to the department  
1870 to receive the refund. Application must be made on the form  
1871 prescribed for claiming refunds of sales and use taxes and be  
1872 accompanied by a copy of the notification. A person may submit  
1873 only one application for refund to the department within any 12-  
1874 month period.

1875 4. Administration.—

1876 a. The Department of Economic Opportunity ~~Office of~~

HB 7247

2011

1877 ~~Tourism, Trade, and Economic Development~~ may adopt rules  
1878 pursuant to ss. 120.536(1) and 120.54 necessary to administer  
1879 this paragraph, including rules for the approval or disapproval  
1880 of proposals by a person.

1881       b. The decision of the Governor, through the Department of  
1882 Economic Opportunity, office must be in writing, and, if  
1883 approved, the notification shall state the maximum credit  
1884 allowable to the person. Upon approval, the Department of  
1885 Economic Opportunity office shall transmit a copy of the  
1886 decision to the Department of Revenue.

1887       c. The Department of Economic Opportunity office shall  
1888 periodically monitor all projects in a manner consistent with  
1889 available resources to ensure that resources are used in  
1890 accordance with this paragraph; however, each project must be  
1891 reviewed at least once every 2 years.

1892       d. The Department of Economic Opportunity office shall, in  
1893 consultation with ~~the Department of Community Affairs and the~~  
1894 statewide and regional housing and financial intermediaries,  
1895 market the availability of the community contribution tax credit  
1896 program to community-based organizations.

1897       5. Expiration.—This paragraph expires June 30, 2015;  
1898 however, any accrued credit carryover that is unused on that  
1899 date may be used until the expiration of the 3-year carryover  
1900 period for such credit.

1901       (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

1902       (b) To receive this exemption, a business must file an  
1903 application, with the enterprise zone development agency having  
1904 jurisdiction over the enterprise zone where the business is

HB 7247

2011

located, on a form provided by the department for the purposes of this subsection and s. 166.231(8). The application shall be made under oath and shall include:

1. The name and location of the business.
2. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.
3. The date on which electrical service is to be first initiated to the business.
4. The name and mailing address of the entity from which electrical energy is to be purchased.
5. The date of the application.
6. The name of the city in which the business is located.
7. If applicable, the name and address of each permanent employee of the business including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.
8. Whether the business is a small business as defined by s. 288.703~~(1)~~.

Section 24. Paragraph (b) of subsection (2) of section 212.096, Florida Statutes, is amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(2)

(b) The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone pursuant to s.

HB 7247

2011

290.004~~(6)~~, in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for \$4 above the hourly federal minimum wage rate; 41 percent for \$5 above the hourly federal minimum wage rate; 42 percent for \$6 above the hourly federal minimum wage rate; 43 percent for \$7 above the hourly federal minimum wage rate; and 44 percent for \$8 above the hourly federal minimum wage rate. For purposes of this paragraph, monthly wages shall be computed as one-twelfth of the expected annual wages paid to such employee. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax. The credit shall be allowed for up to 24 consecutive months, beginning with the first tax return due pursuant to s. 212.11 after approval by the department.

Section 25. Paragraphs (a) and (e) of subsection (1) and subsections (4), (6), (7), (10), (11), and (16) of section 212.097, Florida Statutes, are amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

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

HB 7247

2011

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification.

HB 7247

2011

The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(e) "Qualified high-crime area" means an area selected by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ in the following manner: every third year, the Department of Economic Opportunity ~~Office~~ shall rank and tier those areas nominated under subsection (7), according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;

2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;

3. Highest percentage of reported index crimes that are violent in nature;

4. Highest overall index crime volume for the area; and

5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15. Notwithstanding this definition, "qualified high-crime area" also means an area that has been



HB 7247

2011

designated as a federal Empowerment Zone pursuant to the Taxpayer Relief Act of 1997. Such a designated area is ranked in tier three until the areas are reevaluated by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~.

(4) For any new eligible business receiving a credit pursuant to subsection (2), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition program participant. For any existing eligible business receiving a credit pursuant to subsection (3), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition program participant. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the high-crime area. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the Department of Revenue.

(6) Any county or municipality, or a county and one or more municipalities together, may apply to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ for the designation of an area as a high-crime area after the adoption by the governing body or bodies of a resolution that:

(a) Finds that a high-crime area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical

HB 7247

2011

deterioration, and economic disinvestment;

(b) Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such a high-crime area is necessary in the interest of the health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

(c) Determines that the revitalization of such a high-crime area can occur if the public sector or private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(7) The governing body of the entity nominating the area shall provide to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ the following:

(a) The overall index crime rate for the geographic area;

(b) The overall index crime volume for the area;

(c) The percentage of reported index crimes that are violent in nature;

(d) The reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and

(e) The arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

(10)(a) In order to claim this credit, an eligible business must file under oath with the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ a statement that includes the name and address of the eligible

HB 7247

2011

business and any other information that is required to process the application.

(b) Applications shall be reviewed and certified pursuant to s. 288.061.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million, of which \$1 million shall be exclusively reserved for tier-one areas. The Department of Revenue, in conjunction with the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, shall notify the governing bodies in areas designated as urban high-crime areas when the \$5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(11) If the application is insufficient to support the credit authorized in this section, the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

(16) The Department of Revenue shall adopt rules governing the manner and form of applications for credit and may establish guidelines concerning the requisites for an affirmative showing of qualification for the credit under this section.

Section 26. Paragraphs (a) and (c) of subsection (1) and

HB 7247

2011

2101 subsections (6) and (7) of section 212.098, Florida Statutes,  
2102 are amended to read:

2103       212.098 Rural Job Tax Credit Program.—

2104       (1) As used in this section, the term:

2105       (a) "Eligible business" means any sole proprietorship,  
2106 firm, partnership, or corporation that is located in a qualified  
2107 county and is predominantly engaged in, or is headquarters for a  
2108 business predominantly engaged in, activities usually provided  
2109 for consideration by firms classified within the following  
2110 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
2111 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422  
2112 (public warehousing and storage); SIC 70 (hotels and other  
2113 lodging places); SIC 7391 (research and development); SIC 781  
2114 (motion picture production and allied services); SIC 7992  
2115 (public golf courses); SIC 7996 (amusement parks); and a  
2116 targeted industry eligible for the qualified target industry  
2117 business tax refund under s. 288.106. A call center or similar  
2118 customer service operation that services a multistate market or  
2119 an international market is also an eligible business. In  
2120 addition, the Department of Economic Opportunity ~~Office of~~  
2121 ~~Tourism, Trade, and Economic Development~~ may, as part of its  
2122 final budget request submitted pursuant to s. 216.023, recommend  
2123 additions to or deletions from the list of standard industrial  
2124 classifications used to determine an eligible business, and the  
2125 Legislature may implement such recommendations. Excluded from  
2126 eligible receipts are receipts from retail sales, except such  
2127 receipts for hotels and other lodging places classified in SIC  
2128 70, public golf courses in SIC 7992, and amusement parks in SIC

HB 7247

2011

7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(c) "Qualified area" means any area that is contained within a rural area of critical economic concern designated under s. 288.0656, a county that has a population of fewer than 75,000 persons, or a county that has a population of 125,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.

2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

(6) (a) In order to claim this credit, an eligible business must file under oath with the Department of Economic Opportunity

HB 7247

2011

~~Office of Tourism, Trade, and Economic Development~~ a statement that includes the name and address of the eligible business, the starting salary or hourly wages paid to the new employee, and any other information that the Department of Revenue requires.

(b) Pursuant to the incentive review process under s. 288.061, the Department of Economic Opportunity ~~Within 30 working days after receipt of an application for credit, the Office of Tourism, Trade, and Economic Development~~ shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to ~~the provisions of~~ paragraph (c), the Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million. The Department of Revenue, in conjunction with the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development,~~ shall notify the governing bodies in areas designated as qualified counties when the \$5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

HB 7247

2011

(d) A business may not receive more than \$500,000 of tax credits under this section during any one calendar year.

(7) If the application is insufficient to support the credit authorized in this section, the Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

Section 27. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax

HB 7247

2011

2213 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
2214 transferred shall be reduced by 0.1 percent, and the department  
2215 shall distribute this amount to the Public Employees Relations  
2216 Commission Trust Fund less \$5,000 each month, which shall be  
2217 added to the amount calculated in subparagraph 3. and  
2218 distributed accordingly.

2219 3. After the distribution under subparagraphs 1. and 2.,  
2220 0.095 percent shall be transferred to the Local Government Half-  
2221 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
2222 s. 218.65.

2223 4. After the distributions under subparagraphs 1., 2., and  
2224 3., 2.0440 percent of the available proceeds shall be  
2225 transferred monthly to the Revenue Sharing Trust Fund for  
2226 Counties pursuant to s. 218.215.

2227 5. After the distributions under subparagraphs 1., 2., and  
2228 3., 1.3409 percent of the available proceeds shall be  
2229 transferred monthly to the Revenue Sharing Trust Fund for  
2230 Municipalities pursuant to s. 218.215. If the total revenue to  
2231 be distributed pursuant to this subparagraph is at least as  
2232 great as the amount due from the Revenue Sharing Trust Fund for  
2233 Municipalities and the former Municipal Financial Assistance  
2234 Trust Fund in state fiscal year 1999-2000, no municipality shall  
2235 receive less than the amount due from the Revenue Sharing Trust  
2236 Fund for Municipalities and the former Municipal Financial  
2237 Assistance Trust Fund in state fiscal year 1999-2000. If the  
2238 total proceeds to be distributed are less than the amount  
2239 received in combination from the Revenue Sharing Trust Fund for  
2240 Municipalities and the former Municipal Financial Assistance



HB 7247

2011

Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant certified as a

HB 7247

2011

2269 facility for a new or retained professional sports franchise  
2270 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
2271 monthly by the department to each certified applicant as defined  
2272 in s. 288.11621 for a facility for a spring training franchise.  
2273 However, not more than \$416,670 may be distributed monthly in  
2274 the aggregate to all certified applicants for facilities for  
2275 spring training franchises. Distributions begin 60 days after  
2276 such certification and continue for not more than 30 years,  
2277 except as otherwise provided in s. 288.11621. A certified  
2278 applicant identified in this sub-subparagraph may not receive  
2279 more in distributions than expended by the applicant for the  
2280 public purposes provided for in s. 288.1162(5) or s.  
2281 288.11621(3).

2282       c. Beginning 30 days after notice by the Department of  
2283 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
2284 ~~Development~~ to the Department of Revenue that an applicant has  
2285 been certified as the professional golf hall of fame pursuant to  
2286 s. 288.1168 and is open to the public, \$166,667 shall be  
2287 distributed monthly, for up to 300 months, to the applicant.

2288       d. Beginning 30 days after notice by the Department of  
2289 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
2290 ~~Development~~ to the Department of Revenue that the applicant has  
2291 been certified as the International Game Fish Association World  
2292 Center facility pursuant to s. 288.1169, and the facility is  
2293 open to the public, \$83,333 shall be distributed monthly, for up  
2294 to 168 months, to the applicant. This distribution is subject to  
2295 reduction pursuant to s. 288.1169. A lump sum payment of  
2296 \$999,996 shall be made, after certification and before July 1,

HB 7247

2011

2297 2000.

2298 7. All other proceeds must remain in the General Revenue  
2299 Fund.

2300 Section 28. Paragraphs (k) and (bb) of subsection (8) and  
2301 subsection (19) of section 213.053, Florida Statutes, are  
2302 amended to read:

2303 213.053 Confidentiality and information sharing.—

2304 (8) Notwithstanding any other provision of this section,  
2305 the department may provide:

2306 (k)1. Payment information relative to chapters 199, 201,  
2307 202, 212, 220, 221, and 624 to the Department of Economic  
2308 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~  
2309 or its employees or agents that are identified in writing by the  
2310 Department of Economic Opportunity ~~office~~ to the department, in  
2311 the administration of the tax refund program for qualified  
2312 defense contractors and space flight business contractors  
2313 authorized by s. 288.1045 and the tax refund program for  
2314 qualified target industry businesses authorized by s. 288.106.

2315 2. Information relative to tax credits taken by a business  
2316 under s. 220.191 and exemptions or tax refunds received by a  
2317 business under s. 212.08(5)(j) to the Department of Economic  
2318 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~  
2319 or its employees or agents that are identified in writing by the  
2320 Department of Economic Opportunity ~~office~~ to the department, in  
2321 the administration and evaluation of the capital investment tax  
2322 credit program authorized in s. 220.191 and the semiconductor,  
2323 defense, and space tax exemption program authorized in s.  
2324 212.08(5)(j).

HB 7247

2011

3. Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017; 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097; 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185; 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99; 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352; 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, or its employees or agents that are identified in writing by the Department of Economic Opportunity ~~office~~ to the department, for use in the administration or evaluation of such programs.

(bb) Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~.

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

(19) The department may disclose information relative to tax credits taken by a taxpayer pursuant to s. 288.9916 to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ or its employees or agents. Such employees

HB 7247

2011

2353 must be identified in writing by the Department of Economic  
2354 Opportunity ~~office~~ to the department. All information disclosed  
2355 under this subsection is subject to the same requirements of  
2356 confidentiality and the same penalties for violation of the  
2357 requirements as the department.

2358 Section 29. Paragraph (a) of subsection (3) of section  
2359 218.64, Florida Statutes, is amended to read:

2360 218.64 Local government half-cent sales tax; uses;  
2361 limitations.—

2362 (3) Subject to ordinances enacted by the majority of the  
2363 members of the county governing authority and by the majority of  
2364 the members of the governing authorities of municipalities  
2365 representing at least 50 percent of the municipal population of  
2366 such county, counties may use up to \$2 million annually of the  
2367 local government half-cent sales tax allocated to that county  
2368 for funding for any of the following applicants:

2369 (a) A certified applicant as a facility for a new or  
2370 retained professional sports franchise under s. 288.1162 or a  
2371 certified applicant as defined in s. 288.11621 for a facility  
2372 for a spring training franchise. It is the Legislature's intent  
2373 that the provisions of s. 288.1162, including, but not limited  
2374 to, the evaluation process by the Department of Economic  
2375 Opportunity ~~Office of Tourism, Trade, and Economic Development~~  
2376 except for the limitation on the number of certified applicants  
2377 or facilities as provided in that section and the restrictions  
2378 set forth in s. 288.1162(8), shall apply to an applicant's  
2379 facility to be funded by local government as provided in this  
2380 subsection.

HB 7247

2011

2381 Section 30. Paragraph (a) of subsection (1) and paragraph  
2382 (g) of subsection (2) of section 220.181, Florida Statutes, are  
2383 amended to read:

2384 220.181 Enterprise zone jobs credit.—

2385 (1)(a) There shall be allowed a credit against the tax  
2386 imposed by this chapter to any business located in an enterprise  
2387 zone which demonstrates to the department that, on the date of  
2388 application, the total number of full-time jobs is greater than  
2389 the total was 12 months before ~~prior to~~ that date. The credit  
2390 shall be computed as 20 percent of the actual monthly wages paid  
2391 in this state to each new employee hired when a new job has been  
2392 created, as defined under s. 220.03(1)(ee), unless the business  
2393 is located in a rural enterprise zone, pursuant to s.

2394 290.004(6), in which case the credit shall be 30 percent of the  
2395 actual monthly wages paid. If no less than 20 percent of the  
2396 employees of the business are residents of an enterprise zone,  
2397 excluding temporary and part-time employees, the credit shall be  
2398 computed as 30 percent of the actual monthly wages paid in this  
2399 state to each new employee hired when a new job has been  
2400 created, unless the business is located in a rural enterprise  
2401 zone, in which case the credit shall be 45 percent of the actual  
2402 monthly wages paid, for a period of up to 24 consecutive months.  
2403 If the new employee hired when a new job is created is a  
2404 participant in the welfare transition program, the following  
2405 credit shall be a percent of the actual monthly wages paid: 40  
2406 percent for \$4 above the hourly federal minimum wage rate; 41  
2407 percent for \$5 above the hourly federal minimum wage rate; 42  
2408 percent for \$6 above the hourly federal minimum wage rate; 43

HB 7247

2011

percent for \$7 above the hourly federal minimum wage rate; and  
44 percent for \$8 above the hourly federal minimum wage rate.

(2) When filing for an enterprise zone jobs credit, a  
business must file under oath with the governing body or  
enterprise zone development agency having jurisdiction over the  
enterprise zone where the business is located, as applicable, a  
statement which includes:

(g) Whether the business is a small business as defined by  
s. 288.703~~(1)~~.

Section 31. Subsection (13) of section 220.182, Florida  
Statutes, is amended to read:

220.182 Enterprise zone property tax credit.—

(13) When filing for an enterprise zone property tax  
credit, a business shall indicate whether the business is a  
small business as defined by s. 288.703~~(1)~~.

Section 32. Paragraph (d) of subsection (1), paragraphs  
(b), (c), and (d) of subsection (2), and subsections (3) and (4)  
of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
SPENDING.—

(d) All proposals for the granting of the tax credit shall  
require the prior approval of the Governor, through the  
Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
~~and Economic Development.~~

(2) ELIGIBILITY REQUIREMENTS.—

(b)1. All community contributions must be reserved

HB 7247

2011

exclusively for use in projects as defined in s. 220.03(1)(t).

2. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Governor, through the Department of Economic Opportunity, ~~office~~ shall grant the tax credits for those applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credit shall be granted in full if the tax credit applications are approved.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit



HB 7247

2011

application on a pro rata basis.

3. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s.

420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Governor, through the Department of Economic Opportunity, ~~office~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s.

420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Governor, through the Department of Economic Opportunity, ~~office~~ shall grant the tax credits for those applications on a pro rata basis.

(c) The project must be undertaken by an "eligible sponsor," defined here as:

1. A community action program;

2. A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

3. A neighborhood housing services corporation;

4. A local housing authority, created pursuant to chapter

HB 7247

2011

2493 421;

2494 5. A community redevelopment agency, created pursuant to

2495 s. 163.356;

2496 6. The Florida Industrial Development Corporation;

2497 7. An historic preservation district agency or

2498 organization;

2499 8. A regional workforce board;

2500 9. A direct-support organization as provided in s.

2501 1009.983;

2502 10. An enterprise zone development agency created pursuant

2503 to s. 290.0056;

2504 11. A community-based organization incorporated under

2505 chapter 617 which is recognized as educational, charitable, or

2506 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code

2507 and whose bylaws and articles of incorporation include

2508 affordable housing, economic development, or community

2509 development as the primary mission of the corporation;

2510 12. Units of local government;

2511 13. Units of state government; or

2512 14. Such other agency as the Department of Economic

2513 Opportunity ~~Office of Tourism, Trade, and Economic Development~~

2514 may, from time to time, designate by rule.

2515

2516 In no event shall a contributing business firm have a financial

2517 interest in the eligible sponsor.

2518 (d) The project shall be located in an area designated as

2519 an enterprise zone or a Front Porch Florida Community pursuant

2520 ~~to s. 20.18(6)~~. Any project designed to construct or

HB 7247

2011

rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph. This section does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. Any project designed to provide increased access to high-speed broadband capabilities which includes coverage of a rural enterprise zone may locate the project's infrastructure in any area of a rural county.

(3) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.

(b) Any business wishing to participate in this program must submit an application for tax credit to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, which application sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit.

(c) The business firm must submit a separate application

HB 7247

2011

for tax credit for each individual contribution that it makes to each individual project.

(4) ADMINISTRATION.—

(a) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this section, including rules for the approval or disapproval of proposals by business firms.

(b) The decision of the Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ shall be in writing, and, if approved, the notification must state the maximum credit allowable to the business firm. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(c) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less often than once every 2 years.

(d) The Department of Revenue has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this section.

(e) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall, in consultation with ~~the Department of Community Affairs~~, the Florida Housing Finance Corporation, and the statewide and regional housing and

HB 7247

2011

financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

Section 33. Section 220.1895, Florida Statutes, is amended to read:

220.1895 Rural Job Tax Credit and Urban High-Crime Area Job Tax Credit.—There shall be allowed a credit against the tax imposed by this chapter amounts approved by the Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ pursuant to the Rural Job Tax Credit Program in s. 212.098 and the Urban High-Crime Area Job Tax Credit Program in s. 212.097. A corporation that uses its credit against the tax imposed by this chapter may not take the credit against the tax imposed by chapter 212. If any credit granted under this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

Section 34. Section 220.1896, Florida Statutes, is amended to read:

220.1896 Jobs for the Unemployed Tax Credit Program.—

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

(a) "Eligible business" means any target industry business as defined in s. 288.106(2) which is subject to the tax imposed by this chapter. The eligible business does not have to be

HB 7247

2011

certified to receive the Qualified Target Industry Tax Refund Incentive under s. 288.106 in order to receive the tax credit available under this section.

~~(b) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(b)(e) "Qualified employee" means a person:

1. Who was unemployed at least 30 days immediately before ~~prior to~~ being hired by an eligible business.

2. Who was hired by an eligible business on or after July 1, 2010, and had not previously been employed by the eligible business or its parent or an affiliated corporation.

3. Who performed duties connected to the operations of the eligible business on a regular, full-time basis for an average of at least 36 hours per week and for at least 12 months before an eligible business is awarded a tax credit.

4. Whose employment by the eligible business has not formed the basis for any other claim to a credit pursuant to this section.

(2) A certified business shall receive a \$1,000 tax credit for each qualified employee, pursuant to limitation in subsection (5).

(3)(a) In order to become a certified business, an eligible business must file under oath with the Department of Economic Opportunity ~~office~~ an application that includes:

1. The name, address and NAICS identifying code of the eligible business.

2. Relevant employment information.

3. A sworn affidavit, signed by each employee, attesting

HB 7247

2011

to his or her previous unemployment for whom the eligible business is seeking credits under this section.

4. Verification that the wages paid by the eligible business to each of its qualified employees exceeds the wage eligibility levels for Medicaid and other public assistance programs.

5. Any other information necessary to process the application.

(b) The Department of Economic Opportunity ~~office~~ shall process applications to certify a business in the order in which the applications are received, without regard as to whether the applicant is a new or an existing business. The Governor, through the Department of Economic Opportunity, ~~office~~ shall review and approve or deny an application within 10 days after receiving a completed application. The Department of Economic Opportunity ~~office~~ shall notify the applicant in writing as to the Governor's ~~office's~~ decision.

(c)1. The Department of Economic Opportunity ~~office~~ shall submit a copy of the letter of certification to the Department of Revenue within 10 days after the Department of Economic Opportunity ~~office~~ issues the letter of certification to the applicant.

2. If the application of an eligible business is not sufficient to certify the applicant business, the Governor, through the Department of Economic Opportunity, ~~office~~ must deny the application and issue a notice of denial to the applicant.

3. If the application of an eligible business does not contain sufficient documentation of the number of qualified

HB 7247

2011

employees, the Governor, through the Department of Economic Opportunity, ~~office~~ shall approve the application with respect to the employees for whom the Department of Economic Opportunity ~~office~~ determines are qualified employees. The Governor, through the Department of Economic Opportunity, ~~office~~ must deny the application with respect to persons for whom the Department of Economic Opportunity ~~office~~ determines are not qualified employees or for whom insufficient documentation has been provided. A business may not submit a revised application for certification or for the determination of a person as a qualified employee more than 3 months after the issuance of a notice of denial with respect to the business or a particular person as a qualified employee.

(4) The applicant for a tax credit under this section has the responsibility to affirmatively demonstrate to the satisfaction of the Department of Economic Opportunity ~~office~~ and the Department of Revenue that the applicant and the persons claimed as qualified employees meet the requirements of this section.

(5) The total amount of tax credits under this section which may be approved by the Department of Economic Opportunity ~~office~~ for all applicants is \$10 million, with \$5 million available to be awarded in the 2011-2012 fiscal year and \$5 million available to be awarded in the 2012-2013 fiscal year.

(6) A tax credit amount that is granted under this section which is not fully used in the first year for which it becomes available may be carried forward to the subsequent taxable year. The carryover credit may be used in the subsequent year if the



HB 7247

2011

tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(7) A person who fraudulently claims a credit under this section is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit. Such person also commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The Department of Economic Opportunity ~~office~~ may adopt rules governing the manner and form of applications for the tax credit. The Department of Economic Opportunity ~~office~~ may establish guidelines for making an affirmative showing of qualification for the tax credit under this section.

(9) The Department of Revenue may adopt rules to administer this section, including rules relating to the creation of forms to claim a tax credit and examination and audit procedures required to administer this section.

(10) This section expires June 30, 2012. However, a taxpayer that is awarded a tax credit in the second year of the program may carry forward any unused credit amount to the subsequent tax reporting period. Rules adopted by the Department of Revenue to administer this section shall remain valid as long as a taxpayer may use a credit against its corporate income tax liability.

Section 35. Subsection (1) of section 220.1899, Florida Statutes, is amended to read:

220.1899 Entertainment industry tax credit.—

HB 7247

2011

(1) There shall be a credit allowed against the tax imposed by this chapter in the amounts awarded by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ under the entertainment industry financial incentive program in s. 288.1254.

Section 36. Paragraphs (e), (f), (g), and (h) of subsection (1), paragraph (a) of subsection (3), and subsections (5) and (6) of section 220.191, Florida Statutes, are amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(e) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of unemployment tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

~~(f) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(f)(g)~~ (f) "Qualifying business" means a business which establishes a qualifying project in this state and which is certified by the Governor, through the Department of Economic Opportunity, ~~office~~ to receive tax credits pursuant to this section.

~~(g)(h)~~ (g) "Qualifying project" means:

1. A new or expanding facility in this state which creates

HB 7247

2011

at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the Department of Economic Opportunity ~~office~~ pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries;

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(2), and make a cumulative capital investment of at least \$100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter may ~~shall~~ not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years; or

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual

HB 7247

2011

private sector wage, as published by the Department of Economic Opportunity ~~Agency for Workforce Innovation or its successor,~~ and which new or expanded headquarters facility makes a cumulative capital investment in this state of at least \$250 million.

(3)(a) Notwithstanding subsection (2), an annual credit against the tax imposed by this chapter shall be granted to a qualifying business which establishes a qualifying project pursuant to subparagraph (1)(g) ~~(h)~~ 3., in an amount equal to the lesser of \$15 million or 5 percent of the eligible capital costs made in connection with a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against the corporate income tax liability of the qualifying business and as further provided in paragraph (c). The total tax credit provided pursuant to this subsection shall be equal to no more than 100 percent of the eligible capital costs of the qualifying project.

(5) Applications shall be reviewed and certified pursuant to s. 288.061. The Governor, through the Department of Economic Opportunity ~~office, upon a recommendation by Enterprise Florida, Inc.,~~ shall first certify a business as eligible to receive tax credits pursuant to this section before ~~prior to~~ the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be

HB 7247

2011

determined.

(6) The Department of Economic Opportunity may ~~office~~, in consultation with Enterprise Florida, Inc., ~~is authorized to~~ develop the necessary guidelines and application materials for the certification process described in subsection (5).

Section 37. Paragraph (b) of subsection (4) of section 267.0625, Florida Statutes, is amended to read:

267.0625 Abrogation of offensive and derogatory geographic place names.—

(4) The division shall:

(b) Notify the Department of Transportation, the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, the Department of Management Services, and any other entity that compiles information for or develops maps or markers for the state of the name change so that it may be reflected on subsequent editions of any maps, informational literature, or markers produced by those entities.

Section 38. Section 272.11, Florida Statutes, is amended to read:

272.11 Capitol information center.—The Division of Tourism Marketing of Enterprise Florida, Inc., ~~Florida Commission on Tourism~~ shall establish, maintain, and operate a Capitol information center somewhere within the area of the Capitol Center and employ personnel or enter into contracts to maintain same.

Section 39. Paragraph (a) of subsection (4) of section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A state e-mail system

HB 7247

2011

that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies. The primary goals of the service are to minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(4) All agencies must be completely migrated to the statewide e-mail service as soon as financially and operationally feasible, but no later than June 30, 2015.

(a) The following statewide e-mail service implementation schedule is established for state agencies:

1. Phase 1.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2012: the Agency for Enterprise Information Technology; ~~the Department of Community Affairs, including the Division of Emergency Management;~~ the Department of Corrections; the Department of Health; the Department of Highway Safety and Motor Vehicles; the Department of Management Services, including the Division of Administrative Hearings, the Division of Retirement, the Commission on Human Relations, and the Public Employees Relations Commission; the Southwood Shared Resource Center; and the Department of Revenue.

2. Phase 2.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2013: the

HB 7247

2011

Department of Business and Professional Regulation; the Department of Education, including the Board of Governors; the Department of Environmental Protection; the Department of Juvenile Justice; the Department of the Lottery; the Department of State; the Department of Law Enforcement; the Department of Veterans' Affairs; the Judicial Administration Commission; the Public Service Commission; and the Statewide Guardian Ad Litem Office.

3. Phase 3.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2014: the Agency for Health Care Administration; ~~the Agency for Workforce Innovation;~~ the Department of Financial Services, including the Office of Financial Regulation and the Office of Insurance Regulation; the Department of Agriculture and Consumer Services; the Executive Office of the Governor, including the Division of Emergency Management; the Department of Transportation; the Fish and Wildlife Conservation Commission; the Agency for Persons With Disabilities; the Northwood Shared Resource Center; and the State Board of Administration.

4. Phase 4.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2015: the Department of Children and Family Services; the Department of Citrus; the Department of Economic Opportunity; the Department of Elderly Affairs; and the Department of Legal Affairs.

Section 40. Subsection (2) of section 287.0931, Florida Statutes, is amended to read:

287.0931 Minority business enterprises; participation in bond underwriting.—

HB 7247

2011

(2) To meet such participation requirement, the minority firm must have full-time employees located in this state, must have a permanent place of business located in this state, and must be a firm which is at least 51-percent-owned by minority persons as defined in s. 288.703(3). However, for the purpose of bond underwriting only, the requirement that the minority person be a permanent resident of this state does ~~shall~~ not apply.

Section 41. Paragraph (e) of subsection (2) of section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of minority business enterprises.—

(2)

(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:

1. Link ownership by a minority person, as defined in s. 288.703(3), or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying minority owner, and to demonstrated expertise or licensure of a minority owner in any trade or profession that the minority business enterprise will offer to the state when certified. Businesses must comply with all state licensing requirements before ~~prior to~~ becoming certified as a minority business enterprise.

2. If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2 years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility



HB 7247

2011

is based. This requirement does ~~shall~~ not apply to minority persons who are otherwise eligible who take a 51-percent-or-greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified. A transfer made within a related immediate family group from a nonminority person to a minority person in order to establish ownership by a minority person shall be deemed to have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subparagraph, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

3. Require that prospective certified minority business enterprises be currently performing or seeking to perform a useful business function. A "useful business function" is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. As used in this section, the term "acting as a conduit" means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought, kept in stock, and regularly sold to the public in the usual course of business. Brokers, manufacturer's representatives, sales representatives, and nonstocking

HB 7247

2011

distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.

Section 42. Paragraph (n) of subsection (4) of section 287.09451, Florida Statutes, is amended to read:

287.09451 Office of Supplier Diversity; powers, duties, and functions.—

(4) The Office of Supplier Diversity shall have the following powers, duties, and functions:

(n)1. To develop procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the state university construction program which shall be based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703~~(2)~~, or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be

HB 7247

2011

adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:

a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic-Americans, and 11 percent for American women.

b. For architectural and engineering contracts: 9 percent for Hispanic-Americans, 1 percent for Asian-Americans, and 15 percent for American women.

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic-Americans, 0.5 percent for Asian-Americans, 0.5 percent for Native Americans, and 17 percent for American women.

d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic-Americans, 1 percent for Asian-Americans, 0.5 percent for Native Americans, and 36 percent for American women.

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, the terms "minority business enterprise" and ~~has the same meaning as provided in s. 288.703.~~ "minority person" have ~~has~~ the same meanings ~~meaning~~ as provided in s. 288.703~~(3)~~. In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the department, with the assistance of the Office of Supplier Diversity, shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5

HB 7247

2011

years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1996.

3. In determining the base amounts for assessing compliance with this paragraph, the Office of Supplier Diversity may develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Office of Supplier Diversity, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

4. To determine guidelines for the use of price preferences, weighted preference formulas, or other preferences, as appropriate to the particular industry or trade, to increase the participation of minority businesses in state contracting. These guidelines shall include consideration of:

- a. Size and complexity of the project.
- b. The concentration of transactions with minority business enterprises for the commodity or contractual services in question in prior agency contracting.
- c. The specificity and definition of work allocated to participating minority business enterprises.
- d. The capacity of participating minority business enterprises to complete the tasks identified in the project.
- e. The available pool of minority business enterprises as

HB 7247

2011

prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

5. To determine guidelines for use of joint ventures to meet minority business enterprises spending goals. For purposes of this section, "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines shall allow transactions with joint ventures to be eligible for credit against the minority business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified minority business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management, responsibilities, risks, and profits of the joint venture. Such demonstration shall be by verifiable documents and sworn statements and may be reviewed by the Office of Supplier Diversity at or before the time a contract bid, proposal, or reply is submitted. An agency may count toward its minority business enterprise goals a portion of the total dollar amount of a contract equal to the percentage of the ownership and control held by the qualifying certified minority business partners in the contracting joint venture, so long as the joint venture meets the guidelines adopted by the office.

Section 43. Subsections (1) and (5) of section 287.0947, Florida Statutes, are amended to read:

287.0947 Florida Advisory Council on Small and Minority

HB 7247

2011

Business Development; creation; membership; duties.—

(1) ~~On or after October 1, 1996,~~ The Secretary of Management Services ~~the Department of Labor and Employment Security~~ may create the Florida Advisory Council on Small and Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703~~(3)~~, considering also gender and nationality subgroups, and shall consist of the following:

(a) Four members consisting of representatives of local and federal small and minority business assistance programs or community development programs.

(b) Eight members composed of representatives of the minority private business sector, including certified minority business enterprises and minority supplier development councils,

HB 7247

2011

among whom at least two shall be women and at least four shall be minority persons.

(c) Two representatives of local government, one of whom shall be a representative of a large local government, and one of whom shall be a representative of a small local government.

(d) Two representatives from the banking and insurance industry.

(e) Two members from the private business sector, representing the construction and commodities industries.

(f) A member from the board of directors of Enterprise Florida, Inc. ~~The chairperson of the Florida Black Business Investment Board or the chairperson's designee.~~

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the secretary, in the manner of the original appointment.

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state's economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. 187.201(21) ~~187.201(22)~~, requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the

HB 7247

2011

reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, the secretary, and the Legislature on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.

Section 44. Section 288.005, Florida Statutes, is created to read:

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

(1) "Commissioner" means the Commissioner of Economic Opportunity.

(2) "Department" means the Department of Economic Opportunity.

(3) "Economic benefits" means the direct, indirect, and induced gains in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.

Section 45. Section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida international ~~foreign~~ offices; state protocol officer; protocol manual.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at



HB 7247

2011

3137 State of Florida international ~~foreign~~ offices. The Legislature  
3138 further finds that the accessibility and provision of services  
3139 at these offices can be enhanced through cooperative agreements  
3140 or strategic alliances between private businesses and state  
3141 ~~entities, local entities, and international governmental foreign~~  
3142 ~~entities, and private businesses.~~

3143 (1) ~~The department may Office of Tourism, Trade, and~~  
3144 ~~Economic Development is authorized to:~~

3145 (a) Establish and operate offices in other ~~foreign~~  
3146 countries for the purpose of promoting ~~the~~ trade and economic  
3147 development opportunities of the state, and promoting the  
3148 gathering of trade data information and research on trade  
3149 opportunities in specific countries.

3150 (b) Enter into agreements with governmental and private  
3151 sector entities to establish and operate offices in other  
3152 ~~foreign~~ countries which contain ~~containing~~ provisions that ~~which~~  
3153 may ~~be in~~ conflict with the general laws of the state pertaining  
3154 to the purchase of office space, employment of personnel, and  
3155 contracts for services. When agreements pursuant to this section  
3156 are made which set compensation in another country's ~~foreign~~  
3157 currency, such agreements are ~~shall be~~ subject to ~~the~~  
3158 ~~requirements of~~ s. 215.425, but the purchase of another  
3159 country's ~~foreign~~ currency by the ~~department Office of Tourism,~~  
3160 ~~Trade, and Economic Development~~ to meet such obligations are  
3161 ~~shall be~~ subject only to s. 216.311.

3162 (2) Each international ~~foreign~~ office shall have in place  
3163 an operational plan approved by the participating boards or  
3164 other governing authority, a copy of which shall be provided to

HB 7247

2011

the department ~~Office of Tourism, Trade, and Economic Development~~. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the ~~foreign country or area~~ in which an international ~~a foreign~~ office is located.

(c) Provisions for access to information for Florida businesses ~~through the Florida Trade Data Center~~. Each international ~~foreign~~ office shall obtain and forward trade leads and inquiries to the center on a regular basis.

(d) Identification of new and emerging market opportunities for Florida businesses. Each international ~~foreign~~ office shall provide the department ~~Florida Trade Data Center~~ with a compilation of another country's ~~foreign~~ buyers and importers in industry sector priority areas on an annual basis. In return, the department ~~Florida Trade Data Center~~ shall make available to each international ~~foreign~~ office, and to Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture and Consumer Services, trade industry, commodity, and opportunity information. This information shall be provided to such offices and entities either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to the

HB 7247

2011

3193 services of the Florida Trade Data Center, international trade  
3194 assistance services provided by state and local entities,  
3195 seaport and airport information, and other services identified  
3196 by the department ~~Office of Tourism, Trade, and Economic~~  
3197 ~~Development~~.

3198 (f) Qualitative and quantitative performance measures for  
3199 each office, including, but not limited to, the number of  
3200 businesses assisted, the number of trade leads and inquiries  
3201 generated, the number of another country's ~~foreign~~ buyers and  
3202 importers contacted, and the amount and type of marketing  
3203 conducted.

3204 (3) By October 1 of each year, each international ~~foreign~~  
3205 office shall submit to the department ~~Office of Tourism, Trade,~~  
3206 ~~and Economic Development~~ a complete and detailed report on its  
3207 activities and accomplishments during the preceding fiscal year.  
3208 In a format provided by Enterprise Florida, Inc., the report  
3209 must set forth information on:

3210 (a) The number of Florida companies assisted.

3211 (b) The number of inquiries received about investment  
3212 opportunities in this state.

3213 (c) The number of trade leads generated.

3214 (d) The number of investment projects announced.

3215 (e) The estimated U.S. dollar value of sales  
3216 confirmations.

3217 (f) The number of representation agreements.

3218 (g) The number of company consultations.

3219 (h) Barriers or other issues affecting the effective  
3220 operation of the office.

HB 7247

2011

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

(j) Marketing activities conducted.

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

(l) Activities conducted with Florida's other international ~~Florida foreign~~ offices.

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

(4) The department ~~Office of Tourism, Trade, and Economic Development~~, in connection with the establishment, operation, and management of any of its offices located in another ~~a foreign~~ country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating to communications, and from all statutory provisions relating to state employment.

(a) The department ~~Office of Tourism, Trade, and Economic Development~~ may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified international ~~foreign~~ office, such action shall constitute continuing authority for the department ~~Office of Tourism, Trade, and Economic Development~~ to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with

HB 7247

2011

3249 respect to an exemption contained therein must be resubmitted to  
3250 the Governor for his or her approval. An approval granted to  
3251 exercise an exemption in any other context shall be restricted  
3252 to the specific instance for which the exemption is to be  
3253 exercised.

3254 (c) As used in this subsection, the term "plan of  
3255 operation" means the plan developed pursuant to subsection (2).

3256 (d) Upon final action by the Governor with respect to a  
3257 request to exercise the exemption authorized in this subsection,  
3258 the department ~~Office of Tourism, Trade, and Economic~~  
3259 ~~Development~~ shall report such action, along with the original  
3260 request and any modifications thereto, to the President of the  
3261 Senate and the Speaker of the House of Representatives within 30  
3262 days.

3263 (5) Where feasible and appropriate, international ~~and~~  
3264 ~~subject to s. 288.1224(9), foreign offices~~ established and  
3265 operated under this section may provide one-stop access to the  
3266 economic development, trade, and tourism information, services,  
3267 and programs of the state. Where feasible and appropriate, ~~and~~  
3268 ~~subject to s. 288.1224(9),~~ such offices may also be collocated  
3269 with other international ~~foreign~~ offices of the state.

3270 (6) The department ~~may contract~~ ~~Office of Tourism, Trade,~~  
3271 ~~and Economic Development is authorized to make and to enter into~~  
3272 ~~contracts~~ with Enterprise Florida, Inc., ~~and the Florida~~  
3273 ~~Commission on Tourism~~ to carry out the provisions of this  
3274 section. The authority, duties, and exemptions provided in this  
3275 section apply to Enterprise Florida, Inc., ~~and the Florida~~  
3276 ~~Commission on Tourism~~ to the same degree and subject to the same

HB 7247

2011

conditions as applied to the department ~~Office of Tourism,~~  
~~Trade, and Economic Development.~~ To the greatest extent  
possible, such contracts shall include provisions for  
cooperative agreements or strategic alliances between private  
businesses and state entities, international, foreign entities,  
and local governmental entities, ~~and private businesses~~ to  
operate international ~~foreign~~ offices.

(7) The Governor may designate a state protocol officer.  
In consultation with the Governor and other governmental  
officials, the state protocol officer shall develop, maintain,  
publish, and distribute the state protocol manual.

Section 46. Subsections (1) and (3) of section 288.017,  
Florida Statutes, are amended to read:

288.017 Cooperative advertising matching grants program.—

(1) Enterprise Florida, Inc., may ~~The Florida Commission~~  
~~on Tourism is authorized to~~ establish a cooperative advertising  
matching grants program and, pursuant thereto, through the  
Governor, may ~~to~~ make expenditures and enter into contracts with  
local governments and nonprofit corporations for the purpose of  
publicizing the tourism advantages of the state. The Governor,  
through the department ~~Office of Tourism, Trade, and Economic~~  
~~Development,~~ based on recommendations from Enterprise Florida,  
Inc. the Florida Commission on Tourism, shall have final  
approval of grants awarded through this program. ~~The commission~~  
~~may contract with its direct support organization to administer~~  
~~the program.~~

(3) Enterprise Florida, Inc., ~~The Florida Commission on~~  
~~Tourism~~ shall conduct an annual competitive selection process

HB 7247

2011

for the award of grants under the program. In determining its recommendations for the grant awards, Enterprise Florida, Inc., ~~the commission~~ shall consider the demonstrated need of the applicant for advertising assistance, the feasibility and projected benefit of the applicant's proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the commission deems appropriate. In evaluating grant applications, the department ~~Office~~ shall consider recommendations from Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~. The Governor ~~Office~~, however, has final approval authority for any grant under this section.

Section 47. Section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The department ~~Office of Tourism, Trade, and Economic Development~~ shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. The Governor may ~~Office of Tourism, Trade, and Economic Development is authorized to~~ approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be \$35,000, or \$100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and

HB 7247

2011

designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

(2) In approving the participants, the Governor ~~Office of Tourism, Trade, and Economic Development~~ shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(3) The department ~~Office of Tourism, Trade, and Economic Development~~ may also contract for the development of an enterprise zone web portal or websites for each enterprise zone which will be used to market the program for job creation in disadvantaged urban and rural enterprise zones. Each enterprise zone web page should include downloadable links to state forms and information, as well as local message boards that help businesses and residents receive information concerning zone



HB 7247

2011

boundaries, job openings, zone programs, and neighborhood improvement activities.

(4) The department ~~Office of Tourism, Trade, and Economic Development~~ may expend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section. The department ~~Office of Tourism, Trade, and Economic Development~~ may contract with Enterprise Florida, Inc., for the administration of the purposes specified in this section. Funds released to Enterprise Florida, Inc., for this purpose shall be released quarterly and shall be calculated based on the applications in process.

Section 48. Subsection (4) of section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes.—Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest access for rural counties as defined in s. 288.0656(2) to resources available throughout the state.

(4) For existing programs, the modified evaluation criteria and scoring procedure must be delivered to the department ~~Office of Tourism, Trade, and Economic Development~~ for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments. Future rules, programs, evaluation criteria, and scoring

HB 7247

2011

processes must be brought before a REDI meeting for review, discussion, and recommendation to allow rural counties fuller access to the state's resources.

Section 49. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—

(1) The heads of the Department of Transportation, the Department of Environmental Protection ~~and an additional member appointed by the Secretary of the department, the Department of Labor and Employment Security,~~ the Department of Education, ~~the Department of Community Affairs,~~ the Department of Management Services, the Department of Revenue, the Fish and Wildlife Conservation Commission, each water management district, and each Department of Transportation District office shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. In addition, the Secretary of Environmental Protection shall designate a second economic development liaison for the Department of Environmental Protection. This person shall report to the agency head and have general knowledge both of the state's permitting and other regulatory functions and of the state's economic goals, policies, and programs. This person shall also be the primary point of contact for the agency with the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and regulatory

HB 7247

2011

functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

Section 50. Section 288.0251, Florida Statutes, is amended to read:

288.0251 International development outreach activities in Latin America and Caribbean Basin.—The department ~~Office of Tourism, Trade, and Economic Development~~ may contract for the implementation of Florida's international volunteer corps to provide short-term training and technical assistance activities in Latin America and the Caribbean Basin. The entity contracted under this section must require that such activities be conducted by qualified volunteers who are citizens of the state. The contracting agency must have a statewide focus and experience in coordinating international volunteer programs.

Section 51. Subsection (1) of section 288.035, Florida Statutes, is amended to read:

288.035 Economic development activities.—

(1) The Florida Public Service Commission may authorize public utilities to recover reasonable economic development expenses. For purposes of this section, recoverable "economic development expenses" are those expenses described in subsection (2) which are consistent with criteria to be established by rules adopted by the department ~~of Commerce as of June 30, 1996, or as those criteria are later modified by the Office of Tourism, Trade, and Economic Development.~~

Section 52. Section 288.037, Florida Statutes, is amended to read:

288.037 Department of State; agreement with county tax

HB 7247

2011

collector.—In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the Department of State's ~~department's~~ agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the Department of State.

Section 53. Subsection (3) of section 288.041, Florida Statutes, is amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(3) By January 15 of each year, the Department of Environmental Protection shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations on initiatives to further promote the solar energy industry as the Department of Environmental Protection deems appropriate.

Section 54. Subsection (10) of section 288.047, Florida Statutes, is renumbered as subsection (9) and present subsection (9) of that section is amended to read:

288.047 Quick-response training for economic development.—

~~(9) Notwithstanding any other provision of law, eligible matching contributions received under the Quick-Response Training Program under this section may be counted toward the~~

HB 7247

2011

~~private sector support of Enterprise Florida, Inc., under s.  
288.90151(5)(d).~~

Section 55. Section 288.061, Florida Statutes, is amended  
to read:

(Substantial rewording of section. See  
s. 288.061, F.S., for present text.)

288.061 Economic development incentive application  
process.—

(1) The Commissioner of Economic Opportunity is the single  
and best point of contact for an incentive application or  
business interested in an incentive award.

(2) The commissioner shall provide assistance to the  
business by deploying state resources from the department,  
Enterprise Florida, Inc., and other state agencies, and  
coordinate with regional and local entities to provide resources  
and assistance as necessary.

(3) Upon receiving a submitted economic development  
incentive application, the commissioner shall make a  
recommendation with justification to the Governor to approve or  
disapprove an applicant business, including whether and what  
type of state and local permits may be necessary for the  
applicant's project, whether it is possible to waive such  
permits, and what state incentives and amounts of such  
incentives may be available to the applicant. The commissioner's  
review of, and the Governor's approval or denial of, a submitted  
economic development incentive application, unless the business  
requests an extension of time, shall both be completed within 10  
business days after the commissioner's receipt of the submitted

HB 7247

2011

economic development incentive application. The Governor shall notify the applicant in writing of his intent to approve the business and include all incentives and amounts that may be available to the applicant. If the review of the application demonstrates an application is incomplete, the commissioner must notify the business within the first 5 days after receiving the application.

(4) The contract or agreement with the applicant shall specify the total amount of the award, the performance conditions that must be met to obtain the award, the schedule for payment, and sanctions that would apply for failure to meet performance conditions. The Governor may enter into one agreement covering all of the state incentives that are being provided to the applicant. The contract must provide that payment of moneys is contingent upon sufficient appropriation of funds by the Legislature.

(5) The department shall validate contractor performance. Such validation shall be reported in the annual incentive report required under s. 288.907.

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

Section 56. Section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(1) The Governor, through the Department of Economic Opportunity, may ~~Office of Tourism, Trade, and Economic Development is authorized to make, and based on a recommendation~~

HB 7247

2011

3529 ~~from Enterprise Florida, Inc., to approve,~~ expenditures and  
3530 enter into contracts for direct costs of transportation projects  
3531 with the appropriate governmental body. Each application shall  
3532 be reviewed and certified pursuant to s. 288.061. The Department  
3533 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
3534 ~~Development~~ shall provide the Department of Transportation, and  
3535 the Department of Environmental Protection, ~~and the Department~~  
3536 ~~of Community Affairs~~ with an opportunity to formally review and  
3537 comment on recommended transportation projects, although the  
3538 Governor, through the Department of Economic Opportunity, Office  
3539 ~~of Tourism, Trade, and Economic Development~~ has final approval  
3540 authority for any project under this section.

3541 (2) Any contract with a governmental body for construction  
3542 of any transportation project executed by the Governor, through  
3543 the Department of Economic Opportunity, ~~Office of Tourism,~~  
3544 ~~Trade, and Economic Development~~ shall:

3545 (a) Specify and identify the transportation project to be  
3546 constructed for a new or expanding business and the number of  
3547 full-time permanent jobs that will result from the project.

3548 (b) Require that the appropriate governmental body award  
3549 the construction of the particular transportation project to the  
3550 lowest and best bidder in accordance with applicable state and  
3551 federal statutes or regulations unless the project can be  
3552 constructed with existing local government employees within the  
3553 contract period specified by the Department of Economic  
3554 Opportunity ~~Office of Tourism, Trade, and Economic Development.~~

3555 (c) Require that the appropriate governmental body provide  
3556 the department ~~Office of Tourism, Trade, and Economic~~

HB 7247

2011

3557 ~~Development~~ with quarterly progress reports. Each quarterly  
3558 progress report shall contain a narrative description of the  
3559 work completed according to the project schedule, a description  
3560 of any change orders executed by the appropriate governmental  
3561 body, a budget summary detailing planned expenditures versus  
3562 actual expenditures, and identification of minority business  
3563 enterprises used as contractors and subcontractors. Records of  
3564 all progress payments made for work in connection with such  
3565 transportation projects, and any change orders executed by the  
3566 appropriate governmental body and payments made pursuant to such  
3567 orders, shall be maintained by that governmental body in  
3568 accordance with accepted governmental accounting principles and  
3569 practices and shall be subject to financial audit as required by  
3570 law. In addition, the appropriate governmental body, upon  
3571 completion and acceptance of the transportation project, shall  
3572 make certification to the department ~~Office of Tourism, Trade,~~  
3573 ~~and Economic Development~~ that the project has been completed in  
3574 compliance with the terms and conditions of the contractual  
3575 agreements between the Governor, through the department, ~~Office~~  
3576 ~~of Tourism, Trade, and Economic Development~~ and the appropriate  
3577 governmental body and meets minimum construction standards  
3578 established in accordance with s. 336.045.

3579 (d) Specify that the Governor, through the department,  
3580 ~~Office of Tourism, Trade, and Economic Development~~ shall  
3581 transfer funds upon receipt of a request for funds from the  
3582 local government, on no more than a quarterly basis, consistent  
3583 with project needs. A contract totaling less than \$200,000 is  
3584 exempt from this transfer requirement. The Governor, through the



HB 7247

2011

3585 department, may ~~Office of Tourism, Trade, and Economic~~  
3586 ~~Development shall~~ not transfer any funds unless construction has  
3587 begun on the facility of the business on whose behalf the award  
3588 was made. Local governments shall expend funds in a timely  
3589 manner.

3590 (e) Require that program funds be used only on those  
3591 transportation projects that have been properly reviewed and  
3592 approved in accordance with the criteria set forth in this  
3593 section.

3594 (f) Require that the governing board of the appropriate  
3595 local governmental body agree by resolution to accept future  
3596 maintenance and other attendant costs occurring after completion  
3597 of the transportation project if the project is construction on  
3598 a county or municipal system.

3599 (3) With respect to any contract executed pursuant to this  
3600 section, the term "transportation project" means a  
3601 transportation facility as defined in s. 334.03(31) which is  
3602 necessary in the judgment of the department ~~Office of Tourism,~~  
3603 ~~Trade, and Economic Development~~ to facilitate the economic  
3604 development and growth of the state. ~~Except for applications~~  
3605 ~~received prior to July 1, 1996,~~ Such transportation projects  
3606 shall be approved only as a consideration to attract new  
3607 employment opportunities to the state or expand or retain  
3608 employment in existing companies operating within the state, or  
3609 to allow for the construction or expansion of a state or federal  
3610 correctional facility in a county with a population of 75,000 or  
3611 less that creates new employment opportunities or expands or  
3612 retains employment in the county. The department ~~Office of~~

HB 7247

2011

3613 ~~Tourism, Trade, and Economic Development~~ shall institute  
3614 procedures to ensure that small and minority businesses have  
3615 equal access to funding provided under this section. Funding for  
3616 approved transportation projects may include any expenses, other  
3617 than administrative costs and equipment purchases specified in  
3618 the contract, necessary for new, or improvement to existing,  
3619 transportation facilities. Funds made available pursuant to this  
3620 section may not be expended in connection with the relocation of  
3621 a business from one community to another community in this state  
3622 unless the department ~~Office of Tourism, Trade, and Economic~~  
3623 ~~Development~~ determines that without such relocation the business  
3624 will move outside this state or determines that the business has  
3625 a compelling economic rationale for the relocation which creates  
3626 additional jobs. Subject to appropriation for projects under  
3627 this section, any appropriation greater than \$10 million shall  
3628 be allocated to each of the districts of the Department of  
3629 Transportation to ensure equitable geographical distribution.  
3630 Such allocated funds that remain uncommitted by the third  
3631 quarter of the fiscal year shall be reallocated among the  
3632 districts based on pending project requests.

3633 (4) The Department of Economic Opportunity ~~Office of~~  
3634 ~~Tourism, Trade, and Economic Development~~ may adopt criteria by  
3635 which transportation projects are to be reviewed and certified  
3636 in accordance with s. 288.061. In approving transportation  
3637 projects for funding, the Governor, through the Department of  
3638 Economic Opportunity, ~~Office of Tourism, Trade, and Economic~~  
3639 ~~Development~~ shall consider factors including, but not limited  
3640 to, the cost per job created or retained considering the amount

HB 7247

2011

of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s.

163.3177(7)(j). The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ may contact any agency it deems appropriate for additional input regarding the approval of projects.

(5) A No project is not eligible for funding unless it ~~that~~ has ~~not~~ been specified and identified by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ in accordance with subsection (4) before ~~prior to~~ the initiation of construction ~~shall be eligible for funding~~.

(6) The Department of Transportation shall review the proposed projects to ensure proper coordination with transportation projects included in the adopted work program and may be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the Department of Environment Protection may advise and assist it or plan and construct other such transportation projects for it.

(7) For the purpose of this section, Space Florida may

HB 7247

2011

serve as the local government or as the contracting agency for transportation projects within spaceport territory as defined by s. 331.304.

(8) Each local government receiving funds under this section shall submit to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ a financial audit of the local entity conducted by an independent certified public accountant. The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are resolved.

(9) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall monitor on site each grant recipient, including, but not limited to, the construction of the business facility, to ensure compliance with contractual requirements.

(10) In addition to the other provisions of this section, projects that the Legislature deems necessary to facilitate the economic development and growth of the state may be designated and funded in the General Appropriations Act. Such transportation projects create new employment opportunities, expand transportation infrastructure, improve mobility, or increase transportation innovation. The Governor, through the Department of Economic Opportunity, ~~Office of Tourism, Trade, and Economic Development~~ shall enter into contracts with, and make expenditures to, the appropriate entities for the costs of transportation projects designated in the General Appropriations

HB 7247

2011

Act.

Section 57. Section 288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established within the department ~~in the Office of Tourism, Trade, and Economic Development~~ to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2) (a) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer, based on the most recent official population estimate as determined under s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern.

(b) Requests for loans shall be made by application to the

HB 7247

2011

department ~~Office of Tourism, Trade, and Economic Development.~~

Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the Governor ~~Office of Tourism, Trade, and Economic Development.~~ The loans shall be the legal obligations of the applicant.

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of critical economic concern designated by the Governor, and upon approval by the Governor ~~Office of Tourism, Trade, and Economic Development,~~ repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.

(3) The department ~~Office of Tourism, Trade, and Economic Development~~ shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The Governor ~~Office of Tourism, Trade, and Economic Development~~ shall have final approval authority for any loan under this section.

(4) Notwithstanding ~~the provisions of~~ s. 216.301, funds appropriated for this purpose are ~~shall~~ not be subject to reversion.

Section 58. Section 288.0655, Florida Statutes, is amended to read:

288.0655 Rural Infrastructure Fund.—

(1) There is created within the department ~~Office of~~

HB 7247

2011

~~Tourism, Trade, and Economic Development~~ the Rural Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development.

(2) (a) Funds appropriated by the Legislature shall be distributed by the department ~~Office~~ through grant programs that maximize the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the Governor ~~Office~~ may award grants for up to 30 percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, the Governor ~~Office~~ may award grants for up to 40 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or

HB 7247

2011

reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. 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 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



HB 7247

2011

or expansion of specific job creating opportunities, the Governor Office may award grants 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; 7 up to \$150,000 for an employment project with a business committed to create at least 300 jobs; 7 and up to \$300,000 for a project in a rural area of critical economic concern. 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 Office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) ~~By September 1, 1999,~~ The department Office shall participate in ~~pursue execution of~~ a memorandum of agreement with the United States Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the United States Department of Agriculture a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the Governor Office may

HB 7247

2011

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 may ~~shall~~ not exceed \$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant may ~~shall~~ not exceed \$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 critical economic concern 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 of Economic Opportunity ~~office~~ shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The Department of Economic Opportunity ~~office~~, in consultation with Enterprise Florida, Inc., ~~VISIT Florida~~, 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 Governor ~~office~~ shall have final approval for any grant under this section.

(4) By September 1, 2012 ~~1999~~, the department ~~office~~ shall, in consultation with the organizations listed in subsection (3), and other organizations, reevaluate existing

HB 7247

2011

develop guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The department ~~office~~ shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration and level of local public and private commitment, whether the project is located ~~location of the project~~ in an enterprise zone, ~~the location of the project in~~ a community development corporation service area, or in an urban high-crime area as ~~the location of the project in a county~~ designated under s. 212.097, the unemployment rate of the county in which the project would be located ~~surrounding area~~, and the poverty rate of the community.

(5) Notwithstanding ~~the provisions of~~ s. 216.301, funds appropriated for the purposes of this section are ~~shall not be~~ subject to reversion.

Section 59. Paragraph (b) of subsection (1), paragraphs (b) and (e) of subsection (2), paragraph (a) of subsection (6), and subsection (7) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(b) The Rural Economic Development Initiative, known as "REDI," is created within the department ~~Office of Tourism, Trade, and Economic Development~~, and the participation of state and regional agencies in this initiative is authorized.

(2) As used in this section, the term:

(b) "Catalyst site" means a parcel or parcels of land within a rural area of critical economic concern that has been

HB 7247

2011

prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the department ~~Office of Tourism, Trade, and Economic Development~~ for the purposes of locating a catalyst project.

(e) "Rural community" means:

1. A county with a population of 75,000 or fewer.
2. A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.
4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (c) and verified by the department ~~Office of Tourism, Trade, and Economic Development~~.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

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

- ~~1. The Department of Community Affairs.~~

HB 7247

2011

3921        1.2.    The Department of Transportation.  
 3922        2.3.    The Department of Environmental Protection.  
 3923        3.4.    The Department of Agriculture and Consumer Services.  
 3924        4.5.    The Department of State.  
 3925        5.6.    The Department of Health.  
 3926        6.7.    The Department of Children and Family Services.  
 3927        7.8.    The Department of Corrections.  
 3928        ~~9.    The Agency for Workforce Innovation.~~  
 3929        8.10.   The Department of Education.  
 3930        9.11.   The Department of Juvenile Justice.  
 3931        10.12.   The Fish and Wildlife Conservation Commission.  
 3932        11.13.   Each water management district.  
 3933        12.14.   Enterprise Florida, Inc.  
 3934        13.15.   Workforce Florida, Inc.  
 3935        ~~16.    The Florida Commission on Tourism or VISIT Florida.~~  
 3936        14.17.   The Florida Regional Planning Council Association.  
 3937        15.18.   The Agency for Health Care Administration.  
 3938        16.19.   The Institute of Food and Agricultural Sciences  
 3939        (IFAS) .

3940  
 3941    An alternate for each designee shall also be chosen, and the  
 3942    names of the designees and alternates shall be sent to the  
 3943    Commissioner of Economic Opportunity ~~director of the Office of~~  
 3944    ~~Tourism, Trade, and Economic Development.~~

3945        (7) (a)    REDI may recommend to the Governor up to three  
 3946    rural areas of critical economic concern. The Governor may by  
 3947    executive order designate up to three rural areas of critical  
 3948    economic concern which will establish these areas as priority

HB 7247

2011

3949 assignments for REDI as well as to allow the Governor, acting  
3950 through REDI, to waive criteria, requirements, or similar  
3951 provisions of any economic development incentive. Such  
3952 incentives shall include, but not be limited to: the Qualified  
3953 Target Industry Tax Refund Program under s. 288.106, the Quick  
3954 Response Training Program under s. 288.047, the Quick Response  
3955 Training Program for participants in the welfare transition  
3956 program under s. 288.047(8), transportation projects under s.  
3957 288.063, the brownfield redevelopment bonus refund under s.  
3958 288.107, and the rural job tax credit program under ss. 212.098  
3959 and 220.1895.

3960 (b) Designation as a rural area of critical economic  
3961 concern under this subsection shall be contingent upon the  
3962 execution of a memorandum of agreement among the Governor,  
3963 through the Department of Economic Opportunity ~~Office of~~  
3964 ~~Tourism, Trade, and Economic Development;~~ the governing body of  
3965 the county; and the governing bodies of any municipalities to be  
3966 included within a rural area of critical economic concern. Such  
3967 agreement shall specify the terms and conditions of the  
3968 designation, including, but not limited to, the duties and  
3969 responsibilities of the county and any participating  
3970 municipalities to take actions designed to facilitate the  
3971 retention and expansion of existing businesses in the area, as  
3972 well as the recruitment of new businesses to the area.

3973 (c) Each rural area of critical economic concern may  
3974 designate catalyst projects, provided that each catalyst project  
3975 is specifically recommended by REDI, identified as a catalyst  
3976 project by Enterprise Florida, Inc., and confirmed as a catalyst

HB 7247

2011

project by the department ~~Office of Tourism, Trade, and Economic Development~~. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

Section 60. Subsections (2) and (3) of section 288.06561, Florida Statutes, are amended to read:

288.06561 Reduction or waiver of financial match requirements.—Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2).

(2) Agencies and organizations shall ensure that all proposals are submitted to the department ~~Office of Tourism, Trade, and Economic Development~~ for review by the REDI agencies.

(3) These proposals shall be delivered to the department ~~Office of Tourism, Trade, and Economic Development~~ for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

Section 61. Subsections (2) and (4) of section 288.0657, Florida Statutes, are amended to read:

288.0657 Florida rural economic development strategy grants.—

(2) The department ~~Office of Tourism, Trade, and Economic Development~~ may accept and administer moneys appropriated to the

HB 7247

2011

department ~~office~~ for providing grants to assist rural communities to develop and implement strategic economic development plans.

(4) The department ~~Enterprise Florida, Inc., and VISIT Florida,~~ shall establish criteria for reviewing grant applications. These criteria shall include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive plans or the application's proposal to ensure such consistency. The department ~~International Trade and Economic Development Board of Enterprise Florida, Inc., and VISIT Florida,~~ shall review each application for a grant ~~and shall submit annually to the Office for approval a list of all applications that are recommended by the board and VISIT Florida,~~ arranged in order of priority. The Governor ~~office~~ may approve grants only to the extent that funds are appropriated for such grants by the Legislature.

Section 62. Section 288.0658, Florida Statutes, is amended to read:

288.0658 Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission.—The Florida Fish and Wildlife Conservation Commission is directed to assist the Division of Tourism Marketing of Enterprise Florida, Inc. ~~Florida Commission on Tourism; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida;~~ convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise,



HB 7247

2011

promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term "nature-based recreation" means leisure activities related to the state's lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography.

Section 63. Section 288.0659, Florida Statutes, is amended to read:

288.0659 Local Government Distressed Area Matching Grant Program.—

(1) The Local Government Distressed Area Matching Grant Program is created within the department ~~Office of Tourism, Trade, and Economic Development~~. The purpose of the program is to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local governments to attract and retain businesses in this state.

(2) As used in this section, the term:

(a) "Local government" means a county or municipality.

~~(b) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(b)(e) "Qualified business assistance" means economic incentives provided by a local government for the purpose of attracting or retaining a specific business, including, but not

HB 7247

2011

4061 limited to, suspensions, waivers, or reductions of impact fees  
4062 or permit fees; direct incentive payments; expenditures for  
4063 onsite or offsite improvements directly benefiting a specific  
4064 business; or construction or renovation of buildings for a  
4065 specific business.

4066 (3) The department ~~Office~~ may accept and administer moneys  
4067 appropriated by the Legislature ~~to the Office~~ for providing  
4068 grants to match expenditures by local governments to attract or  
4069 retain businesses in this state.

4070 (4) A local government may apply for grants to match  
4071 qualified business assistance made by the local government for  
4072 the purpose of attracting or retaining a specific business. A  
4073 local government may apply for no more than one grant per  
4074 targeted business. A local government may only have one  
4075 application pending with the department ~~Office~~. Additional  
4076 applications may be filed after a previous application is ~~has~~  
4077 ~~been~~ approved or denied.

4078 (5) To qualify for a grant, the business being targeted by  
4079 a local government must create at least 15 full-time jobs, must  
4080 be new to this state, must be expanding its operations in this  
4081 state, or would otherwise leave the state absent state and local  
4082 assistance, and the local government applying for the grant must  
4083 expedite its permitting processes for the target business by  
4084 accelerating the normal review and approval timelines. In  
4085 addition to these requirements, the department ~~office~~ shall  
4086 review the grant requests using the following evaluation  
4087 criteria, with priority given in descending order:

4088 (a) The presence and degree of pervasive poverty,

HB 7247

2011

unemployment, and general distress as determined pursuant to s. 290.0058 in the area where the business will locate, with priority given to locations with greater degrees of poverty, unemployment, and general distress.

(b) The extent of reliance on the local government expenditure as an inducement for the business's location decision, with priority given to higher levels of local government expenditure.

(c) The number of new full-time jobs created, with priority given to higher numbers of jobs created.

(d) The average hourly wage for jobs created, with priority given to higher average wages.

(e) The amount of capital investment to be made by the business, with priority given to higher amounts of capital investment.

(6) In evaluating grant requests, the department ~~Office~~ shall take into consideration the need for grant assistance as it relates to the local government's general fund balance as well as local incentive programs that are already in existence.

(7) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the department ~~Office~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Funds made available pursuant to this section may not be used by the receiving local government to supplant matching commitments required of the local

HB 7247

2011

government pursuant to other state or federal incentive programs.

(8) Within 30 days after the department ~~Office~~ receives an application for a grant, the Governor ~~Office~~ shall approve a preliminary grant allocation or disapprove the application. The preliminary grant allocation shall be based on estimates of qualified business assistance submitted by the local government and shall equal 50 percent of the amount of the estimated qualified business assistance or \$50,000, whichever is less. The preliminary grant allocation shall be executed by contract with the local government. The contract shall set forth the terms and conditions, including the timeframes within which the final grant award will be disbursed. The final grant award may not exceed the preliminary grant allocation. The Governor ~~Office~~ may approve preliminary grant allocations only to the extent that funds are appropriated for such grants by the Legislature.

(a) Preliminary grant allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(b) Recipients of preliminary grant allocations shall promptly report to the department ~~Office~~ the date on which the local government's permitting and approval process is completed and the date on which all qualified business assistance is completed.

(9) The Governor ~~Office~~ shall make a final grant award to a local government within 30 days after receiving information from the local government sufficient to demonstrate actual qualified business assistance. An awarded grant amount shall

HB 7247

2011

equal 50 percent of the amount of the qualified business assistance or \$50,000, whichever is less, and may not exceed the preliminary grant allocation. The amount by which a preliminary grant allocation exceeds a final grant award shall be immediately available for reallocation.

(10) Up to 2 percent of the funds appropriated annually by the Legislature for the program may be used by the department ~~Office~~ for direct administrative costs associated with implementing this section.

Section 64. 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 ~~Office of Tourism, Trade, and Economic Development;~~

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 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

HB 7247

2011

4172           6. Any private agency, person, partnership, corporation,  
4173 or business entity when authorized by the state, a municipality,  
4174 or a county to promote the general business interests or  
4175 industrial interests of the state or that municipality or  
4176 county.

4177           Section 65. Section 288.095, Florida Statutes, is amended  
4178 to read:

4179           288.095 Economic Development Trust Fund.—

4180           (1) The Economic Development Trust Fund is created within  
4181 the department ~~Office of Tourism, Trade, and Economic~~  
4182 ~~Development~~. Moneys deposited into the fund must be used only to  
4183 support the authorized activities and operations of the  
4184 department ~~Office~~.

4185           (2) There is created, within the Economic Development  
4186 Trust Fund, the Economic Development Incentives Account. The  
4187 Economic Development Incentives Account consists of moneys  
4188 appropriated to the account for purposes of the tax incentives  
4189 programs authorized under ss. 288.1045 and 288.106, and local  
4190 financial support provided under ss. 288.1045 and 288.106.  
4191 Moneys in the Economic Development Incentives Account are ~~shall~~  
4192 ~~be~~ subject to the provisions of s. 216.301(1) (a).

4193           (3) (a) The department ~~Office of Tourism, Trade, and~~  
4194 ~~Economic Development~~ may approve applications for certification  
4195 pursuant to ss. 288.1045(3) and 288.106. However, the total  
4196 state share of tax refund payments ~~scheduled in all active~~  
4197 ~~certifications for fiscal year 2001-2002 may not exceed \$30~~  
4198 ~~million. The total for each subsequent fiscal year may not~~  
4199 ~~exceed \$35 million.~~

HB 7247

2011

(b) The total amount of tax refund claims approved for payment by the Governor ~~Office of Tourism, Trade, and Economic Development~~ based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. Claims for tax refunds under ss. 288.1045 and 288.106 shall be paid in the order the claims are approved by the Governor ~~Office of Tourism, Trade, and Economic Development~~. ~~If In the event~~ the Legislature does not appropriate an amount sufficient to satisfy the tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the department ~~Office of Tourism, Trade, and Economic Development~~ shall pay the tax refunds from the appropriation for the following fiscal year. By March 1 of each year, the department ~~Office of Tourism, Trade, and Economic Development~~ shall notify the legislative appropriations committees of the Senate and House of Representatives of any anticipated shortfall in the amount of funds needed to satisfy claims for tax refunds from the appropriation for the current fiscal year.

(c) The department, pursuant to s. 288.907 ~~By December 31 of each year, Enterprise Florida, Inc.,~~ shall submit a complete and detailed annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, ~~and the director of the Office of Tourism, Trade, and Economic Development~~ of all applications received, recommendations made to the department ~~Office of Tourism, Trade, and Economic Development~~, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives

HB 7247

2011

Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The department ~~Enterprise Florida, Inc.,~~ shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, rural communities, brownfield areas, and distressed urban communities. The report must also discuss the efforts made by the department ~~Office of Tourism, Trade, and Economic Development~~ to amend tax refund agreements to require tax refund claims to be submitted by January 31 for the net new full-time equivalent jobs in this state as of December 31 of the preceding calendar year. The report must also list the name and tax refund amount for each business that has received a tax refund under s. 288.1045 or s. 288.106 during the preceding fiscal year. ~~The Office of Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.~~

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and make other payments authorized under s. 288.1045, s. 288.106, or s. 288.107.

(e) The department ~~Office of Tourism, Trade, and Economic Development~~ may adopt rules necessary to carry out ~~the provisions of~~ this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 66. Paragraphs (q) through (u) of subsection (1) of section 288.1045, Florida Statutes, are redesignated as



HB 7247

2011

paragraphs (o) through (s), respectively, and present paragraphs (c), (h), (p), and (r) of subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g) of subsection (5), paragraphs (a), (b), and (c) of subsection (6), and subsections (7) and (8) are amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

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

(c) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the department ~~Agency for Workforce Innovation~~ for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the department ~~Agency for Workforce Innovation~~ as a reporting unit.

~~(h) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(p) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(p) ~~(r)~~ "Qualified applicant" means an applicant that has been approved by the department ~~director~~ to be eligible for tax refunds pursuant to this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the department ~~director~~ which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be

HB 7247

2011

determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(d) Contingent upon an annual appropriation by the Legislature, the Governor ~~director~~ may approve not more in tax refunds than the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) and s. 288.095.

(e) For the first 6 months of each fiscal year, the department ~~director~~ shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may:

1. Receive refunds from the account for corporate income taxes due and paid pursuant to chapter 220 by that business beginning with the first taxable year of the business which begins after entering into the agreement.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Intangible personal property taxes paid pursuant to

HB 7247

2011

chapter 199.

c. Emergency excise taxes paid pursuant to chapter 221.

d. Excise taxes paid on documents pursuant to chapter 201.

e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

f. State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the department Office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the department office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section. ~~The addition of communications services taxes administered under chapter 202 is remedial in nature and retroactive to October 1, 2001. The Office may make supplemental tax refund payments to allow for tax refunds for communications services taxes paid by an eligible qualified defense contractor after October 1, 2001.~~

HB 7247

2011

4340 (h) Funds made available pursuant to this section may not  
4341 be expended in connection with the relocation of a business from  
4342 one community to another community in this state unless the  
4343 department ~~Office of Tourism, Trade, and Economic Development~~  
4344 determines that without such relocation the business will move  
4345 outside this state or determines that the business has a  
4346 compelling economic rationale for the relocation which creates  
4347 additional jobs.

4348 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
4349 DETERMINATION.—

4350 (a) To apply for certification as a qualified applicant  
4351 pursuant to this section, an applicant must file an application  
4352 with the department ~~Office~~ which satisfies the requirements of  
4353 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)  
4354 and (e), or paragraphs (e) and (j). An applicant may not apply  
4355 for certification pursuant to this section after a proposal has  
4356 been submitted for a new Department of Defense contract, after  
4357 the applicant has made the decision to consolidate an existing  
4358 Department of Defense contract in this state for which such  
4359 applicant is seeking certification, after a proposal has been  
4360 submitted for a new space flight business contract in this  
4361 state, after the applicant has made the decision to consolidate  
4362 an existing space flight business contract in this state for  
4363 which such applicant is seeking certification, or after the  
4364 applicant has made the decision to convert defense production  
4365 jobs to nondefense production jobs for which such applicant is  
4366 seeking certification.

4367 (b) Applications for certification based on the

HB 7247

2011

consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the Department of Economic Opportunity ~~Office~~ as prescribed by the department ~~Office~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5

HB 7247

2011

taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Before ~~Prior to~~ the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the department ~~Office~~.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the department ~~Office~~ as prescribed by the department ~~Office~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number,

HB 7247

2011

the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of net new full-time equivalent Florida jobs included in the nondefense production project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

HB 7247

2011

4452           11. A resolution adopted by the governing board of the  
4453 county or municipality in which the project will be located,  
4454 which recommends the applicant be approved as a qualified  
4455 applicant, and which indicates that the necessary commitments of  
4456 local financial support for the applicant exist. Before ~~Prior to~~  
4457 the adoption of the resolution, the county commission may review  
4458 the proposed public or private sources of such support and  
4459 determine whether the proposed sources of local financial  
4460 support can be provided or, for any applicant whose project is  
4461 located in a county designated by the Rural Economic Development  
4462 Initiative, a resolution adopted by the county commissioners of  
4463 such county requesting that the applicant's project be exempt  
4464 from the local financial support requirement.

4465           12. Any additional information requested by the Department  
4466 of Economic Opportunity ~~Office~~.

4467           (d) Applications for certification based on a contract for  
4468 reuse of a defense-related facility must be submitted to the  
4469 department ~~Office~~ as prescribed by the department ~~office~~ and  
4470 must include, but are not limited to, the following information:

4471           1. The applicant's Florida sales tax registration number  
4472 and a signature of an officer of the applicant.

4473           2. The permanent location of the manufacturing,  
4474 assembling, fabricating, research, development, or design  
4475 facility in this state at which the project is or is to be  
4476 located.

4477           3. The business entity holding a valid Department of  
4478 Defense contract or branch of the Armed Forces of the United  
4479 States that previously occupied the facility, and the date such



HB 7247

2011

entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the department ~~office~~ that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Before ~~Prior to~~ the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial

HB 7247

2011

support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the department ~~Office~~.

(e) To qualify for review by the department ~~Office~~, the application of an applicant must, at a minimum, establish the following to the satisfaction of the department ~~office~~:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6., subparagraph (c)6., or subparagraph (j)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract or the space flight business contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not

HB 7247

2011

less than 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the applicant's last fiscal year, and must have derived not less than an average of 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

7. A new space flight business contract or the consolidation of a space flight business contract must result in net increases in space flight business employment at the applicant's facilities in this state.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j) must be submitted to the department ~~office~~ for a determination of eligibility. The department ~~Office~~ shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and

HB 7247

2011

average wage of each job created or retained, and the potential risk to existing jobs.

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

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry or space flight business.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) Applications shall be reviewed and certified pursuant to s. 288.061. If appropriate, the Governor ~~director~~ shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(h) The department ~~director~~ may not certify any applicant as a qualified applicant when the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). A letter of certification that approves an

HB 7247

2011

4592 application must specify the maximum amount of a tax refund that  
4593 is to be available to the contractor for each fiscal year and  
4594 the total amount of tax refunds for all fiscal years.

4595 (i) This section does not create a presumption that an  
4596 applicant should receive any tax refunds under this section.

4597 (j) Applications for certification based upon a new space  
4598 flight business contract or the consolidation of a space flight  
4599 business contract must be submitted to the department ~~office~~ as  
4600 prescribed by the department ~~office~~ and must include, but are  
4601 not limited to, the following information:

4602 1. The applicant's federal employer identification number,  
4603 the applicant's Florida sales tax registration number, and a  
4604 signature of an officer of the applicant.

4605 2. The permanent location of the space flight business  
4606 facility in this state where the project is or will be located.

4607 3. The new space flight business contract number, the  
4608 space flight business contract numbers of the contract to be  
4609 consolidated, or the request-for-proposal number of a proposed  
4610 space flight business contract.

4611 4. The date the contract was executed and the date the  
4612 contract is due to expire, is expected to expire, or was  
4613 canceled.

4614 5. The commencement date for project operations under the  
4615 contract in this state.

4616 6. The number of net new full-time equivalent Florida jobs  
4617 included in the project as of December 31 of each year and the  
4618 average wage of such jobs.

4619 7. The total number of full-time equivalent employees

HB 7247

2011

employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from space flight business contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located which recommends the applicant be approved as a qualified applicant and indicates that the necessary commitments of local financial support for the applicant exist. Before ~~Prior to~~ the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the department ~~office~~.

(4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the Governor ~~Office~~ containing, but not limited

HB 7247

2011

to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of a refund that the qualified applicant is eligible to receive for each fiscal year, based on the job creation or retention and maintenance schedule specified in subparagraph 1.

3. An agreement with the Governor ~~Office~~ allowing the department ~~Office~~ to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date by which, in each fiscal year, the qualified applicant may file a claim pursuant to subsection (5) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a

HB 7247

2011

4676 qualified applicant by the department ~~director~~, unless the  
4677 qualified applicant is eligible to receive and elects to accept  
4678 a prorated refund under paragraph (5)(g) or the department  
4679 ~~Office~~ grants the qualified applicant an economic-stimulus  
4680 exemption.

4681 1. A qualified applicant may submit, in writing, a request  
4682 to the department ~~Office~~ for an economic-stimulus exemption. The  
4683 request must provide quantitative evidence demonstrating how  
4684 negative economic conditions in the qualified applicant's  
4685 industry, the effects of the impact of a named hurricane or  
4686 tropical storm, or specific acts of terrorism affecting the  
4687 qualified applicant have prevented the qualified applicant from  
4688 complying with the terms and conditions of its tax refund  
4689 agreement.

4690 2. Upon receipt of a request under subparagraph 1., the  
4691 department ~~director~~ shall have 45 days to notify the requesting  
4692 qualified applicant, in writing, if its exemption has been  
4693 granted or denied by the Governor. In determining if an  
4694 exemption should be granted, the department ~~director~~ shall  
4695 consider the extent to which negative economic conditions in the  
4696 requesting qualified applicant's industry, the effects of the  
4697 impact of a named hurricane or tropical storm, or specific acts  
4698 of terrorism affecting the qualified applicant have prevented  
4699 the qualified applicant from complying with the terms and  
4700 conditions of its tax refund agreement.

4701 3. As a condition for receiving a prorated refund under  
4702 paragraph (5)(g) or an economic-stimulus exemption under this  
4703 paragraph, a qualified applicant must agree to renegotiate its



HB 7247

2011

4704 tax refund agreement with the Governor ~~Office~~ to, at a minimum,  
4705 ensure that the terms of the agreement comply with current law  
4706 and the Office procedures of the department governing  
4707 application for and award of tax refunds. Upon approving the  
4708 award of a prorated refund or granting an economic-stimulus  
4709 exemption, the Governor, through the department, ~~Office~~ shall  
4710 renegotiate the tax refund agreement with the qualified  
4711 applicant as required by this subparagraph. When amending the  
4712 agreement of a qualified applicant receiving an economic-  
4713 stimulus exemption, the department ~~Office~~ may extend the  
4714 duration of the agreement for a period not to exceed 2 years.

4715 ~~4. A qualified applicant may submit a request for an~~  
4716 ~~economic-stimulus exemption to the Office in lieu of any tax~~  
4717 ~~refund claim scheduled to be submitted after January 1, 2005,~~  
4718 ~~but before July 1, 2006.~~

4719 ~~4.5.~~ A qualified applicant that receives an economic-  
4720 stimulus exemption may not receive a tax refund for the period  
4721 covered by the exemption.

4722 (c) The agreement shall be signed by the Governor ~~director~~  
4723 and the authorized officer of the qualified applicant.

4724 (d) The agreement must contain the following legend,  
4725 clearly printed on its face in bold type of not less than 10  
4726 points:

4727  
4728 "This agreement is neither a general obligation of the  
4729 State of Florida, nor is it backed by the full faith  
4730 and credit of the State of Florida. Payment of tax  
4731 refunds are conditioned on and subject to specific

HB 7247

2011

annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, qualified applicants who have entered into a written agreement with the Governor ~~Office~~ pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, entered into a valid new space flight business contract, commenced the consolidation of a space flight business contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs, or entered into a valid contract for reuse of a defense-related facility must apply by January 31 of each fiscal year to the department ~~Office~~ for tax refunds scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The department ~~Office~~ may, upon written request, grant a 30-day extension of the filing date. The application must include a notarized signature of an officer of the applicant.

(d) The Governor, through the department, ~~director~~, with assistance from ~~the Office~~, the Department of Revenue, ~~and the Agency for Workforce Innovation~~, shall, by June 30 following the scheduled date for submitting the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified applicant for the annual

HB 7247

2011

4760 tax refund. The department ~~Office~~ may grant an extension of this  
4761 date upon the request of the qualified applicant for the purpose  
4762 of filing additional information in support of the claim.

4763 (e) The total amount of tax refunds approved by the  
4764 Governor ~~director~~ under this section in any fiscal year may not  
4765 exceed the amount authorized under s. 288.095(3).

4766 (g) A prorated tax refund, less a 5 percent penalty, shall  
4767 be approved for a qualified applicant provided all other  
4768 applicable requirements have been satisfied and the applicant  
4769 proves to the satisfaction of the department ~~director~~ that it  
4770 has achieved at least 80 percent of its projected employment and  
4771 that the average wage paid by the qualified applicant is at  
4772 least 90 percent of the average wage specified in the tax refund  
4773 agreement, but in no case less than 115 percent of the average  
4774 private sector wage in the area available at the time of  
4775 certification. The prorated tax refund shall be calculated by  
4776 multiplying the tax refund amount for which the qualified  
4777 applicant would have been eligible, if all applicable  
4778 requirements had been satisfied, by the percentage of the  
4779 average employment specified in the tax refund agreement which  
4780 was achieved, and by the percentage of the average wages  
4781 specified in the tax refund agreement which was achieved.

4782 (6) ADMINISTRATION.—

4783 (a) The department ~~Office~~ may adopt rules pursuant to  
4784 chapter 120 for the administration of this section.

4785 (b) The department ~~Office~~ may verify information provided  
4786 in any claim submitted for tax credits under this section with  
4787 regard to employment and wage levels or the payment of the taxes

HB 7247

2011

4788 with the appropriate agency or authority including the  
4789 Department of Revenue, the Department of Economic Opportunity  
4790 ~~Agency for Workforce Innovation~~, or any local government or  
4791 authority.

4792 (c) To facilitate the process of monitoring and auditing  
4793 applications made under this program, the department Office may  
4794 provide a list of qualified applicants to the Department of  
4795 Revenue, ~~to the Agency for Workforce Innovation~~, or to any local  
4796 government or authority. The department Office may request the  
4797 assistance of said entities with respect to monitoring jobs,  
4798 wages, and the payment of the taxes listed in subsection (2).

4799 ~~(7) Notwithstanding paragraphs (4) (a) and (5) (c), the~~  
4800 ~~Office may approve a waiver of the local financial support~~  
4801 ~~requirement for a business located in any of the following~~  
4802 ~~counties in which businesses received emergency loans~~  
4803 ~~administered by the Office in response to the named hurricanes~~  
4804 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~  
4805 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~  
4806 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~  
4807 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~  
4808 ~~waiver may be granted only if the Office determines that the~~  
4809 ~~local financial support cannot be provided or that doing so~~  
4810 ~~would effect a demonstrable hardship on the unit of local~~  
4811 ~~government providing the local financial support. If the Office~~  
4812 ~~grants a waiver of the local financial support requirement, the~~  
4813 ~~state shall pay 100 percent of the refund due to an eligible~~  
4814 ~~business. The waiver shall apply for tax refund applications~~  
4815 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

HB 7247

2011

4816        ~~(7)-(8)~~ EXPIRATION.—An applicant may not be certified as  
4817 qualified under this section after June 30, 2014. A tax refund  
4818 agreement existing on that date shall continue in effect in  
4819 accordance with its terms.

4820        Section 67. Present paragraphs (d), (f), (n), (p), (q),  
4821 (r), and (t) of subsection (2), paragraphs (a), (b), (e), and  
4822 (f) of subsection (3), subsection (4), paragraphs (a), (b), and  
4823 (c) of subsection (5), paragraphs (a), (c), (f), and (g) of  
4824 subsection (6), and subsection (7) of section 288.106, Florida  
4825 Statutes, are amended, and present paragraphs (g) through (m),  
4826 (o) and (p), and (r) through (u) of subsection (2) are  
4827 redesignated as paragraphs (f) through (i), (m) and (n), and (o)  
4828 through (r), respectively, to read:

4829        288.106 Tax refund program for qualified target industry  
4830 businesses.—

4831        (2) DEFINITIONS.—As used in this section:

4832        (d) "Business" means an employing unit, as defined in s.  
4833 443.036, that is registered for unemployment compensation  
4834 purposes with the Department of Revenue as the state agency  
4835 providing unemployment tax collection services under ~~contract~~  
4836 ~~with the Agency for Workforce Innovation through~~ an interagency  
4837 agreement with the Department of Economic Opportunity pursuant  
4838 to s. 443.1316, or a subcategory or division of an employing  
4839 unit that is accepted ~~by the state agency providing unemployment~~  
4840 ~~tax collection services~~ as a reporting unit by the Department of  
4841 Revenue.

4842        ~~(f) "Director" means the Director of the Office of~~  
4843 ~~Tourism, Trade, and Economic Development.~~

HB 7247

2011

~~(n) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(n)(p)~~ "Qualified target industry business" means a target industry business approved by the department ~~Office~~ to be eligible for tax refunds under this section.

~~(q) "Return on investment" means the gain in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.~~

~~(o)(r)~~ "Rural city" means a city having a population of 10,000 or fewer, or a city having a population of greater than 10,000 but fewer than 20,000 that has been determined by the department ~~Office~~ to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

~~(q)(t)~~ "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the department ~~Office~~ in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that replace domestic and international imports of goods or

HB 7247

2011

services.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not typically subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. Positive economic impact ~~benefits~~.—The industry is expected to have strong positive economic impacts on or benefits to the state or regional economies.

The term does not include any business engaged in retail

HB 7247

2011

industry activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the department Office, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the department Office that were paid by the



HB 7247

2011

business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b)1. Upon approval by the Governor ~~Office~~, a qualified target industry business shall be allowed tax refund payments equal to \$3,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or equal to \$6,000 multiplied by the number of jobs if the project is located in a rural community or an enterprise zone.

2. A qualified target industry business shall be allowed additional tax refund payments equal to \$1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to \$2,000 multiplied by the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area.

3. A qualified target industry business shall be allowed tax refund payments in addition to the other payments authorized in this paragraph equal to \$1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the local financial support is equal to that of the state's incentive award under subparagraph 1.

4. In addition to the other tax refund payments authorized in this paragraph, a qualified target industry business shall be allowed a tax refund payment equal to \$2,000 multiplied by the

HB 7247

2011

number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the business:

a. Falls within one of the high-impact sectors designated under s. 288.108; or

b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

(e) However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption previously granted to that business for any of the taxes listed in paragraph (d). If a refund for such taxes is provided by the department ~~office~~, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the department ~~office~~ within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(f) Refunds made available under this section may not be expended in connection with the relocation of a business from one community to another community in the state unless the

HB 7247

2011

4984 department ~~Office~~ determines that, without such relocation, the  
4985 business will move outside the state or determines that the  
4986 business has a compelling economic rationale for relocation and  
4987 that the relocation will create additional jobs.

4988 (4) APPLICATION AND APPROVAL PROCESS.—

4989 (a) To apply for certification as a qualified target  
4990 industry business under this section, the business must file an  
4991 application with the department ~~Office~~ before the business  
4992 decides to locate in this state or before the business decides  
4993 to expand its existing operations in this state. The application  
4994 must include, but need not be limited to, the following  
4995 information:

4996 1. The applicant's federal employer identification number  
4997 and, if applicable, state sales tax registration number.

4998 2. The proposed permanent location of the applicant's  
4999 facility in this state at which the project is to be located.

5000 3. A description of the type of business activity or  
5001 product covered by the project, including a minimum of a five-  
5002 digit NAICS code for all activities included in the project. As  
5003 used in this paragraph, "NAICS" means those classifications  
5004 contained in the North American Industry Classification System,  
5005 as published in 2007 by the Office of Management and Budget,  
5006 Executive Office of the President, and updated periodically.

5007 4. The proposed number of net new full-time equivalent  
5008 Florida jobs at the qualified target industry business as of  
5009 December 31 of each year included in the project and the average  
5010 wage of those jobs. If more than one type of business activity  
5011 or product is included in the project, the number of jobs and

HB 7247

2011

average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state, if applicable.

6. The anticipated commencement date of the project.

7. A brief statement explaining the role that the estimated tax refunds to be requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.

10. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that the project be approved as a qualified target industry business and specifies that the commitments of local financial support necessary for the target industry business exist. Before the passage of such resolution, the department ~~office~~ may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subparagraph, the authorized local economic development agency shall be officially designated by the passage of a one-time

HB 7247

2011

5040 resolution by the local governing board.

5041 11. Any additional information requested by the department  
5042 ~~Office~~.

5043 (b) To qualify for review by the department ~~Office~~, the  
5044 application of a target industry business must, at a minimum,  
5045 establish the following to the satisfaction of the department  
5046 ~~office~~:

5047 1.a. The jobs proposed to be created under the  
5048 application, pursuant to subparagraph (a)4., must pay an  
5049 estimated annual average wage equaling at least 115 percent of  
5050 the average private sector wage in the area where the business  
5051 is to be located or the statewide private sector average wage.  
5052 The governing board of the local governmental entity providing  
5053 the local financial support of the jurisdiction ~~county~~ where the  
5054 qualified target industry business is to be located shall notify  
5055 the department ~~Office~~ and Enterprise Florida, Inc., which  
5056 calculation of the average private sector wage in the area must  
5057 be used as the basis for the business's wage commitment. In  
5058 determining the average annual wage, the department ~~Office~~ shall  
5059 include only new proposed jobs, and wages for existing jobs  
5060 shall be excluded from this calculation.

5061 b. The Governor ~~Office~~ may waive the average wage  
5062 requirement at the request of the local governing body  
5063 recommending the project ~~and Enterprise Florida, Inc.~~ The  
5064 Governor ~~Office~~ may waive the wage requirement for a project  
5065 located in a brownfield area designated under s. 376.80, in a  
5066 rural city, in a rural community, in an enterprise zone, or for  
5067 a manufacturing project at any location in the state if the jobs

HB 7247

2011

5068 proposed to be created pay an estimated annual average wage  
5069 equaling at least 100 percent of the average private sector wage  
5070 in the area where the business is to be located, only if the  
5071 merits of the individual project or the specific circumstances  
5072 in the community in relationship to the project warrant such  
5073 action. If the local governing body makes ~~and Enterprise~~  
5074 ~~Florida, Inc., make~~ such a recommendation, it must be  
5075 transmitted in writing, and the specific justification for the  
5076 waiver recommendation must be explained. If the Governor ~~Office~~  
5077 elects to waive the wage requirement, the waiver must be stated  
5078 in writing, and the reasons for granting the waiver must be  
5079 explained.

5080 2. The target industry business's project must result in  
5081 the creation of at least 10 jobs at the project and, in the case  
5082 of an expansion of an existing business, must result in a net  
5083 increase in employment of at least 10 percent at the business.  
5084 At the request of the local governing body recommending the  
5085 project ~~and Enterprise Florida, Inc.,~~ the Governor ~~Office~~ may  
5086 waive this requirement for a business in a rural community or  
5087 enterprise zone if the merits of the individual project or the  
5088 specific circumstances in the community in relationship to the  
5089 project warrant such action. If the local governing body makes  
5090 ~~and Enterprise Florida, Inc., make~~ such a request, the request  
5091 must be transmitted in writing, and the specific justification  
5092 for the request must be explained. If the Governor ~~Office~~ elects  
5093 to grant the request, the grant must be stated in writing, and  
5094 the reason for granting the request must be explained.

5095 3. The business activity or product for the applicant's

HB 7247

2011

project must be within an industry identified by the department  
~~Office~~ as a target industry business that contributes to the  
economic growth of the state and the area in which the business  
is located, that produces a higher standard of living for  
residents of this state in the new global economy, or that can  
be shown to make an equivalent contribution to the area's and  
state's economic progress.

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

1. Expected contributions to the state's economy,  
consistent with the state strategic economic development plan  
prepared by the department ~~adopted by Enterprise Florida, Inc.~~

2. The economic benefits ~~return on investment~~ of the  
proposed award of tax refunds under this section and the  
economic benefits of ~~return on investment for~~ state incentives  
proposed for the project. The term "economic benefits" has the  
same meaning as provided in s. 288.005(1). The Office of  
Economic and Demographic Research shall review and evaluate the  
methodology and model used to calculate the economic benefits  
~~return on investment~~ and shall report its findings by September  
1 of every 3rd year, ~~beginning September 1, 2010,~~ to the  
President of the Senate and the Speaker of the House of  
Representatives.

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

HB 7247

2011

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

5. The effect of the project on the unemployment rate in the county where the project will be located.

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

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

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

(d) Applications shall be reviewed and certified pursuant to s. 288.061. The department ~~Office~~ shall include in its review projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year. If appropriate, the Governor ~~Office~~ shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

(e) The department ~~Office~~ may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to



HB 7247

2011

5152 certify new businesses as determined in s. 288.095(3). However,  
5153 if the commitments of local financial support represent less  
5154 than 20 percent of the eligible tax refund payments, or to  
5155 otherwise preserve the viability and fiscal integrity of the  
5156 program, the department ~~office~~ may certify a qualified target  
5157 industry business to receive tax refund payments of less than  
5158 the allowable amounts specified in paragraph (3)(b). A letter of  
5159 certification that approves an application must specify the  
5160 maximum amount of tax refund that will be available to the  
5161 qualified industry business in each fiscal year and the total  
5162 amount of tax refunds that will be available to the business for  
5163 all fiscal years.

5164 (f) This section does not create a presumption that an  
5165 applicant will receive any tax refunds under this section.  
5166 However, the department ~~Office~~ may issue nonbinding opinion  
5167 letters, upon the request of prospective applicants, as to the  
5168 applicants' eligibility and the potential amount of refunds.

5169 (5) TAX REFUND AGREEMENT.—

5170 (a) Each qualified target industry business must enter  
5171 into a written agreement with the Governor ~~Office~~ that  
5172 specifies, at a minimum:

5173 1. The total number of full-time equivalent jobs in this  
5174 state that will be dedicated to the project, the average wage of  
5175 those jobs, the definitions that will apply for measuring the  
5176 achievement of these terms during the pendency of the agreement,  
5177 and a time schedule or plan for when such jobs will be in place  
5178 and active in this state.

5179 2. The maximum amount of tax refunds that the qualified

HB 7247

2011

target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive for each fiscal year, based on the job creation and maintenance schedule specified in subparagraph 1.

3. That the department ~~Office~~ may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date by which, in each fiscal year, the qualified target industry business may file a claim under subsection (6) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support will be annually available and will be paid to the account. The Governor ~~Office~~ may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing body within 90 days after the department ~~Office~~ has issued the letter of certification under subsection (4).

6. That the department ~~Office~~ may conduct a review of the business to evaluate whether the business is continuing to contribute to the area's or state's economy.

7. That in the event the business does not complete the agreement, the business will provide the department ~~Office~~ with the reasons the business was unable to complete the agreement.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax

HB 7247

2011

5208 refund each year. The failure to comply with the terms and  
5209 conditions of the tax refund agreement results in the loss of  
5210 eligibility for receipt of all tax refunds previously authorized  
5211 under this section and the revocation by the department ~~Office~~  
5212 of the certification of the business entity as a qualified  
5213 target industry business, unless the business is eligible to  
5214 receive and elects to accept a prorated refund under paragraph  
5215 (6)(e) or the department ~~Office~~ grants the business an economic  
5216 recovery extension.

5217 1. A qualified target industry business may submit a  
5218 request to the department ~~Office~~ for an economic recovery  
5219 extension. The request must provide quantitative evidence  
5220 demonstrating how negative economic conditions in the business's  
5221 industry, the effects of a named hurricane or tropical storm, or  
5222 specific acts of terrorism affecting the qualified target  
5223 industry business have prevented the business from complying  
5224 with the terms and conditions of its tax refund agreement.

5225 2. Upon receipt of a request under subparagraph 1., the  
5226 department ~~Office~~ has 45 days to notify the requesting business,  
5227 in writing, whether its extension has been granted or denied. In  
5228 determining whether an extension should be granted, the  
5229 department ~~Office~~ shall consider the extent to which negative  
5230 economic conditions in the requesting business's industry have  
5231 occurred in the state or the effects of a named hurricane or  
5232 tropical storm or specific acts of terrorism affecting the  
5233 qualified target industry business have prevented the business  
5234 from complying with the terms and conditions of its tax refund  
5235 agreement. The department ~~Office~~ shall consider current

HB 7247

2011

employment statistics for this state by industry, including whether the business's industry had substantial job loss during the prior year, when determining whether an extension shall be granted.

3. As a condition for receiving a prorated refund under paragraph (6)(e) or an economic recovery extension under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the Governor ~~Office~~ to, at a minimum, ensure that the terms of the agreement comply with current law and the department's ~~office~~ procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic recovery extension, the Governor, through the department, ~~Office~~ shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic recovery extension, the Governor, through the department, ~~Office~~ may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified target industry business may submit a request for an economic recovery extension to the department ~~Office~~ in lieu of any tax refund claim scheduled to be submitted after January 1, 2009, but before July 1, 2012.

5. A qualified target industry business that receives an economic recovery extension may not receive a tax refund for the period covered by the extension.

(c) The agreement must be signed by the Governor ~~director~~ and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of

HB 7247

2011

certification under subsection (4), but not before passage and receipt of the resolution of local financial support. The department ~~Office~~ may grant an extension of this period at the written request of the qualified target industry business.

(6) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, a qualified target industry business that has entered into a tax refund agreement with the Governor ~~Office~~ under subsection (5) must apply by January 31 of each fiscal year to the department ~~office~~ for the tax refund scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The department ~~Office~~ may, upon written request, grant a 30-day extension of the filing date.

(c) The department ~~Office~~ may waive the requirement for proof of taxes paid in future years for a qualified target industry business that provides the department ~~office~~ with proof that, in a single year, the business has paid an amount of state taxes from the categories in paragraph (3)(d) that is at least equal to the total amount of tax refunds that the business may receive through successful completion of its tax refund agreement.

(f) The Governor ~~Office~~, with such assistance as may be required from the Department of Revenue ~~or the Agency for Workforce Innovation~~, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to

HB 7247

2011

5292 be paid to the qualified target industry business for the annual  
5293 tax refund. the department ~~Office~~ may grant an extension of this  
5294 date on the request of the qualified target industry business  
5295 for the purpose of filing additional information in support of  
5296 the claim.

5297 (g) The total amount of tax refund claims approved  
5298 by the Governor ~~Office~~ under this section in any fiscal year  
5299 must not exceed the amount authorized under s. 288.095(3).

5300 (7) ADMINISTRATION.—

5301 (a) The department ~~Office~~ may verify information provided  
5302 in any claim submitted for tax credits under this section with  
5303 regard to employment and wage levels or the payment of the taxes  
5304 to the appropriate agency or authority, including the Department  
5305 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local  
5306 government or authority.

5307 (b) To facilitate the process of monitoring and auditing  
5308 applications made under this section, the department ~~Office~~ may  
5309 provide a list of qualified target industry businesses to the  
5310 Department of Revenue, ~~to the Agency for Workforce Innovation,~~  
5311 or to any local government or authority. The department ~~Office~~  
5312 may request the assistance of those entities with respect to  
5313 monitoring jobs, wages, and the payment of the taxes listed in  
5314 subsection (3).

5315 (c) Funds specifically appropriated for tax refunds for  
5316 qualified target industry businesses under this section may not  
5317 be used by the department ~~Office~~ for any purpose other than the  
5318 payment of tax refunds authorized by this section.

5319 (d) Beginning with tax refund agreements signed after July

HB 7247

2011

1, 2010, the department ~~Office~~ shall attempt to ascertain the causes for any business's failure to complete its agreement and shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall be submitted by December 1 of each year beginning in 2011.

Section 68. Paragraphs (d) and (g) of subsection (1), subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of subsection (4), and subsection (5) of section 288.107, Florida Statutes, are amended, and present paragraphs (e) through (h) of subsection (1) are redesignated as paragraphs (d) through (f), respectively, to read:

288.107 Brownfield redevelopment bonus refunds.—

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

~~(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(g) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds shall be approved by the Governor ~~Office~~ as specified in the final order and allowed from the account as follows:

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

(b) A bonus refund of up to \$2,500 shall be allowed to any other eligible business as defined in subparagraph (1) (d) 2.

HB 7247

2011

5348 ~~(1)(e)2.~~ for each new Florida job created in a brownfield area  
5349 that is claimed under an annual claim procedure similar to the  
5350 annual refund claim authorized in s. 288.106(6). The amount of  
5351 the refund shall be equal to 20 percent of the average annual  
5352 wage for the jobs created.

5353 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

5354 (a) To be eligible to receive a bonus refund for new  
5355 Florida jobs created in a brownfield area, a business must have  
5356 been certified as a qualified target industry business under s.  
5357 288.106 or eligible business as defined in paragraph (1)(d)  
5358 ~~(1)(e)~~ and must have indicated on the qualified target industry  
5359 business tax refund application form submitted in accordance  
5360 with s. 288.106(4) or other similar agreement for other eligible  
5361 business as defined in paragraph (1)(d) ~~(1)(e)~~ that the project  
5362 for which the application is submitted is or will be located in  
5363 a brownfield area and that the business is applying for  
5364 certification as a qualified brownfield business under this  
5365 section, and must have signed a qualified target industry  
5366 business tax refund agreement with the Governor ~~Office~~ that  
5367 indicates that the business has been certified as a qualified  
5368 target industry business located in a brownfield area and  
5369 specifies the schedule of brownfield redevelopment bonus refunds  
5370 that the business may be eligible to receive in each fiscal  
5371 year.

5372 (b) To be considered to receive an eligible brownfield  
5373 redevelopment bonus refund payment, the business meeting the  
5374 requirements of paragraph (a) must submit a claim once each  
5375 fiscal year on a claim form approved by the department ~~Office~~



HB 7247

2011

5376 which indicates the location of the brownfield, the address of  
5377 the business facility's brownfield location, the name of the  
5378 brownfield in which it is located, the number of jobs created,  
5379 and the average wage of the jobs created by the business within  
5380 the brownfield as defined in s. 288.106 or other eligible  
5381 business as defined in paragraph (1) (d) ~~(1) (e)~~ and the  
5382 administrative rules and policies for that section.

5383 (f) Applications shall be reviewed and certified pursuant  
5384 to s. 288.061. The department ~~Office~~ shall review all  
5385 applications submitted under s. 288.106 or other similar  
5386 application forms for other eligible businesses as defined in  
5387 paragraph (1) (d) ~~(1) (e)~~ which indicate that the proposed project  
5388 will be located in a brownfield and determine, with the  
5389 assistance of the Department of Environmental Protection, that  
5390 the project location is within a brownfield as provided in this  
5391 act.

5392 (g) The department ~~Office~~ shall approve all claims for a  
5393 brownfield redevelopment bonus refund payment that are found to  
5394 meet the requirements of paragraphs (b) and (d).

5395 (h) The department ~~director~~, with such assistance as may  
5396 be required from ~~the Office~~ and the Department of Environmental  
5397 Protection, shall specify by written final order the amount of  
5398 the brownfield redevelopment bonus refund that is authorized for  
5399 the qualified target industry business for the fiscal year  
5400 within 30 days after the date that the claim for the annual tax  
5401 refund is received by the department ~~office~~.

5402 (i) The total amount of the bonus refunds approved by the  
5403 Governor ~~director~~ under this section in any fiscal year must not

HB 7247

2011

5404 exceed the total amount appropriated to the Economic Development  
5405 Incentives Account for this purpose for the fiscal year. In the  
5406 event that the Legislature does not appropriate an amount  
5407 sufficient to satisfy projections by the department ~~Office~~ for  
5408 brownfield redevelopment bonus refunds under this section in a  
5409 fiscal year, the Governor, through the department, ~~Office~~ shall,  
5410 not later than July 15 of such year, determine the proportion of  
5411 each brownfield redevelopment bonus refund claim which shall be  
5412 paid by dividing the amount appropriated for tax refunds for the  
5413 fiscal year by the projected total of brownfield redevelopment  
5414 bonus refund claims for the fiscal year. The amount of each  
5415 claim for a brownfield redevelopment bonus tax refund shall be  
5416 multiplied by the resulting quotient. If, after the payment of  
5417 all such refund claims, funds remain in the Economic Development  
5418 Incentives Account for brownfield redevelopment tax refunds, the  
5419 department ~~Office~~ shall recalculate the proportion for each  
5420 refund claim and adjust the amount of each claim accordingly.

5421 (5) ADMINISTRATION.—

5422 (a) The department ~~Office~~ may verify information provided  
5423 in any claim submitted for tax credits under this section with  
5424 regard to employment and wage levels or the payment of the taxes  
5425 to the appropriate agency or authority, including the Department  
5426 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local  
5427 government or authority.

5428 (b) To facilitate the process of monitoring and auditing  
5429 applications made under this program, the department ~~Office~~ may  
5430 provide a list of qualified target industry businesses to the  
5431 Department of Revenue, ~~to the Agency for Workforce Innovation,~~

HB 7247

2011

to the Department of Environmental Protection, or to any local government authority. The department ~~office~~ may request the assistance of those entities with respect to monitoring the payment of the taxes listed in s. 288.106(3).

Section 69. Subsection (2), paragraphs (a), (b), (d), and (e) of subsection (3), subsection (4), paragraphs (a) and (c) of subsection (5), and subsections (6) and (7) of section 288.108, Florida Statutes, are amended, to read:

288.108 High-impact business.—

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

(a) ~~(h)~~ "Commencement of operations" means that the qualified high-impact business has begun to actively operate the principal function for which the facility was constructed as determined by the department ~~office~~ and specified in the qualified high-impact business agreement.

(b) ~~(e)~~ "Cumulative investment" means the total investment in buildings and equipment made by a qualified high-impact business since the beginning of construction of such facility.

(c) ~~(a)~~ "Eligible high-impact business" means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the department ~~Office of Tourism, Trade, and Economic Development~~ as provided in subsection (5), which is making a cumulative investment in the state of at least \$50 million and creating at least 50 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least \$25 million and creating at least 25 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years

HB 7247

2011

after the date the business is certified as a qualified high-impact business.

~~(c) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

(d) ~~(f)~~ "Fiscal year" means the fiscal year of the state.

(e) ~~(g)~~ "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

(f) ~~(b)~~ "Qualified high-impact business" means a business in one of the high-impact sectors that has been certified by the department ~~office~~ as a qualified high-impact business to receive a high-impact sector performance grant.

(g) ~~(i)~~ "Research and development" means basic and applied research in science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not mean market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities or technical services.

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

HB 7247

2011

(a) Upon commencement of operations, a qualified high-impact business is eligible to receive a high-impact business performance grant in the amount as determined by the department ~~office~~ under subsection (5), consistent with eligible amounts as provided in paragraph (b), and specified in the qualified high-impact business agreement. The precise conditions that are considered commencement of operations must be specified in the qualified high-impact business agreement.

(b) The department ~~Office~~ may, ~~in consultation with Enterprise Florida, Inc.,~~ negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, the department ~~Office~~ shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5).

1. A qualified high-impact business making a cumulative investment of \$50 million and creating 50 jobs may be eligible for a total qualified high-impact business performance grant of \$500,000 to \$1 million.

2. A qualified high-impact business making a cumulative investment of \$100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of \$1 million to \$2 million.

3. A qualified high-impact business making a cumulative investment of \$800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of \$10 million to \$12 million.

4. A qualified high-impact business engaged in research

HB 7247

2011

and development making a cumulative investment of \$25 million and creating 25 jobs may be eligible for a total qualified high-impact business performance grant of \$700,000 to \$1 million.

5. A qualified high-impact business engaged in research and development making a cumulative investment of \$75 million, and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of \$2 million to \$3 million.

6. A qualified high-impact business engaged in research and development making a cumulative investment of \$150 million, and creating 150 jobs may be eligible for a qualified high-impact business performance grant of \$3.5 million to \$4.5 million.

(d) The balance of the performance grant award shall be paid to the qualified high-impact business upon the business's certification that full operations have commenced and that the full investment and employment goals specified in the qualified high-impact business agreement have been met and verified by the department ~~Office of Tourism, Trade, and Economic Development~~. The verification must occur not later than 60 days after the qualified high-impact business has provided the certification specified in this paragraph.

(e) The department ~~office~~ may, upon a showing of reasonable cause for delay and significant progress toward the achievement of the investment and employment goals specified in the qualified high-impact business agreement, extend the date for commencement of operations, not to exceed an additional 2 years beyond the limit specified in paragraph (2)(c) ~~(2)(a)~~, but in no case may any high-impact sector performance grant payment

HB 7247

2011

5544 be made to the business until the scheduled goals have been  
5545 achieved.

5546 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~  
5547 AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE  
5548 GRANTS.—

5549 (a) The total amount of active performance grants  
5550 scheduled for payment by the department ~~office~~ in any single  
5551 fiscal year may not exceed the lesser of \$30 million or the  
5552 amount appropriated by the Legislature for that fiscal year for  
5553 qualified high-impact business performance grants. If the  
5554 scheduled grant payments are not made in the year for which they  
5555 were scheduled in the qualified high-impact business agreement  
5556 and are rescheduled as authorized in paragraph (3)(e), they are,  
5557 for purposes of this paragraph, deemed to have been paid in the  
5558 year in which they were originally scheduled in the qualified  
5559 high-impact business agreement.

5560 (b) If the Legislature does not appropriate an amount  
5561 sufficient to satisfy the qualified high-impact business  
5562 performance grant payments scheduled for any fiscal year, the  
5563 Governor, through the department, ~~Office~~ shall, not later than  
5564 July 15 of that year, determine the proportion of each grant  
5565 payment which may be paid by dividing the amount appropriated  
5566 for qualified high-impact business performance grant payments  
5567 for the fiscal year by the total performance grant payments  
5568 scheduled in all performance grant agreements for the fiscal  
5569 year. The amount of each grant scheduled for payment in that  
5570 fiscal year must be multiplied by the resulting quotient. All  
5571 businesses affected by this calculation must be notified by

HB 7247

2011

August 1 of each fiscal year. If, after the payment of all the refund claims, funds remain in the appropriation for payment of qualified high-impact business performance grants, the department ~~Office~~ shall recalculate the proportion for each performance grant payment and adjust the amount of each claim accordingly.

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

(a) The department shall review an application pursuant to s. 288.061 which is received from any eligible business, as defined in subsection (2), ~~shall apply to Enterprise Florida, Inc.,~~ for consideration as a qualified high-impact business before the business has made a decision to locate or expand a facility in this state. A business must provide ~~The application, developed by the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., must include, but is not limited to,~~ the following information:

1. A complete description of the type of facility, business operations, and product or service associated with the project.

2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.

3. The cumulative amount of investment to be dedicated to this project within 3 years.

4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.

5. A statement concerning the role the grant will play in



HB 7247

2011

the decision of the applicant business to locate or expand in this state.

6. Any additional information requested by the department ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.~~

(c) The Governor ~~director~~ and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) Enterprise Florida, Inc., shall, by January 1, of every third year, beginning January 1, 2011, initiate the process of reviewing and, if appropriate, selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector. The process of reviewing designated high-impact sectors or recommending the deactivation of a designated high-impact sector shall be in consultation with the department ~~office~~, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists.

(b) The department ~~Office~~ has authority, ~~only~~ after recommendation from Enterprise Florida, Inc., to designate a

HB 7247

2011

high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, Enterprise Florida, Inc., shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas of the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long-term expectations for the industry on a global level and in the state. If Enterprise Florida, Inc., finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that

HB 7247

2011

Enterprise Florida, Inc., may have for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (c), Enterprise Florida, Inc., shall develop and consult with a network of sector businesses. While this network may include non-Florida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross-section of Florida sector businesses may form the core of this network.

~~(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during the meeting required in s. 14.2015(2)(e).~~

(e) ~~(f)~~ If after consideration of the completed study required in paragraph (c) and the input derived from consultation with the sector-business network in paragraph (d) ~~and the quarterly meeting as required in paragraph (e)~~, the board of directors of Enterprise Florida, Inc., finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact

HB 7247

2011

5684 performance grant; and that given the competition for such  
5685 businesses it may be necessary for the state to be able to offer  
5686 a large inducement, such as a high-impact performance grant, to  
5687 attract such a business to the state or to encourage businesses  
5688 to continue to grow in the state, the board of directors of  
5689 Enterprise Florida, Inc., may recommend that the department  
5690 ~~office~~ consider the designation of the sector as a high-impact  
5691 business sector.

5692 (f)~~(g)~~ Upon receiving a recommendation from the board of  
5693 directors of Enterprise Florida, Inc., together with the study  
5694 required in paragraph (c) and a summary of the findings and  
5695 recommendations of the sector-business network required in  
5696 paragraph (d), the department ~~including a list of all meetings~~  
5697 ~~of the sector network and participants in those meetings and the~~  
5698 ~~findings and recommendations from the quarterly meeting as~~  
5699 ~~required in paragraph (e), the Office~~ shall after a thorough  
5700 evaluation of the study and accompanying materials report its  
5701 findings and either concur in the recommendation of Enterprise  
5702 Florida, Inc., and designate the sector as a high-impact  
5703 business sector or notify Enterprise Florida, Inc., that it does  
5704 not concur and deny the board's request for designation or  
5705 return the recommendation and study to Enterprise Florida, Inc.,  
5706 for further evaluation. In any case, the department ~~director's~~  
5707 decision must be in writing and justify the reasons for the  
5708 decision.

5709 (g)~~(h)~~ If the department ~~Office~~ designates the sector as a  
5710 high-impact sector, it shall, within 30 days, notify the  
5711 Governor, the President of the Senate, and the Speaker of the

HB 7247

2011

House of Representatives of its decision and provide a complete report on its decision, including copies of the material provided by Enterprise Florida, Inc., and the department Office ~~of Tourism, Trade, and Economic Development's~~ evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.

(h) ~~(i)~~ For the purposes of this subsection, a high-impact sector consists of the silicon technology sector that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector and economy wide benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.

(7) RULEMAKING.—The department Office ~~may~~ adopt rules necessary to administer ~~carry out the provisions of this~~ section.

Section 70. Section 288.1081, Florida Statutes, is amended to read:

288.1081 Economic Gardening Business Loan Pilot Program.—

(1) There is created within the department Office ~~of Tourism, Trade, and Economic Development~~ the Economic Gardening Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing loans to expanding businesses in the state. ~~As used in this section, the term "office" means the Office of Tourism, Trade, and Economic Development.~~

HB 7247

2011

(2) The Legislature finds that it is vital to the overall health and growth of the state's economy to promote favorable conditions for expanding Florida businesses that demonstrate the ability to grow. The Legislature further finds that, due to the current extraordinary economic challenges confronting the state, there exists a public purpose in expending state resources to stimulate investment in Florida's economy. It is therefore the intent of the Legislature that resources be provided for the pilot program.

(3)(a) To be eligible for a loan under the pilot program, an applicant must be a business eligible for assistance under the Economic Gardening Technical Assistance Pilot Program as provided in s. 288.1082(4)(a).

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, unemployment account number, and sales or other tax registration number.

2. The street address of the applicant's principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.

4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information

HB 7247

2011

necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant's available corporate assets are pledged as collateral for the amount of the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the department ~~office~~ or the loan administrator.

HB 7247

2011

(c) The loan administrator, after verifying the accuracy of a submitted application, shall award the loan to the applicant if the administrator determines that the applicant, as compared to other applicants submitting applications, is in the best position to use the loan to continue making a successful long-term business commitment to the state. The loan administrator also shall consider the following factors:

1. Whether the applicant has applied for or received incentives from local governments;

2. Whether the applicant has applied for or received waivers of taxes, impact fees, or other fees or charges by local governments; and

3. What other sources of investments or financing for the project that is the subject of the loan application will be available to the applicant.

(d) A borrower awarded a loan under this section and the loan administrator must enter into a loan agreement that provides for the borrower's repayment of the loan.

(4) The following terms apply to a loan received under the pilot program:

(a) The maximum amount of the loan is \$250,000.

(b) The proceeds of the loan may be used for working capital purchases, employee training, or salaries for newly created jobs in the state.

(c) The security interest for the loan's collateral covering all of the borrower's available corporate assets to cover the amount of the loan must be perfected by recording a lien under the Uniform Commercial Code.



HB 7247

2011

(d) The period of the loan is 4 years.

(e) The interest rate of the loan is 2 percent. However, if the borrower does not create the projected number of jobs within the terms of the loan agreement, the interest rate shall be increased for the remaining period of the loan to the prime rate published in the Wall Street Journal, as of the date specified in the loan agreement, plus 4 percentage points. The loan agreement may provide flexibility in meeting the projected number of jobs for delays due to governmental regulatory issues, including, but not limited to, permitting.

(f) For the first 12 months of the loan, payment is due for interest only, payable during the twelfth month. Thereafter, payment for interest and principal is due each month until the loan is paid in full. Interest and principal payments are based on the unpaid balance of the total loan amount.

(5) (a) The department ~~Office~~ may designate one or more qualified entities to serve as loan administrators for the pilot program. A loan administrator must:

1. Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.

2. Have 5 years of verifiable experience of lending to businesses in this state.

3. Submit an application to the department ~~Office~~ on forms prescribed by the department ~~Office~~. The application must include the loan administrator's business plan for its proposed lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting,

HB 7247

2011

5852 credit policies and procedures, credit decision processes,  
5853 monitoring policies and procedures, and collection practices;  
5854 the membership of its board of directors; and samples of its  
5855 currently used loan documentation. The application must also  
5856 include a detailed description and supporting documentation of  
5857 the nature of the loan administrator's partnerships with local  
5858 or regional economic and business development organizations.

5859 (b) The department ~~Office~~, upon selecting a loan  
5860 administrator, shall enter into a grant agreement with the  
5861 administrator to issue the available loans to eligible  
5862 applicants. The grant agreement must specify the aggregate  
5863 amount of the loans authorized for award by the loan  
5864 administrator. The term of the grant agreement must be at least  
5865 4 years, except that the department ~~Office~~ may terminate the  
5866 agreement earlier if the loan administrator fails to meet  
5867 minimum performance standards set by the department ~~office~~. The  
5868 grant agreement may be amended by mutual consent of both  
5869 parties.

5870 (c) The department ~~Office~~ shall disburse from the Economic  
5871 Development Trust Fund to the loan administrator the  
5872 appropriations provided for the pilot program. Disbursements to  
5873 the loan administrator must not exceed the aggregate amount of  
5874 the loans authorized in the grant agreement. The department  
5875 ~~Office~~ may not disburse more than 50 percent of the aggregate  
5876 amount of the loans authorized in the grant agreement until the  
5877 department ~~Office~~ verifies the borrowers' use of the loan  
5878 proceeds and the loan administrator's successful credit  
5879 decisionmaking policies.

HB 7247

2011

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a servicing fee of 0.625 percent per annum of the loan's outstanding principal balance, payable monthly. During the first 12 months of the loan, the servicing fee shall be paid from the disbursement from the Economic Development Trust Fund, and thereafter the loan administrator shall collect the servicing fee from the payments made by the borrower, charging the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest, principal payments, and charges for late payments to the department ~~office~~ on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the department ~~office~~ but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The department ~~Office~~ shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to the department ~~Office~~ which include the information required in the grant agreement. A quarterly report must include, at a minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic

HB 7247

2011

activity undertaken by the borrowers.

(6) All notes, mortgages, security agreements, letters of credit, or other instruments that are given to secure the repayment of loans issued in connection with the financing of any loan under the program, without regard to the status of any party thereto as a private party, are exempt from taxation by the state and its political subdivisions. The exemption granted in this subsection does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(7) The department ~~Office~~ shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. To the extent necessary to expedite implementation of the pilot program, the department ~~Office~~ may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).

(8) On June 30 and December 31 of each year, the department, beginning in 2009, ~~the Office~~ shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

(9) Unexpended balances of appropriations provided for the pilot program shall not revert to the fund from which the

HB 7247

2011

appropriation was made at the end of a fiscal year but shall be retained in the Economic Development Trust Fund and be carried forward for expenditure for the pilot program during the following fiscal year. A loan administrator may not award a new loan or enter into a loan agreement after June 30, 2011.

Balances of appropriations provided for the pilot program which remain unexpended as of July 1, 2011, shall revert to the General Revenue Fund.

(10) This section is repealed July 1, 2016, unless reviewed and reenacted by the Legislature before that date.

Section 71. Section 288.1082, Florida Statutes, is amended to read:

288.1082 Economic Gardening Technical Assistance Pilot Program.—

(1) There is created within the department ~~Office of Tourism, Trade, and Economic Development~~ the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. ~~As used in this section, the term "Office" means the Office of Tourism, Trade, and Economic Development.~~

(2) The department ~~Office~~ shall contract with one or more entities to administer the pilot program under this section. The department ~~Office~~ shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis, has an outreach plan, and has the ability to provide counseling services, access to technology and

HB 7247

2011

information, marketing services and advice, business management support, and other similar services. In selecting these entities, the department ~~Office~~ also must consider whether the entities will qualify for matching funds to provide the technical assistance.

(3) A contracted entity administering the pilot program shall provide technical assistance for eligible businesses which includes, but is not limited to:

(a) Access to free or affordable information services and consulting services, including information on markets, customers, and competitors, such as business databases, geographic information systems, and search engine marketing.

(b) Development of business connections, including interaction and exchange among business owners and resource providers, such as trade associations, think tanks, academic institutions, business roundtables, peer-to-peer learning sessions, and mentoring programs.

(4)(a) To be eligible for assistance under the pilot program, a business must be a for-profit, privately held, investment-grade business that employs at least 10 persons but not more than 50 persons, has maintained its principal place of business in the state for at least the previous 2 years, generates at least \$1 million but not more than \$25 million in annual revenue, qualifies for the tax refund program for qualified target industry businesses under s. 288.106, and, during 3 of the previous 5 years, has increased both its number of full-time equivalent employees in this state and its gross revenues.

HB 7247

2011

(b) A contracted entity administering the pilot program, in selecting the eligible businesses to receive assistance, shall choose businesses in more than one industry cluster and, to the maximum extent practicable, shall choose businesses that are geographically distributed throughout Florida or are in partnership with businesses that are geographically distributed throughout Florida.

(5)(a) A business receiving assistance under the pilot program must enter into an agreement with the contracted entity administering the program to establish the business's commitment to participation in the pilot program. The agreement must require, at a minimum, that the business:

1. Attend a minimum number of meetings between the business and the contracted entity administering the pilot program.

2. Report job creation data in the manner prescribed by the contracted entity administering the pilot program.

3. Provide financial data in the manner prescribed by the contracted entity administering the program.

(b) The department ~~office~~ or the contracted entity administering the pilot program may prescribe in the agreement additional reporting requirements that are necessary to track the progress of the business and monitor the business's implementation of the assistance. The contracted entity shall report the information to the department ~~office~~ on a quarterly basis.

(6) A contracted entity administering the pilot program is authorized to promote the general business interests or

HB 7247

2011

6020 industrial interests of the state.

6021 (7) The department ~~Office~~ shall review the progress of a  
6022 contracted entity administering the pilot program at least once  
6023 each 6 months and shall determine whether the contracted entity  
6024 is meeting its contractual obligations for administering the  
6025 pilot program. The department ~~Office~~ may terminate and rebid a  
6026 contract if the contracted entity does not meet its contractual  
6027 obligations.

6028 (8) On December 31 of each year, the department, beginning  
6029 in 2009, ~~the Office~~ shall submit a report to the Governor, the  
6030 President of the Senate, and the Speaker of the House of  
6031 Representatives which describes in detail the progress of the  
6032 pilot program. The report must include, at a minimum, the number  
6033 of businesses receiving assistance, the number of full-time  
6034 equivalent jobs created as a result of the assistance, if any,  
6035 the amount of wages paid to employees in the newly created jobs,  
6036 and the locations and types of economic activity undertaken by  
6037 the businesses.

6038 (9) the department ~~Office~~ may adopt rules under ss.  
6039 120.536(1) and 120.54 to administer this section.

6040 Section 72. Subsections (1), (2), (4), (5), (6), and (9)  
6041 of section 288.1083, Florida Statutes, are amended to read:

6042 288.1083 Manufacturing and Spaceport Investment Incentive  
6043 Program.—

6044 (1) The Manufacturing and Spaceport Investment Incentive  
6045 Program is created within the department ~~Office of Tourism,~~  
6046 ~~Trade, and Economic Development~~. The purpose of the program is  
6047 to encourage capital investment and job creation in



HB 7247

2011

manufacturing and spaceport activities in this state.

(2) As used in this section, the term:

(a) "Base year purchases" means the total cost of eligible equipment purchased and placed into service in this state by an eligible entity in its tax year that began in 2008.

~~(b) "Department" means the Department of Revenue.~~

(b) ~~(e)~~ "Eligible entity" means an entity that manufactures, processes, compounds, or produces items for sale of tangible personal property or engages in spaceport activities. The term also includes an entity that engages in phosphate or other solid minerals severance, mining, or processing operations. The term does not include electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm that does not manufacture, process, compound, or produce for sale items of tangible personal property or that does not use such machinery and equipment in spaceport activities.

(c) ~~(d)~~ "Eligible equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities, and that is located and placed into service in this state. A building and its structural components

HB 7247

2011

are not eligible equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air-conditioning systems are not eligible equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with ~~the provisions of this~~ paragraph.

(d) ~~(e)~~ "Eligible equipment purchases" means the cost of eligible equipment purchased and placed into service in this state in a given state fiscal year by an eligible entity in excess of the entity's base year purchases.

~~(f) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(e) ~~(g)~~ "Refund" means a payment to an eligible entity for the amount of state sales and use tax actually paid on eligible equipment purchases.

(4) To receive a refund, a business entity must first apply to the department ~~Office~~ for a tax refund allocation. The entity shall provide such information in the application as reasonably required by the department ~~Office~~. Further, the business entity shall provide such information as is required by the department ~~Office~~ to establish the cost incurred and actual

HB 7247

2011

6104 sales and use tax paid to purchase eligible equipment located  
6105 and placed into service in this state during its taxable year  
6106 that began in 2008.

6107 (a) Within 30 days after the department ~~Office~~ receives an  
6108 application for a refund, the Governor ~~Office~~ shall approve or  
6109 disapprove the application.

6110 (b) Refund allocations made during the 2010-2011 fiscal  
6111 year shall be awarded in the same order in which applications  
6112 are received. Eligible entities may apply to the department  
6113 ~~Office~~ beginning July 1, 2010, for refunds attributable to  
6114 eligible equipment purchases made during the 2010-2011 fiscal  
6115 year. For the 2010-2011 fiscal year, the department ~~Office~~ shall  
6116 allocate the maximum amount of \$50,000 per entity until the  
6117 entire \$19 million available for refund in state fiscal year  
6118 2010-2011 has been allocated. If the total amount available for  
6119 allocation during the 2010-2011 fiscal year is allocated, the  
6120 department ~~Office~~ shall continue taking applications. Each  
6121 applicant shall be informed of its place in the queue and  
6122 whether the applicant received an allocation of the eligible  
6123 funds.

6124 (c) Refund allocations made during the 2011-2012 fiscal  
6125 year shall first be given to any applicants remaining in the  
6126 queue from the prior fiscal year. The department ~~Office~~ shall  
6127 allocate the maximum amount of \$50,000 per entity, first to  
6128 those applicants that remained in the queue from 2010-2011 for  
6129 eligible purchases in 2010-2011, then to applicants for 2011-  
6130 2012 in the order applications are received for eligible  
6131 purchases in 2011-2012. The department ~~Office~~ shall allocate the

HB 7247

2011

6132 maximum amount of \$50,000 per entity until the entire \$24  
6133 million available to be allocated for refund in the 2011-2012  
6134 fiscal year is allocated. If the total amount available for  
6135 refund in 2011-2012 has been allocated, The department ~~Office~~  
6136 shall continue to accept applications from eligible entities in  
6137 the 2011-2012 fiscal year for refunds attributable to eligible  
6138 equipment purchases made during the 2011-2012 fiscal year.  
6139 Refund allocations made during the 2011-2012 fiscal year shall  
6140 be awarded in the same order in which applications are received.  
6141 Upon submitting an application, each applicant shall be informed  
6142 of its place in the queue and whether the applicant has received  
6143 an allocation of the eligible funds.

6144       (5) Upon completion of eligible equipment purchases, a  
6145 business entity that received a refund allocation from the  
6146 department ~~Office~~ must apply to the Governor ~~office~~ for  
6147 certification of a refund. For eligible equipment purchases made  
6148 during the 2010-2011 fiscal year, the application for  
6149 certification must be made no later than September 1, 2011. For  
6150 eligible equipment purchases made during the 2011-2012 fiscal  
6151 year, the application for certification must be made no later  
6152 than September 1, 2012. The application shall provide such  
6153 documentation as is reasonably required by the department ~~Office~~  
6154 to calculate the refund amount, including documentation  
6155 necessary to confirm the cost of eligible equipment purchases  
6156 supporting the claim of the sales and use tax paid thereon.  
6157 Further, the business entity shall provide such documentation as  
6158 required by the department ~~Office~~ to establish the entity's base  
6159 year purchases. If, upon reviewing the application, the

HB 7247

2011

6160 department ~~Office~~ determines that eligible equipment purchases  
6161 did not occur, that the amount of tax claimed to have been paid  
6162 or remitted on the eligible equipment purchases is not supported  
6163 by the documentation provided, or that the information provided  
6164 ~~to the Office~~ was otherwise inaccurate, the amount of the refund  
6165 allocation not substantiated may ~~shall~~ not be certified.

6166 Otherwise, the department ~~Office~~ shall recommend to the Governor  
6167 ~~determine and certify~~ the amount of the refund to certify to the  
6168 eligible entity and to the Department of Revenue within 30 days  
6169 after the Department of Economic Opportunity ~~office~~ receives the  
6170 application for certification.

6171 (6) Upon certification of a refund for an eligible entity,  
6172 the entity shall apply to the Department of Revenue within 30  
6173 days for payment of the certified amount as a refund on a form  
6174 prescribed by the Department of Revenue. The Department of  
6175 Revenue may request documentation in support of the application  
6176 and adopt emergency rules to administer the refund application  
6177 process.

6178 (9) The Department of Economic Opportunity ~~Office~~ shall  
6179 adopt emergency rules governing applications for, issuance of,  
6180 and procedures for allocation and certification and may  
6181 establish guidelines as to the requisites for demonstrating base  
6182 year purchases and eligible equipment purchases.

6183 Section 73. Subsections (2), (3), and (5) of section  
6184 288.1088, Florida Statutes, are amended to read:

6185 288.1088 Quick Action Closing Fund.—

6186 (2) There is created within the department ~~Office of~~  
6187 ~~Tourism, Trade, and Economic Development~~ the Quick Action

HB 7247

2011

Closing Fund. Projects eligible for receipt of funds from the Quick Action Closing Fund shall:

- (a) Be in an industry as referenced in s. 288.106.
- (b) Have a positive economic benefit ~~payback~~ ratio of at least 5 to 1.
- (c) Be an inducement to the project's location or expansion in the state.
- (d) Pay an average annual wage of at least 125 percent of the areawide or statewide private sector average wage.
- (e) Be supported by the local community in which the project is to be located.

(3)(a) The department ~~Enterprise Florida, Inc.,~~ shall review applications pursuant to s. 288.061 and determine the eligibility of each project consistent with the criteria in subsection (2). Waiver of ~~Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive~~ these criteria may be considered under the following conditions:

- 1. Based on extraordinary circumstances;
- 2. In order to mitigate the impact of the conclusion of the space shuttle program; or
- 3. In rural areas of critical economic concern if the project would significantly benefit the local or regional economy.

(b) The department ~~Enterprise Florida, Inc.,~~ shall evaluate individual proposals for high-impact business facilities ~~and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the~~

HB 7247

2011

~~Office of Tourism, Trade, and Economic Development.~~ Such evaluation ~~and recommendation~~ must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

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

HB 7247

2011

- b. The historical market performance of the company;
- c. A review of any independent evaluations of the company;
- d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and
- e. A review of any other types of audits that are related to the internal and management controls of the company.

(c) The Commissioner of Economic Opportunity ~~Within 22 calendar days after receiving the evaluation and recommendation from Enterprise Florida, Inc., the director of the Office of Tourism, Trade, and Economic Development~~ shall recommend to the Governor the approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund. In recommending a project, the commissioner ~~the director~~ shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor may approve project awards up to \$5 million. For any project award that exceeds \$5 million, the Governor shall ~~provide the evaluation of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and~~ consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for the ~~a~~ project. Such consultation shall be accomplished by ~~At least 14 days before releasing funds for a project,~~ the Executive Office of the Governor, recommending ~~shall recommend~~ approval of the project and ~~the release of funds~~ by delivering notice of such action pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in



HB 7247

2011

order to obtain funds. If the chair or vice chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives ~~timely~~ advises the Executive Office of the Governor, in writing, within 3 business days after receipt of the notice that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the Executive Office of the Governor shall void the action ~~release of funds~~ and instruct the department ~~Office of Tourism, Trade, and Economic Development~~ to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue. ~~Notwithstanding such requirement, any project exceeding \$2,000,000 must be approved by the Legislative Budget Commission prior to the funds being released.~~

(d) Upon the approval of the project, the Governor, ~~the director of the Office of Tourism, Trade, and Economic Development~~ and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient

HB 7247

2011

appropriation of funds by the Legislature.

(e) The department ~~Enterprise Florida, Inc.,~~ shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

~~(5) Funds appropriated by the Legislature for purposes of implementing this section shall be placed in reserve and may only be released pursuant to the legislative consultation and review requirements set forth in this section.~~

Section 74. Subsection (1), paragraphs (b), (f), and (o) of subsection (2), and subsections (3), (4), (5), (6), (7), (8), (9), (11), and (12) of section 288.1089, Florida Statutes, are amended, and present paragraphs (g) through (n) and paragraphs (p) through (s) of subsection (2) are redesignated as paragraphs (f) through (m) and paragraphs (n) through (q), respectively, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the department ~~Office of Tourism, Trade, and Economic Development~~ to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development, innovation business, and alternative and renewal energy projects.

(2) As used in this section, the term:

(b) "Average private sector wage" means the statewide average wage in the private sector or the average of all private

HB 7247

2011

sector wages in the county or in the standard metropolitan area in which the project is located as determined by the department ~~Agency for Workforce Innovation~~.

~~(f) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(e) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to the department ~~Enterprise Florida, Inc.~~, before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the department ~~office~~ in writing before ~~prior to~~ the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

(d) The applicant's projected investment in the project.

HB 7247

2011

(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the department Office, the applicant must, at a minimum, establish the following to the satisfaction of the department ~~Enterprise Florida, Inc., and the Office:~~

(a) The jobs created by the project must pay an estimated annual average wage equaling at least 130 percent of the average private sector wage. The Governor Office may waive this average wage requirement ~~at the request of Enterprise Florida, Inc.,~~ for a project located in a rural area, a brownfield area, or an enterprise zone, when the merits of the individual project or the specific circumstances in the community in relationship to

HB 7247

2011

the project warrant such action. A recommendation for waiver by the department Enterprise Florida, Inc., must include a specific justification for the waiver and be transmitted to the Governor by the department Office in writing. If the Governor ~~director~~ elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

(b) A research and development project must:

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

2. Demonstrate a plan for significant higher education collaboration.

3. Provide the state, at a minimum, a break-even return on investment within a 20-year period.

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

(c) An innovation business project in this state, other than a research and development project, must:

1.a. Result in the creation of at least 1,000 direct, new jobs at the business; or

b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or an enterprise zone.

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.

HB 7247

2011

6412 3.a. Have a cumulative investment of at least \$500 million  
6413 within a 5-year period; or

6414 b. Have a cumulative investment that exceeds \$250 million  
6415 within a 10-year period if the project is located in a rural  
6416 area, brownfield area, or an enterprise zone.

6417 4. Be provided with a one-to-one match from the local  
6418 community. The match requirement may be reduced or waived in  
6419 rural areas of critical economic concern or reduced in rural  
6420 areas, brownfield areas, and enterprise zones.

6421 (d) For an alternative and renewable energy project in  
6422 this state, the project must:

6423 1. Demonstrate a plan for significant collaboration with  
6424 an institution of higher education;

6425 2. Provide the state, at a minimum, a break-even return on  
6426 investment within a 20-year period;

6427 3. Include matching funds provided by the applicant or  
6428 other available sources. The match requirement may be reduced or  
6429 waived in rural areas of critical economic concern or reduced in  
6430 rural areas, brownfield areas, and enterprise zones;

6431 4. Be located in this state; and

6432 5. Provide at least 35 direct, new jobs that pay an  
6433 estimated annual average wage that equals at least 130 percent  
6434 of the average private sector wage.

6435 (5) The department ~~Enterprise Florida, Inc.,~~ shall review  
6436 ~~evaluate~~ proposals pursuant s. 288.061 for all three categories  
6437 of innovation incentive awards ~~and transmit recommendations for~~  
6438 ~~awards to the Office.~~ Before recommending a proposal to the  
6439 Governor, the department ~~making its recommendations on~~

HB 7247

2011

6440 ~~alternative and renewable energy projects, Enterprise Florida,~~  
6441 ~~Inc.,~~ shall solicit comments and recommendations from the  
6442 Florida Energy and Climate Commission. For each project, the  
6443 evaluation and recommendation to the Governor ~~office~~ must  
6444 include, but need not be limited to:

6445 (a) A description of the project, its required facilities,  
6446 and the associated product, service, or research and development  
6447 associated with the project.

6448 (b) The percentage of match provided for the project.

6449 (c) The number of full-time equivalent jobs that will be  
6450 created by the project, the total estimated average annual wages  
6451 of such jobs, and the types of business activities and jobs  
6452 likely to be stimulated by the project.

6453 (d) The cumulative investment to be dedicated to the  
6454 project within 5 years and the total investment expected in the  
6455 project if more than 5 years.

6456 (e) The projected economic and fiscal impacts on the local  
6457 and state economies relative to investment.

6458 (f) A statement of any special impacts the project is  
6459 expected to stimulate in a particular business sector in the  
6460 state or regional economy or in the state's universities and  
6461 community colleges.

6462 (g) A statement of any anticipated or proposed  
6463 relationships with state universities.

6464 (h) A statement of the role the incentive is expected to  
6465 play in the decision of the applicant to locate or expand in  
6466 this state.

6467 (i) A recommendation and explanation of the amount of the

HB 7247

2011

award needed to cause the applicant to expand or locate in this state.

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

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

(l) Additional evaluative criteria for a research and development facility project, including:

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

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

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

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

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



HB 7247

2011

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

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The commission shall give greater preference to projects that provide such matching funds or other in-kind contributions.

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

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

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

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

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

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

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be

HB 7247

2011

6524 conducted in relation to other projects.

6525 11. The degree of public visibility and interaction.

6526 (6) ~~In consultation with~~ The department ~~Enterprise~~  
6527 ~~Florida, Inc., the Office~~ may negotiate the proposed amount of  
6528 an award for any applicant meeting the requirements of this  
6529 section. In negotiating such award, the department ~~office~~ shall  
6530 consider the amount of the incentive needed to cause the  
6531 applicant to locate or expand in this state in conjunction with  
6532 other relevant applicant impact and cost information and  
6533 analysis as described in this section. Particular emphasis shall  
6534 be given to the potential for the project to stimulate  
6535 additional private investment and high-quality employment  
6536 opportunities in the area.

6537 (7) Upon receipt of the evaluation and recommendation from  
6538 the department, ~~Enterprise Florida, Inc., the director~~ shall  
6539 ~~recommend to the Governor~~ shall ~~the~~ approve ~~approval~~ or deny  
6540 ~~disapproval~~ of an award. In recommending approval of an award,  
6541 the department ~~director~~ shall include proposed performance  
6542 conditions that the applicant must meet in order to obtain  
6543 incentive funds and any other conditions that must be met before  
6544 the receipt of any incentive funds. The Governor shall consult  
6545 with the President of the Senate and the Speaker of the House of  
6546 Representatives before giving approval for an award. Upon review  
6547 and approval of an award by the Legislative Budget Commission,  
6548 the Executive Office of the Governor shall release the funds.

6549 (8) (a) After the conditions set forth in subsection (7)  
6550 have been met, the Governor, through the department, ~~director~~  
6551 shall issue a letter certifying the applicant as qualified for

HB 7247

2011

an award. The Governor ~~Office~~ and the award recipient shall enter into an agreement that sets forth the conditions for payment of the incentive funds. The agreement must include, at a minimum:

1. The total amount of funds awarded.

2. The performance conditions that must be met in order to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment.

3. Demonstration of a baseline of current service and a measure of enhanced capability.

4. The methodology for validating performance.

5. The schedule of payments.

6. Sanctions for failure to meet performance conditions, including any clawback provisions.

(b) Additionally, agreements signed on or after July 1, 2009, must include the following provisions:

1. Notwithstanding subsection (4), a requirement that the jobs created by the recipient of the incentive funds pay an annual average wage at least equal to the relevant industry's annual average wage or at least 130 percent of the average private sector wage, whichever is greater.

2. A reinvestment requirement. Each recipient of an award shall reinvest up to 15 percent of net royalty revenues, including revenues from spin-off companies and the revenues from the sale of stock it receives from the licensing or transfer of inventions, methods, processes, and other patentable discoveries conceived or reduced to practice using its facilities in Florida

HB 7247

2011

6580 or its Florida-based employees, in whole or in part, and to  
6581 which the recipient of the grant becomes entitled during the 20  
6582 years following the effective date of its agreement with the  
6583 Governor ~~office~~. Each recipient of an award also shall reinvest  
6584 up to 15 percent of the gross revenues it receives from naming  
6585 opportunities associated with any facility it builds in this  
6586 state. Reinvestment payments shall commence no later than 6  
6587 months after the recipient of the grant has received the final  
6588 disbursement under the contract and shall continue until the  
6589 maximum reinvestment, as specified in the contract, has been  
6590 paid. Reinvestment payments shall be remitted to the department  
6591 ~~office~~ for deposit in the Biomedical Research Trust Fund for  
6592 companies specializing in biomedicine or life sciences, or in  
6593 the Economic Development Trust Fund for companies specializing  
6594 in fields other than biomedicine or the life sciences. If these  
6595 trust funds no longer exist at the time of the reinvestment, the  
6596 state's share of reinvestment shall be deposited in their  
6597 successor trust funds as determined by law. Each recipient of an  
6598 award shall annually submit a schedule of the shares of stock  
6599 held by it as payment of the royalty required by this paragraph  
6600 and report on any trades or activity concerning such stock. Each  
6601 recipient's reinvestment obligations survive the expiration or  
6602 termination of its agreement with the state.

6603 3. Requirements for the establishment of internship  
6604 programs or other learning opportunities for educators and  
6605 secondary, postsecondary, graduate, and doctoral students.

6606 4. A requirement that the recipient submit quarterly  
6607 reports and annual reports related to activities and performance

HB 7247

2011

to the department ~~Office~~, according to standardized reporting periods.

5. A requirement for an annual accounting to the Department of Economic Opportunity ~~Office~~ of the expenditure of funds disbursed under this section.

6. A process for amending the agreement.

(9) The department ~~Enterprise Florida, Inc.,~~ shall validate ~~assist the Office in validating~~ the performance of an innovation business, a research and development facility, or an alternative and renewable energy business that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, the department ~~Enterprise Florida, Inc.,~~ shall, within 90 days, submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing whether the recipient of the innovation incentive grant achieved its specified outcomes.

(11)(a) The department ~~Beginning January 5, 2010, and every year thereafter, the Office~~ shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as part of the annual report, a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation ~~by the office~~ of whether the recipients are catalysts for additional direct and indirect economic development in Florida.

(b) Beginning March 1, 2010, and every third year thereafter, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General's

HB 7247

2011

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

~~(12) The Office may seek the assistance of the Office of Program Policy Analysis and Government Accountability, the Legislature's Office of Economic and Demographic Research, and other entities for the purpose of developing performance measures or techniques to quantify the synergistic economic development impacts that awardees of grants are having within their communities.~~

Section 75. Section 288.1095, Florida Statutes, is amended to read:

288.1095 Information concerning the One-Stop Permitting System.—The department ~~Office of Tourism, Trade, and Economic Development~~ shall develop literature that explains the One-Stop

HB 7247

2011

Permitting System and identifies those counties that have been designated as Quick Permitting Counties. The literature must be updated at least once each year. To the maximum extent feasible, state agencies and Enterprise Florida, Inc., shall distribute such literature and inform the public of the One-Stop Permitting System and the Quick Permitting Counties. In addition, Enterprise Florida, Inc., shall provide this information to prospective, new, expanding, and relocating businesses seeking to conduct business in this state, municipalities, counties, economic-development organizations, and chambers of commerce.

Section 76. Subsections (1), (2), and (3), paragraphs (d) and (e) of subsection (4), paragraph (a) of subsection (6), and subsection (8) of section 288.1162, Florida Statutes, are amended to read:

288.1162 Professional sports franchises; duties.—

(1) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall serve as the state agency for screening applicants for state funding under s. 212.20 and for certifying an applicant as a facility for a new or retained professional sports franchise.

(2) The department ~~Office of Tourism, Trade, and Economic Development~~ shall develop rules for the receipt and processing of applications for funding under s. 212.20.

(3) As used in this section, the term:

(a) "New professional sports franchise" means a professional sports franchise that was not based in this state before April 1, 1987.

(b) "Retained professional sports franchise" means a

HB 7247

2011

professional sports franchise that has had a league-authorized location in this state on or before December 31, 1976, and has continuously remained at that location, and has never been located at a facility that has been previously certified under any provision of this section.

(4) Before certifying an applicant as a facility for a new or retained professional sports franchise, the department ~~Office of Tourism, Trade, and Economic Development~~ must determine that:

(d) The applicant has projections, verified by the department ~~Office of Tourism, Trade, and Economic Development~~, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the department ~~Office of Tourism, Trade, and Economic Development~~, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed \$2 million annually.

(6) (a) The Governor, through the department, ~~Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any facility certified as a facility for a new or retained professional sports franchise. The Governor, through the department, ~~Office of Tourism, Trade, and Economic Development~~ shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise, including in the total any facilities certified by the former



HB 7247

2011

6720 Department of Commerce before July 1, 1996. The Governor,  
6721 through the department, ~~office~~ may make no more than one  
6722 certification for any facility.

6723 (8) An applicant is not qualified for certification under  
6724 this section if the franchise formed the basis for a previous  
6725 certification, unless the previous certification was withdrawn  
6726 by the facility or invalidated by the department ~~Office of~~  
6727 ~~Tourism, Trade, and Economic Development~~ or the former  
6728 Department of Commerce before any funds were distributed under  
6729 s. 212.20. This subsection does not disqualify an applicant if  
6730 the previous certification occurred between May 23, 1993, and  
6731 May 25, 1993; however, any funds to be distributed under s.  
6732 212.20 for the second certification shall be offset by the  
6733 amount distributed to the previous certified facility.  
6734 Distribution of funds for the second certification may ~~shall~~ not  
6735 be made until all amounts payable for the first certification  
6736 are distributed.

6737 Section 77. Subsections (1), (2), (4), (5), (6), (7), and  
6738 (8) of section 288.11621, Florida Statutes, are amended, to  
6739 read:

6740 288.11621 Spring training baseball franchises.—

6741 (1) DEFINITIONS.—As used in this section, the term:

6742 (a) "Agreement" means a certified, signed lease between an  
6743 applicant that applies for certification on or after July 1,  
6744 2010, and the spring training franchise for the use of a  
6745 facility.

6746 (b) "Applicant" means a unit of local government as  
6747 defined in s. 218.369, including local governments located in

HB 7247

2011

the same county that have partnered with a certified applicant before the effective date of this section or with an applicant for a new certification, for purposes of sharing in the responsibilities of a facility.

(c) "Certified applicant" means a facility for a spring training franchise that was certified before July 1, 2010, under s. 288.1162(5), Florida Statutes 2009, or a unit of local government that is certified under this section.

(d) "Facility" means a spring training stadium, playing fields, and appurtenances intended to support spring training activities.

(e) "Local funds" and "local matching funds" mean funds provided by a county, municipality, or other local government.

~~(f) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, the Governor, through the department, ~~Office~~ must verify that:

1. The applicant is responsible for the acquisition, construction, management, or operation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise for the use of the facility for a term of at least 20 years. The agreement also must require the franchise to reimburse the state for state funds expended by an applicant under this section if the

HB 7247

2011

franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

(b) The department ~~office~~ shall competitively evaluate applications for state funding of a facility for a spring training franchise. The total number of certifications may not exceed 10 at any time. The evaluation criteria must include, with priority given in descending order to, the following items:

1. The anticipated effect on the economy of the local community where the spring training facility is to be built, including projections on paid attendance, local and state tax collections generated by spring training games, and direct and indirect job creation resulting from the spring training activities. Priority shall be given to applicants who can demonstrate the largest projected economic impact.

2. The amount of the local matching funds committed to a

HB 7247

2011

6804 facility relative to the amount of state funding sought, with  
6805 priority given to applicants that commit the largest amount of  
6806 local matching funds relative to the amount of state funding  
6807 sought.

6808 3. The potential for the facility to serve multiple uses.

6809 4. The intended use of the funds by the applicant, with  
6810 priority given to the funds being used to acquire a facility,  
6811 construct a new facility, or renovate an existing facility.

6812 5. The length of time that a spring training franchise has  
6813 been under an agreement to conduct spring training activities  
6814 within an applicant's geographic location or jurisdiction, with  
6815 priority given to applicants having agreements with the same  
6816 franchise for the longest period of time.

6817 6. The length of time that an applicant's facility has  
6818 been used by one or more spring training franchises, with  
6819 priority given to applicants whose facilities have been in  
6820 continuous use as facilities for spring training the longest.

6821 7. The term remaining on a lease between an applicant and  
6822 a spring training franchise for a facility, with priority given  
6823 to applicants having the shortest lease terms remaining.

6824 8. The length of time that a spring training franchise  
6825 agrees to use an applicant's facility if an application is  
6826 granted under this section, with priority given to applicants  
6827 having agreements for the longest future use.

6828 9. The net increase of total active recreation space owned  
6829 by the applicant after an acquisition of land for the facility,  
6830 with priority given to applicants having the largest percentage  
6831 increase of total active recreation space that will be available

HB 7247

2011

for public use.

10. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an urban infill redevelopment plan, with priority given to applicants having facilities located in these areas.

(c) Each applicant certified on or after July 1, 2010, shall enter into an agreement with the Governor ~~office~~ that:

1. Specifies the amount of the state incentive funding to be distributed.

2. States the criteria that the certified applicant must meet in order to remain certified.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the department ~~Office~~ may recover state incentive funds if the certified applicant is decertified.

5. Specifies information that the certified applicant must report to the department ~~Office~~.

6. Includes any provision deemed prudent by the department ~~Office~~.

(4) ANNUAL REPORTS.—On or before September 1 of each year, a certified applicant shall submit to the department ~~Office~~ a report that includes, but is not limited to:

(a) A copy of its most recent annual audit.

(b) A detailed report on all local and state funds expended to date on the project being financed under this section.

HB 7247

2011

(c) A copy of the contract between the certified local governmental entity and the spring training team.

(d) A cost-benefit analysis of the team's impact on the community.

(e) Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(5) DECERTIFICATION.—

(a) The Governor, through the department, ~~Office~~ shall decertify a certified applicant upon the request of the certified applicant.

(b) The Governor, through the department, ~~Office~~ shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise; or

2. Satisfy its commitment to provide local matching funds to the facility.

However, decertification proceedings against a local government certified before July 1, 2010, shall be delayed until 12 months after the expiration of the local government's existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to the department ~~office~~ that it is in active negotiations with a major league spring training franchise, other than the franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a

HB 7247

2011

notice of intent to decertify from the Governor, through the department, ~~Office~~ to petition ~~the office's director~~ for review of the decertification. Within 45 days after receipt of the request for review, the Governor, through the department, ~~director~~ must notify a certified applicant of the outcome of the review.

(d) The Governor, through the department, ~~Office~~ shall notify the Department of Revenue that a certified applicant is decertified within 10 days after the order of decertification becomes final. The Department of Revenue shall immediately stop the payment of any funds under this section that were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) The department ~~Office~~ shall order a decertified applicant to repay all of the unencumbered state funds that the local government received under this section and any interest that accrued on those funds. The repayment must be made within 60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified by the Governor if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for the acquisition, construction, reconstruction, or renovation

HB 7247

2011

of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for such purpose. This subsection does not preclude or restrict the ability of a certified local government to refinance, refund, or defease such bonds.

(6) ADDITIONAL CERTIFICATIONS.—If the Governor, through the department, ~~Office~~ decertifies a unit of local government, the department ~~Office~~ may accept applications for an additional certification. A unit of local government may not be certified for more than one spring training franchise at any time.

(7) STRATEGIC PLANNING.—

(a) The department ~~Office~~ shall request assistance from Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ and the Florida Grapefruit League Association to develop a comprehensive strategic plan to:

1. Finance spring training facilities.
2. Monitor and oversee the use of state funds awarded to applicants.
3. Identify the financial impact that spring training has on the state and ways in which to maintain or improve that impact.
4. Identify opportunities to develop public-private partnerships to engage in marketing activities and advertise spring training baseball.
5. Identify efforts made by other states to maintain or develop partnerships with baseball spring training teams.
6. Develop recommendations for the Legislature to sustain or improve this state's spring training tradition.



HB 7247

2011

(b) The department ~~office~~ shall submit a copy of the strategic plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2010.

(8) RULEMAKING.— The department ~~office~~ shall adopt rules to implement the certification, decertification, and decertification review processes required by this section.

Section 78. Subsections (1), (2), and (4) of section 288.1168, Florida Statutes, are amended to read:

288.1168 Professional golf hall of fame facility.—

(1) The department ~~of Commerce~~ shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and the Governor for certifying one applicant as the professional golf hall of fame facility in the state.

(2) Before ~~Prior to~~ certifying the professional golf hall of fame facility, the Governor, through the department ~~of Commerce~~ must determine that:

(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.

(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.

(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public

HB 7247

2011

purpose.

(d) There are existing projections that the professional golf hall of fame facility will attract a paid attendance of more than 300,000 annually.

(e) There is an independent analysis or study, using methodology approved by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional golf hall of fame facility will equal or exceed \$2 million annually.

(f) The applicant has submitted an agreement to provide \$2 million annually in national and international media promotion of the professional golf hall of fame facility, Florida, and Florida tourism, through the PGA Tour, Inc., or its affiliates, at the then-current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The department ~~Office of Tourism, Trade, and Economic Development~~ and the PGA Tour, Inc., or its affiliates, must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. The department ~~Office of Tourism, Trade, and Economic Development~~ shall have final approval of all generic advertising. Failure on the part of the PGA Tour, Inc., or its affiliates to annually provide the advertising as provided in this paragraph or subsection (6) shall result in the termination of funding as provided in s. 212.20.

(g) Documentation exists that demonstrates that the applicant has provided, is capable of providing, or has

HB 7247

2011

7000 financial or other commitments to provide more than one-half of  
7001 the costs incurred or related to the improvement and development  
7002 of the facility.

7003 (h) The application is signed by an official senior  
7004 executive of the applicant and is notarized according to Florida  
7005 law providing for penalties for falsification.

7006 (4) Upon determining that an applicant is or is not  
7007 certifiable, the Governor, through the department, ~~Secretary of~~  
7008 ~~Commerce~~ shall notify the applicant of his or her status by  
7009 means of an official letter. If certifiable, the Governor,  
7010 through the department, ~~secretary~~ shall notify the executive  
7011 director of the Department of Revenue and the applicant of such  
7012 certification by means of an official letter granting  
7013 certification. From the date of such certification, the  
7014 applicant shall have 5 years to open the professional golf hall  
7015 of fame facility to the public and notify the department ~~Office~~  
7016 ~~of Tourism, Trade, and Economic Development~~ of such opening. The  
7017 Department of Revenue may ~~shall~~ not begin distributing funds  
7018 until 30 days after ~~following~~ notice by the department ~~Office of~~  
7019 ~~Tourism, Trade, and Economic Development~~ that the professional  
7020 golf hall of fame facility is open to the public.

7021 Section 79. Section 288.1169, Florida Statutes, is amended  
7022 to read:

7023 288.1169 International Game Fish Association World Center  
7024 facility.—

7025 (1) The department ~~of Commerce~~ shall serve as the state  
7026 agency approving applicants for funding pursuant to s. 212.20  
7027 and the Governor for certifying the applicant as the

HB 7247

2011

International Game Fish Association World Center facility. For purposes of this section, "facility" means the International Game Fish Association World Center, and "project" means the International Game Fish Association World Center and new colocated improvements by private sector concerns who have made cash or in-kind contributions to the facility of \$1 million or more.

(2) Before ~~Prior to~~ certifying this facility, the Governor, through the department must determine that:

(a) The International Game Fish Association World Center is the only fishing museum, Hall of Fame, and international administrative headquarters in the United States recognized by the International Game Fish Association, and that one or more private sector concerns have committed to donate to the International Game Fish Association land upon which the International Game Fish Association World Center will operate.

(b) International Game Fish Association is a not-for-profit Florida corporation that has contracted to construct and operate the facility.

(c) The municipality in which the facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the facility serves a public purpose.

(d) There are existing projections that the International Game Fish Association World Center facility and the colocated facilities of private sector concerns will attract an attendance of more than 1.8 million annually.

(e) There is an independent analysis or study, using

HB 7247

2011

7056 methodology approved by the department, which demonstrates that  
7057 the amount of the revenues generated by the taxes imposed under  
7058 chapter 212 with respect to the use and operation of the project  
7059 will exceed \$1 million annually.

7060 (f) There are existing projections that the project will  
7061 attract more than 300,000 persons annually who are not residents  
7062 of the state.

7063 (g) The applicant has submitted an agreement to provide  
7064 \$500,000 annually in national and international media promotion  
7065 of the facility, at the then-current commercial rates, during  
7066 the period of time that the facility receives funds pursuant to  
7067 s. 212.20. Failure on the part of the applicant to annually  
7068 provide the advertising as provided in this paragraph shall  
7069 result in the termination of the funding as provided in s.  
7070 212.20. The applicant can discharge its obligation under this  
7071 paragraph by contracting with other persons, including private  
7072 sector concerns who participate in the project.

7073 (h) Documentation exists that demonstrates that the  
7074 applicant has provided, and is capable of providing, or has  
7075 financial or other commitments to provide, more than one-half of  
7076 the cost incurred or related to the improvements and the  
7077 development of the facility.

7078 (i) The application is signed by senior officials of the  
7079 International Game Fish Association and is notarized according  
7080 to Florida law providing for penalties for falsification.

7081 (3) The applicant may use funds provided pursuant to s.  
7082 212.20 for the purpose of paying for the construction,  
7083 reconstruction, renovation, promotion, or operation of the

HB 7247

2011

7084 facility, or to pay or pledge for payment of debt service on, or  
7085 to fund debt service reserve funds, arbitrage rebate  
7086 obligations, or other amounts payable with respect to, bonds  
7087 issued for the construction, reconstruction, or renovation of  
7088 the facility or for the reimbursement of such costs or by  
7089 refinancing of bonds issued for such purposes.

7090 (4) Upon determining that an applicant is or is not  
7091 certifiable, the Governor, through the department, ~~of Commerce~~  
7092 shall notify the applicant of its status by means of an official  
7093 letter. If certifiable, the Governor, through the department, ~~of~~  
7094 ~~Commerce~~ shall notify the executive director of the Department  
7095 of Revenue and the applicant of such certification by means of  
7096 an official letter granting certification. From the date of such  
7097 certification, the applicant shall have 5 years to open the  
7098 facility to the public and notify the Department of Economic  
7099 Opportunity ~~Commerce~~ of such opening. The Department of Revenue  
7100 ~~may shall~~ not begin distributing funds until 30 days after  
7101 ~~following~~ notice by the Department of Economic Opportunity  
7102 ~~Commerce~~ that the facility is open to the public.

7103 (5) The Department of Revenue may audit as provided in s.  
7104 213.34 to verify that the contributions pursuant to this section  
7105 have been expended as required by this section.

7106 (6) The Governor, through the Department of Economic  
7107 Opportunity, ~~Commerce~~ must recertify every 10 years that the  
7108 facility is open, that the International Game Fish Association  
7109 World Center continues to be the only international  
7110 administrative headquarters, fishing museum, and Hall of Fame in  
7111 the United States recognized by the International Game Fish

HB 7247

2011

Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding shall be abated until certification criteria are met. If the project fails to generate \$1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to an amount equal to \$83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is \$1 million. Such reduction remains in effect until revenues generated by the project in a 12-month period equal or exceed \$1 million.

Section 80. Paragraphs (e) through (g) of subsection (1) of section 288.1171, Florida Statutes, are redesignated as paragraphs (d) and (f), respectively, present paragraph (d) is amended, and subsections (2) and (3) of that section are amended, to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

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

~~(d) "Office" means The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor.~~

(2) The department ~~Office of Tourism, Trade, and Economic Development~~ shall serve as the state agency for screening applicants for local option funding under s. 218.64(3) and the Governor for certifying an applicant as a motorsports entertainment complex. The department ~~Office~~ shall develop and

HB 7247

2011

7140 adopt rules for the receipt and processing of applications for  
7141 funding under s. 218.64(3). The Governor ~~Office~~ shall make a  
7142 determination regarding any application filed by an applicant  
7143 not later than 120 days after the application is filed.

7144 (3) Before certifying an applicant as a motorsports  
7145 entertainment complex, the Governor, through the department,  
7146 ~~Office~~ must determine that:

7147 (a) A unit of local government holds title to the land on  
7148 which the motorsports entertainment complex is located or holds  
7149 title to the motorsports entertainment complex.

7150 (b) The municipality in which the motorsports  
7151 entertainment complex is located, or the county if the  
7152 motorsports entertainment complex is located in an  
7153 unincorporated area, has certified by resolution after a public  
7154 hearing that the application serves a public purpose.

7155 Section 81. Subsections (2), (4), (5), and (8) of section  
7156 288.1175, Florida Statutes, are amended to read:

7157 288.1175 Agriculture education and promotion facility.—

7158 (2) The Department of Agriculture and Consumer Services  
7159 shall adopt ~~develop~~ rules pursuant to ss. 120.536(1) and 120.54  
7160 for the receipt and processing of applications for funding of  
7161 projects pursuant to this section.

7162 (4) The Department of Agriculture and Consumer Services  
7163 shall certify a facility as an agriculture education and  
7164 promotion facility if the Department of Agriculture and Consumer  
7165 Services determines that:

7166 (a) The applicant is a unit of local government as defined  
7167 in s. 218.369, or a fair association as defined in s.



HB 7247

2011

616.001(9), which is responsible for the planning, design, permitting, construction, renovation, management, and operation of the agriculture education and promotion facility or holds title to the property on which such facility is to be developed and located.

(b) The applicant has projections, verified by the Department of Agriculture and Consumer Services, which demonstrate that the agriculture education and promotion facility will serve more than 25,000 visitors annually.

(c) The municipality in which the facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the proposed agriculture education and promotion facility serves a public purpose.

(d) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than 40 percent of the costs incurred or related to the planning, design, permitting, construction, or renovation of the facility. The applicant may include the value of the land and any improvements thereon in determining its contribution to the development of the facility.

(5) The Department of Agriculture and Consumer Services shall competitively evaluate applications for funding of an agriculture education and promotion facility. If the number of applicants exceeds three, the Department of Agriculture and Consumer Services shall rank the applications based upon criteria developed by the Department of Agriculture and Consumer Services, with priority given in descending order to the

HB 7247

2011

7196 following items:

7197 (a) The intended use of the funds by the applicant, with  
7198 priority given to the construction of a new facility.

7199 (b) The amount of local match, with priority given to the  
7200 largest percentage of local match proposed.

7201 (c) The location of the facility in a brownfield site as  
7202 defined in s. 376.79(3), a rural enterprise zone as defined in  
7203 s. 290.004~~(6)~~, an agriculturally depressed area as defined in s.  
7204 570.242(1), ~~a redevelopment area established pursuant to s.~~  
7205 ~~373.461(5)(g)~~, or a county that has lost its agricultural land  
7206 to environmental restoration projects.

7207 (d) The net increase, as a result of the facility, of  
7208 total available exhibition, arena, or civic center space within  
7209 the jurisdictional limits of the local government in which the  
7210 facility is to be located, with priority given to the largest  
7211 percentage increase of total exhibition, arena, or civic center  
7212 space.

7213 (e) The historic record of the applicant in promoting  
7214 agriculture and educating the public about agriculture,  
7215 including, without limitation, awards, premiums, scholarships,  
7216 auctions, and other such activities.

7217 (f) The highest projection on paid attendance attracted by  
7218 the agriculture education and promotion facility and the  
7219 proposed economic impact on the local community.

7220 (g) The location of the facility with respect to an  
7221 Institute of Food and Agricultural Sciences (IFAS) facility,  
7222 with priority given to facilities closer in proximity to an IFAS  
7223 facility.

HB 7247

2011

(8) Applications must be submitted by October 1 of each year. The Department of Agriculture and Consumer Services may not recommend funding for less than the requested amount to any applicant certified as an agriculture education and promotion facility; however, funding of certified applicants shall be subject to the amount provided by the Legislature in the General Appropriations Act for this program.

Section 82. Section 288.122, Florida Statutes, is amended to read:

288.122 Tourism Promotional Trust Fund.—There is created within the department ~~Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~ the Tourism Promotional Trust Fund. Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations ~~of the Florida Commission on Tourism,~~ and ~~to support~~ tourism promotion and marketing activities, services, functions, and programs administered by Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~ through ~~a~~ contract with the department ~~commission's direct support organization created under s. 288.1226.~~

Section 83. Section 288.12265, Florida Statutes, is amended to read:

288.12265 Welcome centers.—

(1) Responsibility for the welcome centers is assigned to Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~ which shall ~~contract with the commission's direct support organization to~~ employ all welcome center staff.

(2) Enterprise Florida, Inc., ~~The Florida Commission on~~

HB 7247

2011

Tourism, through its direct support organization, shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, Enterprise Florida, Inc., ~~the commission~~ shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation.

Section 84. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—Enterprise Florida, Inc., may ~~The Commission on Tourism is authorized to~~ establish a convention grants program and, pursuant thereto, ~~to~~ recommend to the ~~department~~ Office of Tourism, Trade, and Economic Development expenditures and contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions are events that primarily involve minority persons, as defined in s. 288.703, who are residents or nonresidents of the state. The commission shall establish guidelines governing the award of grants and the administration of this program. The Governor, through the department, ~~Office of Tourism, Trade, and Economic Development~~ has final approval authority for any grants under this section. The total annual allocation of funds for this program ~~may shall~~

HB 7247

2011

not exceed \$40,000.

Section 85. Subsection (1) of section 288.1251, Florida Statutes, is amended to read:

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

(1) CREATION.—

(a) There is ~~hereby~~ created within The department Office ~~of Tourism, Trade, and Economic Development~~ the Office of Film and Entertainment for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.

(b) The department Office ~~of Tourism, Trade, and Economic Development~~ shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment when the position is vacant. The Commissioner of Economic Opportunity ~~Executive Director of the Office of Tourism, Trade, and Economic Development~~ has the responsibility to hire the film commissioner. Qualifications for the film commissioner include, but are not limited to, the following:

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

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

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry

HB 7247

2011

liaisons, and labor organizations; and

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

Section 86. Subsections (1) and (2), paragraph (e) of subsection (3), and paragraphs (d), (f), (g), and (h) of subsection (5) of section 288.1252, Florida Statutes, are amended to read:

288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.—

(1) CREATION.—There is ~~hereby~~ created within the department ~~Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~, for administrative purposes only, the Florida Film and Entertainment Advisory Council.

(2) PURPOSE.—The purpose of the council shall be to serve as an advisory body to the department ~~Office of Tourism, Trade, and Economic Development~~ and to the Office of Film and Entertainment to provide these offices with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.

(3) MEMBERSHIP.—

(e) A representative of Enterprise Florida, Inc., and a representative of Workforce Florida, Inc., ~~and a representative of VISIT Florida~~ shall serve ex officio as ~~ex officio~~, nonvoting members of the council, and shall be in addition to the 17 appointed members of the council.

(5) POWERS AND DUTIES.—The Florida Film and Entertainment Advisory Council shall have all the powers necessary or

HB 7247

2011

convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(d) Consider and study the needs of the entertainment industry for the purpose of advising the film commissioner and the department ~~Office of Tourism, Trade, and Economic Development~~.

(f) Consider all matters submitted to it by the film commissioner and the department ~~Office of Tourism, Trade, and Economic Development~~.

(g) Advise and consult with the film commissioner and the department ~~Office of Tourism, Trade, and Economic Development~~, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the Office of Film and Entertainment or by the department ~~Office of Tourism, Trade, and Economic Development~~ that will improve internal operations affecting the entertainment industry and will enhance the economic development initiatives of the state for the industry.

Section 87. Subsections (1), (2), (3), and (4) of section 288.1253, Florida Statutes, are amended to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section, the term "travel expenses" means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by an employee of the Office of Film and Entertainment,

HB 7247

2011

7364 which costs are defined and prescribed by rules adopted by the  
7365 department ~~Office of Tourism, Trade, and Economic Development,~~  
7366 subject to approval by the Chief Financial Officer.

7367 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the  
7368 department ~~Office of Tourism, Trade, and Economic Development~~  
7369 shall adopt rules by which it may make expenditures by  
7370 reimbursement to: the Governor, the Lieutenant Governor,  
7371 security staff of the Governor or Lieutenant Governor, the  
7372 Commissioner of Film and Entertainment, or staff of the Office  
7373 of Film and Entertainment for travel expenses or entertainment  
7374 expenses incurred by such individuals solely and exclusively in  
7375 connection with the performance of the statutory duties of the  
7376 Office of Film and Entertainment. The rules are subject to  
7377 approval by the Chief Financial Officer before adoption. The  
7378 rules shall require the submission of paid receipts, or other  
7379 proof of expenditure prescribed by the Chief Financial Officer,  
7380 with any claim for reimbursement.

7381 (3) The department ~~Office of Tourism, Trade, and Economic~~  
7382 ~~Development~~ shall prepare an annual report of the expenditures  
7383 of the Office of Film and Entertainment and provide such report  
7384 to the Legislature no later than December 30 of each year for  
7385 the expenditures of the previous fiscal year. The report shall  
7386 consist of a summary of all travel, entertainment, and  
7387 incidental expenses incurred within the United States and all  
7388 travel, entertainment, and incidental expenses incurred outside  
7389 the United States, as well as a summary of all successful  
7390 projects that developed from such travel.

7391 (4) The Office of Film and Entertainment and its employees



HB 7247

2011

and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the office's duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The department ~~Office of Tourism, Trade, and Economic Development~~ shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in the furtherance of the department's ~~office's~~ goals and are in compliance with part III of chapter 112.

Section 88. Paragraph (a) of subsection (1), paragraphs (d), (f), and (g) of subsection (3), paragraphs (c) and (d) of subsection (4), paragraph (a) of subsection (5), and paragraph (b) of subsection (9) of section 288.1254, Florida Statutes, are amended to read:

288.1254 Entertainment industry financial incentive program.—

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

(a) "Certified production" means a qualified production that has tax credits allocated to it by the department ~~Office of Tourism, Trade, and Economic Development~~ based on the production's estimated qualified expenditures, up to the production's maximum certified amount of tax credits, by the department ~~Office of Tourism, Trade, and Economic Development~~. The term does not include a production if its first day of principal photography or project start date in this state occurs

HB 7247

2011

7420 before the production is certified by the department ~~Office of~~  
7421 ~~Tourism, Trade, and Economic Development~~, unless the production  
7422 spans more than 1 fiscal year, was a certified production on its  
7423 first day of principal photography or project start date in this  
7424 state, and submits an application for continuing the same  
7425 production for the subsequent fiscal year.

7426 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

7427 (d) Certification.—The Office of Film and Entertainment  
7428 shall review the application within 15 business days after  
7429 receipt. Upon its determination that the application contains  
7430 all the information required by this subsection and meets the  
7431 criteria set out in this section, the Office of Film and  
7432 Entertainment shall qualify the applicant and recommend to the  
7433 Governor, through the department, ~~Office of Tourism, Trade, and~~  
7434 ~~Economic Development~~ that the applicant be certified for the  
7435 maximum tax credit award amount. Within 5 business days after  
7436 receipt of the recommendation, the Governor, through the  
7437 department, ~~Office of Tourism, Trade, and Economic Development~~  
7438 shall reject the recommendation or certify the maximum  
7439 recommended tax credit award, if any, to the applicant and to  
7440 the executive director of the Department of Revenue.

7441 (f) Verification of actual qualified expenditures.—

7442 1. The Office of Film and Entertainment shall develop a  
7443 process to verify the actual qualified expenditures of a  
7444 certified production. The process must require:

7445 a. A certified production to submit, in a timely manner  
7446 after production ends in this state and after making all of its  
7447 qualified expenditures in this state, data substantiating each

HB 7247

2011

7448 qualified expenditure, including documentation on the net  
7449 expenditure on equipment and other tangible personal property by  
7450 the qualified production, to an independent certified public  
7451 accountant licensed in this state;

7452 b. Such accountant to conduct a compliance audit, at the  
7453 certified production's expense, to substantiate each qualified  
7454 expenditure and submit the results as a report, along with the  
7455 required substantiating data, to the Office of Film and  
7456 Entertainment; and

7457 c. The Office of Film and Entertainment to review the  
7458 accountant's submittal and report to the department ~~Office of~~  
7459 ~~Tourism, Trade, and Economic Development~~ the final verified  
7460 amount of actual qualified expenditures made by the certified  
7461 production.

7462 2. The Governor ~~Office of Tourism, Trade, and Economic~~  
7463 ~~Development~~ shall determine and approve the final tax credit  
7464 award amount to each certified applicant based on the final  
7465 verified amount of actual qualified expenditures and shall,  
7466 through the department, notify the executive director of the  
7467 Department of Revenue in writing that the certified production  
7468 has met the requirements of the incentive program and of the  
7469 final amount of the tax credit award. The final tax credit award  
7470 amount may not exceed the maximum tax credit award amount  
7471 certified under paragraph (d).

7472 (g) Promoting Florida.—The Office of Film and  
7473 Entertainment shall ensure that, as a condition of receiving a  
7474 tax credit under this section, marketing materials promoting  
7475 this state as a tourist destination or film and entertainment

HB 7247

2011

production destination are included, when appropriate, at no cost to the state, which must, at a minimum, include placement of a "Filmed in Florida" or "Produced in Florida" logo in the end credits. The placement of a "Filmed in Florida" or "Produced in Florida" logo on all packaging material and hard media is also required, unless such placement is prohibited by licensing or other contractual obligations. The size and placement of such logo shall be commensurate to other logos used. If no logos are used, the statement "Filmed in Florida using Florida's Entertainment Industry Financial Incentive," or a similar statement approved by the Office of Film and Entertainment, shall be used. The Office of Film and Entertainment shall provide a logo and supply it for the purposes specified in this paragraph. A 30-second "Visit Florida" promotional video must also be included on all optical disc formats of a film, unless such placement is prohibited by licensing or other contractual obligations. The 30-second promotional video shall be approved and provided by Enterprise Florida, Inc., ~~the Florida Tourism Industry Marketing Corporation~~ in consultation with the Commissioner of Film and Entertainment.

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

(c) Withdrawal of tax credit eligibility.—A qualified or certified production must continue on a reasonable schedule, which includes beginning principal photography or the production project in this state no more than 45 calendar days before or

HB 7247

2011

7504 after the principal photography or project start date provided  
7505 in the production's program application. The department ~~Office~~  
7506 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the  
7507 eligibility of a qualified or certified production that does not  
7508 continue on a reasonable schedule.

7509 (d) Election and distribution of tax credits.—

7510 1. A certified production company receiving a tax credit  
7511 award under this section shall, at the time the credit is  
7512 awarded by the Governor ~~Office of Tourism, Trade, and Economic~~  
7513 ~~Development~~ after production is completed and all requirements  
7514 to receive a credit award have been met, make an irrevocable  
7515 election to apply the credit against taxes due under chapter  
7516 220, against state taxes collected or accrued under chapter 212,  
7517 or against a stated combination of the two taxes. The election  
7518 is binding upon any distributee, successor, transferee, or  
7519 purchaser. The Department of Economic Opportunity ~~Office of~~  
7520 ~~Tourism, Trade, and Economic Development~~ shall notify the  
7521 Department of Revenue of any election made pursuant to this  
7522 paragraph.

7523 2. A qualified production company is eligible for tax  
7524 credits against its sales and use tax liabilities and corporate  
7525 income tax liabilities as provided in this section. However, tax  
7526 credits awarded under this section may not be claimed against  
7527 sales and use tax liabilities or corporate income tax  
7528 liabilities for any tax period beginning before July 1, 2011,  
7529 regardless of when the credits are applied for or awarded.

7530 (5) TRANSFER OF TAX CREDITS.—

7531 (a) Authorization.—Upon application to the Office of Film

HB 7247

2011

7532 and Entertainment and approval by the Governor, through the  
7533 Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
7534 ~~and Economic Development,~~ a certified production company, or a  
7535 partner or member that has received a distribution under  
7536 paragraph (4)(g), may elect to transfer, in whole or in part,  
7537 any unused credit amount granted under this section. An election  
7538 to transfer any unused tax credit amount under chapter 212 or  
7539 chapter 220 must be made no later than 5 years after the date  
7540 the credit is awarded, after which period the credit expires and  
7541 may not be used. The Department of Economic Opportunity ~~Office~~  
7542 ~~of Tourism, Trade, and Economic Development~~ shall notify the  
7543 Department of Revenue of the election and transfer.

7544 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX  
7545 CREDITS; FRAUDULENT CLAIMS.—

7546 (b) Revocation of tax credits.—The Governor, through the  
7547 Department of Economic Opportunity, ~~Office of Tourism, Trade,~~  
7548 ~~and Economic Development~~ may revoke or modify any written  
7549 decision qualifying, certifying, or otherwise granting  
7550 eligibility for tax credits under this section if it is  
7551 discovered that the tax credit applicant submitted any false  
7552 statement, representation, or certification in any application,  
7553 record, report, plan, or other document filed in an attempt to  
7554 receive tax credits under this section. The Department of  
7555 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
7556 ~~Development~~ shall immediately notify the Department of Revenue  
7557 of any revoked or modified orders affecting previously granted  
7558 tax credits. Additionally, the applicant must notify the  
7559 Department of Revenue of any change in its tax credit claimed.

HB 7247

2011

Section 89. Section 288.7015, Florida Statutes, is amended to read:

288.7015 Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in s. 288.703, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. In carrying out duties as provided by law, the ombudsman shall consult with Enterprise Florida, Inc., at which point the department ~~office~~ may recommend to improve the regulatory environment of this state. The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in s. 120.54(2), with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide exceptions to, or otherwise alter any rule that is:

(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on

HB 7247

2011

the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(5) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with ~~the provisions of~~ chapter 120.

Section 90. Section 288.703, Florida Statutes, is amended to read:

288.703 Definitions.—As used in ss. 288.702-288.706, the ~~term this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:~~

(1)~~(4)~~ "Certified minority business enterprise" means a business which has been certified by the certifying organization or jurisdiction in accordance with s. 287.0943(1) and (2).

(2)~~(7)~~ "Financial institution" means any bank, trust company, insurance company, savings and loan association, credit union, federal lending agency, or foundation.

(3)~~(2)~~ "Minority business enterprise" means any small business concern as defined in subsection (6) ~~(1)~~ which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least 51-percent-owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group resulting



HB 7247

2011

in an underrepresentation of commercial enterprises under the group's control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership which is the result of a transfer from a nonminority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subsection, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

(4)~~(3)~~ "Minority person" means a lawful, permanent resident of Florida who is:

(a) An African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin.

(b) A Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before ~~prior to~~ 1778.

(d) A Native American, a person who has origins in any of the Indian Tribes of North America before ~~prior to~~ 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services.

HB 7247

2011

7644 (e) An American woman.

7645 ~~(5) "Department" means the Department of Management~~  
7646 ~~Services.~~

7647 (5)~~(6)~~ "Ombudsman" means an office or individual whose  
7648 responsibilities include coordinating with the Office of  
7649 Supplier Diversity for the interests of and providing assistance  
7650 to small and minority business enterprises in dealing with  
7651 governmental agencies and in developing proposals for changes in  
7652 state agency rules.

7653 (6)~~(1)~~ "Small business" means an independently owned and  
7654 operated business concern that employs 200 or fewer permanent  
7655 full-time employees and that, together with its affiliates, has  
7656 a net worth of not more than \$5 million or any firm based in  
7657 this state which has a Small Business Administration 8(a)  
7658 certification. As applicable to sole proprietorships, the \$5  
7659 million net worth requirement shall include both personal and  
7660 business investments.

7661 ~~(8) "Secretary" means the secretary of the Department of~~  
7662 ~~Management Services.~~

7663 Section 91. Section 288.705, Florida Statutes, is amended  
7664 to read:

7665 288.705 Statewide contracts register.—All state agencies  
7666 shall in a timely manner provide the Florida Small Business  
7667 Development Center Procurement System with all formal  
7668 solicitations for contractual services, supplies, and  
7669 commodities. The Small Business Development Center shall  
7670 coordinate with Minority Business Development Centers to compile  
7671 and distribute this information to small and minority businesses

HB 7247

2011

requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the department ~~Agency for Workforce Innovation~~ on the use of the statewide contracts register. The report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to businesses requesting such service.

(4) The total number of businesses using the service.

(5) The percentage of businesses using the service which are owned and controlled by minorities.

(6) The percentage of service-disabled veteran business enterprises using the service.

Section 92. Subsections (2) and (12) of section 288.706, Florida Statutes, are amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(2) The Florida Minority Business Loan Mobilization Program is created to promote the development of minority business enterprises, as defined in s. 288.703~~(2)~~, increase the ability of minority business enterprises to compete for state contracts, and sustain the economic growth of minority business enterprises in this state. The goal of the program is to assist

HB 7247

2011

minority business enterprises by facilitating working capital loans to minority business enterprises that are vendors on state agency contracts. The Department of Management Services shall administer the program.

(12) The Department of Management Services shall collaborate with Enterprise Florida, Inc., ~~the Florida Black Business Investment Board, Inc.~~, and the department ~~Office of Tourism, Trade, and Economic Development~~ to assist in the development and enhancement of black business enterprises.

Section 93. Subsection (2) of section 288.7094, Florida Statutes, is amended to read:

288.7094 Black business investment corporations.—

(2) A black business investment corporation that meets the requirements of s. 288.7102(4) is eligible to participate in the Black Business Loan Program and shall receive priority consideration by the department ~~Office of Tourism, Trade, and Economic Development~~ for participation in the program.

Section 94. Section 288.7102, Florida Statutes, is amended to read:

288.7102 Black Business Loan Program.—

(1) The Black Business Loan Program is established within ~~in the department, which~~ Office of Tourism, Trade, and Economic Development. ~~Under the program, the office~~ shall annually certify eligible recipients and subsequently disburse funds appropriated by the Legislature, through such eligible recipients, to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector.

HB 7247

2011

(2) The department ~~office~~ shall establish an application and annual certification process for entities seeking funds to participate in providing loans, loan guarantees, or investments in black business enterprises pursuant to the Florida Black Business Investment Act. The department ~~office~~ shall process all applications and recertifications submitted by June 1 on or before July 31.

(3) If the Black Business Loan Program is appropriated any funding in a fiscal year, the Governor, through the department, ~~Office~~ shall distribute an equal amount of the appropriation, calculated as the total annual appropriation divided by the total number of program recipients certified on or before July 31 of that fiscal year.

(4) To be eligible to receive funds and provide loans, loan guarantees, or investments under this section, a recipient must:

(a) Be a corporation registered in the state.

(b) For an existing recipient, annually submit to the department ~~office~~ a financial audit performed by an independent certified public account for the most recently completed fiscal year, which audit does not reveal any material weaknesses or instances of material noncompliance.

(c) For a new recipient:

1. Demonstrate that its board of directors includes citizens of the state experienced in the development of black business enterprises.

2. Demonstrate that the recipient has a business plan that allows the recipient to operate in a manner consistent with this

HB 7247

2011

7756 section ss. 288.707-288.714 and the department's rules ~~of the~~  
7757 ~~office.~~

7758 3. Demonstrate that the recipient has the technical skills  
7759 to analyze and evaluate applications by black business  
7760 enterprises for loans, loan guarantees, or investments.

7761 4. Demonstrate that the recipient has established viable  
7762 partnerships with public and private funding sources, economic  
7763 development agencies, and workforce development and job referral  
7764 networks.

7765 5. Demonstrate that the recipient can provide a private  
7766 match equal to 20 percent of the amount of funds provided by the  
7767 Governor through the department ~~office.~~

7768 (d) For an existing or new recipient, agree to maintain  
7769 the recipient's books and records relating to funds received by  
7770 the department ~~office~~ according to generally accepted accounting  
7771 principles and in accordance with the requirements of s.  
7772 215.97(7) and to make those books and records available to the  
7773 department ~~office~~ for inspection upon reasonable notice.

7774 (5) Each eligible recipient must meet the requirements of  
7775 this section ~~provisions of ss. 288.707-288.714~~, the terms of the  
7776 contract between the recipient and the department ~~Office~~, and  
7777 any other applicable state or federal laws. An entity may not  
7778 receive funds ~~under ss. 288.707-288.714~~ unless the entity meets  
7779 annual certification requirements.

7780 (6) Upon approval by the department ~~Office~~ and before  
7781 release of the funds as provided in this section, the Governor,  
7782 through the department, ~~Office~~ shall issue a letter certifying  
7783 the applicant as qualified for an award. The Governor ~~Office~~ and

HB 7247

2011

the applicant shall enter into an agreement that sets forth the conditions for award of the funds. The agreement must include the total amount of funds awarded; the performance conditions that must be met once the funding has been awarded, including, but not limited to, compliance with all of the requirements of this section for eligible recipients of funds under this section; and sanctions for failure to meet performance conditions, including any provisions to recover awards.

(7) The department ~~Office~~, in consultation with the board, shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

(8) A black business investment corporation certified by the Governor ~~Office~~ as an eligible recipient under this section is authorized to use funds appropriated for the Black Business Loan Program in any of the following forms:

(a) Purchases of stock, preferred or common, voting or nonvoting; however, no more than 40 percent of the funds may be used for direct investments in black business enterprises;

(b) Loans or loan guarantees, with or without recourse, in either a subordinated or priority position; or

(c) Technical support to black business enterprises, not to exceed 9 percent of the funds received, and direct administrative costs, not to exceed 12 percent of the funds received.

(9) It is the intent of the Legislature that if any one type of investment mechanism authorized in subsection (8) is held to be invalid, all other valid mechanisms remain available.

(10) All loans, loan guarantees, and investments, and any

HB 7247

2011

income related thereto, shall be used to carry out the public purpose of ~~ss. 288.707-288.714, which is~~ to develop black business enterprises. This subsection does not preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 95. Section 288.714, Florida Statutes, is amended to read:

288.714 Quarterly and annual reports.—

(1) Each recipient of state funds under s. 288.7102 shall provide to Enterprise Florida, Inc., ~~the Office~~ a quarterly report within 15 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102, including, but not limited to:

(a) The dollar amount of all loans or loan guarantees made to black business enterprises, the percentages of the loans guaranteed, and the names and identification of the types of businesses served.

(b) Loan performance information.

(c) The amount and nature of all other financial assistance provided to black business enterprises.

(d) The amount and nature of technical assistance provided to black business enterprises, including technical assistance services provided in areas in which such services are otherwise unavailable.



HB 7247

2011

(e) A balance sheet for the recipient, including an explanation of all investments and administrative and operational expenses.

(f) A summary of all services provided to nonblack business enterprises, including the dollar value and nature of such services and the names and identification of the types of businesses served.

(g) Any other information as required by policies adopted by Enterprise Florida, Inc. ~~the office.~~

(2) Enterprise Florida, Inc., ~~The Office~~ must compile a summary of all quarterly reports and provide a copy of the summary to the board within 30 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102.

(3) Enterprise Florida, Inc., ~~By August 31 of each year, the Office shall,~~ as part of its annual report, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the performance of the Black Business Loan Program. The report must include a cumulative summary of quarterly report data required by subsection (1).

~~(4) By August 31 of each year, the board shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the board's performance, including:~~

~~(a) A description of the strategies implemented by the board to increase private investment in black business enterprises.~~

HB 7247

2011

~~(b) A summary of the board's performance of its duties under ss. 288.707-288.712.~~

~~(c) The most recent 5-year projection of the need for capital by black business enterprises.~~

~~(d) Recommendations for legislative or other changes to enhance the development and expansion of black business enterprises in the state.~~

~~(e) A projection of the program's activities during the next 12 months.~~

Section 96. Subsection (1) of section 288.773, Florida Statutes, is amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance

HB 7247

2011

7896 Association, Enterprise Florida, Inc., ~~and its boards,~~ and other  
7897 private and public programs and organizations, domestic and  
7898 foreign, designed to provide export assistance and export-  
7899 related financing.

7900 Section 97. Paragraph (b) of subsection (3) of section  
7901 288.774, Florida Statutes, is amended to read:

7902 288.774 Powers and limitations.—

7903 (3)

7904 (b) In providing assistance, the board shall be guided by  
7905 the statewide economic development plan prepared ~~adopted by the~~  
7906 Department of Economic Opportunity ~~pursuant to s. 288.905.~~

7907 Section 98. Paragraph (a) of subsection (1) and paragraphs  
7908 (a), (c), and (g) of subsection (3) of section 288.776, Florida  
7909 Statutes, are amended to read:

7910 288.776 Board of directors; powers and duties.—

7911 (1)(a) The corporation shall have a board of directors  
7912 consisting of 15 members representing all geographic areas of  
7913 the state. Minority and gender representation must be considered  
7914 when making appointments to the board. The board membership must  
7915 include:

7916 1. A representative of the following businesses, all of  
7917 which must be registered to do business in this state: a foreign  
7918 bank, a state bank, a federal bank, an insurance company  
7919 involved in covering trade financing risks, and a small or  
7920 medium-sized exporter.

7921 2. The following persons or their designee: the President  
7922 of Enterprise Florida, Inc., the Chief Financial Officer, the  
7923 Secretary of State, a senior official of the United States

HB 7247

2011

7924 Department of Commerce, and the chair of the advisory council to  
7925 the Division of International Trade and Business Development of  
7926 Enterprise Florida, Inc. ~~Florida Black Business Investment~~  
7927 ~~Board.~~

7928 (3) The board shall:

7929 (a) Before ~~Prior to~~ the expenditure of funds from the  
7930 export finance account, adopt bylaws, rules, and policies which  
7931 are necessary to carry out the responsibilities under this part,  
7932 particularly with respect to the implementation of the  
7933 corporation's programs to insure, coinsure, lend, provide loan  
7934 guarantees, and make direct, guaranteed, or collateralized loans  
7935 by the corporation to support export transactions. The  
7936 corporation's bylaws, rules, and policies shall be reviewed and  
7937 approved by Enterprise Florida, Inc., before ~~prior to~~ final  
7938 adoption by the board.

7939 (c) Issue an annual report to Enterprise Florida, Inc., on  
7940 the activities of the corporation, including an evaluation of  
7941 activities and recommendations for change. The evaluation shall  
7942 include the corporation's impact on the following:

7943 1. Participation of private banks and other private  
7944 organizations and individuals in the corporation's export  
7945 financing programs.

7946 2. Access of small and medium-sized businesses in this  
7947 state to federal export financing programs.

7948 3. Export volume of the small and medium-sized businesses  
7949 in this state accessing the corporation's programs.

7950 4. Other economic and social benefits to international  
7951 programs in this state.

HB 7247

2011

(g) Consult with Enterprise Florida, Inc., ~~and its boards,~~  
or any state or federal agency, to ensure that the respective  
loan guarantee or working capital loan origination programs are  
not duplicative and that each program makes full use of, to the  
extent practicable, the resources of the other.

Section 99. Section 288.7771, Florida Statutes, is amended  
to read:

288.7771 Annual report of Florida Export Finance  
Corporation.— The corporation shall annually prepare and submit  
to the Department of Economic Opportunity ~~Enterprise Florida,~~  
~~Inc.,~~ for inclusion in its annual report required by s. 288.095  
a complete and detailed report setting forth:

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

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

Section 100. Section 288.816, Florida Statutes, is amended  
to read:

288.816 Intergovernmental relations.—

(1) The department ~~Office of Tourism, Trade, and Economic  
Development~~ shall be responsible for consular operations and the  
sister city and sister state program and shall serve as liaison  
with foreign, federal, and other state international  
organizations and with county and municipal governments in  
Florida.

(2) The department ~~Office of Tourism, Trade, and Economic  
Development~~ shall be responsible for all consular relations  
between the state and all foreign governments doing business in  
Florida. The department ~~office~~ shall monitor United States laws

HB 7247

2011

7980 and directives to ensure that all federal treaties regarding  
7981 foreign privileges and immunities are properly observed. The  
7982 department ~~office~~ shall promulgate rules which shall:

7983 (a) Establish a viable system of registration for foreign  
7984 government officials residing or having jurisdiction in the  
7985 state. Emphasis shall be placed on maintaining active  
7986 communication between the department ~~Office of Tourism, Trade,~~  
7987 ~~and Economic Development~~ and the United States Department of  
7988 State in order to be currently informed regarding foreign  
7989 governmental personnel stationed in, or with official  
7990 responsibilities for, Florida. Active dialogue shall also be  
7991 maintained with foreign countries which historically have had  
7992 dealings with Florida in order to keep them informed of the  
7993 proper procedure for registering with the state.

7994 (b) Maintain and systematically update a current and  
7995 accurate list of all such foreign governmental officials,  
7996 consuls, or consulates.

7997 (c) Issue certificates to such foreign governmental  
7998 officials after verification pursuant to proper investigations  
7999 through United States Department of State sources and the  
8000 appropriate foreign government.

8001 (d) Verify entitlement to sales and use tax exemptions  
8002 pursuant to United States Department of State guidelines and  
8003 identification methods.

8004 (e) Verify entitlement to issuance of special motor  
8005 vehicle license plates by the Division of Motor Vehicles of the  
8006 Department of Highway Safety and Motor Vehicles to honorary  
8007 consuls or such other officials representing foreign governments

HB 7247

2011

who are not entitled to issuance of special Consul Corps license plates by the United States Government.

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by the department ~~Office of Tourism, Trade, and Economic Development~~.

(3) The department ~~Office of Tourism, Trade, and Economic Development~~ shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the department ~~office~~ shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of

HB 7247

2011

Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) The department ~~Office of Tourism, Trade, and Economic Development~~ shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment



HB 7247

2011

opportunities shall be referred to Enterprise Florida, Inc. In addition, the department ~~office~~ shall serve as liaison with other states with respect to international programs of interest to Florida. The department ~~office~~ shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The department ~~Office of Tourism, Trade, and Economic Development~~ shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) The Division of International Trade and Business Development of Enterprise Florida, Inc., ~~Office of Tourism, Trade, and Economic Development, through membership on the board of directors of Enterprise Florida, Inc.,~~ shall help to contribute an international perspective to the state's development efforts.

Section 101. Paragraph (a) of subsection (1) and subsection (2) of section 288.809, Florida Statutes, are amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Florida Intergovernmental Relations Foundation" means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under ~~the provisions of~~ chapter 617 and approved by the Department of State;

HB 7247

2011

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the department ~~Office of Tourism, Trade, and Economic Development~~, to make expenditures to or for the promotion of intergovernmental relations programs; and

3. Which the department ~~Office of Tourism, Trade, and Economic Development~~, after review, has certified to be operating in a manner consistent with the policies and goals of the department ~~office~~.

(2) USE OF PROPERTY.—The department ~~Office of Tourism, Trade, and Economic Development~~:

(a) ~~May~~ is ~~authorized to~~ permit the use of property, facilities, and personal services of the department ~~Office of Tourism, Trade, and Economic Development~~ by the foundation, subject to ~~the provisions of~~ this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the department. Such conditions shall provide for budget and audit review and for oversight by the department ~~Office of Tourism, Trade, and Economic Development~~.

(c) ~~May~~ shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

Section 102. Subsections (2) through (8) of section 288.8175, Florida Statutes, are renumbered as subsections (1)

HB 7247

2011

through (7), respectively, and present subsections (1), (3), (4), and (8) of that section are amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

~~(1) As used in this section, the term "department" means the Department of Education.~~

(2)~~(3)~~ Each institute must be governed by an agreement between the Board of Governors of the State University System for a state university and the State Board of Education for a community college with the counterpart organization in a foreign country. Each institute must report to the Department of Education regarding its program activities, expenditures, and policies.

(3)~~(4)~~ Each institute must be co-administered in this state by a university-community college partnership, as designated in subsection (5), and must have a private sector and public sector advisory committee. The advisory committee must be representative of the international education and commercial interests of the state and may have members who are native to the foreign country partner. Six members must be appointed by the Department of Education. The Department of Education must appoint at least one member who is an international educator. The presidents, or their designees, of the participating university and community college must also serve on the advisory committee.

(7)~~(8)~~ A linkage institute may not be created or funded except upon the recommendation of the Department of Education and except by amendment to this section.

HB 7247

2011

8147 Section 103. Section 288.826, Florida Statutes, is amended  
8148 to read:

8149 288.826 Florida International Trade and Promotion Trust  
8150 Fund.—There is hereby established in the State Treasury the  
8151 Florida International Trade and Promotion Trust Fund. The moneys  
8152 deposited into this trust fund shall be administered by the  
8153 department ~~Office of Tourism, Trade, and Economic Development~~  
8154 for the operation of Enterprise Florida, Inc., ~~and its boards~~  
8155 and for the operation of Florida international ~~foreign~~ offices  
8156 under s. 288.012.

8157 Section 104. Section 288.901, Florida Statutes, is amended  
8158 to read:

8159 (Substantial rewording of section. See  
8160 s. 288.901, F.S., for present text.)

8161 288.901 Enterprise Florida, Inc.—

8162 (1) (a) There is created a not-for-profit corporation, to  
8163 be known as "Enterprise Florida, Inc.," which shall be  
8164 registered, incorporated, organized, and operated in compliance  
8165 with chapter 617, and which may not be a unit or entity of state  
8166 government.

8167 (b) The Legislature finds that it is in the public  
8168 interest and reflects the state's public policy that Enterprise  
8169 Florida, Inc., operate in the most open and accessible manner  
8170 consistent with its public purposes. To this end, the  
8171 Legislature specifically declares that Enterprise Florida, Inc.,  
8172 and its divisions, boards, and advisory councils, or similar  
8173 entities created or managed by Enterprise Florida, Inc., are  
8174 subject to the provisions of chapter 119, relating to public

HB 7247

2011

8175 records and those provisions of chapter 286 relating to public  
8176 meetings and records.

8177 (c) The Legislature further finds that it is in the public  
8178 interest that the members of the board of directors of  
8179 Enterprise Florida, Inc., be subject to the requirements of ss.  
8180 112.3135, 112.3143, and 112.313, excluding s. 112.313(2),  
8181 notwithstanding the fact that the board members are not public  
8182 officers or employees. For purposes of those sections, the board  
8183 members are considered to be public officers or employees. The  
8184 exemption set forth in s. 212.313(12) for advisory boards  
8185 applies to the members of the board of directors of Enterprise  
8186 Florida, Inc. Further, each member of the board of directors who  
8187 is not otherwise required to file financial disclosures pursuant  
8188 to s. 8, Art. II of the State Constitution or s. 112.3144, shall  
8189 file disclosure of financial interests pursuant to s. 112.3145.

8190 (2) Enterprise Florida, Inc., shall act as an economic-  
8191 development organization for the state, utilizing private-  
8192 sector and public-sector expertise in collaboration with the  
8193 department to:

8194 (a) Facilitate the creation of better-paying jobs and  
8195 increase business investment in Florida;

8196 (b) Advance international and domestic trade  
8197 opportunities;

8198 (c) Market the state both as a pro-business location for  
8199 new investment and as an unparalleled tourist destination;

8200 (d) Revitalize Florida's space and aerospace industries  
8201 and promote emerging complementary industries;

8202 (e) Promote opportunities for minority-owned businesses;

HB 7247

2011

8203 and

8204 (f) Assist and market professional and amateur sport teams  
8205 and sporting events in Florida.

8206 (3) Enterprise Florida, Inc., shall be governed by an 11-  
8207 member board of directors. The Governor shall serve on the board  
8208 as the chair, and shall appoint four other members, subject to  
8209 confirmation by the Senate. Three members shall be appointed by  
8210 the President of the Senate, and three members shall be  
8211 appointed by the Speaker of the House of Representatives.

8212 (a) In making their appointments, the Governor, the  
8213 President of the Senate, and the Speaker of the House of  
8214 Representatives shall ensure that the composition of the board  
8215 of directors reflects the diversity of Florida's business  
8216 community and is representative of the economic development  
8217 goals in subsection (2). The board must include at least one  
8218 representative for each of the following areas of expertise:  
8219 international business, tourism marketing, the space or  
8220 aerospace industry, managing or financing a minority-owned  
8221 business, manufacturing, finance and accounting, and sports  
8222 marketing.

8223 (b) The Governor, the President of the Senate, and the  
8224 Speaker of the House of Representatives shall also consider  
8225 appointees who reflect the state's racial, ethnic, and gender  
8226 diversity, as well as the geographic distribution, of the  
8227 population of the state.

8228 (c) Appointed members shall serve 4-year terms, except  
8229 that initially, to provide for staggered terms, the Governor,  
8230 the President of the Senate, and the Speaker of the House of

HB 7247

2011

Representatives shall each appoint one member to serve a 2-year term and one member to serve a 3-year term, with the remaining initial appointees serving 4-year terms. All subsequent appointments shall be for 4-year terms.

(d) Initial appointments must be made by October 1, 2011, and be eligible for confirmation at the earliest available Senate session.

(e) Any member is eligible for reappointment, except that a member may not serve more than two terms.

(f) A vacancy on the board of directors shall be filled for the remainder of the unexpired term. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

(g) Appointed members may be removed by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, for cause. Absence from three consecutive meetings results in automatic removal.

(4) In addition to the board members designated under subsection (3), the board of directors may by resolution appoint any number of at-large members to the board of directors from the private sector, each of whom may serve a term of up to 3 years. At-large members shall have the powers and duties of other members of the board. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private sector appointees under subsection (3). At-large

HB 7247

2011

8259 members may annually provide contributions to Enterprise  
8260 Florida, Inc., in an amount determined by the 11-member board  
8261 established in subsection (3). The contributions must be used to  
8262 defray the operating expenses of Enterprise Florida, Inc., and  
8263 help meet the required private match to the state's annual  
8264 appropriation.

8265 (5) (a) The Commissioner of Economic Opportunity shall  
8266 serve ex officio as a nonvoting member of the board of  
8267 directors.

8268 (b) Each division advisory council chair shall serve ex  
8269 officio as a nonvoting member of the board of directors.

8270 (c) The chair of the Space Florida advisory council shall  
8271 serve ex officio as a nonvoting member of the board of  
8272 directors.

8273 (d) The president of the Workforce Florida, Inc. shall  
8274 serve ex officio as a nonvoting member of the board of  
8275 directors.

8276 (e) The chair of the Florida Housing Finance Corporation  
8277 shall serve ex officio as a nonvoting member of the board of  
8278 directors.

8279 (6) The board of directors shall biennially elect one of  
8280 its members as vice chair. The board of directors shall meet at  
8281 least four times each year, upon the call of the chair, at the  
8282 request of the vice chair, or at the request of a majority of  
8283 the membership. A majority of the total number of current voting  
8284 directors shall constitute a quorum. The board of directors may  
8285 take official action by a majority vote of the total members  
8286 present at any meeting at which a quorum is present, if a



HB 7247

2011

majority of the 11 appointed members are present.

(7) Members of the board of directors shall serve without compensation, but members of Enterprise Florida, Inc., and the advisory councils created in s. 288.920, may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors.

(8) Enterprise Florida, Inc., may not endorse any candidate for any elected public office or contribute moneys to the campaign of any such candidate.

Section 105. Section 288.9015, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.9015, F.S., for present text.)

288.9015 Powers of Enterprise Florida, Inc., and the board of directors.—

(1) Enterprise Florida, Inc., shall integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic opportunities for minority-owned businesses and rural and distressed urban communities with those of the Commissioner of Economic Opportunity, to create an aggressive, agile, and collaborative effort to invigorate the state's economy.

(2) The board of directors of Enterprise Florida, Inc., shall have the power to:

(a) Secure funding for its programs and activities, and for its boards from federal, state, local, and private sources and from fees charged for services and published materials.

(b) Solicit, receive, hold, invest, and administer any

HB 7247

2011

8315 grant, payment, or gift of funds or property and make  
8316 expenditures consistent with the powers granted to it.

8317 (c) Make and enter into contracts and other instruments  
8318 necessary or convenient for the exercise of its powers and  
8319 functions. A contract executed by Enterprise Florida, Inc., with  
8320 a person or organization under which such person or organization  
8321 agrees to perform economic development services or similar  
8322 business assistance services on behalf of Enterprise Florida,  
8323 Inc., or the state must include provisions requiring a  
8324 performance report on the contracted activities and must account  
8325 for proper use of funds provided under the contract, coordinate  
8326 with other components of state and local economic development  
8327 systems, and avoid duplication of existing state and local  
8328 services and activities.

8329 (d) Elect or appoint such officers, employees, and agents  
8330 as required for its activities and for its divisions, and pay  
8331 such persons reasonable compensation.

8332 (e) Carry forward any unexpended state appropriations into  
8333 succeeding fiscal years.

8334 (f) Except for the divisions and advisory councils created  
8335 in s. 288.92, create and dissolve advisory councils, divisions,  
8336 working groups, task forces, or similar organizations, as  
8337 necessary to carry out its mission. Members of advisory  
8338 councils, working groups, task forces, or similar organizations  
8339 created by Enterprise Florida, Inc., shall serve without  
8340 compensation, but may be reimbursed for reasonable, necessary,  
8341 and actual expenses, as determined by the board of directors of  
8342 Enterprise Florida, Inc.

HB 7247

2011

8343        (g) Sue and be sued, and appear and defend in all actions  
8344 and proceedings, in its corporate name to the same extent as a  
8345 natural person.

8346        (h) Adopt, use, and alter a common corporate seal for  
8347 Enterprise Florida, Inc., and its divisions. Notwithstanding  
8348 chapter 617, this seal is not required to contain the words  
8349 "corporation not-for-profit."

8350        (i) Adopt, amend, and repeal bylaws, not inconsistent with  
8351 the powers granted to it or the articles of incorporation, for  
8352 the administration of the activities of Enterprise Florida,  
8353 Inc., and the exercise of its corporate powers.

8354        (j) Acquire, enjoy, use, and dispose of patents,  
8355 copyrights, and trademarks and any licenses, royalties, and  
8356 other rights or interests thereunder or therein.

8357        (k) Use the state seal, notwithstanding s. 15.03, when  
8358 appropriate, for standard corporate identity applications. Use  
8359 of the state seal is not intended to replace use of a corporate  
8360 seal as provided in this section.

8361        (l) Procure insurance or require bond against any loss in  
8362 connection with the property of Enterprise Florida, Inc., and  
8363 its divisions, in such amounts and from such insurers as is  
8364 necessary or desirable.

8365        (3) The powers granted to Enterprise Florida, Inc., shall  
8366 be liberally construed in order that Enterprise Florida, Inc.,  
8367 may pursue and succeed in its responsibilities under this part.

8368        (4) Under no circumstances may the credit of the State of  
8369 Florida be pledged on behalf of Enterprise Florida, Inc.

8370        (5) In addition to any indemnification available under

HB 7247

2011

chapter 617, Enterprise Florida, Inc., may indemnify, and purchase and maintain insurance on behalf of, its directors, officers, and employees of Enterprise Florida, Inc., and its divisions against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

Section 106. Section 288.903, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.903, F.S., for present text.)

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

(1) Responsibly and prudently manage all public and private funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

(2) Administer the entities or programs created pursuant to part IX of chapter 288, ss. 288.9622-288.9624, and ss. 288.95155 and 288.9519 and the Cypress Equity Fund.

(3) Prepare an annual report pursuant to s. 288.906 and an annual incentives report pursuant to s. 288.907.

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

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

HB 7247

2011

8399 marketplace.

8400 Section 107. Section 288.904, Florida Statutes, is amended  
8401 to read:

8402 (Substantial rewording of section. See  
8403 s. 288.904, F.S., for present text.)

8404 288.904 Funding for Enterprise Florida, Inc.; return on  
8405 the public's investment.—

8406 (1) (a) The Legislature finds that it is a priority to  
8407 maximize private-sector support in operating Enterprise Florida,  
8408 Inc., and its divisions, as an endorsement of their value and as  
8409 an enhancement of their efforts. Thus, the state appropriations  
8410 for operational funding must be matched with private-sector  
8411 support equal to at least 100 percent of the state operational  
8412 funding.

8413 (b) Private-sector support in operating Enterprise  
8414 Florida, Inc., and its divisions includes:

8415 1. Cash given directly to Enterprise Florida, Inc., for  
8416 its operations, including contributions from at-large members of  
8417 the board of directors;

8418 2. Cash donations from the divisions' advisory councils or  
8419 from organizations assisted by the divisions;

8420 3. Cash jointly raised by Enterprise Florida, Inc., and a  
8421 private local economic development organization, a group of such  
8422 organizations, or a statewide private business organization that  
8423 supports collaborative projects;

8424 4. Cash generated by fees charged for products or services  
8425 of Enterprise Florida, Inc., and its divisions by sponsorship of  
8426 events, missions, programs, and publications; and

HB 7247

2011

8427        5. Copayments, stock, warrants, royalties, or other  
8428 private resources dedicated to Enterprise Florida, Inc., or its  
8429 divisions.

8430        (2) Specifically for the marketing and advertising  
8431 activities of the Division of Tourism Marketing, a one-to-one  
8432 match is required of private to public contributions within 4  
8433 calendar years after the implementation date of the marketing  
8434 plan pursuant to s. 288.923. For purposes of calculating the  
8435 required one-to-one match, matching private funds shall be  
8436 divided into four categories as follows:

8437        (a) Direct cash contributions, which include, but are not  
8438 limited to, cash derived from strategic alliances, contributions  
8439 of stocks and bonds, and partnership contributions.

8440        (b) Fees for services, which include, but are not limited  
8441 to, event participation, research, and brochure placement and  
8442 transparencies.

8443        (c) Cooperative advertising, which is the value based on  
8444 cost of contributed productions, air time, and print space.

8445        (d) In-kind contributions, which include, but are not  
8446 limited to, the value of strategic alliance services  
8447 contributed, the value of loaned employees, discounted service  
8448 fees, items contributed for use in promotions, and radio or  
8449 television air time or print space for promotions. The value of  
8450 air time or print space shall be calculated by taking the actual  
8451 time or space and multiplying by the nonnegotiated unit price  
8452 for that specific time or space which is known as the media  
8453 equivalency value. In order to avoid duplication in determining  
8454 media equivalency value, only the value of the promotion itself

HB 7247

2011

shall be included; the value of the items contributed for the promotion may not be included.

Documentation for the components of the four categories of private match shall be kept on file for inspection as determined necessary.

(3) (a) The state's operating investment in Enterprise Florida, Inc., and its divisions is the budget contracted by the department to Enterprise Florida, Inc., less any funding that is directed by the Legislature to be subcontracted to a specific recipient entity.

(b) The board of directors of Enterprise Florida, Inc., shall adopt for each upcoming fiscal year an operating budget for the organization, including its divisions, that specifies the intended uses of the state's operating investment and a plan for securing private-sector support.

(4) The Legislature intends to review the performance of Enterprise Florida, Inc., in achieving the performance standards stated in its annual agreement with the department to determine whether the public is receiving a positive return on its investment in Enterprise Florida, Inc., and its divisions. It also is the intent of the Legislature that Enterprise Florida, Inc., coordinates its operations with local economic development organizations to maximize the state and local return-on-investment to create jobs for Floridians.

Section 108. Section 288.905, Florida Statutes, is amended to read:

(Substantial rewording of section. See

HB 7247

2011

s. 288.905, F.S., for present text.)

288.905 President and employees of Enterprise Florida, Inc.—

(1) (a) The Commissioner of Economic Opportunity shall serve ex officio as president of Enterprise Florida, Inc. The board of directors may establish and execute an annual contract with the president that prescribes specific, measurable performance outcomes for the president, the satisfaction of which provides the basis for the award of privately-funded performance bonuses.

(b) The president is the chief executive officer of the board of directors and of Enterprise Florida, Inc., and shall direct and supervise the administrative affairs of the board of directors and any divisions, councils, or boards. The board of directors may delegate to the president those powers and responsibilities it deems appropriate, including the employment and management of all employees of Enterprise Florida, Inc.

(2) An employee of Enterprise Florida, Inc., may not receive compensation for employment which exceeds \$130,000 per fiscal year unless the board of directors and the employee execute a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of privately-funded performance bonuses that increase the employee's total compensation to a level that exceeds \$130,000 per fiscal year.

Section 109. Section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc., and its



HB 7247

2011

8511 divisions; audits.—

8512 (1) ~~Before~~ Prior to December 1 of each year, Enterprise  
8513 Florida, Inc., shall submit to the Governor, the President of  
8514 the Senate, the Speaker of the House of Representatives, the  
8515 Senate Minority Leader, and the House Minority Leader a complete  
8516 and detailed report including, but not limited to:

8517 (a) ~~(1)~~ A description of the operations and accomplishments  
8518 of Enterprise Florida, Inc., and its divisions, boards, and  
8519 advisory divisions ~~committees~~ or similar entities ~~groups~~ created  
8520 by Enterprise Florida, Inc., and an identification of any major  
8521 trends, initiatives, or developments affecting the performance  
8522 of any program or activity. The individual annual reports  
8523 prepared by each division shall be included as addenda.

8524 (b) ~~(2)~~ An evaluation of progress ~~towards~~ toward achieving  
8525 organizational goals and specific performance outcomes, both  
8526 short-term and long-term, established pursuant to ~~s. 288.905~~  
8527 this part or under the agreement with the department.

8528 (c) ~~(3)~~ Methods for implementing and funding the operations  
8529 of Enterprise Florida, Inc., and its ~~boards~~ divisions, including  
8530 the private-sector support required under s. 288.904.

8531 (d) ~~(4)~~ A description of the operations and accomplishments  
8532 of Enterprise Florida, Inc., and its ~~boards~~ divisions with  
8533 respect to aggressively marketing Florida's rural communities  
8534 and distressed urban communities as locations for potential new  
8535 investment and job creation, aggressively assisting in the  
8536 creation, retention, and expansion of existing businesses and  
8537 job growth in these communities, and aggressively assisting  
8538 these communities in the identification and development of new

HB 7247

2011

8539 economic development opportunities.

8540 (e)~~(5)~~ A description and evaluation of the operations and  
8541 accomplishments of Enterprise Florida, Inc., and its ~~boards~~  
8542 divisions with respect to interaction with local and private  
8543 economic development organizations, including ~~an~~ the  
8544 identification of each organization that is a primary partner  
8545 and any specific programs or activities which promoted the  
8546 activities of such organizations and an identification of any  
8547 specific programs or activities ~~which~~ that promoted a  
8548 comprehensive and coordinated approach to economic development  
8549 in this state.

8550 (f)~~(6)~~ An assessment of job creation that directly  
8551 benefits participants in the welfare transition program or other  
8552 programs designed to put long-term unemployed persons back to  
8553 work.

8554 (g) The results of a customer-satisfaction survey of  
8555 businesses served. The survey shall be conducted by an  
8556 independent entity with expertise in survey research that is  
8557 under contract with Enterprise Florida, Inc., to develop,  
8558 analyze, and report the results.

8559 (h)~~(7)~~ An annual compliance and financial audit of  
8560 accounts and records by an independent certified public  
8561 accountant at the end of its most recent fiscal year performed  
8562 in accordance with rules adopted by the Auditor General.

8563 (2) The detailed report required by this ~~subsection~~  
8564 section shall also include the information identified in  
8565 subsection (1) ~~subsections (1)-(7)~~, if applicable, for ~~any board~~  
8566 each division established within ~~the corporate structure of~~

HB 7247

2011

Enterprise Florida, Inc.

Section 110. Section 288.907, Florida Statutes, is created to read:

288.907 Annual incentives report.—

(1) In addition to the annual report required under s. 288.906, Enterprise Florida, Inc., by December 30 of each year, shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for all of the economic development incentive programs marketed by Enterprise Florida, Inc.

(a) The annual incentives report must include for each incentive program:

1. A brief description of the incentive program.
2. The amount of awards granted, by year, since inception.
3. The economic benefits, as defined in s. 288.005(1), based on the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years.
4. The report shall also include the actual amount of private capital invested, actual number of direct jobs created, and actual wages paid for incentive agreements completed during the previous 3 years for each target industry sector.

(b) For projects completed during the previous state fiscal year, the report must include:

1. The number of economic development incentive applications received.
2. The number of recommendations made to the Governor by

HB 7247

2011

Enterprise Florida, Inc., including the number recommended for approval and the number recommended for denial.

3. The number of final decisions issued by the Governor for approval and for denial.

4. The projects for which a tax refund, tax credit, or cash grant agreement was executed, identifying:

a. The number of jobs committed to be created.

b. The amount of capital investments committed to be made.

c. The annual average wage committed to be paid.

d. The amount of state economic development incentives committed to the project from each incentive program under the project's terms of agreement with the Governor.

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

(c) For economic development projects that received tax refunds, tax credits, or cash grants under the terms of an agreement for incentives, the report must identify:

1. The number of direct jobs actually created.

2. The amount of capital investments actually made.

3. The annual average wage paid.

(d) For a project receiving economic development incentives approved by the Governor and receiving federal or local incentives, the report must include a description of the federal or local incentives, if available.

(e) The report must state the number of withdrawn or terminated projects that did not fulfill the terms of their agreements with the Governor and consequently are not receiving incentives.

HB 7247

2011

(f) The report must include an analysis of the economic benefits, as defined in s. 288.005(1), of tax refunds, tax credits, or other payments made to projects locating or expanding in state enterprise zones, rural communities, brownfield areas, or distressed urban communities.

(g) The report must identify the target industry businesses and high-impact businesses.

(h) The report must describe the trends relating to business interest in, and usage of, the various incentives, and the number of minority-owned or woman-owned businesses receiving incentives.

(i) The report must identify incentive programs not utilized.

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

Section 111. Subsection (3) is added to section 288.911, Florida Statutes, to read:

288.911 Creation and implementation of a marketing and image campaign.—

(3) Enterprise Florida, Inc., may register the fictitious name "VISIT Florida" pursuant to 865.09 for use in its activities related to promotion of the state as a tourist destination.

Section 112. Section 288.912, Florida Statutes, is created to read:

288.912 Inventory of communities seeking to recruit businesses.—By September 30 of each year, a county or

HB 7247

2011

municipality that has a population of at least 25,000 or its  
local economic development organization must submit to the  
department, a brief overview of the strengths, services, and  
economic development incentives that its community offers. The  
county or municipality or its local economic development  
organization must also identify any industries that it is  
encouraging to locate or relocate to its area of the state. A  
county or municipality with a population less than 25,000 or its  
local economic development organization may submit information  
as described in this section and be allowed access to or the  
ability to participate in any activity or initiative that  
results from the collection, analysis, and reporting of the  
information provided to the department pursuant to this section.

Section 113. Section 288.920, Florida Statutes, is created  
to read:

288.920 Divisions and advisory councils of Enterprise  
Florida, Inc.—

(1) Enterprise Florida, Inc., shall establish divisions,  
including, but not limited to, the following and shall assign  
distinct responsibilities and complementary missions to each  
division:

(a) Division of International Trade and Business  
Development;

(b) Division of Business Retention and Recruitment;

(c) Division of Tourism Marketing;

(d) Division of Minority Business Development; and

(e) Division of Sports Industry Development.

(2) (a) The president of Enterprise Florida, Inc., as

HB 7247

2011

8679 deemed appropriate by its board of directors, shall hire and  
8680 establish the annual compensation of the employees of the  
8681 divisions of Enterprise Florida, Inc. Such employees may be  
8682 eligible for performance bonuses pursuant to s. 288.905(3).

8683 (b) The board of directors of Enterprise Florida, Inc.,  
8684 may organize the divisions and, to the greatest extent  
8685 practicable, minimize costs by requiring that the divisions  
8686 share administrative staff.

8687 (3) The Division of Business Retention and Recruitment,  
8688 the Division of Tourism Marketing, and the Division of Minority  
8689 Business Development shall each have an advisory council  
8690 composed of residents of the state who have expertise in the  
8691 respective division's responsibilities. Enterprise Florida,  
8692 Inc., may submit nominations of persons to serve on each  
8693 advisory council to the Governor, who shall appoint the members  
8694 of each advisory council. Nominations for advisory council  
8695 membership shall include representatives from all geographic  
8696 areas of the state, including rural and urban communities. Each  
8697 advisory council shall select a chair from among its membership.

8698 (4) Each advisory council member shall serve for a term of  
8699 2 years. A member may not serve more than two consecutive terms.  
8700 The Governor may remove any member for cause and shall fill all  
8701 vacancies

8702 (5) Advisory council members shall serve without  
8703 compensation, but may be reimbursed for all reasonable,  
8704 necessary, and actual expenses, as determined by the board of  
8705 directors of Enterprise Florida, Inc.

8706 Section 114. Section 288.921, Florida Statutes, is created

HB 7247

2011

to read:

288.921 Division of International Trade and Business Development; responsibilities; advisory council.—

(1) The Division of International Trade and Business Development is established within Enterprise Florida, Inc.

(2) The division shall be responsible for:

(a) Developing business leads that generate increased foreign investment in the state;

(b) Developing programs, such as international trade shows, that establish viable overseas markets for Florida products and services;

(c) Facilitate the development and implementation of strategies to secure financing for exporting Florida products and services;

(d) Promote opportunities for international joint-venture relationships, using the resources of academic, business, and other institutions;

(e) Coordinate and facilitate trade assistance for Florida businesses;

(f) Participate in discussions and planning exercises with the Florida Seaport Transportation and Economic Development Council, the Department of Transportation, and the statewide transportation logistics and intermodal mobility organizations regarding proposed improvements to the state's infrastructure to attract and manage international cargo and commerce.

(3) A 15-member advisory council shall be appointed, pursuant to s. 288.920, to submit recommendations to the board of directors of Enterprise Florida, Inc., on matters pertaining



HB 7247

2011

to international trade and business development; and projects to be undertaken by the division.

Section 115. Section 288.922, Florida Statutes, is created to read:

288.922 Division of Business Retention and Recruitment; responsibilities; advisory council.-

(1) The Division for Business Retention and Recruitment is established with Enterprise Florida, Inc.

(2) The division shall coordinate with the Commissioner of Economic Opportunity and Enterprise Florida, Inc., to generate business leads on companies interested in relocating to the state and Florida-based companies interested in expanding or diversifying their operations within the state. In performing its duties, the division should:

(a) Consider the inventory of communities seeking to recruit businesses submitted pursuant to s. 288.912.

(b) Identify community needs associated with retaining existing businesses and recruiting new businesses, including the use of public-private funds to serve workforce housing needs that are affordable to local business employees, identifying developable lands with minimal planning and permitting concerns and available infrastructure.

(c) Identify community needs and assets related to business retention and recruitment opportunities in rural areas and provide targeted assistance to communities located within Rural Areas of Critical Economic Concern established pursuant to s. 288.0656.

(3) By October 15 of each year, the division shall submit

HB 7247

2011

an annual report to the board of directors of Enterprise Florida, Inc., which details the division's activities during the previous fiscal year and provides recommendations for revising laws relating to business retention and recruitment.

(4) A 15-member advisory council shall be appointed, pursuant to s. 288.920, to submit recommendations to the board of directors of Enterprise Florida, Inc., on matters pertaining to innovative methods of business development and recruitment efforts; changes to existing economic development incentives, including the elimination of inactive incentives or implementation of new incentives; and target industries for recruitment or retention. Strong consideration should be given to appointing members who represent Rural Areas of Critical Economic Concern.

Section 116. Section 288.923, Florida Statutes, is created to read:

288.923 Division of Tourism Marketing; definitions; responsibilities; advisory council.—

(1) The Division of Tourism Marketing is established within Enterprise Florida, Inc.

(2) As used in this section, the term:

(a) "Tourism marketing" means any efforts exercised to attract domestic and international visitors from outside the state to destinations in the state and to stimulate state-resident tourism to areas within the state.

(b) "Tourist" means any person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient living

HB 7247

2011

quarters or accommodations as described in s. 125.0104(3)(a).

(c) "County destination marketing organization" means a public or private agency that is funded by local option tourist development tax revenues under s. 125.0104, or local option convention development tax revenues under s. 212.0305, and is officially designated by a county commission to market and promote the area for tourism or convention business or, in any county which has not levied such taxes, a public or private agency that is officially designated by the county commission to market and promote the area for tourism or convention business.

(3) The division's responsibilities and duties include, but are not limited to:

(a) Advising the president of Enterprise Florida, Inc., on development of domestic and international tourism marketing campaigns featuring Florida;

(b) Developing and implementing, in conjunction with its private partners, an annual tourism marketing campaign that targets each region of the state, each season of the year, and traditional as well as new tourist populations; and

(c) Developing a 4-year marketing plan explicitly explaining how the division intends to:

1. Sustain overall tourism growth in Florida;
2. Expand to new or under-represented tourist markets;
3. Solidify traditional and loyal tourist markets;
4. Coordinate efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private-sector partners to create a seamless, four-season advertising

HB 7247

2011

campaign for the state and its regions;

5. Develop innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population;

6. Consider innovative sources of private funding for tourism marketing; and

7. Develop and update periodically an emergency response component to address natural and man-made disasters from a marketing stand point.

The plan shall be annual in construction and ongoing in nature. Any annual revisions of such a plan shall carry forward the concepts of the remaining 3-year portion of that plan and consider a continuum portion to preserve the 4-year time-frame of the plan. The plan also shall include recommendations for specific performance standards and measurable outcomes for the division. The Commissioner of Economic Opportunity, in consultation with the board of directors of Enterprise Florida, Inc., shall base the actual performance metrics on these recommendations.

(d) Drafting and submitting an annual report by October 15 of each year which details the division's activities during the prior fiscal year, and any recommendations for improving current statutes related to tourism marketing.

(4) A 15-member advisory council shall be appointed, pursuant to s. 288.920, to make recommendations to the board of directors of Enterprise Florida, Inc., on matters pertaining to ways to improve or enhance Florida's tourism marketing efforts;

HB 7247

2011

research on tourist populations and trends; and innovative tourism funding proposals.

Section 117. Section 288.925, Florida Statutes, is created to read:

288.925 The Division of Minority Business Investment; responsibilities; advisory council.—

(1) The Division of Minority Business Development is established within Enterprise Florida, Inc.

(2) The division's primary mission is to assist in the development and expansion of minority business enterprises by:

(a) Administering the Black Business Loan Program in s. 288.7102 and assisting in the creation of a long-range strategic policy for that program.

(b) Evaluating the unmet need for capital by black business enterprises in the state, and providing a 5-year projection of the need for capital by minority business enterprises. The division may contract with an independent entity to prepare the projection once every 5 years.

(c) Developing strategies to increase financial institution investment in minority business enterprises.

(d) Advising the department and Enterprise Florida, Inc., about the needs of minority business enterprises.

(e) Creating partnerships among federal, state, and local governments, private enterprises, and national organizations to aid in the development and expansion of black business enterprises.

(f) Acting as a clearinghouse of information by providing a network of information resources for minority business

HB 7247

2011

enterprises and facilitate the provision of technical assistance in communities in which such services are otherwise underserved.

(g) Aiding the development and expansion of minority business enterprises by leveraging federal, state, local, and private funds to be held by the Enterprise Florida, Inc., board of directors for uses pursuant to this section and s. 288.7102.

(h) Marketing services to minority business enterprises, including the Black Business Loan Program.

(i) Submitting an annual report by October 15 of each year to the Enterprise Florida, Inc., board of directors that details the previous fiscal year's activities, including activities of the black business investment corporations that make the loans to qualified businesses, pursuant to s. 288.7102; the most recent 5 year projection of the need for capital by black business enterprises, identifiable trends from the previous fiscal year's loan activity; and any recommended changes to the current program.

(3) A 15-member advisory council shall be appointed, pursuant to s. 288.920, to make recommendations to the Enterprise Florida, Inc., board of directors on such matters as how to improve minority business access to capital; and recommendations on how to provide technical assistance and other business resources to minority-owned businesses. Members of the advisory council must have experience in business, including financial services, banking, or economic development. At least one of the appointees must have experience in venture capital.

Section 118. Section 288.1229, Florida Statutes, is transferred, renumbered as section 288.926, Florida Statutes,

HB 7247

2011

and amended to read:

(Substantial rewording of section. See  
s. 288.1229, F.S., for present text.)

288.926 Division of Sports Industry Development;  
responsibilities; duties; advisory council.-

(1) The Division of Sports Industry Development is  
established within Enterprise Florida, Inc.

(2) The division is responsible for:

(a) The promotion and development of professional and  
amateur sports industries and related industries for the purpose  
of improving the economic presence of these industries in  
Florida.

(b) The promotion of amateur athletic participation for  
the citizens of Florida, and the promotion of Florida as a host  
for national and international amateur athletic competitions for  
the purpose of encouraging and increasing the direct and  
ancillary economic benefits of amateur athletic events and  
competitions.

(c) The retention of professional sports franchises,  
including the spring training operations of Major League  
Baseball.

(d) The drafting and submitting an annual report by  
October 15 of each year to Enterprise Florida, Inc., that  
details the division's activities for the prior fiscal year and  
any recommendations for improving current statutes related to  
sports and related industries.

(3) The division shall have the following duties:

(a) Developing, fostering, and coordinating services and

HB 7247

2011

8931 programs for amateur sports for all Floridians.

8932 (b) Sponsoring amateur sports workshops, clinics,  
8933 conferences, and other similar activities.

8934 (c) Giving recognition to outstanding developments and  
8935 achievements in, and contributions to, amateur sports.

8936 (d) Encouraging, supporting, and assisting local  
8937 governments and communities in the development of or hosting of  
8938 local amateur athletic events and competitions.

8939 (e) Promoting this state as a host for national and  
8940 international amateur athletic competitions.

8941 (f) Continuing the amateur sports programs previously  
8942 conducted by the Florida Governor's Council on Physical Fitness  
8943 and Amateur Sports created under the former s. 14.22.

8944 (g) Encouraging and continuing the use of volunteers in  
8945 its amateur sports programs to the maximum extent possible.

8946 (h) Developing, fostering, and coordinating services and  
8947 programs designed to encourage the participation of Florida's  
8948 youth in Olympic sports activities and competitions.

8949 (i) Fostering and coordinating services and programs  
8950 designed to contribute to the physical fitness of the citizens  
8951 of Florida.

8952 (j) Developing a statewide program of amateur athletic  
8953 competition to be known as the "Sunshine State Games." The  
8954 Sunshine State Games shall be patterned after the Summer  
8955 Olympics with variations as necessitated by availability of  
8956 facilities, equipment, and expertise. The games shall be  
8957 designed to encourage the participation of athletes representing  
8958 a broad range of age groups, skill levels, and Florida



HB 7247

2011

communities. Participants shall be residents of this state.  
Regional competitions shall be held throughout the state, and  
the top qualifiers in each sport shall proceed to the final  
competitions to be held at a site in the state with the  
necessary facilities and equipment for conducting the  
competitions.

(4) The Executive Office of the Governor may authorize the  
use of property, facilities, and personnel services of or at any  
State University System facility or institution by the division  
for operating the Sunshine State Games. For the purposes of this  
paragraph, personnel services includes full-time or part-time  
personnel as well as payroll processing. Any funds or property  
held in trust by the Sunshine State Games Foundation, Inc., and  
the Florida Governor's Council on Physical Fitness and Amateur  
Sports shall revert to the division upon expiration or  
cancellation of the contract with the Sunshine State Games  
Foundation, Inc., and the Florida Governor's Council on Physical  
Fitness and Amateur Sports, to be used for the promotion of  
amateur sports in Florida.

(5) (a) A 15-member advisory council shall be appointed,  
pursuant to s. 288.920, to make recommendations to the  
Enterprise Florida, Inc., board of directors on the activities  
of the division.

(b) Applicants for the advisory council must have either a  
background in community service in, or financial support of, the  
sports industry, professional sports, or organized amateur  
athletics. They also should be knowledgeable about or active in  
professional or organized amateur sports. Additionally, the

HB 7247

2011

8987 advisory council's membership must be representative of all  
8988 geographical regions of the state and reflect the state's ethnic  
8989 and gender diversity.

8990 Section 119. Section 288.95155, Florida Statutes, is  
8991 amended to read:

8992 288.95155 Florida Small Business Technology Growth  
8993 Program.—

8994 (1) The Florida Small Business Technology Growth Program  
8995 is hereby established to provide financial assistance to  
8996 businesses in this state having high job growth and emerging  
8997 technology potential and fewer than 100 employees. The program  
8998 shall be administered and managed by Enterprise Florida, Inc.

8999 (2) ~~(a)~~ Enterprise Florida, Inc., shall establish a  
9000 separate small business technology growth account in the Florida  
9001 Technology Research Investment Fund for purposes of this  
9002 section. Moneys in the account shall consist of appropriations  
9003 by the Legislature, proceeds of any collateral used to secure  
9004 such assistance, transfers, fees assessed for providing or  
9005 processing such financial assistance, grants, interest earnings,  
9006 and earnings on financial assistance.

9007 ~~(b) For the 2009-2010 fiscal year only, Enterprise~~  
9008 ~~Florida, Inc., shall advance up to \$600,000 from the account to~~  
9009 ~~the Institute for Commercialization of Public Research for its~~  
9010 ~~operations. This paragraph expires July 1, 2010.~~

9011 (3) Pursuant to s. 216.351, the amount of any moneys  
9012 appropriated to the account which are unused at the end of the  
9013 fiscal year are ~~shall~~ not be subject to reversion under s.  
9014 216.301. All moneys in the account are continuously appropriated

HB 7247

2011

9015 to the account and may be used for loan guarantees, letter of  
9016 credit guarantees, cash reserves for loan and letter of credit  
9017 guarantees, payments of claims pursuant to contracts for  
9018 guarantees, subordinated loans, loans with warrants, royalty  
9019 investments, equity investments, and operations of the program.  
9020 Any claim against the program shall be paid solely from the  
9021 account. Neither the credit nor the taxing power of the state  
9022 shall be pledged to secure the account or moneys in the account,  
9023 other than from moneys appropriated or assigned to the account,  
9024 and the state are ~~shall~~ not be liable or obligated in any way  
9025 for any claims against the account or against Enterprise  
9026 Florida, Inc.

9027 (4) Awards of assistance from the program shall be  
9028 finalized subject to the policies and procedures of Enterprise  
9029 Florida, Inc. Enterprise Florida, Inc., shall leverage at least  
9030 one dollar of matching investment for each dollar awarded from  
9031 the program. Enterprise Florida, Inc., shall give the highest  
9032 priority to moderate-risk and high-risk ventures that offer the  
9033 greatest opportunity for compelling economic development impact.  
9034 Enterprise Florida, Inc., shall establish for each award a risk-  
9035 reward timetable that profiles the risks of the assistance,  
9036 estimates the potential economic development impact, and  
9037 establishes a timetable for reviewing the success or failure of  
9038 the assistance. By December 31 of each year, Enterprise Florida,  
9039 Inc., shall evaluate, on a portfolio basis, the results of all  
9040 awards of assistance made from the program during the year.

9041 (5) Enterprise Florida, Inc., shall prepare for inclusion  
9042 in the department's ~~and include in its~~ annual report required by

HB 7247

2011

s. 288.095 a report on the financial status of the program. The report must specify the assets and liabilities of the program within the current fiscal year and must include a portfolio update that lists all of the businesses assisted, the private dollars leveraged by each business assisted, and the growth in sales and in employment of each business assisted.

Section 120. Paragraph (e) of subsection (2), paragraph (a) of subsection (4), subsection (7), paragraph (b) of subsection (8), subsection (9), paragraph (1) of subsection (10), and subsection (15) of section 288.955, Florida Statutes, are amended, and present subsections (16) and (17) of that section are renumbered as subsections (15) and (16), respectively, to read:

288.955 Scripps Florida Funding Corporation.—

(2) CREATION.—

(e) The department ~~Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the corporation as requested by the corporation. In the event of the dissolution of the corporation, the department ~~office~~ shall be the corporation's successor in interest and shall assume all rights, duties, and obligations of the corporation under any contract to which the corporation is then a party and under law.

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

(a) The board of directors shall consist of nine voting members, of whom the Governor shall appoint three, the President of the Senate shall appoint three, and the Speaker of the House of Representatives shall appoint three. The Commissioner of

HB 7247

2011

9071 Economic Opportunity or the commissioner's designee ~~director of~~  
9072 ~~the Office of Tourism, Trade, and Economic Development or the~~  
9073 ~~director's designee~~ shall serve ex officio as a ~~an ex-officio,~~  
9074 nonvoting member of the board of directors.

9075 (7) INVESTMENT OF FUNDS.—The corporation must enter into  
9076 an agreement with the State Board of Administration under which  
9077 funds received by the corporation from the department ~~Office of~~  
9078 ~~Tourism, Trade, and Economic Development~~ which are not disbursed  
9079 to the grantee shall be invested by the State Board of  
9080 Administration on behalf of the corporation. Funds shall be  
9081 invested in suitable instruments authorized under s. 215.47 and  
9082 specified in investment guidelines established and agreed to by  
9083 the State Board of Administration and the corporation.

9084 (8) CONTRACT.—

9085 (b) The contract, at a minimum, must contain provisions:

9086 1. Specifying the procedures and schedules that govern the  
9087 disbursement of funds under this section and specifying the  
9088 conditions or deliverables that the grantee must satisfy before  
9089 the release of each disbursement.

9090 2. Requiring the grantee to submit to the corporation a  
9091 business plan in a form and manner prescribed by the  
9092 corporation.

9093 3. Prohibiting The Scripps Research Institute or the  
9094 grantee from establishing other biomedical science or research  
9095 facilities in any state other than this state or California for  
9096 a period of 12 years from the commencement of the contract.  
9097 Nothing in this subparagraph shall prohibit the grantee from  
9098 establishing or engaging in normal collaborative activities with

HB 7247

2011

other organizations.

4. Governing the ownership of or security interests in real property and personal property, including, but not limited to, research equipment, obtained through the financial support of state or local government, including a provision that in the event of a breach of the contract or in the event the grantee ceases operations in this state, such property purchased with state funds shall revert to the state and such property purchased with local funds shall revert to the local governing authority.

5. Requiring the grantee to be an equal opportunity employer.

6. Requiring the grantee to maintain a policy of awarding preference in employment to residents of this state, as defined by law, except for professional scientific staff positions requiring a doctoral degree, postdoctoral training positions, and graduate student positions.

7. Requiring the grantee to maintain a policy of making purchases from vendors in this state, to the extent it is cost-effective and scientifically sound.

8. Requiring the grantee to use the Internet-based job-listing system of the department ~~Agency for Workforce Innovation~~ in advertising employment opportunities.

9. Requiring the grantee to establish accredited science degree programs.

10. Requiring the grantee to establish internship programs to create learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

HB 7247

2011

11. Requiring the grantee to submit data to the corporation on the activities and performance during each fiscal year and to provide to the corporation an annual accounting of the expenditure of funds disbursed under this section.

12. Establishing that the corporation shall review the activities of the grantee to assess the grantee's financial and operational compliance with the provisions of the contract and with relevant provisions of law.

13. Authorizing the grantee, when feasible, to use information submitted by it to the Federal Government or to other organizations awarding research grants to the grantee to help meet reporting requirements imposed under this section or the contract, if the information satisfies the reporting standards of this section and the contract.

14. Requiring the grantee during the first 7 years of the contract to create 545 positions and to acquire associated research equipment for the grantee's facility in this state, and pay for related maintenance of the equipment, in a total amount of not less than \$45 million.

15. Requiring the grantee to progress in the creation of the total number of jobs prescribed in subparagraph 14. on the following schedule: At least 38 positions in the 1st year, 168 positions in the 2nd year, 280 positions in the 3rd year, 367 positions in the 4th year, 436 positions in the 5th year, 500 positions in the 6th year, and 545 positions in the 7th year. The board may allow the grantee to deviate downward from such employee levels by 25 percent in any year, to allow the grantee flexibility in achieving the objectives set forth in the

HB 7247

2011

business plan provided to the corporation; however, the grantee must have no fewer than 545 positions by the end of the 7th year.

16. Requiring the grantee to allow the corporation to retain an independent certified public accountant licensed in this state pursuant to chapter 473 to inspect the records of the grantee in order to audit the expenditure of funds disbursed to the grantee. The independent certified public accountant may ~~shall~~ not disclose any confidential or proprietary scientific information of the grantee.

17. Requiring the grantee to purchase liability insurance and governing the coverage level of such insurance.

(9) PERFORMANCE EXPECTATIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include a provision that the grantee, in cooperation with the department ~~Office of Tourism, Trade, and Economic Development~~, shall report to the corporation on performance expectations that reflect the aspirations of the Governor and the Legislature for the benefits accruing to this state as a result of the funds appropriated pursuant to this section. These shall include, but are not limited to, performance expectations addressing:

(a) The number and dollar value of research grants obtained from the Federal Government or sources other than this state.

(b) The percentage of total research dollars received by The Scripps Research Institute from sources other than this state which is used to conduct research activities by the



HB 7247

2011

grantee in this state.

(c) The number or value of patents obtained by the grantee.

(d) The number or value of licensing agreements executed by the grantee.

(e) The extent to which research conducted by the grantee results in commercial applications.

(f) The number of collaborative agreements reached and maintained with colleges and universities in this state and with research institutions in this state, including agreements that foster participation in research opportunities by public and private colleges and universities and research institutions in this state with significant minority populations, including historically black colleges and universities.

(g) The number of collaborative partnerships established and maintained with businesses in this state.

(h) The total amount of funding received by the grantee from sources other than the State of Florida.

(i) The number or value of spin-off businesses created in this state as a result of commercialization of the research of the grantee.

(j) The number or value of businesses recruited to this state by the grantee.

(k) The establishment and implementation of policies to promote supplier diversity using the guidelines developed by the Office of Supplier Diversity under s. 287.09451 and to comply with the ordinances, including any small business ordinances, enacted by the county and which are applicable to the biomedical

HB 7247

2011

research institution and campus located in this state.

(l) The designation by the grantee of a representative to coordinate with the Office of Supplier Diversity.

(m) The establishment and implementation of a program to conduct workforce recruitment activities at public and private colleges and universities and community colleges in this state which request the participation of the grantee.

The contract shall require the grantee to provide information to the corporation on the progress in meeting these performance expectations on an annual basis. It is the intent of the Legislature that, in fulfilling its obligation to work with Florida's public and private colleges and universities, Scripps Florida work with such colleges and universities regardless of size.

(10) DISBURSEMENT CONDITIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include disbursement conditions that must be satisfied by the grantee as a condition for the continued disbursement of funds under this section. These disbursement conditions shall be negotiated between the corporation and the grantee and shall not be designed to impede the ability of the grantee to attain full operational status. The disbursement conditions may be appropriately varied as to timeframes, numbers, values, and percentages. The disbursement conditions shall include, but are not limited to, the following areas:

(1) Beginning June 2004, the grantee shall commence

HB 7247

2011

collaboration efforts with the department ~~Office of Tourism, Trade, and Economic Development~~ by complying with reasonable requests for cooperation in economic development efforts in the biomed/biotech industry. No later than July 2004, the grantee shall designate a person who shall be charged with assisting in these collaborative efforts.

~~(15) PROGRAM EVALUATION.~~

~~(a) Before January 1, 2007, the Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the Office of Tourism, Trade, and Economic Development and the corporation relating to the provisions of this section. The audit shall assess the implementation and outcomes of activities under this section. At a minimum, the audit shall address:~~

~~1. Performance of the Office of Tourism, Trade, and Economic Development in disbursing funds appropriated under this section.~~

~~2. Performance of the corporation in managing and enforcing the contract with the grantee.~~

~~3. Compliance by the corporation with the provisions of this section and the provisions of the contract.~~

~~4. Economic activity generated through funds disbursed under the contract.~~

~~(b) Before January 1, 2010, the Office of Program Policy Analysis and Government Accountability shall update the report required under this subsection. In addition to addressing the items prescribed in paragraph (a), the updated report shall include a recommendation on whether the Legislature should~~

HB 7247

2011

~~retain the statutory authority for the corporation.~~

~~A report of each audit's findings and recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In completing the performance audits required under this subsection, the Office of Program Policy Analysis and Government Accountability shall maximize the use of reports submitted by the grantee to the Federal Government or to other organizations awarding research grants to the grantee.~~

Section 121. Subsection (2) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(2) The Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by Enterprise Florida, Inc., and one of the directors shall be an economic development specialist. ~~The chairperson of the Florida Black Business Investment Board shall be an ex officio member of the board of the corporation.~~

Section 122. Paragraph (v) of subsection (2) of section 288.9605, Florida Statutes, is amended to read:

288.9605 Corporation powers.—

HB 7247

2011

(2) The corporation is authorized and empowered to:

(v) Enter into investment agreements with Enterprise Florida, Inc., ~~the Florida Black Business Investment Board~~ concerning the issuance of bonds and other forms of indebtedness and capital ~~for the purposes of ss. 288.707-288.714.~~

Section 123. Subsection (1) of section 288.9606, Florida Statutes, is amended to read:

288.9606 Issue of revenue bonds.—

(1) When authorized by a public agency pursuant to s. 163.01(7), the corporation has power in its corporate capacity, in its discretion, to issue revenue bonds or other evidences of indebtedness which a public agency has the power to issue, from time to time to finance the undertaking of any purpose of this act ~~and ss. 288.707-288.714~~, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has the power to issue refunding bonds for the payment or retirement of bonds previously issued. Bonds issued pursuant to this section shall bear the name "Florida Development Finance Corporation Revenue Bonds." The security for such bonds may be based upon such revenues as are legally available. In anticipation of the sale of such revenue bonds, the corporation may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issuance of the original note. Such notes shall be paid from any revenues of the corporation available therefor and not otherwise pledged or from the proceeds of sale of the revenue

HB 7247

2011

bonds in anticipation of which they were issued. Any bond, note, or other form of indebtedness issued pursuant to this act shall mature no later than the end of the 30th fiscal year after the fiscal year in which the bond, note, or other form of indebtedness was issued.

Section 124. Subsection (1) of section 288.9624, Florida Statutes, are amended to read:

288.9624 Florida Opportunity Fund; creation; duties.—

(1)(a) Enterprise Florida, Inc., shall facilitate the creation of the Florida Opportunity Fund, a private, not-for-profit corporation organized and operated under chapter 617. Enterprise Florida, Inc., shall be the fund's sole shareholder or member. The fund is not a public corporation or instrumentality of the state. The fund shall manage its business affairs and conduct business consistent with its organizational documents and the purposes set forth in this section. Notwithstanding the powers granted under chapter 617, the corporation may not amend, modify, or repeal a bylaw or article of incorporation without the express written consent of Enterprise Florida, Inc.

~~(b) The vice chair of Enterprise Florida, Inc., shall select from among its sitting board of directors a five-person appointment committee. The appointment committee shall select five initial members of a board of directors for the fund.~~

(b)(e) The persons elected to the ~~initial~~ board of directors ~~by the appointment committee~~ shall include persons who have expertise in the area of the selection and supervision of early stage investment managers or in the fiduciary management

HB 7247

2011

9351 of investment funds and other areas of expertise as considered  
9352 appropriate ~~by the appointment committee.~~

9353 (c)~~(d)~~ After election of the initial board of directors,  
9354 vacancies on the board shall be filled by vote of the board of  
9355 directors of Enterprise Florida, Inc., and board members shall  
9356 serve terms as provided in the fund's organizational documents.  
9357 Within 90 days before an anticipated vacancy by expiration of  
9358 the term of a board member, the board of directors of the fund  
9359 shall submit a list of three eligible nominees, which may  
9360 include the incumbent, to the board of directors of Enterprise  
9361 Florida, Inc. The board of directors of Enterprise Florida,  
9362 Inc., may appoint a board member from the nominee list or  
9363 request a new list of three nominees not included on the  
9364 previous list from which to appoint.

9365 (d)~~(e)~~ Members of the board are subject to any  
9366 restrictions on conflicts of interest specified in the  
9367 organizational documents and may not have an interest in any  
9368 venture capital investment selected by the fund under ss.  
9369 288.9621-288.9624.

9370 (e)~~(f)~~ Members of the board shall serve without  
9371 compensation, but members, the president of the board, and other  
9372 board employees may be reimbursed for all reasonable, necessary,  
9373 and actual expenses as determined and approved by the board  
9374 pursuant to s. 112.061.

9375 (f)~~(g)~~ The fund shall have all powers granted under its  
9376 organizational documents and shall indemnify members to the  
9377 broadest extent permissible under the laws of this state.

9378 Section 125. Subsections (3), (8), and (9) of section

HB 7247

2011

288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(3) No later than 6 months after the designation of a military base for closure by the Federal Government, each host local government shall notify the Department of Economic Opportunity ~~secretary of the Department of Community Affairs and the director of the Office of Tourism, Trade, and Economic Development~~ in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(8) At the request of a host local government, the department ~~Office of Tourism, Trade, and Economic Development~~ shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments; the Department of Environmental Protection; the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development; the Department of Community Affairs;~~ the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable



HB 7247

2011

9407 water management districts and regional planning councils. The  
9408 purposes of the workshop shall be to assist the host local  
9409 government to understand issues of concern to the above listed  
9410 entities pertaining to the military base site and to identify  
9411 opportunities for better coordination of planning and review  
9412 efforts with the information and analyses generated by the  
9413 federal environmental impact statement process and the federal  
9414 community base reuse planning process.

9415 (9) If a host local government elects to use the optional  
9416 provisions of this act, it shall, no later than 12 months after  
9417 notifying the agencies of its intent pursuant to subsection (3)  
9418 either:

9419 (a) Send a copy of the proposed military base reuse plan  
9420 for review to any affected local governments; the Department of  
9421 Environmental Protection; the Department of Economic Opportunity  
9422 ~~Office of Tourism, Trade, and Economic Development; the~~  
9423 ~~Department of Community Affairs;~~ the Department of  
9424 Transportation; the Department of Health; the Department of  
9425 Children and Family Services; the Department of Juvenile  
9426 Justice; the Department of Agriculture and Consumer Services;  
9427 the Department of State; the Fish and Wildlife Conservation  
9428 Commission; and any applicable water management districts and  
9429 regional planning councils, or

9430 (b) Petition the Department of Economic Opportunity  
9431 ~~secretary of the Department of Community Affairs~~ for an  
9432 extension of the deadline for submitting a proposed reuse plan.  
9433 Such an extension request must be justified by changes or delays  
9434 in the closure process by the United States ~~federal~~ Department

HB 7247

2011

of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. The Department of Economic Opportunity ~~secretary of the Department of Community Affairs~~ may grant extensions to the required submission date of the reuse plan.

Section 126. Paragraph (b) of subsection (1), paragraphs (a) and (c) of subsection (2) and subsections (3), (4), (5), (6), (7), and (9) of section 288.980, Florida Statutes, are amended to read:

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

(1)

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for Enterprise Florida defense-related activity. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the department ~~Office of Tourism, Trade, and Economic Development~~.

(2) (a) The Governor, through the department, may ~~Office of Tourism, Trade, and Economic Development is authorized to~~ award grants from any funds available to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment.

(c) Except for grants issued pursuant to the Florida

HB 7247

2011

9463 Military Installation Reuse Planning and Marketing Grant Program  
9464 as described in paragraph (3)(c), the amount of any grant  
9465 provided to an applicant may not exceed \$250,000. The department  
9466 ~~Office of Tourism, Trade, and Economic Development~~ shall require  
9467 that an applicant:

9468 1. Represent a local government with a military  
9469 installation or military installations that could be adversely  
9470 affected by federal base realignment or closure.

9471 2. Agree to match at least 30 percent of any grant  
9472 awarded.

9473 3. Prepare a coordinated program or plan of action  
9474 delineating how the eligible project will be administered and  
9475 accomplished.

9476 4. Provide documentation describing the potential for  
9477 realignment or closure of a military installation located in the  
9478 applicant's community and the adverse impacts such realignment  
9479 or closure will have on the applicant's community.

9480 (3) The Florida Economic Reinvestment Initiative is  
9481 established to respond to the need for this state and defense-  
9482 dependent communities in this state to develop alternative  
9483 economic diversification strategies to lessen reliance on  
9484 national defense dollars in the wake of base closures and  
9485 reduced federal defense expenditures and the need to formulate  
9486 specific base reuse plans and identify any specific  
9487 infrastructure needed to facilitate reuse. The initiative shall  
9488 consist of the following three distinct grant programs to be  
9489 administered by the department ~~Office of Tourism, Trade, and~~  
9490 ~~Economic Development~~:

HB 7247

2011

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed \$250,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed \$100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4) The Defense Infrastructure Grant Program is created. The Governor, through the department, ~~director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate and

HB 7247

2011

9519 implement this program, the purpose of which is to support local  
9520 infrastructure projects deemed to have a positive impact on the  
9521 military value of installations within the state. Funds awarded  
9522 by the Governor are to be used for projects that benefit both  
9523 the local community and the military installation. It is not the  
9524 intent, however, to fund on-base military construction projects.  
9525 Infrastructure projects to be funded under this program include,  
9526 but are not limited to, those related to encroachment,  
9527 transportation and access, utilities, communications, housing,  
9528 environment, and security. Grant requests will be accepted only  
9529 from economic development applicants serving in the official  
9530 capacity of a governing board of a county, municipality, special  
9531 district, or state agency that will have the authority to  
9532 maintain the project upon completion. An applicant must  
9533 represent a community or county in which a military installation  
9534 is located. There is no limit as to the amount of any grant  
9535 awarded to an applicant. A match by the county or local  
9536 community may be required. The department ~~Office of Tourism,~~  
9537 ~~Trade, and Economic Development~~ shall establish guidelines to  
9538 implement the purpose of this subsection.

9539 (5) (a) The Defense-Related Business Adjustment Program is  
9540 hereby created. The Governor, through the department, ~~Director~~  
9541 ~~of the Office of Tourism, Trade, and Economic Development~~ shall  
9542 coordinate the development of the Defense-Related Business  
9543 Adjustment Program. Funds shall be available to assist defense-  
9544 related companies in the creation of increased commercial  
9545 technology development through investments in technology. Such  
9546 technology must have a direct impact on critical state needs for

HB 7247

2011

the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) The department ~~Office~~ shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the United States Department of Defense in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(6) The Retention of Military Installations Program is created, which shall be coordinated and implemented by the department. ~~The Director of the Office of Tourism, Trade, and Economic Development shall coordinate and implement this program. The sum of \$1.2 million is appropriated from the General Revenue Fund for fiscal year 1999-2000 to the Office of~~

HB 7247

2011

~~Tourism, Trade, and Economic Development to implement this program for military installations located in counties with a population greater than 824,000. The funds shall be used to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An eligible military installation for this program shall include a provider of simulation solutions for war-fighting experimentation, testing, and training which employs at least 500 civilian and military employees and has been operating in the state for a period of more than 10 years.~~

(7) The Governor, through the department, ~~director~~ may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(9) The department ~~Office of Tourism, Trade, and Economic Development~~ shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 127. Paragraphs (a), (e), and (f) of subsection (2) of section 288.984, Florida Statutes, are amended to read:

288.984 Florida Council on Military Base and Mission Support.—The Florida Council on Military Base and Mission Support is established. The council shall provide oversight and direction for initiatives, claims, and actions taken on behalf

HB 7247

2011

of the state, its agencies, and political subdivisions under this part.

(2) MEMBERSHIP.—

(a) The council shall be composed of nine members. The President of the Senate, the Speaker of the House of Representatives, and the Governor shall each appoint three members as follows:

1. The President of the Senate shall appoint one member of the Senate, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

2. The Speaker of the House of Representatives shall appoint one member of the House of Representatives, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

3. The Governor shall appoint the Commissioner of Economic Opportunity or the commissioner's designee, a board member of Enterprise Florida, Inc., ~~director or designee of the Office of Tourism, Trade, and Economic Development, the vice chairperson or designee of Enterprise Florida, Inc.,~~ and one at-large member.

(e) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall provide



HB 7247

2011

administrative support to the council.

(f) ~~The Secretary of Community Affairs or his or her designee,~~ the Secretary of Environmental Protection or his or her designee, the Secretary of Transportation or his or her designee, the Adjutant General of the state or his or her designee, and the executive director of the Department of Veterans' Affairs or his or her designee shall attend meetings held by the council and provide assistance, information, and support as requested by the council.

Section 128. Paragraphs (f) and (j) of subsection (3) of section 288.99, Florida Statutes, are amended to read:

288.99 Certified Capital Company Act.—

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

(f) "Early stage technology business" means a qualified business that is:

1. Involved, at the time of the certified capital company's initial investment in such business, in activities related to developing initial product or service offerings, such as prototype development or the establishment of initial production or service processes; or

2. Less than 2 years old and has, together with its affiliates, less than \$3 million in annual revenues for the fiscal year immediately preceding the initial investment by the certified capital company on a consolidated basis, as determined in accordance with generally accepted accounting principles;

~~3. The Florida Black Business Investment Board;~~

~~4. Any entity that is majority owned by the Florida Black Business Investment Board; or~~

HB 7247

2011

9659       ~~5. Any entity in which the Florida Black Business~~  
9660 ~~Investment Board holds a majority voting interest on the board~~  
9661 ~~of directors.~~

9662       (j) "Qualified business" means the Digital Divide Trust  
9663 Fund established under the State of Florida Technology Office or  
9664 a business that meets the following conditions as evidenced by  
9665 documentation required by commission rule:

9666       1. The business is headquartered in this state and its  
9667 principal business operations are located in this state or at  
9668 least 75 percent of the employees are employed in the state.

9669       2. At the time a certified capital company makes an  
9670 initial investment in a business, the business would qualify for  
9671 investment under 13 C.F.R. s. 121.301(c), which is involved in  
9672 manufacturing, processing or assembling products, conducting  
9673 research and development, or providing services.

9674       3. At the time a certified capital company makes an  
9675 initial investment in a business, the business certifies in an  
9676 affidavit that:

9677       a. The business is unable to obtain conventional  
9678 financing, which means that the business has failed in an  
9679 attempt to obtain funding for a loan from a bank or other  
9680 commercial lender or that the business cannot reasonably be  
9681 expected to qualify for such financing under the standards of  
9682 commercial lending;

9683       b. The business plan for the business projects that the  
9684 business is reasonably expected to achieve in excess of \$25  
9685 million in sales revenue within 5 years after the initial  
9686 investment, or the business is located in a designated Front

HB 7247

2011

9687 Front Porch community, enterprise zone, urban high crime area, rural  
9688 job tax credit county, or nationally recognized historic  
9689 district;

9690 c. The business will maintain its headquarters in this  
9691 state for the next 10 years and any new manufacturing facility  
9692 financed by a qualified investment will remain in this state for  
9693 the next 10 years, or the business is located in a designated  
9694 Front Porch community, enterprise zone, urban high crime area,  
9695 rural job tax credit county, or nationally recognized historic  
9696 district; and

9697 d. The business has fewer than 200 employees and at least  
9698 75 percent of the employees are employed in this state. ~~For~~  
9699 ~~purposes of this subsection, the term also includes the Florida~~  
9700 ~~Black Business Investment Board, any entity majority owned by~~  
9701 ~~the Florida Black Business Investment Board, or any entity in~~  
9702 ~~which the Florida Black Business Investment Board holds a~~  
9703 ~~majority voting interest on the board of directors.~~

9704 4. The term does not include:

9705 a. Any business predominantly engaged in retail sales,  
9706 real estate development, insurance, banking, lending, or oil and  
9707 gas exploration.

9708 b. Any business predominantly engaged in professional  
9709 services provided by accountants, lawyers, or physicians.

9710 c. Any company that has no historical revenues and either  
9711 has no specific business plan or purpose or has indicated that  
9712 its business plan is solely to engage in a merger or acquisition  
9713 with any unidentified company or other entity.

9714 d. Any company that has a strategic plan to grow through

HB 7247

2011

the acquisition of firms with substantially similar business which would result in the planned net loss of Florida-based jobs over a 12-month period after the acquisition as determined by the office.

Section 129. Present subsections (2) and (5) and paragraph (b) of subsection (9) of section 288.9913, Florida Statutes, are amended, subsections (3) and (4) and present subsections (6) through (10) are renumbered as subsections (2) and (3) and subsections (4) through (8), respectively, to read:

288.9913 Definitions.—As used in ss. 288.991–288.9922, the term:

~~(2) "Department" means the Department of Revenue.~~

~~(5) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(7)~~(9)~~ "Qualified investment" means an equity investment in, or a long-term debt security issued by, a qualified community development entity that:

(b) Is designated by the qualified community development entity as a qualified investment under this paragraph and is approved by the department ~~office~~ as a qualified investment.

Section 130. Subsections (1), (2), and (3), and paragraphs (a) and (b) of subsection (4), and subsection (6) of section 288.9914, Florida Statutes, are amended to read:

288.9914 Certification of qualified investments; investment issuance reporting.—

(1) ELIGIBLE INDUSTRIES.—

(a) The department ~~office~~, in consultation with Enterprise Florida, Inc., shall designate industries using the North

HB 7247

2011

American Industry Classification System which are eligible to receive low-income community investments. The designated industries must be those industries that have the greatest potential to create strong positive impacts on or benefits to the state, regional, and local economies.

(b) A qualified community development entity may not make a qualified low-income community investment in a business unless the principal activities of the business are within an eligible industry. The Governor ~~Office~~ may waive this limitation if the department ~~office~~ determines that the investment will have a positive impact on a community.

(2) APPLICATION.—A qualified community development entity must submit an application to the Governor, through the department, ~~Office~~ to approve a proposed investment as a qualified investment. The application must include:

(a) The name, address, and tax identification number of the qualified community development entity.

(b) Proof of certification as a qualified community development entity under 26 U.S.C. s. 45D.

(c) A copy of an allocation agreement executed by the entity, or its controlling entity, and the Community Development Financial Institutions Fund, which authorizes the entity to serve businesses in this state.

(d) A verified statement by the chief executive officer of the entity that the allocation agreement remains in effect.

(e) A description of the proposed amount, structure, and purchaser of an equity investment or long-term debt security.

(f) The name and tax identification number of any person

HB 7247

2011

9771 authorized to claim a tax credit earned as a result of the  
9772 purchase of the proposed qualified investment.

9773 (g) A detailed explanation of the proposed use of the  
9774 proceeds from a proposed qualified investment.

9775 (h) A nonrefundable application fee of \$1,000, payable to  
9776 the department ~~office~~.

9777 (i) A statement that the entity will invest only in the  
9778 industries designated by the department ~~office~~.

9779 (j) The entity's plans for the development of  
9780 relationships with community-based organizations, local  
9781 community development offices and organizations, and economic  
9782 development organizations. The entity must also explain steps it  
9783 has taken to implement its plans to develop these relationships.

9784 (k) A statement that the entity will not invest in a  
9785 qualified active low-income community business unless the  
9786 business will create or retain jobs that pay an average wage of  
9787 at least 115 percent of the federal poverty income guidelines  
9788 for a family of four.

9789 (3) REVIEW.—

9790 (a) The department ~~office~~ shall review applications to  
9791 approve an investment as a qualified investment in the order  
9792 received. The Governor, through the department, ~~office~~ shall  
9793 approve or deny an application within 30 days after receipt.

9794 (b) If the Governor ~~office~~ intends to deny the  
9795 application, the department ~~office~~ shall inform the applicant of  
9796 the basis of the proposed denial. The applicant shall have 15  
9797 days after it receives the notice of the intent to deny the  
9798 application to submit a revised application to the department

HB 7247

2011

9799 ~~office~~. The Governor, through the department, ~~office~~ shall issue  
9800 a final order approving or denying the revised application  
9801 within 30 days after receipt.

9802 (c) The Governor ~~office~~ may not approve a cumulative  
9803 amount of qualified investments that may result in the claim of  
9804 more than \$97.5 million in tax credits during the existence of  
9805 the program or more than \$20 million in tax credits in a single  
9806 state fiscal year. However, the potential for a taxpayer to  
9807 carry forward an unused tax credit may not be considered in  
9808 calculating the annual limit.

9809 (4) APPROVAL.—

9810 (a) The Governor, through the department, ~~office~~ shall  
9811 provide a copy of the final order approving an investment as a  
9812 qualified investment to the qualified community development  
9813 entity and to the Department of Revenue. The notice shall  
9814 include the identity of the taxpayers who are eligible to claim  
9815 the tax credits and the amount that may be claimed by each  
9816 taxpayer.

9817 (b) The Governor, through the Department of Economic  
9818 Opportunity, ~~office~~ shall approve an application for part of the  
9819 amount of the proposed investment if the amount of tax credits  
9820 available is insufficient.

9821 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The  
9822 qualified community development entity must provide the  
9823 department ~~office~~ with evidence of the receipt of the cash in  
9824 exchange for the qualified investment within 30 business days  
9825 after receipt.

9826 Section 131. Subsection (2) of section 288.9916, Florida

HB 7247

2011

Statutes, is amended to read:

288.9916 New markets tax credit.—

(2) A tax credit earned under this section may not be sold or transferred, except as provided in this subsection.

(a) A partner, member, or shareholder of a partnership, limited liability company, S-corporation, or other "pass-through" entity may claim the tax credit pursuant to an agreement among the partners, members, or shareholders. Any change in the allocation of a tax credit under the agreement must be reported to the Department of Economic Opportunity ~~office~~ and to the Department of Revenue.

(b) Eligibility to claim a tax credit transfers to subsequent purchasers of a qualified investment. Such transfers must be reported to the Department of Economic Opportunity ~~office~~ and to the Department of Revenue along with the identity, tax identification number, and tax credit amount allocated to a taxpayer pursuant to paragraph (a). The notice of transfer also must state whether unused tax credits are being transferred and the amount of unused tax credits being transferred.

Section 132. Section 288.9917, Florida Statutes, is amended to read:

288.9917 Community development entity reporting after a credit allowance date; certification of tax credit amount.—

(1) A qualified community development entity that has issued a qualified investment shall submit the following to the department ~~office~~ within 30 days after each credit allowance date:

(a) A list of all qualified active low-income community



HB 7247

2011

9855 businesses in which a qualified low-income community investment  
9856 was made since the last credit allowance date. The list shall  
9857 also describe the type and amount of investment in each business  
9858 and the address of the principal location of each business. The  
9859 list must be verified by the chief executive officer of the  
9860 community development entity.

9861 (b) Bank records, wire transfer records, or similar  
9862 documents that provide evidence of the qualified low-income  
9863 community investments made since the last credit allowance date.

9864 (c) A verified statement by the chief financial or  
9865 accounting officer of the community development entity that no  
9866 redemption or principal repayment was made with respect to the  
9867 qualified investment since the previous credit allowance date.

9868 (d) Information relating to the recapture of the federal  
9869 new markets tax credit since the last credit allowance date.

9870 (2) The Governor, through the Department of Economic  
9871 Opportunity, office shall certify in writing to the qualified  
9872 community development entity and to the Department of Revenue  
9873 the amount of the tax credit authorized for each taxpayer  
9874 eligible to claim the tax credit in the tax year containing the  
9875 last credit allowance date.

9876 Section 133. Section 288.9918, Florida Statutes, is  
9877 amended to read:

9878 288.9918 Annual reporting by a community development  
9879 entity.—A community development entity that has issued a  
9880 qualified investment shall submit an annual report to the  
9881 department office by April 30 after the end of each year which  
9882 includes a credit allowance date. The report shall include:

HB 7247

2011

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

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

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

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

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

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

Section 134. Section 288.9919, Florida Statutes, is amended to read:

288.9919 Audits and examinations; penalties.—

(1) AUDITS.—A community development entity that issues an investment approved by the department ~~office~~ as a qualified investment shall be deemed a recipient of state financial assistance under s. 215.97, the Florida Single Audit Act.

HB 7247

2011

9911 However, an entity that makes a qualified investment or receives  
9912 a qualified low-income community investment is not a  
9913 subrecipient for the purposes of s. 215.97.

9914 (2) EXAMINATIONS.—The department ~~office~~ may conduct  
9915 examinations to verify compliance with the New Markets  
9916 Development Program Act.

9917 Section 135. Section 288.9920, Florida Statutes, is  
9918 amended to read:

9919 288.9920 Recapture and penalties.—

9920 (1) Notwithstanding s. 95.091, the Governor, through the  
9921 Department of Economic Opportunity, ~~office~~ shall direct the  
9922 Department of Revenue, at any time before December 31, 2022, to  
9923 recapture all or a portion of a tax credit authorized pursuant  
9924 to the New Markets Development Program Act if one or more of the  
9925 following occur:

9926 (a) The Federal Government recaptures any portion of the  
9927 federal new markets tax credit. The recapture by the Department  
9928 of Revenue shall equal the recapture by the Federal Government.

9929 (b) The qualified community development entity redeems or  
9930 makes a principal repayment on a qualified investment before the  
9931 final allowance date. The recapture by the Department of Revenue  
9932 shall equal the redemption or principal repayment divided by the  
9933 purchase price and multiplied by the tax credit authorized to a  
9934 taxpayer for the qualified investment.

9935 (c)1. The qualified community development entity fails to  
9936 invest at least 85 percent of the purchase price in qualified  
9937 low-income community investments within 12 months after the  
9938 issuance of a qualified investment; or

HB 7247

2011

9939           2. The qualified community development entity fails to  
9940 maintain 85 percent of the purchase price in qualified low-  
9941 income community investments until the last credit allowance  
9942 date for a qualified investment.

9943  
9944 For the purposes of this paragraph, an investment by a qualified  
9945 community development entity includes principal recovered from  
9946 an investment for 12 months after its recovery or principal  
9947 recovered after the sixth credit allowance date. Principal held  
9948 for longer than 12 months or recovered before the sixth credit  
9949 allowance date is not an investment unless it is reinvested in a  
9950 qualified low-income community investment.

9951           (d) The qualified community development entity fails to  
9952 provide the Department of Economic Opportunity ~~office~~ with  
9953 information, reports, or documentation required by the New  
9954 Markets Development Program Act.

9955           (e) The Department of Economic Opportunity ~~office~~  
9956 determines that a taxpayer received tax credits to which the  
9957 taxpayer was not entitled.

9958           (2) The Governor, through the Department of Economic  
9959 Opportunity, ~~office~~ shall provide notice to the qualified  
9960 community development entity and the Department of Revenue of a  
9961 proposed recapture of a tax credit. The entity shall have 6  
9962 months after ~~following the~~ receipt of the notice to cure a  
9963 deficiency identified in the notice and avoid recapture. The  
9964 Governor, through the Department of Economic Opportunity, ~~office~~  
9965 shall issue a final order of recapture if the entity fails to  
9966 cure a deficiency within the 6-month period. The final order of

HB 7247

2011

recapture shall be provided to the entity, the Department of Revenue, and a taxpayer otherwise authorized to claim the tax credit. Only one correction is permitted for each qualified equity investment during the 7-year credit period. Recaptured funds shall be deposited into the General Revenue Fund.

(3) An entity that submits fraudulent information to the Department of Economic Opportunity ~~office~~ is liable for the costs associated with the investigation and prosecution of the fraudulent claim plus a penalty in an amount equal to double the tax credits claimed by investors in the entity's qualified investments. This penalty is in addition to any other penalty that may be imposed by law.

Section 136. Section 288.9921, Florida Statutes, is amended to read:

288.9921 Rulemaking.—The Department of Economic Opportunity ~~Office~~ and the Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer ss. 288.991-288.9920.

Section 137. Section 290.004, Florida Statutes, is amended to read:

290.004 Definitions relating to Florida Enterprise Zone Act.—As used in ss. 290.001-290.016:

(1) "Community investment corporation" means a black business investment corporation, a certified development corporation, a small business investment corporation, or other similar entity incorporated under Florida law that has limited its investment policy to making investments solely in minority business enterprises.

HB 7247

2011

9995        (2) "Department" means the Department of Economic  
9996 Opportunity.

9997        ~~(2) "Director" means the director of the Office of~~  
9998 ~~Tourism, Trade, and Economic Development.~~

9999        (3)~~(3)~~ "Governing body" means the council or other  
10000 legislative body charged with governing the county or  
10001 municipality.

10002        (4)~~(4)~~ "Minority business enterprise" has the same meaning  
10003 as provided in s. 288.703.

10004        ~~(5) "Office" means the Office of Tourism, Trade, and~~  
10005 ~~Economic Development.~~

10006        (5)~~(6)~~ "Rural enterprise zone" means an enterprise zone  
10007 that is nominated by a county having a population of 75,000 or  
10008 fewer, or a county having a population of 100,000 or fewer which  
10009 is contiguous to a county having a population of 75,000 or  
10010 fewer, or by a municipality in such a county, or by such a  
10011 county and one or more municipalities. An enterprise zone  
10012 designated in accordance with s. 290.0065(5)(b) ~~or s. 379.2353~~  
10013 is considered to be a rural enterprise zone.

10014        (6)~~(7)~~ "Small business" has the same meaning as provided  
10015 in s. 288.703.

10016        Section 138. Subsection (1) and paragraphs (a) and (b) of  
10017 subsection (6) of section 290.0055, Florida Statutes, are  
10018 amended to read:

10019        290.0055 Local nominating procedure.—

10020        (1) If, pursuant to s. 290.0065, an opportunity exists for  
10021 designation of a new enterprise zone, any county or  
10022 municipality, or a county and one or more municipalities

HB 7247

2011

together, may apply to the department ~~office~~ for the designation of an area as an enterprise zone after completion of the following:

(a) The adoption by the governing body or bodies of a resolution which:

1. Finds that an area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

2. Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

3. Determines that the revitalization of such area can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(b) The creation of an enterprise zone development agency pursuant to s. 290.0056.

(c) The creation and adoption of a strategic plan pursuant to s. 290.0057.

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

(b) Upon a recommendation by the enterprise zone

HB 7247

2011

development agency, the governing body of the jurisdiction which authorized the application for an enterprise zone may apply to the department ~~Office~~ for a change in boundary once every 3 years by adopting a resolution that:

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

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

Section 139. Paragraph (h) of subsection (8) and subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(8) The enterprise zone development agency shall have the following powers and responsibilities:

(h) To work with the department and Enterprise Florida, Inc., ~~and the office~~ to ensure that the enterprise zone coordinator receives training on an annual basis.

(11) Before ~~Prior to~~ December 1 of each year, the agency shall submit to the department ~~Office of Tourism, Trade, and Economic Development~~ a complete and detailed written report setting forth:

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

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

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



HB 7247

2011

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

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

(f) Any other information required by the department ~~office~~.

(12) ~~If In the event that~~ the nominated area selected by the governing body is not designated a state enterprise zone, the governing body may dissolve the agency after receiving notification from the department ~~office~~ that the area was not designated as an enterprise zone.

Section 140. Subsections (1) and (5) of section 290.0058, Florida Statutes, are amended to read:

290.0058 Determination of pervasive poverty, unemployment, and general distress.—

(1) In determining whether an area suffers from pervasive poverty, unemployment, and general distress, for purposes of ss. 290.0055 and 290.0065, the governing body and the department ~~office~~ shall use data from the most current decennial census, and from information published by the Bureau of the Census and the Bureau of Labor Statistics. The data shall be comparable in point or period of time and methodology employed.

(5) In making the calculations required by this section, the local government and the department ~~office~~ shall round all fractional percentages of one-half percent or more up to the next highest whole percentage figure.

Section 141. Section 290.0065, Florida Statutes, is amended to read:

HB 7247

2011

10107 290.0065 State designation of enterprise zones.—

10108 (1) The maximum number of enterprise zones authorized  
10109 under this section is the number of enterprise zones having an  
10110 effective date on or before January 1, 2005, subject to any  
10111 increase due to any new enterprise zones authorized by the  
10112 Legislature during the 2005 Regular Session of the Legislature.

10113 (2) If, pursuant to subsection (4), the department ~~office~~  
10114 does not redesignate an enterprise zone, a governing body of a  
10115 county or municipality or the governing bodies of a county and  
10116 one or more municipalities jointly, pursuant to s. 290.0055, may  
10117 apply for designation of an enterprise zone to take the place of  
10118 the enterprise zone not redesignated and request designation of  
10119 an enterprise zone. The department ~~Office~~, in consultation with  
10120 Enterprise Florida, Inc., shall determine which areas nominated  
10121 by such governing bodies meet the criteria outlined in s.  
10122 290.0055 and are the most appropriate for designation as state  
10123 enterprise zones. Each application made pursuant to s. 290.0055  
10124 shall be ranked competitively based on the pervasive poverty,  
10125 unemployment, and general distress of the area; the strategic  
10126 plan, including local fiscal and regulatory incentives, prepared  
10127 pursuant to s. 290.0057; and the prospects for new investment  
10128 and economic development in the area. Pervasive poverty,  
10129 unemployment, and general distress shall be weighted 35 percent;  
10130 strategic plan and local fiscal and regulatory incentives shall  
10131 be weighted 40 percent; and prospects for new investment and  
10132 economic development in the area shall be weighted 25 percent.

10133 (3) Any area authorized to be an enterprise zone by both a  
10134 county and a municipality shall be placed in the appropriate

HB 7247

2011

category established under s. 290.0055(4)(b) in which an application by the municipality would have been considered if the municipality had acted alone, if at least 60 percent of the population of the area authorized to be an enterprise zone resides within the municipality. An area authorized to be an enterprise zone by a county and one or more municipalities shall be placed in the category in which an application by the municipality with the highest percentage of residents in such area would have been considered if such municipality had authorized the area to be an enterprise zone.

(4)(a) Notwithstanding s. 290.0055, the department ~~office~~ may redesignate any state enterprise zone having an effective date on or before January 1, 2005, as a state enterprise zone upon completion and submittal to the department ~~office~~ by the governing body for an enterprise zone of the following:

1. An updated zone profile for the enterprise zone based on the most recent census data that complies with s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

2. A resolution passed by the governing body for that enterprise zone requesting redesignation and explaining the reasons the conditions of the zone merit redesignation.

3. Measurable goals for the enterprise zone developed by the enterprise zone development agency, which may be the goals established in the enterprise zone's strategic plan.

The governing body may also submit a request for a boundary change in an enterprise zone in the same application to the

HB 7247

2011

10163 department ~~office~~ as long as the new area complies with the  
10164 requirements of s. 290.0055, except that pervasive poverty  
10165 criteria may be set aside for rural enterprise zones.

10166 (b) The department, in consultation with Enterprise  
10167 Florida, Inc., ~~the office~~ shall, based on the enterprise zone  
10168 profile and the grounds for redesignation expressed in the  
10169 resolution, determine whether the enterprise zone merits  
10170 redesignation. The department ~~office~~ may also examine and  
10171 consider the following:

10172 1. Progress made, if any, in the enterprise zone's  
10173 strategic plan.

10174 2. Use of enterprise zone incentives during the life of  
10175 the enterprise zone.

10176  
10177 If the department ~~office~~ determines that the enterprise zone  
10178 merits redesignation, the department ~~office~~ shall notify the  
10179 governing body in writing of its approval of redesignation.

10180 (c) If the enterprise zone is redesignated, the department  
10181 ~~office~~ shall determine if the measurable goals submitted are  
10182 reasonable. If the department ~~office~~ determines that the goals  
10183 are reasonable, it ~~the office~~ shall notify the governing body in  
10184 writing that the goals have been approved.

10185 (d) If the department ~~office~~ denies redesignation of an  
10186 enterprise zone, the department ~~office~~ shall notify the  
10187 governing body in writing of the denial. Any county or  
10188 municipality having jurisdiction over an area denied  
10189 redesignation as a state enterprise zone pursuant to this  
10190 subsection may not apply for designation of that area for 1 year

HB 7247

2011

following the date of denial.

(5) Notwithstanding s. 290.0055, an area designated as a federal empowerment zone or enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 1999 Agricultural Appropriations Act shall be designated a state enterprise zone as follows:

(a) An area designated as an urban empowerment zone or urban enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 2000 Community Renewal Tax Relief Act shall be redesignated a state enterprise zone by the department ~~office~~ upon completion of the requirements set out in paragraph (d), except in the case of a county as defined in s. 125.011(1) which, notwithstanding s. 290.0055, may incorporate and include such designated urban empowerment zone or urban enterprise community areas within the boundaries of its state enterprise zones without any limitation as to size.

(b) An area designated as a rural empowerment zone or rural enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993 or the 1999 Agricultural Appropriations Act shall be redesignated a state rural enterprise zone by the department ~~office~~ upon completion of the requirements set out in paragraph (d) and may incorporate and include such designated rural empowerment zone or rural enterprise community within the boundaries of its state enterprise zones without any limitation as to size.

(c) Any county or municipality having jurisdiction over an

HB 7247

2011

10219 area redesignated as a state enterprise zone pursuant to this  
10220 subsection, other than a county defined in s. 125.011(1), may  
10221 not apply for designation of another area.

10222 (d) Before ~~Prior to~~ redesignating such areas as state  
10223 enterprise zones, the department ~~office~~ shall ensure that the  
10224 governing body having jurisdiction over the zone submits the  
10225 information required under paragraph (4)(a) for redesignation to  
10226 the department ~~office~~.

10227 (6)(a) The department ~~office~~, in consultation with  
10228 Enterprise Florida, Inc., may develop guidelines necessary for  
10229 the department's approval of areas under this section ~~by the~~  
10230 ~~director~~.

10231 (b) Such guidelines shall provide for the measurement of  
10232 pervasive poverty, unemployment, and general distress using the  
10233 criteria outlined by s. 290.0058.

10234 (c) Such guidelines shall provide for the evaluation of  
10235 the strategic plan or measurable goals and local fiscal and  
10236 regulatory incentives for effectiveness, including how the  
10237 following key principles will be implemented by the governing  
10238 body or bodies:

10239 1. Economic opportunity, including job creation within the  
10240 community and throughout the region, as well as entrepreneurial  
10241 initiatives, small business expansion, and training for jobs  
10242 that offer upward mobility.

10243 2. Sustainable community development that advances the  
10244 creation of livable and vibrant communities through  
10245 comprehensive approaches that coordinate economic, physical,  
10246 community, and human development.

HB 7247

2011

10247 3. Community-based partnerships involving the  
10248 participation of all segments of the community.

10249 4. Strategic vision for change that identifies how the  
10250 community will be revitalized. This vision should include  
10251 methods for building on community assets and coordinate a  
10252 response to community needs in a comprehensive fashion. This  
10253 vision should provide goals and performance benchmarks for  
10254 measuring progress and establish a framework for evaluating and  
10255 adjusting the strategic plan or measurable goals.

10256 5. Local fiscal and regulatory incentives enacted pursuant  
10257 to s. 290.0057(1)(e). These incentives should induce economic  
10258 revitalization, including job creation and small business  
10259 expansion.

10260 (d) Such guidelines may provide methods for evaluating the  
10261 prospects for new investment and economic development in the  
10262 area, including a review and evaluation of any previous state  
10263 enterprise zones located in the area.

10264 (7) Upon approval by the department ~~director~~ of a  
10265 resolution authorizing an area to be an enterprise zone pursuant  
10266 to this section, the department ~~office~~ shall assign a unique  
10267 identifying number to that resolution. The department ~~office~~  
10268 shall provide the Department of Revenue and Enterprise Florida,  
10269 Inc., with a copy of each resolution approved, together with its  
10270 identifying number.

10271 Section 142. Subsection (1) of section 290.0066, Florida  
10272 Statutes, is amended to read:

10273 290.0066 Revocation of enterprise zone designation.—

10274 (1) The department ~~director~~ may revoke the designation of

HB 7247

2011

an enterprise zone if the department ~~director~~ determines that the governing body or bodies:

(a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan or measurable goals; or

(b) Have not complied substantially with the strategic plan or measurable goals.

Section 143. Section 290.00710, Florida Statutes, is amended to read:

290.00710 Enterprise zone designation for the City of Lakeland.—The City of Lakeland may apply to the department ~~Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the City of Lakeland, which zone shall encompass an area up to 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.

Notwithstanding s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the department ~~Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The department ~~Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 144. Section 290.0072, Florida Statutes, is amended to read:

290.0072 Enterprise zone designation for the City of Winter Haven.—The City of Winter Haven may apply to the



HB 7247

2011

10303 department ~~Office of Tourism, Trade, and Economic Development~~  
10304 for designation of one enterprise zone for an area within the  
10305 City of Winter Haven, which zone shall encompass an area up to 5  
10306 square miles. Notwithstanding s. 290.0065 limiting the total  
10307 number of enterprise zones designated and the number of  
10308 enterprise zones within a population category, the department  
10309 ~~Office of Tourism, Trade, and Economic Development~~ may designate  
10310 one enterprise zone under this section. The department ~~Office of~~  
10311 ~~Tourism, Trade, and Economic Development~~ shall establish the  
10312 initial effective date of the enterprise zone designated  
10313 pursuant to this section.

10314 Section 145. Section 290.00725, Florida Statutes, is  
10315 amended to read:

10316 290.00725 Enterprise zone designation for the City of  
10317 Ocala.—The City of Ocala may apply to the department ~~Office of~~  
10318 ~~Tourism, Trade, and Economic Development~~ for designation of one  
10319 enterprise zone for an area within the western portion of the  
10320 city, which zone shall encompass an area up to 5 square miles.  
10321 The application must be submitted by December 31, 2009, and must  
10322 comply with the requirements of s. 290.0055. Notwithstanding s.  
10323 290.0065 limiting the total number of enterprise zones  
10324 designated and the number of enterprise zones within a  
10325 population category, the department ~~Office of Tourism, Trade,~~  
10326 ~~and Economic Development~~ may designate one enterprise zone under  
10327 this section. The department ~~Office of Tourism, Trade, and~~  
10328 ~~Economic Development~~ shall establish the initial effective date  
10329 of the enterprise zone designated under this section.

10330 Section 146. Section 290.0073, Florida Statutes, is

HB 7247

2011

10331 amended to read:

10332       290.0073 Enterprise zone designation for Indian River  
10333 County, the City of Vero Beach, and the City of Sebastian.—  
10334 Indian River County, the City of Vero Beach, and the City of  
10335 Sebastian may jointly apply to the department ~~Office of Tourism,~~  
10336 ~~Trade, and Economic Development~~ for designation of one  
10337 enterprise zone encompassing an area not to exceed 10 square  
10338 miles. The application must be submitted by December 31, 2005,  
10339 and must comply with the requirements of s. 290.0055.  
10340 Notwithstanding the provisions of s. 290.0065 limiting the total  
10341 number of enterprise zones designated and the number of  
10342 enterprise zones within a population category, the department  
10343 ~~Office of Tourism, Trade, and Economic Development~~ may designate  
10344 one enterprise zone under this section. The department ~~Office of~~  
10345 ~~Tourism, Trade, and Economic Development~~ shall establish the  
10346 initial effective date of the enterprise zone designated  
10347 pursuant to this section.

10348       Section 147. Section 290.0074, Florida Statutes, is  
10349 amended to read:

10350       290.0074 Enterprise zone designation for Sumter County.—  
10351 Sumter County may apply to the department ~~Office of Tourism,~~  
10352 ~~Trade, and Economic Development~~ for designation of one  
10353 enterprise zone encompassing an area not to exceed 10 square  
10354 miles. The application must be submitted by December 31, 2005.  
10355 Notwithstanding the provisions of s. 290.0065 limiting the total  
10356 number of enterprise zones designated and the number of  
10357 enterprise zones within a population category, the department  
10358 ~~Office of Tourism, Trade, and Economic Development~~ may designate

HB 7247

2011

one enterprise zone under this section. The department ~~Office of Tourism, Trade and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 148. Section 290.0077, Florida Statutes, is amended to read:

290.0077 Enterprise zone designation for Orange County and the municipality of Apopka.—Orange County and the municipality of Apopka may jointly apply to the department ~~Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the department ~~Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The department ~~Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 149. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

HB 7247

2011

(2) By March 1 of each year, the Department of Economic Opportunity ~~office~~ shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056. In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone.

Section 150. Subsections (3) and (4) of section 290.053, Florida Statutes, are amended to read:

290.053 Response to economic emergencies in small communities.—

(3) A local government entity shall notify the Governor, the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, and Enterprise Florida, Inc., when one or more of the conditions specified in subsection (2) have occurred or will occur if action is not taken to assist the local governmental entity or the affected community.

(4) Upon notification that one or more of the conditions described in subsection (2) exist, the Governor or his or her designee shall contact the local governmental entity to determine what actions have been taken by the local governmental entity or the affected community to resolve the economic emergency. The Governor may ~~has the authority to~~ waive the eligibility criteria of any program or activity administered by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, or Enterprise Florida, Inc., to

HB 7247

2011

10415 provide economic relief to the affected community by granting  
10416 participation in such programs or activities. The Governor shall  
10417 consult with the President of the Senate and the Speaker of the  
10418 House of Representatives and shall take other action, as  
10419 necessary, to resolve the economic emergency in the most  
10420 expedient manner possible. All actions taken pursuant to this  
10421 section shall be within current appropriations and shall have no  
10422 annualized impact beyond normal growth.

10423 Section 151. Section 290.06561, Florida Statutes, is  
10424 amended to read:

10425 290.06561 Designation of rural enterprise zone as catalyst  
10426 site.—Notwithstanding s. 290.0065(1), the Department of Economic  
10427 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~  
10428 upon request of the host county, shall designate as a rural  
10429 enterprise zone any catalyst site as defined in s.  
10430 288.0656(2) (b) that was approved before ~~prior to~~ January 1,  
10431 2010, and that is not located in an existing rural enterprise  
10432 zone. The request from the host county must include the legal  
10433 description of the catalyst site and the name and contact  
10434 information for the county development authority responsible for  
10435 managing the catalyst site. The designation shall provide  
10436 businesses locating within the catalyst site the same  
10437 eligibility for economic incentives and other benefits of a  
10438 rural enterprise zone designated under s. 290.0065. The  
10439 reporting criteria for a catalyst site designated as a rural  
10440 enterprise zone under this section are the same as for other  
10441 rural enterprise zones. Host county development authorities may  
10442 enter into memoranda of agreement, as necessary, to coordinate

HB 7247

2011

their efforts to implement this section.

Section 152. Paragraph (d) of subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the board, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(d)1. The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots shall constitute a ground for disciplinary action under s. 310.101. Nothing in this subsection shall be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

2. The pilot or pilots in a port shall establish a

HB 7247

2011

competency-based mentor program by which minority persons, as defined in s. 288.703~~(3)~~, may acquire the skills for the professional preparation and education competency requirements of a licensed state pilot or certificated deputy pilot. The department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report each year on the number of minority persons, as defined in s. 288.703~~(3)~~, who have participated in each mentor program, who are licensed state pilots or certificated deputy pilots, and who have applied for state pilot licensure or deputy pilot certification.

Section 153. Subsections (1), (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; the Commissioner of Economic Opportunity or the commissioner's ~~director of the Office of Tourism, Trade, and Economic Development or his or her~~ designee; and the secretary of the Department of Community

HB 7247

2011

Affairs or his or her designee.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the Department of Economic Opportunity, and ~~Office of Tourism, Trade, and Economic Development;~~ the Department of Transportation; ~~and the Department of Community Affairs.~~ The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually.

(5) The council shall review and approve or disapprove



HB 7247

2011

each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation ~~and, the Commissioner of Economic Opportunity or the commissioner's designee, director of the Office of Tourism, Trade, and Economic Development; and the Secretary of Community Affairs~~ a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(8) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.

(9) The council shall review the findings of the Department of Economic Opportunity ~~Community Affairs; the Office of Tourism, Trade, and Economic Development~~; and the Department

HB 7247

2011

10555 of Transportation. Projects found to be inconsistent pursuant to  
10556 subsections (6), (7), and (8) and projects which have been  
10557 determined not to offer an economic benefit to the state  
10558 pursuant to subsection (8) may ~~shall~~ not be included in the list  
10559 of projects to be funded.

10560 (10) The Department of Transportation shall include in its  
10561 annual legislative budget request a Florida Seaport  
10562 Transportation and Economic Development grant program for  
10563 expenditure of funds of not less than \$8 million per year. Such  
10564 budget shall include funding for projects approved by the  
10565 council which have been determined by each agency to be  
10566 consistent and which have been determined by the Department of  
10567 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
10568 ~~Development~~ to be economically beneficial. The department shall  
10569 include the specific approved seaport projects to be funded  
10570 under this section during the ensuing fiscal year in the  
10571 tentative work program developed pursuant to s. 339.135(4). The  
10572 total amount of funding to be allocated to seaport projects  
10573 under s. 311.07 during the successive 4 fiscal years shall also  
10574 be included in the tentative work program developed pursuant to  
10575 s. 339.135(4). The council may submit to the department a list  
10576 of approved projects that could be made production-ready within  
10577 the next 2 years. The list shall be submitted by the department  
10578 as part of the needs and project list prepared pursuant to s.  
10579 339.135(2)(b). However, the department shall, upon written  
10580 request of the Florida Seaport Transportation and Economic  
10581 Development Council, submit work program amendments pursuant to  
10582 s. 339.135(7) to the Governor within 10 days after the later of

HB 7247

2011

the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation, ~~the Department of Community Affairs,~~ or the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ may vote to overrule any action of the council approving a project pursuant to subsection (5). The bylaws of the council may require a greater vote for a particular action.

Section 154. Section 311.11, Florida Statutes, is amended to read:

HB 7247

2011

311.11 Seaport Employment Training Grant Program.—

(1) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the department ~~office~~. The Governor ~~office~~ shall grant funds appropriated by the Legislature to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The department's ~~office's~~ contribution to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) The Department of Economic Opportunity ~~Office~~ shall adopt criteria to implement this section.

Section 155. Paragraphs (i) and (l) of subsection (1) of section 311.115, Florida Statutes, are amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory

HB 7247

2011

council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(i) One member from the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development.~~

(1) The director of the Division of Emergency Management, or his or her designee.

Section 156. Subsection (2) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. 311.09(5)-(12), and provide for a review by ~~the Department of Community Affairs,~~ the Department of Transportation, and the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ of all projects submitted for funding under this section.

Section 157. Section 42 of chapter 2005-71, Laws of Florida, and section 1 of chapter 2005-261, Laws of Florida, are repealed.

Section 158. Paragraph (a) of subsection (6), paragraph (b) of subsection (9), paragraph (a) of subsection (35), subsection (60), and paragraph (b) of subsection (65) of section 320.08058, Florida Statutes, is amended to read:

HB 7247

2011

10667 320.08058 Specialty license plates.—

10668 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
10669 PLATES.—

10670 (a) Because the United States Olympic Committee has  
10671 selected this state to participate in a combined fundraising  
10672 program that provides for one-half of all money raised through  
10673 volunteer giving to stay in this state and be administered by  
10674 Enterprise Florida, Inc., ~~the direct-support organization~~  
10675 ~~established under s. 288.1229~~ to support amateur sports, and  
10676 because the United States Olympic Committee and Enterprise  
10677 Florida, Inc., ~~the direct-support organization~~ are nonprofit  
10678 organizations dedicated to providing athletes with support and  
10679 training and preparing athletes of all ages and skill levels for  
10680 sports competition, and because Enterprise Florida, Inc., ~~the~~  
10681 ~~direct-support organization~~ assists in the bidding for sports  
10682 competitions that provide significant impact to the economy of  
10683 this state, and the Legislature supports the efforts of the  
10684 United States Olympic Committee and Enterprise Florida, Inc.,  
10685 ~~the direct-support organization,~~ the Legislature establishes a  
10686 Florida United States Olympic Committee license plate for the  
10687 purpose of providing a continuous funding source to support this  
10688 worthwhile effort. Florida United States Olympic Committee  
10689 license plates must contain the official United States Olympic  
10690 Committee logo and must bear a design and colors that are  
10691 approved by the department. The word "Florida" must be centered  
10692 at the top of the plate.

10693 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

10694 (b) The license plate annual use fees are to be annually

HB 7247

2011

distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by Enterprise Florida, Inc. ~~the Florida Sports Foundation~~.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to Enterprise Florida, Inc. ~~the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development~~. These funds must be deposited into the Professional Sports Development Trust Fund within the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~. These funds must be used by Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the

HB 7247

2011

benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~.

3. Enterprise Florida, Inc., ~~The Florida Sports Foundation~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ as specified in s. 288.1229(5). The auditor shall submit the audit report to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ for review and approval. If the audit report is approved, the Department of Economic Opportunity ~~office~~ shall certify the audit report to the Auditor General for review.

4. Notwithstanding ~~the provisions of~~ subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ and financial support of the Sunshine State Games.



HB 7247

2011

10751 (35) FLORIDA GOLF LICENSE PLATES.—

10752 (a) The Department of Highway Safety and Motor Vehicles  
10753 shall develop a Florida Golf license plate as provided in this  
10754 section. The word "Florida" must appear at the bottom of the  
10755 plate. The Dade Amateur Golf Association, following consultation  
10756 with the PGA TOUR, Enterprise Florida, Inc. ~~the Florida Sports~~  
10757 ~~Foundation~~, the LPGA, and the PGA of America may submit a  
10758 revised sample plate for consideration by the department.

10759 (60) FLORIDA NASCAR LICENSE PLATES.—

10760 (a) The department shall develop a Florida NASCAR license  
10761 plate as provided in this section. Florida NASCAR license plates  
10762 must bear the colors and design approved by the department. The  
10763 word "Florida" must appear at the top of the plate, and the term  
10764 "NASCAR" must appear at the bottom of the plate. The National  
10765 Association for Stock Car Auto Racing, following consultation  
10766 with Enterprise Florida, Inc. ~~the Florida Sports Foundation~~, may  
10767 submit a sample plate for consideration by the department.

10768 (b) The license plate annual use fees shall be distributed  
10769 to Enterprise Florida, Inc. ~~the Florida Sports Foundation~~, a  
10770 ~~direct support organization of the Office of Tourism, Trade, and~~  
10771 ~~Economic Development~~. The license plate annual use fees shall be  
10772 annually allocated as follows:

10773 1. Up to 5 percent of the proceeds from the annual use  
10774 fees may be used by Enterprise Florida, Inc., ~~the Florida Sports~~  
10775 ~~Foundation~~ for the administration of the NASCAR license plate  
10776 program.

10777 2. The National Association for Stock Car Auto Racing  
10778 shall receive up to \$60,000 in proceeds from the annual use fees

HB 7247

2011

to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, 10 percent of the proceeds from the annual use fees shall be provided to the association for the royalty rights for the use of its marks.

3. The remaining proceeds from the annual use fees shall be distributed to Enterprise Florida, Inc. ~~the Florida Sports Foundation.~~ Enterprise Florida, Inc., shall ~~The Florida Sports Foundation will~~ retain 15 percent to support its regional grant program, attracting sporting events to Florida; 20 percent to support the marketing of motorsports-related tourism in the state; and 50 percent to be paid to the NASCAR Foundation, a s. 501(c)(3) charitable organization, to support Florida-based charitable organizations.

(c) Enterprise Florida, Inc., ~~The Florida Sports Foundation~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ as specified in ~~s. 288.1229(5).~~ The auditor shall submit the audit report to the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ for review and approval. If the audit report is approved, the Department of Economic Opportunity ~~office~~ shall certify the audit report to the Auditor General for review.

(65) FLORIDA TENNIS LICENSE PLATES.—

(b) The department shall distribute the annual use fees to Enterprise Florida, Inc. ~~the Florida Sports Foundation, a~~

HB 7247

2011

~~direct support organization of the Office of Tourism, Trade, and Economic Development.~~ The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by Enterprise Florida, Inc., ~~the Florida Sports Foundation~~ to administer the license plate program.

2. The United States Tennis Association Florida Section Foundation shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

Section 159. Subsection (3) of section 320.63, Florida Statutes, is amended to read:

320.63 Application for license; contents.—Any person desiring to be licensed pursuant to ss. 320.60-320.70 shall make application therefor to the department upon a form containing such information as the department requires. The department shall require, with such application or otherwise and from time to time, all of the following, which information may be considered by the department in determining the fitness of the

HB 7247

2011

applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed:

(3) From each manufacturer, distributor, or importer which utilizes an identical blanket basic agreement for its dealers or distributors in this state, which agreement comprises all or any part of the applicant's or licensee's agreements with motor vehicle dealers in this state, a copy of the written agreement and all supplements thereto, together with a list of the applicant's or licensee's authorized dealers or distributors and their addresses. The applicant or licensee shall further notify the department immediately of the appointment of any additional dealer or distributor. The applicant or licensee shall annually report to the department on its efforts to add new minority dealer points, including difficulties encountered under ss. 320.61-320.70. For purposes of this section "minority" shall have the same meaning as that given it in the definition of "minority person" in s. 288.703~~(3)~~. Not later than 60 days before ~~prior to~~ the date a revision or modification to a franchise agreement is offered uniformly to a licensee's motor vehicle dealers in this state, the licensee shall notify the department of such revision, modification, or addition to the franchise agreement on file with the department. In no event may a franchise agreement, or any addendum or supplement thereto, be offered to a motor vehicle dealer in this state until the applicant or licensee files an affidavit with the department acknowledging that the terms or provisions of the agreement, or any related document, are not inconsistent with, prohibited by, or contrary to the provisions contained in ss. 320.60-320.70.

HB 7247

2011

Any franchise agreement offered to a motor vehicle dealer in this state shall provide that all terms and conditions in such agreement inconsistent with the law and rules of this state are of no force and effect.

Section 160. Subsection (5) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(5) Consult with Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~ in developing a space tourism marketing plan. Space Florida and Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~ may enter into a mutually beneficial agreement that provides funding to Enterprise Florida, Inc., ~~the commission~~ for its services to implement this subsection.

Section 161. Effective December 31, 2011, section 331.3081, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 331.3081, F.S., for present text.)

331.3081 Board of Directors; advisory board.—

(1) Space Florida shall be governed by the 11-member board of directors of Enterprise Florida, Inc., created under s. 288.901(3), which does not include the board's at-large or nonvoting members.

(2) Space Florida shall have a 15-member advisory council, appointed by the Governor from a list of nominations submitted by the board of directors. The advisory council shall be composed of Florida residents with expertise in the space industry, and each of the following areas of expertise or experience must be represented by at least one advisory council

HB 7247

2011

member: human space-flight programs, commercial launches into space; organized labor with experience working in the aerospace industry, aerospace-related industries, a commercial company working under Federal Government contracts to conduct space-related business, an aerospace company whose primary client is the United States Department of Defense, and an alternative energy enterprise with potential for aerospace applications. The advisory council shall elect a member to serve as chair of the council. The advisory council shall make recommendations to the board of directors of Enterprise Florida, Inc., on the operation of Space Florida, including matters pertaining to ways to improve or enhance Florida's efforts to expand its existing space and aerospace industry, to improve management and use of Florida's state-owned real property assets related to space and aerospace, how best to retain and, if necessary, retrain Florida's highly skilled space and aerospace workforce, and how to strengthen bonds between this state, the National Aeronautics and Space Administration, and the United States Department of Defense, and private space and aerospace industries.

(3) The term for an advisory council member is 2 years. A member may not serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(4) Advisory council members shall serve without compensation, but may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

Section 162. Paragraph (c) of subsection (2) of section

HB 7247

2011

10919 331.310, Florida Statutes, is amended to read:

10920 331.310 Powers and duties of the board of directors.—

10921 (2) The board of directors shall:

10922 (c) Appoint a person to act as the executive director  
 10923 ~~president~~ of Space Florida, having such official title,  
 10924 functions, duties, powers, and salary as the board may  
 10925 prescribe.

10926 Section 163. Subsection (1) of section 375.021, Florida  
 10927 Statutes, is amended to read:

10928 375.021 Comprehensive multipurpose outdoor recreation  
 10929 plan.—

10930 (1) The department is given the responsibility, authority,  
 10931 and power to develop and execute a comprehensive multipurpose  
 10932 outdoor recreation plan for this state with the cooperation of  
 10933 the Department of Agriculture and Consumer Services, the  
 10934 Department of Transportation, the Fish and Wildlife Conservation  
 10935 Commission, the Department of Economic Opportunity Florida  
 10936 ~~Commission on Tourism~~, and the water management districts.

10937 Section 164. Section 376.60, Florida Statutes, is amended  
 10938 to read:

10939 376.60 Asbestos removal program inspection and  
 10940 notification fee.—The Department of Environmental Protection  
 10941 shall charge an inspection and notification fee, not to exceed  
 10942 \$300 for a small business as defined in s. 288.703(1), or \$1,000  
 10943 for any other project, for any asbestos removal project. The  
 10944 department may establish a fee schedule by rule. Schools,  
 10945 colleges, universities, residential dwellings, and those persons  
 10946 otherwise exempted from licensure under s. 469.002(4) are exempt

HB 7247

2011

10947 from the fees. Any fee collected must be deposited in the  
10948 asbestos program account in the Air Pollution Control Trust Fund  
10949 to be used by the department to administer its asbestos removal  
10950 program.

10951       (1) In those counties with approved local air pollution  
10952 control programs, the department shall return 80 percent of the  
10953 asbestos removal program inspection and notification fees  
10954 collected in that county to the local government quarterly, if  
10955 the county requests it.

10956       (2) The fees returned to a county under subsection (1)  
10957 must be used only for asbestos-related program activities.

10958       (3) A county may not levy any additional fees for asbestos  
10959 removal activity while it receives fees under subsection (1).

10960       (4) If a county has requested reimbursement under  
10961 subsection (1), the department shall reimburse the approved  
10962 local air pollution control program with 80 percent of the fees  
10963 collected in the county retroactive to July 1, 1994, for  
10964 asbestos-related program activities.

10965       (5) If an approved local air pollution control program  
10966 that is providing asbestos notification and inspection services  
10967 according to 40 C.F.R. part 61, subpart M, and is collecting  
10968 fees sufficient to support the requirements of 40 C.F.R. part  
10969 61, subpart M, opts not to receive the state-generated asbestos  
10970 notification fees, the state may discontinue collection of the  
10971 state asbestos notification fees in that county.

10972       Section 165. Subsection (2) of section 376.86, Florida  
10973 Statutes, is amended to read:

10974       376.86 Brownfield Areas Loan Guarantee Program.—



HB 7247

2011

(2) The council shall consist of the secretary of the Department of Environmental Protection or the secretary's designee, ~~the secretary of the Department of Community Affairs or the secretary's designee,~~ the State Surgeon General or the State Surgeon General's designee, the executive director of the State Board of Administration or the executive director's designee, the executive director of the Florida Housing Finance Corporation or the executive director's designee, and the Commissioner of Economic Opportunity or the commissioner's ~~Director of the Governor's Office of Tourism, Trade, and Economic Development or the director's~~ designee. The Commissioner of Economic Opportunity or the commissioner's designee shall serve as chair ~~chairperson~~ of the council ~~shall be the Director of the Governor's Office of Tourism, Trade, and Economic Development.~~ Staff services for activities of the council shall be provided as needed by the member agencies.

Section 166. Paragraph (h) of subsection (5) of section 377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—The Southern States Energy Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in

HB 7247

2011

11003 any of the fields of its interest and competence as in its  
11004 judgment may be appropriate. Any such recommendation shall be  
11005 made through the Department of Environmental Protection with due  
11006 consideration of the desirability of uniformity and appropriate  
11007 weight to any special circumstances that may justify variations  
11008 to meet local conditions. ~~Any such recommendation shall be made,~~  
11009 ~~in the case of Florida, through the Department of Commerce.~~

11010 Section 167. Subsection (3) of section 377.712, Florida  
11011 Statutes, is amended to read:

11012 377.712 Florida participation.—

11013 (3) Departments ~~The department,~~ agencies, and officers of  
11014 this state, and its subdivisions are authorized to cooperate  
11015 with the board in the furtherance of any of its activities  
11016 pursuant to the compact, provided such proposed activities have  
11017 been made known to, and have the approval of, either the  
11018 Governor or the Department of Health.

11019 Section 168. Paragraph (d) of subsection (2) and  
11020 subsection (24) of section 380.06, Florida Statutes, are amended  
11021 to read:

11022 380.06 Developments of regional impact.—

11023 (2) STATEWIDE GUIDELINES AND STANDARDS.—

11024 (d) The guidelines and standards shall be applied as  
11025 follows:

11026 1. Fixed thresholds.—

11027 a. A development that is below 100 percent of all  
11028 numerical thresholds in the guidelines and standards is ~~shall~~  
11029 ~~not be~~ required to undergo development-of-regional-impact  
11030 review.

HB 7247

2011

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), (d), and (h), are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled

HB 7247

2011

hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body before ~~prior to~~ July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body before ~~prior to~~ July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months before ~~prior to~~ the initial use of the increased seating, in order to permit the appropriate local

HB 7247

2011

government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days

HB 7247

2011

11115 after ~~of~~ receipt of the application, the department shall render  
11116 to the local government an advisory and nonbinding opinion, in  
11117 writing, stating whether, in the department's opinion, the  
11118 prescribed conditions exist for an exemption under this  
11119 paragraph. The local government shall render the development  
11120 order approving each such expansion to the department. The  
11121 owner, developer, or department may appeal the local government  
11122 development order pursuant to s. 380.07, within 45 days after  
11123 the order is rendered. The scope of review shall be limited to  
11124 the determination of whether the conditions prescribed in this  
11125 paragraph exist. If any sports facility expansion undergoes  
11126 development-of-regional-impact review, all previous expansions  
11127 which were exempt under this paragraph shall be included in the  
11128 development-of-regional-impact review.

11129 (h) Expansion to port harbors, spoil disposal sites,  
11130 navigation channels, turning basins, harbor berths, and other  
11131 related inwater harbor facilities of ports listed in s.  
11132 403.021(9)(b), port transportation facilities and projects  
11133 listed in s. 311.07(3)(b), and intermodal transportation  
11134 facilities identified pursuant to s. 311.09(3) are exempt from  
11135 ~~the provisions of~~ this section when such expansions, projects,  
11136 or facilities are consistent with comprehensive master plans  
11137 that are in compliance with ~~the provisions of~~ s. 163.3178.

11138 (i) Any proposed facility for the storage of any petroleum  
11139 product or any expansion of an existing facility is exempt from  
11140 ~~the provisions of~~ this section.

11141 (j) Any renovation or redevelopment within the same land  
11142 parcel which does not change land use or increase density or

HB 7247

2011

11143 intensity of use.

11144 (k) Waterport and marina development, including dry  
11145 storage facilities, are exempt from ~~the provisions of~~ this  
11146 section.

11147 (l) Any proposed development within an urban service  
11148 boundary established under s. 163.3177(14), which is not  
11149 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~  
11150 ~~provisions of~~ this section if the local government having  
11151 jurisdiction over the area where the development is proposed has  
11152 adopted the urban service boundary, has entered into a binding  
11153 agreement with jurisdictions that would be impacted and with the  
11154 Department of Transportation regarding the mitigation of impacts  
11155 on state and regional transportation facilities, and has adopted  
11156 a proportionate share methodology pursuant to s. 163.3180(16).

11157 (m) Any proposed development within a rural land  
11158 stewardship area created under s. 163.3177(11)(d) is exempt from  
11159 ~~the provisions of~~ this section if the local government that has  
11160 adopted the rural land stewardship area has entered into a  
11161 binding agreement with jurisdictions that would be impacted and  
11162 the Department of Transportation regarding the mitigation of  
11163 impacts on state and regional transportation facilities, and has  
11164 adopted a proportionate share methodology pursuant to s.  
11165 163.3180(16).

11166 (n) The establishment, relocation, or expansion of any  
11167 military installation as defined in s. 163.3175, is exempt from  
11168 this section.

11169 (o) Any self-storage warehousing that does not allow  
11170 retail or other services is exempt from this section.

HB 7247

2011

11171 (p) Any proposed nursing home or assisted living facility  
11172 is exempt from this section.

11173 (q) Any development identified in an airport master plan  
11174 and adopted into the comprehensive plan pursuant to s.  
11175 163.3177(6)(k) is exempt from this section.

11176 (r) Any development identified in a campus master plan and  
11177 adopted pursuant to s. 1013.30 is exempt from this section.

11178 (s) Any development in a specific area plan which is  
11179 prepared pursuant to s. 163.3245 and adopted into the  
11180 comprehensive plan is exempt from this section.

11181 (t) Any development within a county with a research and  
11182 education authority created by special act and that is also  
11183 within a research and development park that is operated or  
11184 managed by a research and development authority pursuant to part  
11185 V of chapter 159 is exempt from this section.

11186  
11187 If a use is exempt from review as a development of regional  
11188 impact under paragraphs (a)-(s), but will be part of a larger  
11189 project that is subject to review as a development of regional  
11190 impact, the impact of the exempt use must be included in the  
11191 review of the larger project, unless such exempt use involves a  
11192 development of regional impact that includes a landowner,  
11193 tenant, or user that has entered into a funding agreement with  
11194 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~  
11195 ~~and Economic Development~~ under the Innovation Incentive Program  
11196 and the agreement contemplates a state award of at least \$50  
11197 million.

11198 Section 169. Paragraph (e) of subsection (1) of section



HB 7247

2011

11199 381.0054, Florida Statutes, is amended to read:

11200 381.0054 Healthy lifestyles promotion.—

11201 (1) The Department of Health shall promote healthy  
11202 lifestyles to reduce the prevalence of excess weight gain and  
11203 obesity in Florida by implementing appropriate physical activity  
11204 and nutrition programs that are directed towards all Floridians  
11205 by:

11206 (e) Partnering with the Department of Education, school  
11207 districts, and Enterprise Florida, Inc., ~~the Florida Sports~~  
11208 ~~Foundation~~ to develop a program that recognizes schools whose  
11209 students demonstrate excellent physical fitness or fitness  
11210 improvement.

11211 Section 170. Paragraphs (c), (d), and (e) of subsection  
11212 (2), paragraphs (b) and (c) of subsection (3), and subsections  
11213 (4), (15), (17), and (18) of section 403.973, Florida Statutes,  
11214 are amended to read:

11215 403.973 Expedited permitting; amendments to comprehensive  
11216 plans.—

11217 (2) As used in this section, the term:

11218 ~~(c) "Office" means the Office of Tourism, Trade, and~~  
11219 ~~Economic Development.~~

11220 (c) ~~(d)~~ "Permit applications" means state permits and  
11221 licenses, and at the option of a participating local government,  
11222 local development permits or orders.

11223 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental  
11224 Protection or his or her designee.

11225 (3)

11226 (b) On a case-by-case basis and at the request of a county

HB 7247

2011

11227 or municipal government, the Department of Economic Opportunity  
11228 ~~office~~ may certify as eligible for expedited review a project  
11229 not meeting the minimum job creation thresholds but creating a  
11230 minimum of 10 jobs. The recommendation from the governing body  
11231 of the county or municipality in which the project may be  
11232 located is required in order for the Department of Economic  
11233 Opportunity ~~office~~ to certify that any project is eligible for  
11234 expedited review under this paragraph. When considering projects  
11235 that do not meet the minimum job creation thresholds but that  
11236 are recommended by the governing body in which the project may  
11237 be located, the Department of Economic Opportunity ~~office~~ shall  
11238 consider economic impact factors that include, but are not  
11239 limited to:

- 11240 1. The proposed wage and skill levels relative to those  
11241 existing in the area in which the project may be located;
- 11242 2. The project's potential to diversify and strengthen the  
11243 area's economy;
- 11244 3. The amount of capital investment; and
- 11245 4. The number of jobs that will be made available for  
11246 persons served by the welfare transition program.

11247 (c) At the request of a county or municipal government,  
11248 the Department of Economic Opportunity ~~office~~ or a Quick  
11249 Permitting County may certify projects located in counties where  
11250 the ratio of new jobs per participant in the welfare transition  
11251 program, as determined by Workforce Florida, Inc., is less than  
11252 one or otherwise critical, as eligible for the expedited  
11253 permitting process. Such projects must meet the numerical job  
11254 creation criteria of this subsection, but the jobs created by

HB 7247

2011

the project do not have to be high-wage jobs that diversify the state's economy.

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from the Department of Economic Opportunity ~~office~~ and the respective heads of ~~the Department of Community Affairs,~~ the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(15) The Department of Economic Opportunity ~~office~~, working with the agencies providing cooperative assistance and input regarding the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the Department of Economic Opportunity ~~office~~, the agencies shall provide to the Department of Economic Opportunity ~~office~~ a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

HB 7247

2011

11283           (17) The Department of Economic Opportunity ~~office~~ shall  
11284 be responsible for certifying a business as eligible for  
11285 undergoing expedited review under this section. Enterprise  
11286 Florida, Inc., a county or municipal government, or the Rural  
11287 Economic Development Initiative may recommend to the Department  
11288 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~  
11289 ~~Development~~ that a project meeting the minimum job creation  
11290 threshold undergo expedited review.

11291           (18) The Department of Economic Opportunity ~~office~~,  
11292 working with the Rural Economic Development Initiative and the  
11293 agencies participating in the memoranda of agreement, shall  
11294 provide technical assistance in preparing permit applications  
11295 and local comprehensive plan amendments for counties having a  
11296 population of fewer than 75,000 residents, or counties having  
11297 fewer than 125,000 residents which are contiguous to counties  
11298 having fewer than 75,000 residents. Additional assistance may  
11299 include, but not be limited to, guidance in land development  
11300 regulations and permitting processes, working cooperatively with  
11301 state, regional, and local entities to identify areas within  
11302 these counties which may be suitable or adaptable for  
11303 preclearance review of specified types of land uses and other  
11304 activities requiring permits.

11305           Section 171. Paragraph (b) of subsection (2) of section  
11306 440.45, Florida Statutes, is amended to read:

11307           440.45 Office of the Judges of Compensation Claims.—

11308           (2)

11309           (b) Except as provided in paragraph (c), the Governor  
11310 shall appoint a judge of compensation claims from a list of

HB 7247

2011

three persons nominated by a statewide nominating commission.  
The statewide nominating commission shall be composed of the  
following:

1. Five members, at least one of whom must be a member of  
a minority group as defined in s. 288.703~~(3)~~, one of each who  
resides in each of the territorial jurisdictions of the district  
courts of appeal, appointed by the Board of Governors of The  
Florida Bar from among The Florida Bar members who are engaged  
in the practice of law. On July 1, 1999, the term of office of  
each person appointed by the Board of Governors of The Florida  
Bar to the commission expires. The Board of Governors shall  
appoint members who reside in the odd-numbered district court of  
appeal jurisdictions to 4-year terms each, beginning July 1,  
1999, and members who reside in the even-numbered district court  
of appeal jurisdictions to 2-year terms each, beginning July 1,  
1999. Thereafter, each member shall be appointed for a 4-year  
term;

2. Five electors, at least one of whom must be a member of  
a minority group as defined in s. 288.703~~(3)~~, one of each who  
resides in each of the territorial jurisdictions of the district  
courts of appeal, appointed by the Governor. On July 1, 1999,  
the term of office of each person appointed by the Governor to  
the commission expires. The Governor shall appoint members who  
reside in the odd-numbered district court of appeal  
jurisdictions to 2-year terms each, beginning July 1, 1999, and  
members who reside in the even-numbered district court of appeal  
jurisdictions to 4-year terms each, beginning July 1, 1999.  
Thereafter, each member shall be appointed for a 4-year term;

HB 7247

2011

and

3. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703~~(3)~~, one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. On October 1, 1999, the term of office of each person appointed to the commission by its other members expires. A majority of the other members of the commission shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning October 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning October 1, 1999. Thereafter, each member shall be appointed for a 4-year term.

A vacancy occurring on the commission shall be filled by the original appointing authority for the unexpired balance of the term. No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the statewide nominating commission. The meetings and determinations of the nominating commission as to the judges of compensation claims shall be open to the public.

Section 172. Subsection (1), paragraph (a) of subsection (3), and subsection (6) of section 473.3065, Florida Statutes, are amended to read:

473.3065 Certified Public Accountant Education Minority Assistance Program; advisory council.—

(1) The Certified Public Accountant Education Minority

HB 7247

2011

11367 Assistance Program for Florida residents is hereby established  
11368 in the division for the purpose of providing scholarships to  
11369 minority persons~~7~~, as defined in s. 288.703~~(3)~~~~7~~, who are students  
11370 enrolled in their fifth year of an accounting education program  
11371 at an institution in this state approved by the board by rule. A  
11372 Certified Public Accountant Education Minority Assistance  
11373 Advisory Council shall assist the board in administering the  
11374 program.

11375 (3) The board shall adopt rules as necessary for  
11376 administration of the program, including rules relating to the  
11377 following:

11378 (a) Eligibility criteria for receipt of a scholarship,  
11379 which, at a minimum, shall include the following factors:

- 11380 1. Financial need.
- 11381 2. Ethnic, gender, or racial minority status pursuant to  
11382 s. 288.703~~(4)~~~~(3)~~.
- 11383 3. Scholastic ability and performance.

11384 (6) There is hereby created the Certified Public  
11385 Accountant Education Minority Assistance Advisory Council to  
11386 assist the board in administering the program. The council shall  
11387 be diverse and representative of the gender, ethnic, and racial  
11388 categories set forth in s. 288.703~~(4)~~~~(3)~~.

11389 (a) The council shall consist of five licensed Florida-  
11390 certified public accountants selected by the board, of whom one  
11391 shall be a board member who serves as chair of the council, one  
11392 shall be a representative of the National Association of Black  
11393 Accountants, one shall be a representative of the Cuban American  
11394 CPA Association, and two shall be selected at large. At least

HB 7247

2011

11395 one member of the council must be a woman.

11396 (b) The board shall determine the terms for initial  
11397 appointments and appointments thereafter.

11398 (c) Any vacancy on the council shall be filled in the  
11399 manner provided for the selection of the initial member. Any  
11400 member appointed to fill a vacancy of an unexpired term shall be  
11401 appointed for the remainder of that term.

11402 (d) Three consecutive absences or absences constituting 50  
11403 percent or more of the council's meetings within any 12-month  
11404 period shall cause the council membership of the member in  
11405 question to become void, and the position shall be considered  
11406 vacant.

11407 (e) The members of the council shall serve without  
11408 compensation, and any necessary and actual expenses incurred by  
11409 a member while engaged in the business of the council shall be  
11410 borne by such member or by the organization or agency such  
11411 member represents. However, the council member who is a member  
11412 of the board shall be compensated in accordance with ~~the~~  
11413 ~~provisions of~~ ss. 455.207(4) and 112.061.

11414 Section 173. Section 570.96, Florida Statutes, is amended  
11415 to read:

11416 570.96 Agritourism.—The Department of Agriculture and  
11417 Consumer Services may provide marketing advice, technical  
11418 expertise, promotional support, and product development related  
11419 to agritourism to assist the following in their agritourism  
11420 initiatives: Enterprise Florida, Inc. ~~the Florida Commission on~~  
11421 ~~Tourism~~; convention and visitor bureaus; tourist development  
11422 councils; economic development organizations; and local



HB 7247

2011

governments. In carrying out this responsibility, the department shall focus its agritourism efforts on rural and urban communities.

Section 174. Subsection (1) of section 597.006, Florida Statutes, is amended to read:

597.006 Aquaculture Interagency Coordinating Council.—

(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services; the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development;~~ ~~the Department of Community Affairs;~~ the Department of Environmental Protection; ~~the Department of Labor and Employment Security;~~ the Fish and Wildlife Conservation Commission; the statewide consortium of universities under the Florida Institute of Oceanography; Florida Agricultural and Mechanical University; the Institute of Food and Agricultural Sciences at the University of Florida; and the Florida Sea Grant Program. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

Section 175. Paragraph (d) of subsection (1), paragraphs (d) and (e) of subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 624.5105, Florida Statutes, are amended to read:

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

HB 7247

2011

11451 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

11452 (d) Each proposal for the granting of such tax credit  
11453 requires the prior approval of the Governor, through the  
11454 Department of Economic Opportunity ~~director~~.

11455 (2) ELIGIBILITY REQUIREMENTS.—

11456 (d) The project shall be located in an area designated as  
11457 an enterprise zone or a Front Porch Community ~~pursuant to s.~~  
11458 ~~20.18(6)~~. Any project designed to construct or rehabilitate  
11459 housing for low-income or very-low-income households as defined  
11460 in s. 420.9071(19) and (28) is exempt from the area requirement  
11461 of this paragraph.

11462 (e)1. If, during the first 10 business days of the state  
11463 fiscal year, eligible tax credit applications for projects that  
11464 provide homeownership opportunities for low-income or very-low-  
11465 income households as defined in s. 420.9071(19) and (28) are  
11466 received for less than the annual tax credits available for  
11467 those projects, the Governor, through the Department of Economic  
11468 Opportunity, Office of Tourism, Trade, and Economic Development  
11469 shall grant tax credits for those applications and shall grant  
11470 remaining tax credits on a first-come, first-served basis for  
11471 any subsequent eligible applications received before the end of  
11472 the state fiscal year. If, during the first 10 business days of  
11473 the state fiscal year, eligible tax credit applications for  
11474 projects that provide homeownership opportunities for low-income  
11475 or very-low-income households as defined in s. 420.9071(19) and  
11476 (28) are received for more than the annual tax credits available  
11477 for those projects, the Governor, through the Department of  
11478 Economic Opportunity, office shall grant the tax credits for

HB 7247

2011

11479 those applications as follows:

11480       a. If tax credit applications submitted for approved  
11481 projects of an eligible sponsor do not exceed \$200,000 in total,  
11482 the credits shall be granted in full if the tax credit  
11483 applications are approved.

11484       b. If tax credit applications submitted for approved  
11485 projects of an eligible sponsor exceed \$200,000 in total, the  
11486 amount of tax credits granted under sub-subparagraph a. shall be  
11487 subtracted from the amount of available tax credits, and the  
11488 remaining credits shall be granted to each approved tax credit  
11489 application on a pro rata basis.

11490       2. If, during the first 10 business days of the state  
11491 fiscal year, eligible tax credit applications for projects other  
11492 than those that provide homeownership opportunities for low-  
11493 income or very-low-income households as defined in s.  
11494 420.9071(19) and (28) are received for less than the annual tax  
11495 credits available for those projects, the Governor, through the  
11496 Department of Economic Opportunity, ~~office~~ shall grant tax  
11497 credits for those applications and shall grant remaining tax  
11498 credits on a first-come, first-served basis for any subsequent  
11499 eligible applications received before the end of the state  
11500 fiscal year. If, during the first 10 business days of the state  
11501 fiscal year, eligible tax credit applications for projects other  
11502 than those that provide homeownership opportunities for low-  
11503 income or very-low-income households as defined in s.  
11504 420.9071(19) and (28) are received for more than the annual tax  
11505 credits available for those projects, the Governor, through the  
11506 Department of Economic Opportunity, ~~office~~ shall grant the tax

HB 7247

2011

credits for those applications on a pro rata basis.

(4) ADMINISTRATION.—

(a)1. The Department of Economic Opportunity ~~may~~ ~~Office of~~ ~~Tourism, Trade, and Economic Development~~ is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The Governor's decision ~~of the director~~ shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the Governor's decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

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

4. The Department of Economic Opportunity ~~Office of~~ ~~Tourism, Trade, and Economic Development~~ shall, in consultation with ~~the Department of Community Affairs,~~ the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

(5) DEFINITIONS.—As used in ~~For the purpose of~~ this section, the term:

(a) "Community contribution" means the grant by an insurer of any of the following items:

HB 7247

2011

11535 1. Cash or other liquid assets.  
11536 2. Real property.  
11537 3. Goods or inventory.  
11538 4. Other physical resources which are identified by the  
11539 department.

11540 ~~(b) "Director" means the director of the Office of~~  
11541 ~~Tourism, Trade, and Economic Development.~~

11542 (b) ~~(e)~~ "Local government" means any county or incorporated  
11543 municipality in the state.

11544 ~~(d) "Office" means the Office of Tourism, Trade, and~~  
11545 ~~Economic Development.~~

11546 (c) ~~(e)~~ "Project" means an activity as defined in s.  
11547 220.03(1)(t).

11548 Section 176. Subsection (7) of section 627.3511, Florida  
11549 Statutes, is amended to read:

11550 627.3511 Depopulation of Citizens Property Insurance  
11551 Corporation.—

11552 (7) A minority business, which is at least 51 percent  
11553 owned by minority persons as described in s. 288.703~~(3)~~,  
11554 desiring to operate or become licensed as a property and  
11555 casualty insurer may exempt up to \$50 of the escrow requirements  
11556 of the take-out bonus, as described in this section. Such  
11557 minority business, which has applied for a certificate of  
11558 authority to engage in business as a property and casualty  
11559 insurer, may simultaneously file the business' proposed take-out  
11560 plan, as described in this section, with the corporation.

11561 Section 177. Subsection (1) of section 641.217, Florida  
11562 Statutes, is amended to read:

HB 7247

2011

641.217 Minority recruitment and retention plans required.—

(1) Any entity contracting with the Agency for Health Care Administration to provide health care services to Medicaid recipients or state employees on a prepaid or fixed-sum basis must submit to the Agency for Health Care Administration the entity's plan for recruitment and retention of health care practitioners who are minority persons ~~minorities~~ as defined in s. 288.703~~(3)~~. The plan must demonstrate an ability to recruit and retain minority persons ~~minorities~~ which shall include, but is not limited to, the following efforts:

(a) Establishing and maintaining contacts with various organizations representing the interests and concerns of minority constituencies to seek advice and assistance.

(b) Identifying and recruiting at colleges and universities which primarily serve minority students.

(c) Reviewing and analyzing the organization's workforce as to minority representation.

(d) Other factors identified by the Agency for Health Care Administration by rule.

Section 178. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:

(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of the credit union may be invested in any of the following:

HB 7247

2011

11591 (b) Any capital participation instrument or evidence of  
11592 indebtedness issued by Enterprise Florida, Inc., ~~the Florida~~  
11593 ~~Black Business Investment Board~~ pursuant to the Florida Small  
11594 and Minority Business Assistance Act.

11595 Section 179. Paragraph (g) of subsection (4) of section  
11596 658.67, Florida Statutes, is amended to read:

11597 658.67 Investment powers and limitations.—A bank may  
11598 invest its funds, and a trust company may invest its corporate  
11599 funds, subject to the following definitions, restrictions, and  
11600 limitations:

11601 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR  
11602 LESS OF CAPITAL ACCOUNTS.—

11603 (g) Up to 10 percent of the capital accounts of a bank or  
11604 trust company may be invested in any capital participation  
11605 instrument or evidence of indebtedness issued by ~~the~~ Enterprise  
11606 Florida, Inc., ~~Florida Black Business Investment Board~~ pursuant  
11607 to the Florida Small and Minority Business Assistance Act.

11608 Section 180. Subsections (2) and (3) of section 1003.492,  
11609 Florida Statutes, are amended to read:

11610 1003.492 Industry-certified career education programs.—

11611 (2) The State Board of Education shall use the expertise  
11612 of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.~~, to  
11613 develop and adopt rules pursuant to ss. 120.536(1) and 120.54  
11614 for implementing an industry certification process. Industry  
11615 certification shall be defined by the Department of Economic  
11616 Opportunity Agency for Workforce Innovation, based upon the  
11617 highest available national standards for specific industry  
11618 certification, to ensure student skill proficiency and to

HB 7247

2011

11619 address emerging labor market and industry trends. A regional  
11620 workforce board or a career and professional academy may apply  
11621 to Workforce Florida, Inc., to request additions to the approved  
11622 list of industry certifications based on high-demand job  
11623 requirements in the regional economy. The list of industry  
11624 certifications approved by Workforce Florida, Inc., and the  
11625 Department of Education shall be published and updated annually  
11626 by a date certain, to be included in the adopted rule.

11627 (3) The Department of Education shall collect student  
11628 achievement and performance data in industry-certified career  
11629 education programs and shall work with Workforce Florida, Inc.,  
11630 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.  
11631 The data collection and analyses shall examine the performance  
11632 of participating students over time. Performance factors shall  
11633 include, but not be limited to, graduation rates, retention  
11634 rates, Florida Bright Futures Scholarship awards, additional  
11635 educational attainment, employment records, earnings, industry  
11636 certification, and employer satisfaction. The results of this  
11637 study shall be submitted to the President of the Senate and the  
11638 Speaker of the House of Representatives annually by December 31.

11639 Section 181. Paragraphs (f) and (k) of subsection (4) of  
11640 section 1003.493, Florida Statutes, are amended to read:

11641 1003.493 Career and professional academies.—

11642 (4) Each career and professional academy must:

11643 (f) Provide instruction in careers designated as high  
11644 growth, high demand, and high pay by the local workforce  
11645 development board, the chamber of commerce, or the Department of  
11646 Economic Opportunity ~~Agency for Workforce Innovation.~~



HB 7247

2011

(k) Include an evaluation plan developed jointly with the Department of Education and the local workforce board. The evaluation plan must include an assessment tool based on national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student achievement levels and learning gains on statewide assessments administered under s. 1008.22(3)(c). The Department of Education shall use Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in identifying industry experts to participate in developing and implementing such assessments.

Section 182. Paragraph (c) of subsection (5) of section 1004.226, Florida Statutes, is amended to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.—

(5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

(c) The board, in consultation with senior administrators of state universities, state university foundation directors, the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development,~~ the board of directors of Enterprise Florida, Inc., and leading members of private industry, shall develop and recommend to the Board of Governors criteria for the 21st Century World Class Scholars Program. Such criteria shall

HB 7247

2011

11675 address, at a minimum, the following:

11676       1. The presence of distinguished faculty members,  
11677 including whether the university has a substantial history of  
11678 external funding, along with the strong potential for attracting  
11679 a scholar of national or international eminence.

11680       2. The presence of academically outstanding students,  
11681 along with the promise and potential for attracting additional  
11682 highly qualified students.

11683       3. The presence of adequate research and scholarly support  
11684 services.

11685       4. The existence of an academic environment having  
11686 appropriate infrastructure, including buildings, classrooms,  
11687 libraries, laboratories, and specialized equipment, that is  
11688 conducive to the conduct of the highest quality of scholarship  
11689 and research.

11690       5. The demonstration of concordance with Florida's  
11691 strategic plan for economic development or an emphasis on one or  
11692 more emerging sciences or technologies that could favorably  
11693 impact the state's economic future.

11694       Section 183. Paragraph (a) of subsection (4) of section  
11695 1004.435, Florida Statutes, is amended to read:

11696       1004.435 Cancer control and research.—

11697       (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
11698 CREATION; COMPOSITION.—

11699       (a) There is created within the H. Lee Moffitt Cancer  
11700 Center and Research Institute, Inc., the Florida Cancer Control  
11701 and Research Advisory Council. The council shall consist of 34  
11702 members, which includes the chairperson, all of whom must be

HB 7247

2011

11703 residents of this state. All members, except those appointed by  
11704 the Speaker of the House of Representatives and the President of  
11705 the Senate, must be appointed by the Governor. At least one of  
11706 the members appointed by the Governor must be 60 years of age or  
11707 older. One member must be a representative of the American  
11708 Cancer Society; one member must be a representative of the  
11709 Florida Tumor Registrars Association; one member must be a  
11710 representative of the Sylvester Comprehensive Cancer Center of  
11711 the University of Miami; one member must be a representative of  
11712 the Department of Health; one member must be a representative of  
11713 the University of Florida Shands Cancer Center; one member must  
11714 be a representative of the Agency for Health Care  
11715 Administration; one member must be a representative of the  
11716 Florida Nurses Association; one member must be a representative  
11717 of the Florida Osteopathic Medical Association; one member must  
11718 be a representative of the American College of Surgeons; one  
11719 member must be a representative of the School of Medicine of the  
11720 University of Miami; one member must be a representative of the  
11721 College of Medicine of the University of Florida; one member  
11722 must be a representative of NOVA Southeastern College of  
11723 Osteopathic Medicine; one member must be a representative of the  
11724 College of Medicine of the University of South Florida; one  
11725 member must be a representative of the College of Public Health  
11726 of the University of South Florida; one member must be a  
11727 representative of the Florida Society of Clinical Oncology; one  
11728 member must be a representative of the Florida Obstetric and  
11729 Gynecologic Society who has had training in the specialty of  
11730 gynecologic oncology; one member must be a representative of the

HB 7247

2011

11731 Florida Medical Association; one member must be a member of the  
 11732 Florida Pediatric Society; one member must be a representative  
 11733 of the Florida Radiological Society; one member must be a  
 11734 representative of the Florida Society of Pathologists; one  
 11735 member must be a representative of the H. Lee Moffitt Cancer  
 11736 Center and Research Institute, Inc.; three members must be  
 11737 representatives of the general public acting as consumer  
 11738 advocates; one member must be a member of the House of  
 11739 Representatives appointed by the Speaker of the House of  
 11740 Representatives; one member must be a member of the Senate  
 11741 appointed by the President of the Senate; one member must be a  
 11742 representative of the Florida Dental Association; one member  
 11743 must be a representative of the Florida Hospital Association;  
 11744 one member must be a representative of the Association of  
 11745 Community Cancer Centers; one member shall be a representative  
 11746 from a statutory teaching hospital affiliated with a community-  
 11747 based cancer center; one member must be a representative of the  
 11748 Florida Association of Pediatric Tumor Programs, Inc.; one  
 11749 member must be a representative of the Cancer Information  
 11750 Service; one member must be a representative of the Florida  
 11751 Agricultural and Mechanical University Institute of Public  
 11752 Health; and one member must be a representative of the Florida  
 11753 Society of Oncology Social Workers. Of the members of the  
 11754 council appointed by the Governor, at least 10 must be  
 11755 individuals who are minority persons as defined by s.  
 11756 288.703~~(3)~~.

11757       Section 184. Sections 216.235, 216.236, 216.237, and  
 11758 216.238, Florida Statutes, are repealed.

HB 7247

2011

|       |  |  |
|-------|--|--|
| 11759 | Section 185.                           | <u>Section 287.115, Florida Statutes, is</u>   |
| 11760 | <u>repealed.</u>                       |  |
| 11761 | Section 186.                           | <u>Section 288.038, Florida Statutes, is</u>   |
| 11762 | <u>repealed.</u>                       |  |
| 11763 | Section 187.                           | <u>Section 288.12295, Florida Statutes, is</u> |
| 11764 | <u>repealed.</u>                       |  |
| 11765 | Section 188.                           | <u>Section 288.386, Florida Statutes, is</u>   |
| 11766 | <u>repealed.</u>                       |  |
| 11767 | Section 189.                           | <u>Section 288.7011, Florida Statutes, is</u>  |
| 11768 | <u>repealed.</u>                       |  |
| 11769 | Section 190.                           | <u>Section 288.90151, Florida Statutes, is</u> |
| 11770 | <u>repealed.</u>                       |  |
| 11771 | Section 191.                           | <u>Section 288.9415, Florida Statutes, is</u>  |
| 11772 | <u>repealed.</u>                       |  |
| 11773 | Section 192.                           | <u>Section 288.9618, Florida Statutes, is</u>  |
| 11774 | <u>repealed.</u>                       |  |
| 11775 | Section 193.                           | <u>Section 288.982, Florida Statutes, is</u>   |
| 11776 | <u>repealed.</u>                       |  |
| 11777 | Section 194.                           | <u>Section 373.461, Florida Statutes, is</u>   |
| 11778 | <u>repealed.</u>                       |  |
| 11779 | Section 195.                           | <u>Section 379.2353, Florida Statutes, is</u>  |
| 11780 | <u>repealed.</u>                       |  |
| 11781 | Section 196.                           | <u>Sections 409.944, 409.945, and 409.946,</u> |
| 11782 | <u>Florida Statutes, are repealed.</u> |  |
| 11783 | Section 197.                           | <u>Section 624.4072, Florida Statutes, is</u>  |
| 11784 | <u>repealed.</u>                       |  |
| 11785 | Section 198.                           | <u>Section 625.3255, Florida Statutes, is</u>  |
| 11786 | <u>repealed.</u>                       |  |

HB 7247

2011

11787        Section 199.    Section 20.18, Florida Statutes, is repealed.

11788        Section 200.    Transfers from the Department of Community  
11789 Affairs.—

11790        (1)   All powers, duties, functions, records, offices,  
11791 personnel, associated administrative support positions,  
11792 property, pending issues, and existing contracts, administrative  
11793 authority, administrative rules, and unexpended balances of  
11794 appropriations, allocations, and other funds relating to the  
11795 following programs in the Department of Community Affairs are  
11796 transferred by a type two transfer, as defined in s. 20.06(2),  
11797 Florida Statutes, as follows:

11798        (a)   The Division of Housing and Community Development is  
11799 transferred to the Department of Economic Opportunity.

11800        (b)   The Division of Community Planning is transferred to  
11801 the Department of Economic Opportunity.

11802        (c)   The Division of Emergency Management is transferred to  
11803 the Executive Office of the Governor.

11804        (d)   The Florida Building Commission is transferred to the  
11805 Department of Business and Professional Regulation.

11806        (e)   The responsibilities under the Florida Communities  
11807 Trust, part III of chapter 380, Florida Statutes, are  
11808 transferred to the Department of Environmental Protection.

11809        (f)   The responsibilities under the Stan Mayfield Working  
11810 Waterfronts Program authorized in s. 380.5105, Florida Statutes,  
11811 are transferred to the Department of Environmental Protection.

11812        (g)   The responsibilities of the Special District  
11813 Information Program under chapter 189, Florida Statutes, are  
11814 transferred to the Department of Financial Services.

HB 7247

2011

(h) The responsibilities of the Community Services Block Grant Programs are transferred to the Department of Children and Family Services.

(2) The following trust funds are transferred:

(a) From the Department of Community Affairs to the Department of Economic Opportunity:

1. The State Housing Trust Fund, FLAIR number 52-2-255.

2. The Local Government Housing Trust Fund, FLAIR number 52-2-250.

3. The Florida Small Cities Community Development Block Grant Trust Fund, FLAIR number 52-2-109.

4. The Federal Grants Trust Fund, FLAIR number 52-2-261.

5. The Grants and Donations Trust Fund, FLAIR number 52-2-339.

6. The Energy Consumption Trust Fund, FLAIR number 52-2-174.

7. The Low-Income Home Energy Assistance Trust Fund, FLAIR number 52-2-451.

(b) From the Department of Community Affairs to the Executive Office of the Governor:

1. The Emergency Management, Preparedness, and Assistance Trust Fund, FLAIR number 52-2-11.

2. The U.S. Contributions Trust Fund, FLAIR number 52-2-750.

3. The Operating Trust Fund, FLAIR number 52-2-510.

4. The Federal Emergency Management Programs Support Trust Fund, FLAIR number 52-2-525.

(c) From the Department of Community Affairs to the

HB 7247

2011

Department of Environmental Protection:

1. The Florida Forever Program Trust Fund, FLAIR number 52-2-349.

2. The Florida Communities Trust Fund, FLAIR number 52-2-244.

(d) From the Department of Community Affairs to the Department of Children and Family Services, the Community Services Block Grant Trust Fund, FLAIR number 52-2-118.

(3) The Administrative Trust Fund, FLAIR number 52-2-021, within the Department of Community Affairs is terminated. All current balances remaining in the trust fund on the date of termination pursuant to this section shall be transferred to the Administrative Trust Fund within the Department of Economic Opportunity.

(4) Any binding contract or interagency agreement existing on or before July 1, 2011, between the Department of Community Affairs or the Division of Emergency Management, or an entity or agent of the department or division, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement with the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(5) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Department of Community Affairs, and not



HB 7247

2011

specifically delineated for transfer within this section are transferred by a type two transfer to the Department of Economic Opportunity.

Section 201. Section 14.2016, Florida Statutes, is created to read:

14.2016 Division of Emergency Management.—The Division of Emergency Management is established within the Executive Office of the Governor. The division shall be a separate budget entity, as provided in the General Appropriations Act, and shall prepare and submit a budget request in accordance with chapter 216. The division is responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under part I of chapter 252. The head of the division is the Director of Emergency Management, who shall be appointed by and serve at the pleasure of the Governor. The division shall administer programs to apply rapidly all available aid to communities stricken by an emergency as defined in s. 252.34 and, for this purpose, shall provide liaison with federal agencies and other public and private agencies.

Section 202. Section 163.03, Florida Statutes, is amended to read:

163.03 Commissioner of Economic Opportunity ~~Secretary of Community Affairs~~; powers and duties; function of Department of Economic Opportunity ~~Department of Community Affairs~~ with respect to federal grant-in-aid programs.—

(1) The Commissioner of Economic Opportunity, or his or her designee, ~~Secretary of Community Affairs~~ shall:

(a) Supervise and administer the activities of the

HB 7247

2011

11899   Department of Economic Opportunity ~~the department~~ and shall  
11900   advise the Governor, the Cabinet, and the Legislature with  
11901   respect to matters affecting community affairs and local  
11902   government and participate in the formulation of policies which  
11903   best use ~~utilize~~ the resources of state government for the  
11904   benefit of local government.

11905       (b)   Render services to local governments by assisting,  
11906   upon request, in applying for and securing federal and state  
11907   funds and by assisting the Executive Office of the Governor in  
11908   coordinating the activities of the state with federal programs  
11909   for assistance in and solution of urban problems.

11910       (c)   Under the direction of the Governor, administer  
11911   programs to apply rapidly all available aid to communities  
11912   stricken by an emergency as defined in s. 252.34(3) ~~and, for~~  
11913   ~~this purpose, provide liaison with federal agencies and other~~  
11914   ~~public and private agencies.~~

11915       (d)   When requested, administer programs which will assist  
11916   the efforts of local governments in developing mutual and  
11917   cooperative solutions to their common problems.

11918       (e)   Conduct programs to encourage and promote the  
11919   involvement of private enterprise in the solution of urban  
11920   problems.

11921       (f)   Conduct continuing programs of analysis and evaluation  
11922   of local governments and recommend to the Governor programs and  
11923   changes in the powers and organization of local government as  
11924   may seem necessary to strengthen local governments.

11925       (g)   Assist the Governor and the Cabinet in coordinating  
11926   and making more effective the activities and services of those

HB 7247

2011

11927 departments and agencies of the state which may be of service to  
11928 units of local government.

11929       (h) Provide consultative services and technical assistance  
11930 to local officials in the fields of housing, redevelopment and  
11931 renewal, local public improvement programs, planning and zoning,  
11932 and other local programs and collect and disseminate information  
11933 pertaining thereto, including information concerning federal,  
11934 state, and private assistance programs and services.

11935       (i) Conduct research and studies, and prepare model  
11936 ordinances and codes relating to the areas referred to herein.

11937       (j) Cooperate with other state agencies in the preparation  
11938 of statewide plans relating to housing, redevelopment and  
11939 renewal, human resources development, local planning and zoning,  
11940 transportation and traffic, and other matters relating to the  
11941 purposes of this section.

11942       (k) Accept funds from all sources to be used ~~utilized~~ in  
11943 programs designed to combat juvenile crime, including the making  
11944 of contributions to the National Youth Emergency Corps.

11945       (l) Be authorized to accept and disburse funds from all  
11946 sources in order to carry out the following programs:

11947           1. Advisory and informational services to local  
11948 governments.

11949           2. Community development training under Title VIII of the  
11950 Housing Act of 1964.

11951           3. Local planning assistance under s. 701 of the Housing  
11952 Act of 1954.

11953           4. Statewide planning assistance under s. 701 of the  
11954 Housing Act of 1954.

HB 7247

2011

11955           5. Model cities technical assistance under s. 701 of the  
11956 Housing Act of 1954.

11957           (m) Perform such other functions, duties, or  
11958 responsibilities as may be hereafter assigned to him or her by  
11959 law.

11960           (2) It is the intent of this section, with respect to  
11961 federal grant-in-aid programs, that the Department of Economic  
11962 Opportunity ~~the department~~ serve as the agency for disseminating  
11963 information to local governments regarding the availability of  
11964 federal grant-in-aid assistance to local governments in their  
11965 efforts to secure federal grant-in-aid assistance, but only upon  
11966 the request of such local governments, and for assisting local  
11967 governments in maintaining liaison and communications with  
11968 federal agencies concerning federal grant-in-aid programs.  
11969 Nothing contained herein shall be construed to require consent,  
11970 approval, or authorization from the Department of Economic  
11971 Opportunity ~~the department~~ as a condition to any application for  
11972 or acceptance of grants-in-aid from the United States  
11973 Government.

11974           (3) The Department of Economic Opportunity ~~The department~~  
11975 is authorized to adopt rules implementing the following grant  
11976 programs, which rules shall be consistent with the laws,  
11977 regulations, or guidelines governing the grant to the Department  
11978 of Economic Opportunity ~~the department~~:

11979           ~~(a) Criminal justice grant programs administered by the~~  
11980 ~~Bureau of Criminal Justice Assistance.~~

11981           ~~(b) Grants under the federal Outer Continental Shelf~~  
11982 ~~Program administered by the Bureau of Land and Water Management.~~

HB 7247

2011

11983        (a)~~(e)~~ Federal housing assistance programs.  
 11984        ~~(d) Community Services Block Grant programs.~~  
 11985        ~~(e) Federal weatherization grant programs.~~  
 11986        (b)~~(f)~~ The ~~Jobs Impact Program of the~~ federal Community  
 11987 Development Block Grant.  
 11988        Section 203. Section 163.3191, Florida Statutes, is  
 11989 reenacted and amended to read:  
 11990        163.3191 Evaluation and appraisal of comprehensive plan.—  
 11991        (1) The planning program shall be a continuous and ongoing  
 11992 process. Each local government shall adopt an evaluation and  
 11993 appraisal report once every 7 years assessing the progress in  
 11994 implementing the local government's comprehensive plan.  
 11995 Furthermore, it is the intent of this section that:  
 11996        (a) Adopted comprehensive plans be reviewed through such  
 11997 evaluation process to respond to changes in state, regional, and  
 11998 local policies on planning and growth management and changing  
 11999 conditions and trends, to ensure effective intergovernmental  
 12000 coordination, and to identify major issues regarding the  
 12001 community's achievement of its goals.  
 12002        (b) After completion of the initial evaluation and  
 12003 appraisal report and any supporting plan amendments, each  
 12004 subsequent evaluation and appraisal report must evaluate the  
 12005 comprehensive plan in effect at the time of the initiation of  
 12006 the evaluation and appraisal report process.  
 12007        (c) Local governments identify the major issues, if  
 12008 applicable, with input from state agencies, regional agencies,  
 12009 adjacent local governments, and the public in the evaluation and  
 12010 appraisal report process. It is also the intent of this section

HB 7247

2011

to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan,

HB 7247

2011

or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives,

HB 7247

2011

and policies for major issues identified within each element.  
This paragraph shall not require the submittal of the plan  
amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and  
activities undertaken by the local government in preparing the  
report.

(k) The coordination of the comprehensive plan with  
existing public schools and those identified in the applicable  
educational facilities plan adopted pursuant to s. 1013.35. The  
assessment shall address, where relevant, the success or failure  
of the coordination of the future land use map and associated  
planned residential development with public schools and their  
capacities, as well as the joint decisionmaking processes  
engaged in by the local government and the school board in  
regard to establishing appropriate population projections and  
the planning and siting of public school facilities. For those  
counties or municipalities that do not have a public schools  
interlocal agreement or public school facilities element, the  
assessment shall determine whether the local government  
continues to meet the criteria of s. 163.3177(12). If the county  
or municipality determines that it no longer meets the criteria,  
it must adopt appropriate school concurrency goals, objectives,  
and policies in its plan amendments pursuant to the requirements  
of the public school facilities element, and enter into the  
existing interlocal agreement required by ss. 163.3177(6)(h)2.  
and 163.31777 in order to fully participate in the school  
concurrency system.

(l) The extent to which the local government has been



HB 7247

2011

12095 successful in identifying alternative water supply projects and  
 12096 traditional water supply projects, including conservation and  
 12097 reuse, necessary to meet the water needs identified in s.  
 12098 373.709(2)(a) within the local government's jurisdiction. The  
 12099 report must evaluate the degree to which the local government  
 12100 has implemented the work plan for building public, private, and  
 12101 regional water supply facilities, including development of  
 12102 alternative water supplies, identified in the element as  
 12103 necessary to serve existing and new development.

12104 (m) If any of the jurisdiction of the local government is  
 12105 located within the coastal high-hazard area, an evaluation of  
 12106 whether any past reduction in land use density impairs the  
 12107 property rights of current residents when redevelopment occurs,  
 12108 including, but not limited to, redevelopment following a natural  
 12109 disaster. The property rights of current residents shall be  
 12110 balanced with public safety considerations. The local government  
 12111 must identify strategies to address redevelopment feasibility  
 12112 and the property rights of affected residents. These strategies  
 12113 may include the authorization of redevelopment up to the actual  
 12114 built density in existence on the property prior to the natural  
 12115 disaster or redevelopment.

12116 (n) An assessment of whether the criteria adopted pursuant  
 12117 to s. 163.3177(6)(a) were successful in achieving compatibility  
 12118 with military installations.

12119 (o) The extent to which a concurrency exception area  
 12120 designated pursuant to s. 163.3180(5), a concurrency management  
 12121 area designated pursuant to s. 163.3180(7), or a multimodal  
 12122 transportation district designated pursuant to s. 163.3180(15)

HB 7247

2011

12123 has achieved the purpose for which it was created and otherwise  
12124 complies with the provisions of s. 163.3180.

12125 (p) An assessment of the extent to which changes are  
12126 needed to develop a common methodology for measuring impacts on  
12127 transportation facilities for the purpose of implementing its  
12128 concurrency management system in coordination with the  
12129 municipalities and counties, as appropriate pursuant to s.  
12130 163.3180(10).

12131 (3) Voluntary scoping meetings may be conducted by each  
12132 local government or several local governments within the same  
12133 county that agree to meet together. Joint meetings among all  
12134 local governments in a county are encouraged. All scoping  
12135 meetings shall be completed at least 1 year prior to the  
12136 established adoption date of the report. The purpose of the  
12137 meetings shall be to distribute data and resources available to  
12138 assist in the preparation of the report, to provide input on  
12139 major issues in each community that should be addressed in the  
12140 report, and to advise on the extent of the effort for the  
12141 components of subsection (2). If scoping meetings are held, the  
12142 local government shall invite each state and regional reviewing  
12143 agency, as well as adjacent and other affected local  
12144 governments. A preliminary list of new data and major issues  
12145 that have emerged since the adoption of the original plan, or  
12146 the most recent evaluation and appraisal report-based update  
12147 amendments, should be developed by state and regional entities  
12148 and involved local governments for distribution at the scoping  
12149 meeting. For purposes of this subsection, a "scoping meeting" is  
12150 a meeting conducted to determine the scope of review of the

HB 7247

2011

12151 evaluation and appraisal report by parties to which the report  
12152 relates.

12153       (4) The local planning agency shall prepare the evaluation  
12154 and appraisal report and shall make recommendations to the  
12155 governing body regarding adoption of the proposed report. The  
12156 local planning agency shall prepare the report in conformity  
12157 with its public participation procedures adopted as required by  
12158 s. 163.3181. During the preparation of the proposed report and  
12159 prior to making any recommendation to the governing body, the  
12160 local planning agency shall hold at least one public hearing,  
12161 with public notice, on the proposed report. At a minimum, the  
12162 format and content of the proposed report shall include a table  
12163 of contents; numbered pages; element headings; section headings  
12164 within elements; a list of included tables, maps, and figures; a  
12165 title and sources for all included tables; a preparation date;  
12166 and the name of the preparer. Where applicable, maps shall  
12167 include major natural and artificial geographic features; city,  
12168 county, and state lines; and a legend indicating a north arrow,  
12169 map scale, and the date.

12170       (5) Ninety days prior to the scheduled adoption date, the  
12171 local government may provide a proposed evaluation and appraisal  
12172 report to the state land planning agency and distribute copies  
12173 to state and regional commenting agencies as prescribed by rule,  
12174 adjacent jurisdictions, and interested citizens for review. All  
12175 review comments, including comments by the state land planning  
12176 agency, shall be transmitted to the local government and state  
12177 land planning agency within 30 days after receipt of the  
12178 proposed report.

HB 7247

2011

(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.

(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the

HB 7247

2011

12207 report and submit the revised report for review pursuant to  
12208 subsection (6).

12209 (8) The state land planning agency may delegate the review  
12210 of evaluation and appraisal reports, including all state land  
12211 planning agency duties under subsections (4)-(7), to the  
12212 appropriate regional planning council. When the review has been  
12213 delegated to a regional planning council, any local government  
12214 in the region may elect to have its report reviewed by the  
12215 regional planning council rather than the state land planning  
12216 agency. The state land planning agency shall by agreement  
12217 provide for uniform and adequate review of reports and shall  
12218 retain oversight for any delegation of review to a regional  
12219 planning council.

12220 (9) The state land planning agency may establish a phased  
12221 schedule for adoption of reports. The schedule shall provide  
12222 each local government at least 7 years from plan adoption or  
12223 last established adoption date for a report and shall allot  
12224 approximately one-seventh of the reports to any 1 year. In order  
12225 to allow the municipalities to use data and analyses gathered by  
12226 the counties, the state land planning agency shall schedule  
12227 municipal report adoption dates between 1 year and 18 months  
12228 later than the report adoption date for the county in which  
12229 those municipalities are located. A local government may adopt  
12230 its report no earlier than 90 days prior to the established  
12231 adoption date. Small municipalities which were scheduled by  
12232 chapter 9J-33, Florida Administrative Code, to adopt their  
12233 evaluation and appraisal report after February 2, 1999, shall be  
12234 rescheduled to adopt their report together with the other

HB 7247

2011

12235 municipalities in their county as provided in this subsection.  
12236 (10) The governing body shall amend its comprehensive plan  
12237 based on the recommendations in the report and shall update the  
12238 comprehensive plan based on the components of subsection (2),  
12239 pursuant to the provisions of ss. 163.3184, 163.3187, and  
12240 163.3189. Amendments to update a comprehensive plan based on the  
12241 evaluation and appraisal report shall be adopted during a single  
12242 amendment cycle within 18 months after the report is determined  
12243 to be sufficient by the state land planning agency, except the  
12244 state land planning agency may grant an extension for adoption  
12245 of a portion of such amendments. The state land planning agency  
12246 may grant a 6-month extension for the adoption of such  
12247 amendments if the request is justified by good and sufficient  
12248 cause as determined by the agency. An additional extension may  
12249 also be granted if the request will result in greater  
12250 coordination between transportation and land use, for the  
12251 purposes of improving Florida's transportation system, as  
12252 determined by the agency in coordination with the Metropolitan  
12253 Planning Organization program. Beginning July 1, 2006, failure  
12254 to timely adopt and transmit update amendments to the  
12255 comprehensive plan based on the evaluation and appraisal report  
12256 shall result in a local government being prohibited from  
12257 adopting amendments to the comprehensive plan until the  
12258 evaluation and appraisal report update amendments have been  
12259 adopted and transmitted to the state land planning agency. The  
12260 prohibition on plan amendments shall commence when the update  
12261 amendments to the comprehensive plan are past due. The  
12262 comprehensive plan as amended shall be in compliance as defined

HB 7247

2011

12263 in s. 163.3184(1)(b). Within 6 months after the effective date  
12264 of the update amendments to the comprehensive plan, the local  
12265 government shall provide to the state land planning agency and  
12266 to all agencies designated by rule a complete copy of the  
12267 updated comprehensive plan.

12268 (11) The Administration Commission may impose the  
12269 sanctions provided by s. 163.3184(11) against any local  
12270 government that fails to adopt and submit a report, or that  
12271 fails to implement its report through timely and sufficient  
12272 amendments to its local plan, except for reasons of excusable  
12273 delay or valid planning reasons agreed to by the state land  
12274 planning agency or found present by the Administration  
12275 Commission. Sanctions for untimely or insufficient plan  
12276 amendments shall be prospective only and shall begin after a  
12277 final order has been issued by the Administration Commission and  
12278 a reasonable period of time has been allowed for the local  
12279 government to comply with an adverse determination by the  
12280 Administration Commission through adoption of plan amendments  
12281 that are in compliance. The state land planning agency may  
12282 initiate, and an affected person may intervene in, such a  
12283 proceeding by filing a petition with the Division of  
12284 Administrative Hearings, which shall appoint an administrative  
12285 law judge and conduct a hearing pursuant to ss. 120.569 and  
12286 120.57(1) and shall submit a recommended order to the  
12287 Administration Commission. The affected local government shall  
12288 be a party to any such proceeding. The commission may implement  
12289 this subsection by rule.

12290 (12) The state land planning agency shall not adopt rules

HB 7247

2011

12291 to implement this section, other than procedural rules.

12292 (13) The state land planning agency shall regularly review  
12293 the evaluation and appraisal report process and submit a report  
12294 to the Governor, the Administration Commission, the Speaker of  
12295 the House of Representatives, the President of the Senate, and  
12296 the respective community affairs committees of the Senate and  
12297 the House of Representatives. The first report shall be  
12298 submitted by December 31, 2004, and subsequent reports shall be  
12299 submitted every 5 years thereafter. At least 9 months before the  
12300 due date of each report, the Commissioner of Economic  
12301 Opportunity ~~Secretary of Community Affairs~~ shall appoint a  
12302 technical committee of at least 15 members to assist in the  
12303 preparation of the report. The membership of the technical  
12304 committee shall consist of representatives of local governments,  
12305 regional planning councils, the private sector, and  
12306 environmental organizations. The report shall assess the  
12307 effectiveness of the evaluation and appraisal report process.

12308 (14) The requirement of subsection (10) prohibiting a  
12309 local government from adopting amendments to the local  
12310 comprehensive plan until the evaluation and appraisal report  
12311 update amendments have been adopted and transmitted to the state  
12312 land planning agency does not apply to a plan amendment proposed  
12313 for adoption by the appropriate local government as defined in  
12314 s. 163.3178(2)(k) in order to integrate a port comprehensive  
12315 master plan with the coastal management element of the local  
12316 comprehensive plan as required by s. 163.3178(2)(k) if the port  
12317 comprehensive master plan or the proposed plan amendment does  
12318 not cause or contribute to the failure of the local government



HB 7247

2011

12319 to comply with the requirements of the evaluation and appraisal  
12320 report.

12321 Section 204. Section 215.559, Florida Statutes, is amended  
12322 to read:

12323 215.559 Hurricane Loss Mitigation Program.—

12324 ~~(1) There is created~~ A Hurricane Loss Mitigation Program  
12325 is established within the Division of Emergency Management.

12326 (1) The Legislature shall annually appropriate \$10 million  
12327 of the moneys authorized for appropriation under s.

12328 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the  
12329 division ~~Department of Community Affairs~~ for the purposes set  
12330 forth in this section. Of the amount:

12331 ~~(2)(a)~~ Seven million dollars ~~in funds provided in~~  
12332 ~~subsection (1)~~ shall be used for programs to improve the wind  
12333 resistance of residences and mobile homes, including loans,  
12334 subsidies, grants, demonstration projects, and direct  
12335 assistance; educating persons concerning the Florida Building  
12336 Code cooperative programs with local governments and the Federal  
12337 Government; and other efforts to prevent or reduce losses or  
12338 reduce the cost of rebuilding after a disaster.

12339 (b) Three million dollars ~~in funds provided in subsection~~  
12340 ~~(1)~~ shall be used to retrofit existing facilities used as public  
12341 hurricane shelters. Each year the division shall ~~department must~~  
12342 prioritize the use of these funds for projects included in the  
12343 annual report of the September 1, 2000, version of the Shelter  
12344 Retrofit Report prepared in accordance with s. 252.385(3), and  
12345 ~~each annual report thereafter.~~ The division ~~department~~ must give  
12346 funding priority to projects in regional planning council

HB 7247

2011

12347 regions that have shelter deficits and to projects that maximize  
12348 the use of state funds.

12349 (2)~~(3)~~ (a) Forty percent of the total appropriation in  
12350 paragraph (1) (a) ~~(2) (a)~~ shall be used to inspect and improve  
12351 tie-downs for mobile homes.

12352 (b)1. ~~There is created~~ The Manufactured Housing and Mobile  
12353 Home Mitigation and Enhancement Program is established. The  
12354 program shall require the mitigation of damage to or the  
12355 enhancement of homes for the areas of concern raised by the  
12356 Department of Highway Safety and Motor Vehicles in the 2004-2005  
12357 Hurricane Reports on the effects of the 2004 and 2005 hurricanes  
12358 on manufactured and mobile homes in this state. The mitigation  
12359 or enhancement must include, but need not be limited to,  
12360 problems associated with weakened trusses, studs, and other  
12361 structural components caused by wood rot or termite damage;  
12362 site-built additions; or tie-down systems and may also address  
12363 any other issues deemed appropriate by Tallahassee Community  
12364 College, the Federation of Manufactured Home Owners of Florida,  
12365 Inc., the Florida Manufactured Housing Association, and the  
12366 Department of Highway Safety and Motor Vehicles. The program  
12367 shall include an education and outreach component to ensure that  
12368 owners of manufactured and mobile homes are aware of the  
12369 benefits of participation.

12370 2. The program shall be a grant program that ensures that  
12371 entire manufactured home communities and mobile home parks may  
12372 be improved wherever practicable. The moneys appropriated for  
12373 this program shall be distributed directly to Tallahassee  
12374 Community College for the uses set forth under this subsection.

HB 7247

2011

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium must be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation must reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew. Rates resulting from the completion of the Manufactured Housing and Mobile Home Mitigation and Enhancement Program are not considered competitive rates for the purposes of s. 627.351(6)(d)1. and 2.

4. On or before January 1 of each year, Tallahassee Community College shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must set forth the number of homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured or mobile homes and attachments to such homes, and whether there has been an increase in availability of insurance products to owners of manufactured or mobile homes.

Tallahassee Community College shall develop the programs ~~set forth~~ in this subsection in consultation with the Federation of

HB 7247

2011

12403 Manufactured Home Owners of Florida, Inc., the Florida  
12404 Manufactured Housing Association, and the Department of Highway  
12405 Safety and Motor Vehicles. The moneys appropriated for the  
12406 programs ~~set forth~~ in this subsection shall be distributed  
12407 directly to Tallahassee Community College to be used as set  
12408 forth in this subsection.

12409 (3)~~(4)~~ Of moneys provided to the division ~~Department of~~  
12410 ~~Community Affairs~~ in paragraph (1) (a) ~~(2) (a)~~, 10 percent shall  
12411 be allocated to the Florida International University center  
12412 dedicated to hurricane research. The center shall develop a  
12413 preliminary work plan approved by the advisory council set forth  
12414 in subsection (4) ~~(5)~~ to eliminate the state and local barriers  
12415 to upgrading existing mobile homes and communities, research and  
12416 develop a program for the recycling of existing older mobile  
12417 homes, and support programs of research and development relating  
12418 to hurricane loss reduction devices and techniques for site-  
12419 built residences. The State University System also shall consult  
12420 with ~~the Department of Community Affairs~~ and assist the division  
12421 ~~department~~ with the report required under subsection (6) ~~(7)~~.

12422 (4)~~(5)~~ Except for the programs ~~set forth~~ in subsection (3)  
12423 ~~(4)~~, the division ~~Department of Community Affairs~~ shall develop  
12424 the programs ~~set forth~~ in this section in consultation with an  
12425 advisory council consisting of a representative designated by  
12426 the Chief Financial Officer, a representative designated by the  
12427 Florida Home Builders Association, a representative designated  
12428 by the Florida Insurance Council, a representative designated by  
12429 the Federation of Manufactured Home Owners, a representative  
12430 designated by the Florida Association of Counties, ~~and a~~

HB 7247

2011

representative designated by the Florida Manufactured Housing Association, and a representative designated by the Florida Building Commission.

~~(5)(6) Moneys provided to the division Department of Community Affairs under this section are intended to supplement, not supplant, the division's other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.~~

~~(6)(7)~~ On January 1st of each year, the division ~~Department of Community Affairs~~ shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. Upon completion of the report, the division ~~Department of Community Affairs~~ shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and shall make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make such ~~the~~ recommendations within 1 year after receiving the report.

~~(8)(a) Notwithstanding any other provision of this section and for the 2010-2011 fiscal year only, the \$3 million appropriation provided for in paragraph (2)(b) may be used for hurricane shelters as identified in the General Appropriations Act.~~

HB 7247

2011

12459       ~~(b) This subsection expires June 30, 2011.~~

12460       (7)~~(9)~~ This section is repealed June 30, 2021 2011.

12461       Section 205. Subsection (4) of section 290.044, Florida  
12462 Statutes, is amended to read:

12463       290.044 Florida Small Cities Community Development Block  
12464 Grant Program Fund; administration; distribution.—

12465       (4) The department may set aside an amount of up to 5  
12466 percent of the funds annually for use in any eligible local  
12467 government jurisdiction for which an emergency or natural  
12468 disaster has been declared by executive order. Such funds may  
12469 only be provided to a local government to fund eligible  
12470 emergency-related activities for which no other source of  
12471 federal, state, or local disaster funds is available. The  
12472 department may provide for such set-aside by rule. In the last  
12473 quarter of the state fiscal year, any funds not allocated under  
12474 the emergency-related set-aside ~~shall be used to fully fund any~~  
12475 ~~applications which were partially funded due to inadequate funds~~  
12476 ~~in the most recently completed neighborhood revitalization~~  
12477 ~~category funding cycle, and then any remaining funds shall be~~  
12478 ~~distributed to the next~~ unfunded applications from the most  
12479 recent funding cycle.

12480       Section 206. Subsection (2) of section 290.047, Florida  
12481 Statutes, is amended to read:

12482       290.047 Establishment of grant ceilings and maximum  
12483 administrative cost percentages; elimination of population bias;  
12484 loans in default.—

12485       (2) The department shall establish grant ceilings for each  
12486 program category by rule. ~~These ceilings shall bear some~~

HB 7247

2011

12487 ~~relationship to an applicant's total population or its~~  
12488 ~~population living below the federal poverty level. Population~~  
12489 ~~ranges may be used in establishing these ceilings. In no case,~~  
12490 ~~however, may a grant ceiling be set above \$750,000 or below~~  
12491 ~~\$300,000.~~

12492 Section 207. Paragraph (b) of subsection (5) of section  
12493 11.40, Florida Statutes, is amended to read:

12494 11.40 Legislative Auditing Committee.—

12495 (5) Following notification by the Auditor General, the  
12496 Department of Financial Services, or the Division of Bond  
12497 Finance of the State Board of Administration of the failure of a  
12498 local governmental entity, district school board, charter  
12499 school, or charter technical career center to comply with the  
12500 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or  
12501 s. 218.38, the Legislative Auditing Committee may schedule a  
12502 hearing. If a hearing is scheduled, the committee shall  
12503 determine if the entity should be subject to further state  
12504 action. If the committee determines that the entity should be  
12505 subject to further state action, the committee shall:

12506 (b) In the case of a special district, notify the  
12507 Department of Financial Services ~~Community Affairs~~ that the  
12508 special district has failed to comply with the law. Upon receipt  
12509 of notification, the Department of Financial Services ~~Community~~  
12510 ~~Affairs~~ shall proceed pursuant to the provisions specified in s.  
12511 189.421.

12512 Section 208. Paragraph (c) of subsection (7) of section  
12513 11.45, Florida Statutes, is amended to read:

12514 11.45 Definitions; duties; authorities; reports; rules.—

HB 7247

2011

12515 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

12516 (c) The Auditor General shall provide annually a list of  
12517 those special districts which are not in compliance with s.  
12518 218.39 to the Special District Information Program of the  
12519 Department of Financial Services ~~Community Affairs~~.

12520 Section 209. Subsection (2) of section 11.905, Florida  
12521 Statutes, is amended to read:

12522 11.905 Schedule for reviewing state agencies and advisory  
12523 committees.—The following state agencies, including their  
12524 advisory committees, or the following advisory committees of  
12525 agencies shall be reviewed according to the following schedule:

12526 (2) Reviewed by July 1, 2010:

12527 (a) Department of Children and Family Services.

12528 ~~(b) Department of Community Affairs.~~

12529 (b)~~(e)~~ Department of Management Services.

12530 (c)~~(d)~~ Department of State.

12531

12532 Upon completion of this cycle, each agency shall again be  
12533 subject to sunset review 10 years after its initial review.

12534 Section 210. Paragraph (c) of subsection (3) of section  
12535 17.61, Florida Statutes, is amended to read:

12536 17.61 Chief Financial Officer; powers and duties in the  
12537 investment of certain funds.—

12538 (3)

12539 (c) Except as provided in this paragraph and except for  
12540 moneys described in paragraph (d), the following agencies may  
12541 not invest trust fund moneys as provided in this section, but  
12542 shall retain such moneys in their respective trust funds for



HB 7247

2011

12543 investment, with interest appropriated to the General Revenue  
12544 Fund, pursuant to s. 17.57:

12545 1. The Agency for Health Care Administration, except for  
12546 the Tobacco Settlement Trust Fund.

12547 2. The Agency for Persons with Disabilities, except for:

12548 a. The Federal Grants Trust Fund.

12549 b. The Tobacco Settlement Trust Fund.

12550 3. The Department of Children and Family Services, except  
12551 for:

12552 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

12553 b. The Social Services Block Grant Trust Fund.

12554 c. The Tobacco Settlement Trust Fund.

12555 d. The Working Capital Trust Fund.

12556 ~~4. The Department of Community Affairs, only for the~~  
12557 ~~Operating Trust Fund.~~

12558 4.5. The Department of Corrections.

12559 ~~5.6.~~ The Department of Elderly Affairs, except for:

12560 a. The Federal Grants Trust Fund.

12561 b. The Tobacco Settlement Trust Fund.

12562 ~~6.7.~~ The Department of Health, except for:

12563 a. The Federal Grants Trust Fund.

12564 b. The Grants and Donations Trust Fund.

12565 c. The Maternal and Child Health Block Grant Trust Fund.

12566 d. The Tobacco Settlement Trust Fund.

12567 ~~7.8.~~ The Department of Highway Safety and Motor Vehicles,  
12568 only for the Security Deposits Trust Fund.

12569 ~~8.9.~~ The Department of Juvenile Justice.

12570 ~~9.10.~~ The Department of Law Enforcement.

HB 7247

2011

12571        ~~10.11.~~    The Department of Legal Affairs.

12572        ~~11.12.~~    The Department of State, only for:

12573            a.    The Grants and Donations Trust Fund.

12574            b.    The Records Management Trust Fund.

12575        ~~12.13.~~    The Executive Office of the Governor, only for:

12576            a.    The Economic Development Transportation Trust Fund.

12577            b.    The Economic Development Trust Fund.

12578        ~~13.14.~~    The Florida Public Service Commission, only for the

12579    Florida Public Service Regulatory Trust Fund.

12580        ~~14.15.~~    The Justice Administrative Commission.

12581        ~~15.16.~~    The state courts system.

12582            Section 211.   Subsection (1) of section 20.181, Florida

12583    Statutes, is amended to read:

12584            20.181   Federal Grants Trust Fund.—

12585            (1)    The Federal Grants Trust Fund is created within the

12586    Department of Economic Opportunity ~~Community Affairs~~.

12587            Section 212.   Section 68.096, Florida Statutes, is amended

12588    to read:

12589            68.096   Definitions.—For purposes of ss. 68.094-68.105 ~~this~~

12590    act:

12591            (1)    "Department" means the Department of Economic

12592    Opportunity ~~Community Affairs~~.

12593            (2)    "Eligible client" means a person whose income is equal

12594    to or below 150 percent of the then-current federal poverty

12595    guidelines prescribed for the size of the household of the

12596    person seeking assistance by the United States Department of

12597    Health and Human Services or disabled veterans who are in

12598    receipt of, or eligible to receive, Veterans Administration

HB 7247

2011

12599 pension benefits or supplemental security income.

12600 (3) "Legal assistance" means the provision of civil legal  
12601 services consistent with the rules regulating The Florida Bar,  
12602 subject to the limitations in s. 68.098.

12603 (4) "Not-for-profit legal aid organization" means a not-  
12604 for-profit organization operated in this state that provides as  
12605 its primary purpose civil legal services without charge to  
12606 eligible clients.

12607 Section 213. Section 68.105, Florida Statutes, is amended  
12608 to read:

12609 68.105 Use of funds; reports.—All appropriations made for  
12610 the purposes of ss. 68.094-68.105 ~~this act~~ shall only be used  
12611 for legal education or assistance in family law, juvenile law,  
12612 entitlement to federal benefits, protection from domestic  
12613 violence, elder abuse, child abuse, or immigration law. These  
12614 funds shall not be used in criminal or postconviction relief  
12615 matters, for lobbying activities, to sue the state, its agencies  
12616 or political subdivisions, or colleges or universities, for  
12617 class action lawsuits, to provide legal assistance with respect  
12618 to noncriminal infractions pursuant to chapter 316, chapter 318,  
12619 chapter 320, or chapter 322, to contest regulatory decisions of  
12620 any municipal, county, or state administrative or legislative  
12621 body, or to file or assist in the filing of private causes of  
12622 action under federal or state statutes relating to or arising  
12623 out of employment or terms or conditions of employment. The  
12624 contracting organization shall require pilot projects to provide  
12625 data on the number of clients served, the types of cases, the  
12626 reasons the cases were closed, and the state dollars saved and

HB 7247

2011

12627 federal dollars brought into the state because of the legal  
12628 services provided. The contracting organization shall provide to  
12629 the department ~~of Community Affairs~~, within 60 days of the  
12630 completion of the contract, a report on the legal services  
12631 provided, the state dollars saved, and the federal dollars  
12632 brought into the state.

12633 Section 214. Paragraph (b) of subsection (4) of section  
12634 112.63, Florida Statutes, is amended to read:

12635 112.63 Actuarial reports and statements of actuarial  
12636 impact; review.—

12637 (4) Upon receipt, pursuant to subsection (2), of an  
12638 actuarial report, or upon receipt, pursuant to subsection (3),  
12639 of a statement of actuarial impact, the Department of Management  
12640 Services shall acknowledge such receipt, but shall only review  
12641 and comment on each retirement system's or plan's actuarial  
12642 valuations at least on a triennial basis. If the department  
12643 finds that the actuarial valuation is not complete, accurate, or  
12644 based on reasonable assumptions or otherwise materially fails to  
12645 satisfy the requirements of this part, if the department  
12646 requires additional material information necessary to complete  
12647 its review of the actuarial valuation of a system or plan or  
12648 material information necessary to satisfy the duties of the  
12649 department pursuant to s. 112.665(1), or if the department does  
12650 not receive the actuarial report or statement of actuarial  
12651 impact, the department shall notify the administrator of the  
12652 affected retirement system or plan and the affected governmental  
12653 entity and request appropriate adjustment, the additional  
12654 material information, or the required report or statement. The

HB 7247

2011

notification must inform the administrator of the affected retirement system or plan and the affected governmental entity of the consequences for failure to comply with the requirements of this subsection. If, after a reasonable period of time, a satisfactory adjustment is not made or the report, statement, or additional material information is not provided, the department may notify the Department of Revenue and the Department of Financial Services of such noncompliance, in which case the Department of Revenue and the Department of Financial Services shall withhold any funds not pledged for satisfaction of bond debt service which are payable to the affected governmental entity until the adjustment is made or the report, statement, or additional material information is provided to the department. The department shall specify the date such action is to begin, and notification by the department must be received by the Department of Revenue, the Department of Financial Services, and the affected governmental entity 30 days before the date the action begins.

(b) In the case of an affected special district, the Department of Management Services shall also notify the Department of Financial Services ~~Community Affairs~~. Upon receipt of notification, the Department of Financial Services ~~Community Affairs~~ shall proceed pursuant to ~~the provisions of~~ s. 189.421 with regard to the special district.

Section 215. Paragraph (e) of subsection (1) of section 112.665, Florida Statutes, is amended to read:

112.665 Duties of Department of Management Services.—

(1) The Department of Management Services shall:

HB 7247

2011

(e) Issue, by January 1 annually, a report to the Special District Information Program of the Department of Financial Services ~~Community Affairs~~ that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state-administered retirement system provisions as specified in part I of chapter 121; and

Section 216. Paragraph (d) of subsection (2) and paragraph (f) of subsection (5) of section 119.071, Florida Statutes, are amended to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency ~~emergencies~~, as defined in s. 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Division of Emergency Management ~~the Department of Community Affairs~~ as having an official need for access to the inventory or comprehensive

HB 7247

2011

12711 policies or plans.

12712 (5) OTHER PERSONAL INFORMATION.—

12713 (f) Medical history records and information related to  
12714 health or property insurance provided to the Department of  
12715 Economic Opportunity ~~the Department of Community Affairs,~~ the  
12716 Florida Housing Finance Corporation, a county, a municipality,  
12717 or a local housing finance agency by an applicant for or a  
12718 participant in a federal, state, or local housing assistance  
12719 program are confidential and exempt from s. 119.07(1) and s.  
12720 24(a), Art. I of the State Constitution. Governmental entities  
12721 or their agents shall have access to such confidential and  
12722 exempt records and information for the purpose of auditing  
12723 federal, state, or local housing programs or housing assistance  
12724 programs. Such confidential and exempt records and information  
12725 may be used in any administrative or judicial proceeding,  
12726 provided such records are kept confidential and exempt unless  
12727 otherwise ordered by a court.

12728 Section 217. Subsection (4) of section 161.142, Florida  
12729 Statutes, is amended to read:

12730 161.142 Declaration of public policy relating to improved  
12731 navigation inlets.—The Legislature recognizes the need for  
12732 maintaining navigation inlets to promote commercial and  
12733 recreational uses of our coastal waters and their resources. The  
12734 Legislature further recognizes that inlets interrupt or alter  
12735 the natural drift of beach-quality sand resources, which often  
12736 results in these sand resources being deposited in nearshore  
12737 areas or in the inlet channel, or in the inland waterway  
12738 adjacent to the inlet, instead of providing natural nourishment

HB 7247

2011

to the adjacent eroding beaches. Accordingly, the Legislature finds it is in the public interest to replicate the natural drift of sand which is interrupted or altered by inlets to be replaced and for each level of government to undertake all reasonable efforts to maximize inlet sand bypassing to ensure that beach-quality sand is placed on adjacent eroding beaches. Such activities cannot make up for the historical sand deficits caused by inlets but shall be designed to balance the sediment budget of the inlet and adjacent beaches and extend the life of proximate beach-restoration projects so that periodic nourishment is needed less frequently. Therefore, in furtherance of this declaration of public policy and the Legislature's intent to redirect and recommit the state's comprehensive beach management efforts to address the beach erosion caused by inlets, the department shall ensure that:

(4) The provisions of subsections (1) and (2) shall not be a requirement imposed upon ports listed in s. 403.021(9)(b); however, such ports must demonstrate reasonable effort to place beach-quality sand from construction and maintenance dredging and port-development projects on adjacent eroding beaches in accordance with port master plans approved by the Department of Economic Opportunity ~~Community Affairs~~, and permits approved and issued by the department, to ensure compliance with this section. Ports may sponsor or cosponsor inlet management projects that are fully eligible for state cost sharing.

Section 218. Subsection (10) of section 161.54, Florida Statutes, is amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:



HB 7247

2011

12767           (10) "State land planning agency" means the Department of  
12768 Economic Opportunity ~~the Department of Community Affairs~~.

12769           Section 219. Paragraph (g) of subsection (3) of section  
12770 163.06, Florida Statutes, is amended to read:

12771           163.06 Miami River Commission.—

12772           (3) The policy committee shall have the following powers  
12773 and duties:

12774           (g) Coordinate a joint planning area agreement between the  
12775 Department of Economic Opportunity ~~Community Affairs~~, the city,  
12776 and the county under the provisions of s. 163.3177(11)(a), (b),  
12777 and (c).

12778           Section 220. Paragraph (b) of subsection (6) of section  
12779 163.2517, Florida Statutes, is amended to read:

12780           163.2517 Designation of urban infill and redevelopment  
12781 area.—

12782           (6)

12783           (b) If the local government fails to implement the urban  
12784 infill and redevelopment plan in accordance with the deadlines  
12785 set forth in the plan, the Department of Economic Opportunity  
12786 ~~Community Affairs~~ may seek to rescind the economic and  
12787 regulatory incentives granted to the urban infill and  
12788 redevelopment area, subject to the provisions of chapter 120.  
12789 The action to rescind may be initiated 90 days after issuing a  
12790 written letter of warning to the local government.

12791           Section 221. Subsection (20) of section 163.3164, Florida  
12792 Statutes, is amended to read:

12793           163.3164 Local Government Comprehensive Planning and Land  
12794 Development Regulation Act; definitions.—As used in this act:

HB 7247

2011

12795 (20) "State land planning agency" means the Department of  
12796 Economic Opportunity ~~the Department of Community Affairs.~~

12797 Section 222. Paragraph (h) of subsection (6), subsection  
12798 (10), and paragraphs (d), (e), and (f) of subsection (11) of  
12799 section 163.3177, Florida Statutes, are amended to read:

12800 163.3177 Required and optional elements of comprehensive  
12801 plan; studies and surveys.—

12802 (6) In addition to the requirements of subsections (1)–(5)  
12803 and (12), the comprehensive plan shall include the following  
12804 elements:

12805 (h)1. An intergovernmental coordination element showing  
12806 relationships and stating principles and guidelines to be used  
12807 in coordinating the adopted comprehensive plan with the plans of  
12808 school boards, regional water supply authorities, and other  
12809 units of local government providing services but not having  
12810 regulatory authority over the use of land, with the  
12811 comprehensive plans of adjacent municipalities, the county,  
12812 adjacent counties, or the region, with the state comprehensive  
12813 plan and with the applicable regional water supply plan approved  
12814 pursuant to s. 373.709, as the case may require and as such  
12815 adopted plans or plans in preparation may exist. This element of  
12816 the local comprehensive plan must demonstrate consideration of  
12817 the particular effects of the local plan, when adopted, upon the  
12818 development of adjacent municipalities, the county, adjacent  
12819 counties, or the region, or upon the state comprehensive plan,  
12820 as the case may require.

12821 a. The intergovernmental coordination element must provide  
12822 procedures for identifying and implementing joint planning

HB 7247

2011

12823 areas, especially for the purpose of annexation, municipal  
12824 incorporation, and joint infrastructure service areas.

12825 b. The intergovernmental coordination element must provide  
12826 for recognition of campus master plans prepared pursuant to s.  
12827 1013.30 and airport master plans under paragraph (k).

12828 c. The intergovernmental coordination element shall  
12829 provide for a dispute resolution process, as established  
12830 pursuant to s. 186.509, for bringing intergovernmental disputes  
12831 to closure in a timely manner.

12832 d. The intergovernmental coordination element shall  
12833 provide for interlocal agreements as established pursuant to s.  
12834 333.03(1)(b).

12835 2. The intergovernmental coordination element shall also  
12836 state principles and guidelines to be used in coordinating the  
12837 adopted comprehensive plan with the plans of school boards and  
12838 other units of local government providing facilities and  
12839 services but not having regulatory authority over the use of  
12840 land. In addition, the intergovernmental coordination element  
12841 must describe joint processes for collaborative planning and  
12842 decisionmaking on population projections and public school  
12843 siting, the location and extension of public facilities subject  
12844 to concurrency, and siting facilities with countywide  
12845 significance, including locally unwanted land uses whose nature  
12846 and identity are established in an agreement. Within 1 year  
12847 after adopting their intergovernmental coordination elements,  
12848 each county, all the municipalities within that county, the  
12849 district school board, and any unit of local government service  
12850 providers in that county shall establish by interlocal or other

HB 7247

2011

formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. Local governments shall execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to ensure that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

~~5. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which identifies:~~

~~a. All existing or proposed interlocal service delivery agreements relating to education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.~~

~~b. Any deficits or duplication in the provision of services within its jurisdiction, whether capital or~~

HB 7247

2011

operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

~~6. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.~~

~~7. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 5. The report may be used as supporting data and analysis for the intergovernmental coordination element.~~

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the former Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(a) The Legislature finds that in order for the department to review local comprehensive plans, it is necessary to define the term "consistency." Therefore, for the purpose of

HB 7247

2011

determining whether local comprehensive plans are consistent with the state comprehensive plan and the appropriate regional policy plan, a local plan shall be consistent with such plans if the local plan is "compatible with" and "furthers" such plans. The term "compatible with" means that the local plan is not in conflict with the state comprehensive plan or appropriate regional policy plan. The term "furthers" means to take action in the direction of realizing goals or policies of the state or regional plan. For the purposes of determining consistency of the local plan with the state comprehensive plan or the appropriate regional policy plan, the state or regional plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans.

(b) Each local government shall review all the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular state comprehensive plan goals and policies will be furthered by the expenditure of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Intergovernmental coordination, as set forth in paragraph (6)(h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, Florida Administrative Code.

(c) The Legislature declares that if any portion of chapter 9J-5, Florida Administrative Code, is found to be in

HB 7247

2011

12935 conflict with this part, the appropriate statutory provision  
12936 shall prevail.

12937 (d) Chapter 9J-5, Florida Administrative Code, does not  
12938 mandate the creation, limitation, or elimination of regulatory  
12939 authority, nor does it authorize the adoption or require the  
12940 repeal of any rules, criteria, or standards of any local,  
12941 regional, or state agency.

12942 (e) It is the Legislature's intent that support data or  
12943 summaries thereof shall not be subject to the compliance review  
12944 process, but the Legislature intends that goals and policies be  
12945 clearly based on appropriate data. The department may utilize  
12946 support data or summaries thereof to aid in its determination of  
12947 compliance and consistency. The Legislature intends that the  
12948 department may evaluate the application of a methodology  
12949 utilized in data collection or whether a particular methodology  
12950 is professionally accepted. However, the department shall not  
12951 evaluate whether one accepted methodology is better than  
12952 another. Chapter 9J-5, Florida Administrative Code, shall not be  
12953 construed to require original data collection by local  
12954 governments; however, local governments are not to be  
12955 discouraged from utilizing original data so long as  
12956 methodologies are professionally accepted.

12957 (f) The Legislature recognizes that under this section,  
12958 local governments are charged with setting levels of service for  
12959 public facilities in their comprehensive plans in accordance  
12960 with which development orders and permits will be issued  
12961 pursuant to s. 163.3202(2)(g). Nothing herein shall supersede  
12962 the authority of state, regional, or local agencies as otherwise

HB 7247

2011

provided by law.

(g) Definitions contained in chapter 9J-5, Florida Administrative Code, are not intended to modify or amend the definitions utilized for purposes of other programs or rules or to establish or limit regulatory authority. Local governments may establish alternative definitions in local comprehensive plans, as long as such definitions accomplish the intent of this chapter, and chapter 9J-5, Florida Administrative Code.

(h) It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development in accordance with s. 163.3180. In meeting this intent, public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available concurrent with the impacts of the development. The public facilities and services, unless already available, are to be consistent with the capital improvements element of the local comprehensive plan as required by paragraph (3)(a) or guaranteed in an enforceable development agreement. This shall include development agreements pursuant to this chapter or in an agreement or a development order issued pursuant to chapter 380. Nothing herein shall be construed to require a local government to address services in its capital improvements plan or to limit a local government's ability to address any service in its capital improvements plan that it



HB 7247

2011

deems necessary.

(i) The department shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.

(j) Chapter 9J-5, Florida Administrative Code, has become effective pursuant to subsection (9). The Legislature hereby directs the department to adopt amendments as necessary which conform chapter 9J-5, Florida Administrative Code, with the requirements of this legislative intent by October 1, 1986.

(k) In order for local governments to prepare and adopt comprehensive plans with knowledge of the rules that are applied to determine consistency of the plans with this part, there should be no doubt as to the legal standing of chapter 9J-5, Florida Administrative Code, at the close of the 1986 legislative session. Therefore, the Legislature declares that changes made to chapter 9J-5 before October 1, 1986, are not subject to rule challenges under s. 120.56(2), or to drawout proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative Code, as amended, is subject to rule challenges under s. 120.56(3), as nothing herein indicates approval or disapproval of any portion of chapter 9J-5 not specifically addressed herein. Any amendments to chapter 9J-5, Florida Administrative Code, exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the

HB 7247

2011

President of the Senate and Speaker of the House of Representatives shall not be required.

(1) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation and adjacent to or in close proximity to all military installations in coordination with the Department of Defense.

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(1), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(1), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial

HB 7247

2011

13047 photogrammetry needed to prepare for a rural land stewardship  
13048 area;

13049       b. Support for local government implementation of rural  
13050 land stewardship concepts by providing information and  
13051 assistance to local governments regarding land acquisition  
13052 programs that may be used by the local government or landowners  
13053 to leverage the protection of greater acreage and maximize the  
13054 effectiveness of rural land stewardship areas; and

13055       c. Expansion of the role of the Department of Community  
13056 Affairs as a resource agency to facilitate establishment of  
13057 rural land stewardship areas in smaller rural counties that do  
13058 not have the staff or planning budgets to create a rural land  
13059 stewardship area.

13060       2. The department shall encourage participation by local  
13061 governments of different sizes and rural characteristics in  
13062 establishing and implementing rural land stewardship areas. It  
13063 is the intent of the Legislature that rural land stewardship  
13064 areas be used to further the following broad principles of rural  
13065 sustainability: restoration and maintenance of the economic  
13066 value of rural land; control of urban sprawl; identification and  
13067 protection of ecosystems, habitats, and natural resources;  
13068 promotion of rural economic activity; maintenance of the  
13069 viability of Florida's agricultural economy; and protection of  
13070 the character of rural areas of Florida. Rural land stewardship  
13071 areas may be multicounty in order to encourage coordinated  
13072 regional stewardship planning.

13073       3. A local government, in conjunction with a regional  
13074 planning council, a stakeholder organization of private land

HB 7247

2011

owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the

HB 7247

2011

13103 rural land stewardship area using rural design and rural road  
13104 corridors.

13105       b. Goals, objectives, and policies setting forth the  
13106 innovative planning and development strategies to be applied  
13107 within rural land stewardship areas pursuant to the provisions  
13108 of this section.

13109       c. A process for the implementation of innovative planning  
13110 and development strategies within the rural land stewardship  
13111 area, including those described in this subsection and rule 9J-  
13112 5.006(5)(1), Florida Administrative Code, which provide for a  
13113 functional mix of land uses, including adequate available  
13114 workforce housing, including low, very-low and moderate income  
13115 housing for the development anticipated in the receiving area  
13116 and which are applied through the adoption by the local  
13117 government of zoning and land development regulations applicable  
13118 to the rural land stewardship area.

13119       d. A process which encourages visioning pursuant to s.  
13120 163.3167(11) to ensure that innovative planning and development  
13121 strategies comply with the provisions of this section.

13122       e. The control of sprawl through the use of innovative  
13123 strategies and creative land use techniques consistent with the  
13124 provisions of this subsection and rule 9J-5.006(5)(1), Florida  
13125 Administrative Code.

13126       5. A receiving area shall be designated by the adoption of  
13127 a land development regulation. Prior to the designation of a  
13128 receiving area, the local government shall provide the state  
13129 land planning agency ~~Department of Community Affairs~~ a period of  
13130 30 days in which to review a proposed receiving area for

HB 7247

2011

consistency with the rural land stewardship area plan amendment and to provide comments to the local government. At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the 25-year or greater projected population of the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. Transferable rural land use credits are subject to the following limitations:

HB 7247

2011

13159           a. Transferable rural land use credits may only exist  
13160 within a rural land stewardship area.

13161           b. Transferable rural land use credits may only be used on  
13162 lands designated as receiving areas and then solely for the  
13163 purpose of implementing innovative planning and development  
13164 strategies and creative land use planning techniques adopted by  
13165 the local government pursuant to this section.

13166           c. Transferable rural land use credits assigned to a  
13167 parcel of land within a rural land stewardship area shall cease  
13168 to exist if the parcel of land is removed from the rural land  
13169 stewardship area by plan amendment.

13170           d. Neither the creation of the rural land stewardship area  
13171 by plan amendment nor the assignment of transferable rural land  
13172 use credits by the local government shall operate to displace  
13173 the underlying density of land uses assigned to a parcel of land  
13174 within the rural land stewardship area; however, if transferable  
13175 rural land use credits are transferred from a parcel for use  
13176 within a designated receiving area, the underlying density  
13177 assigned to the parcel of land shall cease to exist.

13178           e. The underlying density on each parcel of land located  
13179 within a rural land stewardship area shall not be increased or  
13180 decreased by the local government, except as a result of the  
13181 conveyance or use of transferable rural land use credits, as  
13182 long as the parcel remains within the rural land stewardship  
13183 area.

13184           f. Transferable rural land use credits shall cease to  
13185 exist on a parcel of land where the underlying density assigned  
13186 to the parcel of land is utilized.

HB 7247

2011

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.



HB 7247

2011

13215           7. Owners of land within rural land stewardship areas  
13216 should be provided incentives to enter into rural land  
13217 stewardship agreements, pursuant to existing law and rules  
13218 adopted thereto, with state agencies, water management  
13219 districts, and local governments to achieve mutually agreed upon  
13220 conservation objectives. Such incentives may include, but not be  
13221 limited to, the following:

13222           a. Opportunity to accumulate transferable mitigation  
13223 credits.

13224           b. Extended permit agreements.

13225           c. Opportunities for recreational leases and ecotourism.

13226           d. Payment for specified land management services on  
13227 publicly owned land, or property under covenant or restricted  
13228 easement in favor of a public entity.

13229           e. Option agreements for sale to public entities or  
13230 private land conservation entities, in either fee or easement,  
13231 upon achievement of conservation objectives.

13232           8. The department shall report to the Legislature on an  
13233 annual basis on the results of implementation of rural land  
13234 stewardship areas authorized by the department, including  
13235 successes and failures in achieving the intent of the  
13236 Legislature as expressed in this paragraph.

13237           (e) The Legislature finds that mixed-use, high-density  
13238 development is appropriate for urban infill and redevelopment  
13239 areas. Mixed-use projects accommodate a variety of uses,  
13240 including residential and commercial, and usually at higher  
13241 densities that promote pedestrian-friendly, sustainable  
13242 communities. The Legislature recognizes that mixed-use, high-

HB 7247

2011

density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed-use, high-density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed-use, high-density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single-use zoning in urban areas which often leads to lower-density, land-intensive development outside an urban service area. Therefore, the state land planning agency ~~Department of Community Affairs~~ shall provide technical assistance to local governments in order to encourage mixed-use, high-density urban infill and redevelopment projects.

(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high-density development. The Legislature recognizes that high-density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high-density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the state land planning agency ~~Department of Community Affairs~~ shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high-density infill

HB 7247

2011

13271 and redevelopment projects.

13272 Section 223. Subsection (3) of section 163.3178, Florida  
13273 Statutes, is amended to read:

13274 163.3178 Coastal management.—

13275 (3) Expansions to port harbors, spoil disposal sites,  
13276 navigation channels, turning basins, harbor berths, and other  
13277 related inwater harbor facilities of ports listed in s.  
13278 403.021(9); port transportation facilities and projects listed  
13279 in s. 311.07(3)(b); intermodal transportation facilities  
13280 identified pursuant to s. 311.09(3); and facilities determined  
13281 by the state land planning agency ~~Department of Community~~  
13282 ~~Affairs~~ and applicable general-purpose local government to be  
13283 port-related industrial or commercial projects located within 3  
13284 miles of or in a port master plan area which rely upon the use  
13285 of port and intermodal transportation facilities shall not be  
13286 designated as developments of regional impact if such  
13287 expansions, projects, or facilities are consistent with  
13288 comprehensive master plans that are in compliance with this  
13289 section.

13290 Section 224. Paragraph (b) of subsection (1) and paragraph  
13291 (g) of subsection (16) of section 163.3180, Florida Statutes, is  
13292 amended to read:

13293 163.3180 Concurrency.—

13294 (1)

13295 (b) Local governments shall use professionally accepted  
13296 techniques for measuring level of service for automobiles,  
13297 bicycles, pedestrians, transit, and trucks. These techniques may  
13298 be used to evaluate increased accessibility by multiple modes

HB 7247

2011

13299 and reductions in vehicle miles of travel in an area or zone.  
13300 The Department of Transportation shall develop methodologies to  
13301 assist local governments in implementing this multimodal level-  
13302 of-service analysis. The state land planning agency ~~Department~~  
13303 ~~of Community Affairs~~ and the Department of Transportation shall  
13304 provide technical assistance to local governments in applying  
13305 these methodologies.

13306 (16) It is the intent of the Legislature to provide a  
13307 method by which the impacts of development on transportation  
13308 facilities can be mitigated by the cooperative efforts of the  
13309 public and private sectors. The methodology used to calculate  
13310 proportionate fair-share mitigation under this section shall be  
13311 as provided for in subsection (12).

13312 (g) Except as provided in subparagraph (b)1., this section  
13313 may not prohibit the state land planning agency ~~Department of~~  
13314 ~~Community Affairs~~ from finding other portions of the capital  
13315 improvements element amendments not in compliance as provided in  
13316 this chapter.

13317 Section 225. Section 163.3204, Florida Statutes, is  
13318 amended to read:

13319 163.3204 Cooperation by state and regional agencies.—The  
13320 state land planning agency ~~Department of Community Affairs~~ and  
13321 any ad hoc working groups appointed by the department and all  
13322 state and regional agencies involved in the administration and  
13323 implementation of this act shall cooperate and work with units  
13324 of local government in the preparation and adoption of  
13325 comprehensive plans, or elements or portions thereof, and of  
13326 local land development regulations.

HB 7247

2011

Section 226. Subsection (14) of section 163.3221, Florida Statutes, is amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

(14) "State land planning agency" means the Department of Economic Opportunity ~~the Department of Community Affairs~~.

Section 227. Subsection (1) of section 163.3246, Florida Statutes, is amended to read:

163.3246 Local government comprehensive planning certification program.—

(1) There is created the Local Government Comprehensive Planning Certification Program to be administered by the Department of Economic Opportunity ~~Community Affairs~~. The purpose of the program is to create a certification process for local governments who identify a geographic area for certification within which they commit to directing growth and who, because of a demonstrated record of effectively adopting, implementing, and enforcing its comprehensive plan, the level of technical planning experience exhibited by the local government, and a commitment to implement exemplary planning practices, require less state and regional oversight of the comprehensive plan amendment process. The purpose of the certification area is to designate areas that are contiguous, compact, and appropriate for urban growth and development within a 10-year planning timeframe. Municipalities and counties are encouraged to jointly establish the certification area, and subsequently enter into joint certification agreement with the department.

HB 7247

2011

13354 Section 228. Paragraphs (a) and (b) of subsection (5) of  
13355 section 163.3247, Florida Statutes, are amended to read:

13356 163.3247 Century Commission for a Sustainable Florida.—

13357 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

13358 (a) The Commissioner of Economic Opportunity ~~Secretary of~~  
13359 ~~Community Affairs~~ shall select an executive director of the  
13360 commission, and the executive director shall serve at the  
13361 pleasure of the secretary under the supervision and control of  
13362 the commission.

13363 (b) The Department of Economic Opportunity ~~Community~~  
13364 ~~Affairs~~ shall provide staff and other resources necessary to  
13365 accomplish the goals of the commission based upon  
13366 recommendations of the Governor.

13367 Section 229. Paragraph (c) of subsection (2) of section  
13368 163.336, Florida Statutes, is amended to read:

13369 163.336 Coastal resort area redevelopment pilot project.—

13370 (2) PILOT PROJECT ADMINISTRATION.—

13371 (c) The Office of the Governor, Department of  
13372 Environmental Protection, and the Department of Economic  
13373 Opportunity ~~Community Affairs~~ are directed to provide technical  
13374 assistance to expedite permitting for redevelopment projects and  
13375 construction activities within the pilot project areas  
13376 consistent with the principles, processes, and timeframes  
13377 provided in s. 403.973.

13378 Section 230. Section 163.458, Florida Statutes, is amended  
13379 to read:

13380 163.458 Three-tiered plan.—The Department of Economic  
13381 Opportunity ~~Community Affairs~~ is authorized to award core

HB 7247

2011

administrative and operating grants. Administrative and operating grants shall be used for staff salaries and administrative expenses for eligible community-based development organizations selected through a competitive three-tiered process for the purpose of housing and economic development projects. The department shall adopt by rule a set of criteria for three-tiered funding that shall ensure equitable geographic distribution of the funding throughout the state. This three-tiered plan shall include emerging, intermediate, and mature community-based development organizations recognizing the varying needs of the three tiers. Funding shall be provided for core administrative and operating grants for all levels of community-based development organizations. Priority shall be given to those organizations that demonstrate community-based productivity and high performance as evidenced by past projects developed with stakeholder input that have responded to neighborhood needs, and have current projects located in high-poverty neighborhoods, and to emerging community-based development corporations that demonstrate a positive need identified by stakeholders. Persons, equipment, supplies, and other resources funded in whole or in part by grant funds shall be utilized to further the purposes of this act, and may be utilized to further the goals and objectives of the Front Porch Florida Initiative. Each community-based development organization shall be eligible to apply for a grant of up to \$50,000 per year for a period of 5 years.

Section 231. Section 163.460, Florida Statutes, is amended to read:

HB 7247

2011

13410           163.460 Application requirements.—A community-based  
13411 development organization applying for a core administrative and  
13412 operating grant pursuant to this act must submit a proposal to  
13413 the Department of Economic Opportunity ~~Community Affairs~~ that  
13414 includes:

13415           (1) A map and narrative description of the service areas  
13416 for the community-based development organization.

13417           (2) A copy of the documents creating the community-based  
13418 development organization.

13419           (3) A listing of the membership of the board of the  
13420 community-based development organization, including individual  
13421 members' terms of office and the number of low-income residents  
13422 on the board.

13423           (4) The organization's annual revitalization plan that  
13424 describes the expenditure of the funds, including goals,  
13425 objectives, and expected results, and has a clear relationship  
13426 to the local municipality's comprehensive plan.

13427           (5) Other supporting information that may be required by  
13428 the Department of Economic Opportunity ~~Community Affairs~~ to  
13429 determine the organization's capacity and productivity.

13430           (6) A description of the location, financing plan, and  
13431 potential impact of the business enterprises on residential,  
13432 commercial, or industrial development, that shows a clear  
13433 relationship to the organization's annual revitalization plan  
13434 and demonstrates how the proposed expenditures are directly  
13435 related to the scope of work for the proposed projects in the  
13436 annual revitalization plan.

13437           Section 232. Section 163.461, Florida Statutes, is amended



HB 7247

2011

to read:

163.461 Reporting and evaluation requirements.—Community-based development organizations that receive funds under this act shall provide the following information to the Department of Economic Opportunity ~~Community Affairs~~ annually:

(1) A listing of business firms and individuals assisted by the community-based development organization during the reporting period.

(2) A listing of the type, source, purpose, and amount of each individual grant, loan, or donation received by the community-based development organization during the reporting period.

(3) The number of paid and voluntary positions within the community-based development organization.

(4) A listing of the salaries and administrative and operating expenses of the community-based development organization.

(5) An identification and explanation of changes in the boundaries of the target area.

(6) The amount of earned income from projects, programs, and development activities.

(7) The number and description of projects in predevelopment phase, projects under construction, ongoing service programs, construction projects completed, and projects at sell-out or lease-up and property management phase, and a written explanation of the reasons that caused any projects not to be completed for the projected development phase.

(8) The impact of the projects, as a result of receiving

HB 7247

2011

13466 funding under this act, on residents in the target area, and the  
13467 relationship of this impact to expected outcomes listed in the  
13468 organization's annual revitalization plan.

13469 (9) The number of housing units rehabilitated or  
13470 constructed at various stages of development, predevelopment  
13471 phase, construction phase, completion and sell-out or lease-up  
13472 phase, and condominium or property management phase by the  
13473 community-based development organization within the service area  
13474 during the reporting period.

13475 (10) The number of housing units, number of projects, and  
13476 number of persons served by prior projects developed by the  
13477 organization, the amounts of project financing leverage with  
13478 state funds for each prior and current project, and the  
13479 incremental amounts of local and state real estate tax and sales  
13480 tax revenue generated directly by the projects and programs  
13481 annually.

13482 (11) The number of jobs, both permanent and temporary,  
13483 received by individuals who were directly assisted by the  
13484 community-based development organization through assistance to  
13485 the business such as a loan or other credit assistance.

13486 (12) An identification and explanation of changes in the  
13487 boundaries of the service area.

13488 (13) The impact of completed projects on residents in the  
13489 target area and the relationship of this impact to expected  
13490 outcomes listed in the organization's annual revitalization  
13491 plan.

13492 (14) Such other information as the Department of Economic  
13493 Opportunity ~~Community Affairs~~ requires.

HB 7247

2011

13494 Section 233. Section 163.462, Florida Statutes, is amended  
13495 to read:

13496 163.462 Rulemaking authority.—The Department of Economic  
13497 Opportunity ~~Community Affairs~~ shall adopt rules for the  
13498 administration of this act.

13499 Section 234. Subsection (1) of section 163.5055, Florida  
13500 Statutes, is amended to read:

13501 163.5055 Registration of district establishment; notice of  
13502 dissolution.—

13503 (1)(a) Each neighborhood improvement district authorized  
13504 and established under this part shall within 30 days thereof  
13505 register with both the Department of Economic Opportunity  
13506 ~~Community Affairs~~ and the Department of Legal Affairs by  
13507 providing these departments with the district's name, location,  
13508 size, and type, and such other information as the departments  
13509 may require.

13510 (b) Each local governing body which authorizes the  
13511 dissolution of a district shall notify both the Department of  
13512 Economic Opportunity ~~Community Affairs~~ and the Department of  
13513 Legal Affairs within 30 days after the dissolution of the  
13514 district.

13515 Section 235. Paragraph (h) of subsection (1) of section  
13516 163.506, Florida Statutes, is amended to read:

13517 163.506 Local government neighborhood improvement  
13518 districts; creation; advisory council; dissolution.—

13519 (1) After a local planning ordinance has been adopted  
13520 authorizing the creation of local government neighborhood  
13521 improvement districts, the local governing body of a

HB 7247

2011

municipality or county may create local government neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(h) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity ~~Community Affairs~~ in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 236. Paragraph (g) of subsection (1) of section 163.508, Florida Statutes, is amended to read:

163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.—

(1) After a local planning ordinance has been adopted authorizing the creation of property owners' association neighborhood improvement districts, the local governing body of a municipality or county may create property owners' association neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(g) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity ~~Community Affairs~~ in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

Section 237. Paragraph (i) of subsection (1) of section 163.511, Florida Statutes, is amended to read:

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.—

(1) After a local planning ordinance has been adopted authorizing the creation of special neighborhood improvement districts, the governing body of a municipality or county may

HB 7247

2011

13550 declare the need for and create special residential or business  
13551 neighborhood improvement districts by the enactment of a  
13552 separate ordinance for each district, which ordinance:

13553 (i) Requires the district to notify the Department of  
13554 Legal Affairs and the Department of Economic Opportunity  
13555 ~~Community Affairs~~ in writing of its establishment within 30 days  
13556 thereof pursuant to s. 163.5055.

13557 Section 238. Paragraph (i) of subsection (1) of section  
13558 163.512, Florida Statutes, is amended to read:

13559 163.512 Community redevelopment neighborhood improvement  
13560 districts; creation; advisory council; dissolution.—

13561 (1) Upon the recommendation of the community redevelopment  
13562 agency and after a local planning ordinance has been adopted  
13563 authorizing the creation of community redevelopment neighborhood  
13564 improvement districts, the local governing body of a  
13565 municipality or county may create community redevelopment  
13566 neighborhood improvement districts by the enactment of a  
13567 separate ordinance for each district, which ordinance:

13568 (i) Requires the district to notify the Department of  
13569 Legal Affairs and the Department of Economic Opportunity  
13570 ~~Community Affairs~~ in writing of its establishment within 30 days  
13571 thereof pursuant to s. 163.5055.

13572 Section 239. Subsection (6) of section 165.031, Florida  
13573 Statutes, is amended to read:

13574 165.031 Definitions.—The following terms and phrases, when  
13575 used in this chapter, shall have the meanings ascribed to them  
13576 in this section, except where the context clearly indicates a  
13577 different meaning:

HB 7247

2011

13578 (6) "Department" means the Department of Economic  
13579 Opportunity Community Affairs.

13580 Section 240. Subsection (1) of section 171.204, Florida  
13581 Statutes, is amended to read:

13582 171.204 Prerequisites to annexation under this part.—The  
13583 interlocal service boundary agreement may describe the character  
13584 of land that may be annexed under this part and may provide that  
13585 the restrictions on the character of land that may be annexed  
13586 pursuant to part I are not restrictions on land that may be  
13587 annexed pursuant to this part. As determined in the interlocal  
13588 service boundary agreement, any character of land may be  
13589 annexed, including, but not limited to, an annexation of land  
13590 not contiguous to the boundaries of the annexing municipality,  
13591 an annexation that creates an enclave, or an annexation where  
13592 the annexed area is not reasonably compact; however, such area  
13593 must be "urban in character" as defined in s. 171.031(8). The  
13594 interlocal service boundary agreement may not allow for  
13595 annexation of land within a municipality that is not a party to  
13596 the agreement or of land that is within another county. Before  
13597 annexation of land that is not contiguous to the boundaries of  
13598 the annexing municipality, an annexation that creates an  
13599 enclave, or an annexation of land that is not currently served  
13600 by water or sewer utilities, one of the following options must  
13601 be followed:

13602 (1) The municipality shall transmit a comprehensive plan  
13603 amendment that proposes specific amendments relating to the  
13604 property anticipated for annexation to the Department of  
13605 Economic Opportunity Community Affairs for review under chapter

HB 7247

2011

13606 163. After considering the department's review, the municipality  
13607 may approve the annexation and comprehensive plan amendment  
13608 concurrently. The local government must adopt the annexation and  
13609 the comprehensive plan amendment as separate and distinct  
13610 actions but may take such actions at a single public hearing; or

13611       Section 241. Subsection (4) of section 189.403, Florida  
13612 Statutes, is amended to read:

13613       189.403 Definitions.—As used in this chapter, the term:

13614       (4) "Department" means the Department of Financial  
13615 Services ~~Community Affairs~~.

13616       Section 242. Subsection (1) of section 189.4035, Florida  
13617 Statutes, is amended to read:

13618       189.4035 Preparation of official list of special  
13619 districts.—

13620       (1) The department ~~of Community Affairs~~ shall compile the  
13621 official list of special districts. The official list of special  
13622 districts shall include all special districts in this state and  
13623 shall indicate the independent or dependent status of each  
13624 district. All special districts in the list shall be sorted by  
13625 county. The definitions in s. 189.403 shall be the criteria for  
13626 determination of the independent or dependent status of each  
13627 special district on the official list. The status of community  
13628 development districts shall be independent on the official list  
13629 of special districts.

13630       Section 243. Section 189.412, Florida Statutes, is amended  
13631 to read:

13632       189.412 Special District Information Program; duties and  
13633 responsibilities.—The Special District Information Program of

HB 7247

2011

the department of ~~Community Affairs~~ is created and has the following special duties:

(1) The collection and maintenance of special district noncompliance status reports from the Department of Management Services, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, and the Auditor General for the reporting required in ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance reports must list those special districts that did not comply with the statutory reporting requirements.

(2) The maintenance of a master list of independent and dependent special districts which shall be available on the department's website.

(3) The publishing and updating of a "Florida Special District Handbook" that contains, at a minimum:

(a) A section that specifies definitions of special districts and status distinctions in the statutes.

(b) A section or sections that specify current statutory provisions for special district creation, implementation, modification, dissolution, and operating procedures.

(c) A section that summarizes the reporting requirements applicable to all types of special districts as provided in ss. 189.417 and 189.418.

(4) When feasible, securing and maintaining access to special district information collected by all state agencies in existing or newly created state computer systems.

(5) The facilitation of coordination and communication among state agencies regarding special district information.



HB 7247

2011

(6) The conduct of studies relevant to special districts.

(7) The provision of assistance related to and appropriate in the performance of requirements specified in this chapter, including assisting with an annual conference sponsored by the Florida Association of Special Districts or its successor.

(8) Providing assistance to local general-purpose governments and certain state agencies in collecting delinquent reports or information, helping special districts comply with reporting requirements, declaring special districts inactive when appropriate, and, when directed by the Legislative Auditing Committee, initiating enforcement provisions as provided in ss. 189.4044, 189.419, and 189.421.

Section 244. Section 189.413, Florida Statutes, is amended to read:

189.413 Special districts; oversight of state funds use.— Any state agency administering funding programs for which special districts are eligible shall be responsible for oversight of the use of such funds by special districts. The oversight responsibilities shall include, but not be limited to:

(1) Reporting the existence of the program to the Special District Information Program of the department ~~of Community Affairs~~.

(2) Submitting annually a list of special districts participating in a state funding program to the Special District Information Program of the department ~~of Community Affairs~~. This list must indicate the special districts, if any, that are not in compliance with state funding program requirements.

HB 7247

2011

Section 245. Section 189.425, Florida Statutes, is amended to read:

189.425 Rulemaking authority.—The department ~~of Community Affairs~~ may adopt rules to implement the provisions of this chapter.

Section 246. Section 189.427, Florida Statutes, is amended to read:

189.427 Fee schedule; Operating Trust Fund.—The department ~~of Community Affairs~~, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed \$175 per district per year. The fees collected under this section shall be deposited in the Operating Trust Fund, which shall be administered by the department ~~of Community Affairs~~. Any fee rule must consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Financial Services. The department may assess fines of not more than \$25, with an aggregate total not to exceed \$50, as penalties against special districts that fail to remit required fees to the department. It is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.

Section 247. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Department of Financial Services ~~Community Affairs~~ shall keep a current list of districts and their disclosures

HB 7247

2011

pursuant to this act and shall make such studies and reports and take such actions as it deems necessary.

Section 248. Section 190.047, Florida Statutes, is amended to read:

190.047 Incorporation or annexation of district.—

(1) Upon attaining the population standards for incorporation contained in s. 165.061 and as determined by the Department of Financial Services ~~Community Affairs~~, any district wholly contained within the unincorporated area of a county that also meets the other requirements for incorporation contained in s. 165.061 shall hold a referendum at a general election on the question of whether to incorporate. However, any district contiguous to the boundary of a municipality may be annexed to such municipality pursuant to the provisions of chapter 171.

(2) The Department of Financial Services ~~Community Affairs~~ shall annually monitor the status of the district for purposes of carrying out the provisions of this section.

Section 249. Subsection (1) of section 191.009, Florida Statutes, is amended to read:

191.009 Taxes; non-ad valorem assessments; impact fees and user charges.—

(1) AD VALOREM TAXES.—An elected board may levy and assess ad valorem taxes on all taxable property in the district to construct, operate, and maintain district facilities and services, to pay the principal of, and interest on, general obligation bonds of the district, and to provide for any sinking or other funds established in connection with such bonds. An ad valorem tax levied by the board for operating purposes,

HB 7247

2011

exclusive of debt service on bonds, may not exceed 3.75 mills unless a higher amount has been previously authorized by law, subject to a referendum as required by the State Constitution and this act. The ballot question on such referendum shall state the currently authorized millage rate and the year of its approval by referendum. The levy of ad valorem taxes pursuant to this section must be approved by referendum called by the board when the proposed levy of ad valorem taxes exceeds the amount authorized by prior special act, general law of local application, or county ordinance approved by referendum. Nothing in this act shall require a referendum on the levy of ad valorem taxes in an amount previously authorized by special act, general law of local application, or county ordinance approved by referendum. Such tax shall be assessed, levied, and collected in the same manner as county taxes. The levy of ad valorem taxes approved by referendum shall be reported within 60 days after the vote to the Department of Financial Services ~~Community Affairs~~.

Section 250. Section 191.015, Florida Statutes, is amended to read:

191.015 Codification.—Each fire control district existing on the effective date of this section, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the

HB 7247

2011

13773 Legislature for reenactment, shall provide for the repeal of all  
13774 prior special acts of the Legislature relating to the district.  
13775 The codified act shall be filed with the Department of Financial  
13776 Services ~~Community Affairs~~ pursuant to s. 189.418(2).

13777 Section 251. Paragraph (c) of subsection (1) and paragraph  
13778 (a) of subsection (10) of section 201.15, Florida Statutes, as  
13779 amended by chapter 2010-153, Laws of Florida, are amended to  
13780 read:

13781 201.15 Distribution of taxes collected.—All taxes  
13782 collected under this chapter are subject to the service charge  
13783 imposed in s. 215.20(1). Prior to distribution under this  
13784 section, the Department of Revenue shall deduct amounts  
13785 necessary to pay the costs of the collection and enforcement of  
13786 the tax levied by this chapter. Such costs and the service  
13787 charge may not be levied against any portion of taxes pledged to  
13788 debt service on bonds to the extent that the costs and service  
13789 charge are required to pay any amounts relating to the bonds.  
13790 After distributions are made pursuant to subsection (1), all of  
13791 the costs of the collection and enforcement of the tax levied by  
13792 this chapter and the service charge shall be available and  
13793 transferred to the extent necessary to pay debt service and any  
13794 other amounts payable with respect to bonds authorized before  
13795 January 1, 2010, secured by revenues distributed pursuant to  
13796 subsection (1). All taxes remaining after deduction of costs and  
13797 the service charge shall be distributed as follows:

13798 (1) Sixty-three and thirty-one hundredths percent of the  
13799 remaining taxes shall be used for the following purposes:

13800 (c) After the required payments under paragraphs (a) and

HB 7247

2011

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

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or \$541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

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

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

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

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

2. The Grants and Donations Trust Fund in the Department

HB 7247

2011

13829 of Economic Opportunity ~~the Department of Community Affairs~~ in  
13830 the amount of the lesser of .23 percent of the remainder or  
13831 \$3.25 million in each fiscal year, with 92 percent to be used to  
13832 fund technical assistance to local governments and school boards  
13833 on the requirements and implementation of this act and the  
13834 remaining amount to be used to fund the Century Commission  
13835 established in s. 163.3247.

13836 3. The Ecosystem Management and Restoration Trust Fund in  
13837 the amount of the lesser of 2.12 percent of the remainder or \$30  
13838 million in each fiscal year, to be used for the preservation and  
13839 repair of the state's beaches as provided in ss. 161.091-  
13840 161.212.

13841 4. General Inspection Trust Fund in the amount of the  
13842 lesser of .02 percent of the remainder or \$300,000 in each  
13843 fiscal year to be used to fund oyster management and restoration  
13844 programs as provided in s. 379.362(3).

13845  
13846 Moneys distributed pursuant to this paragraph may not be pledged  
13847 for debt service unless such pledge is approved by referendum of  
13848 the voters.

13849 (10) The lesser of 8.66 percent of the remaining taxes or  
13850 \$136 million in each fiscal year shall be paid into the State  
13851 Treasury to the credit of the State Housing Trust Fund and used  
13852 as follows:

13853 (a) Twelve and one-half percent of that amount shall be  
13854 deposited into the State Housing Trust Fund and be expended by  
13855 the Department of Economic Opportunity ~~the Department of~~  
13856 ~~Community Affairs~~ and by the Florida Housing Finance Corporation

HB 7247

2011

for the purposes for which the State Housing Trust Fund was created and exists by law.

Section 252. Paragraph (j) of subsection (4) of section 215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants as funding allows. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include the following:

(4) ADVISORY COUNCIL.—There is created an advisory council to provide advice and assistance to the department regarding administration of the program. The advisory council shall consist of:

(j) The director of the ~~Florida~~ Division of Emergency Management.

Members appointed under paragraphs (a)-(d) shall serve at the



HB 7247

2011

13885 pleasure of the Financial Services Commission. Members appointed  
13886 under paragraphs (e) and (f) shall serve at the pleasure of the  
13887 appointing officer. All other members shall serve ex officio as  
13888 voting ~~ex officio~~ members. Members of the advisory council shall  
13889 serve without compensation but may receive reimbursement as  
13890 provided in s. 112.061 for per diem and travel expenses incurred  
13891 in the performance of their official duties.

13892 Section 253. Section 215.55865, Florida Statutes, is  
13893 amended to read:

13894 215.55865 Uniform home grading scale.—The Financial  
13895 Services Commission shall adopt a uniform home grading scale to  
13896 grade the ability of a home to withstand the wind load from a  
13897 sustained severe tropical storm or hurricane. The commission  
13898 shall coordinate with the Office of Insurance Regulation, the  
13899 Department of Financial Services, and the Department of Economic  
13900 Opportunity ~~Community Affairs~~ in developing the grading scale,  
13901 which must be based upon and consistent with the rating system  
13902 required by chapter 2006-12, Laws of Florida. The commission  
13903 shall adopt the uniform grading scale by rule no later than June  
13904 30, 2007.

13905 Section 254. Subsection (1) of section 215.5588, Florida  
13906 Statutes, is amended to read:

13907 215.5588 Florida Disaster Recovery Program.—

13908 (1) The Department of Economic Opportunity ~~Department of~~  
13909 ~~Community Affairs~~ shall implement the 2006 Disaster Recovery  
13910 Program from funds provided through the Emergency Supplemental  
13911 Appropriations Act for Defense, the Global War on Terror, and  
13912 Hurricane Recovery, 2006, for the purpose of assisting local

HB 7247

2011

governments in satisfying disaster recovery needs in the areas of low-income housing and infrastructure, with a primary focus on the hardening of single-family and multifamily housing units, not only to ensure that affordable housing can withstand the effects of hurricane-force winds, but also to mitigate the increasing costs of insurance, which may ultimately render existing affordable homes unaffordable or uninsurable. This section does not create an entitlement for local governments or property owners or obligate the state in any way to fund disaster recovery needs.

Section 255. Subsection (2) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Information Program of the Department of Financial Services ~~Community Affairs~~ showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report. The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local

HB 7247

2011

governmental entity. For purposes of this paragraph, the term "long-term debt" means any agreement or series of agreements to pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

Section 256. Paragraph (g) of subsection (1) of section 218.37, Florida Statutes, is amended to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the State Board of Administration, with respect to both general obligation bonds and revenue bonds, shall:

(g) By January 1 each year, provide the Special District Information Program of the Department of Financial Services ~~Community Affairs~~ with a list of special districts that are not in compliance with the requirements in s. 218.38.

Section 257. Paragraph (c) of subsection (1) of section 218.411, Florida Statutes, is amended to read:

218.411 Authorization for state technical and advisory assistance.—

(1) The board is authorized, upon request, to assist local governments in investing funds that are temporarily in excess of operating needs by:

(c) Providing, in cooperation with the Department of Financial Services ~~Community Affairs~~, technical assistance to local governments in investment of surplus funds.

Section 258. Paragraph (d) of subsection (2) and paragraph (e) of subsection (4) of section 220.183, Florida Statutes, are amended to read:

HB 7247

2011

13969 220.183 Community contribution tax credit.—

13970 (2) ELIGIBILITY REQUIREMENTS.—

13971 (d) The project shall be located in an area designated as  
13972 an enterprise zone or a Front Porch Florida Community pursuant  
13973 to ~~s. 20.18(6)~~. Any project designed to construct or  
13974 rehabilitate housing for low-income or very-low-income  
13975 households as defined in s. 420.9071(19) and (28) is exempt from  
13976 the area requirement of this paragraph. This section does not  
13977 preclude projects that propose to construct or rehabilitate  
13978 housing for low-income or very-low-income households on  
13979 scattered sites. Any project designed to provide increased  
13980 access to high-speed broadband capabilities which includes  
13981 coverage of a rural enterprise zone may locate the project's  
13982 infrastructure in any area of a rural county.

13983 (4) ADMINISTRATION.—

13984 (e) The Department of Economic Opportunity ~~The Office of~~  
13985 ~~Tourism, Trade, and Economic Development shall, in consultation~~  
13986 ~~with the Department of Community Affairs,~~ the Florida Housing  
13987 Finance Corporation, and the statewide and regional housing and  
13988 financial intermediaries, shall market the availability of the  
13989 community contribution tax credit program to community-based  
13990 organizations.

13991 Section 259. Section 252.34, Florida Statutes, is amended  
13992 to read:

13993 252.34 Definitions.—As used in this part ~~ss. 252.31–~~  
13994 ~~252.60~~, the term:

13995 (1) "Disaster" means any natural, technological, or civil  
13996 emergency that causes damage of sufficient severity and

HB 7247

2011

13997 magnitude to result in a declaration of a state of emergency by  
13998 a county, the Governor, or the President of the United States.  
13999 Disasters are ~~shall be~~ identified by the severity of resulting  
14000 damage, as follows:

14001       (a) "Catastrophic disaster" means a disaster that will  
14002 require massive state and federal assistance, including  
14003 immediate military involvement.

14004       (b) "Major disaster" means a disaster that will likely  
14005 exceed local capabilities and require a broad range of state and  
14006 federal assistance.

14007       (c) "Minor disaster" means a disaster that is likely to be  
14008 within the response capabilities of local government and to  
14009 result in only a minimal need for state or federal assistance.

14010       (2) "Division" means the Division of Emergency Management  
14011 of the Executive Office of the Governor ~~of the Department of~~  
14012 ~~Community Affairs~~, or the successor to that division.

14013       (3) "Emergency" means any occurrence, or threat thereof,  
14014 whether natural, technological, or manmade, in war or in peace,  
14015 which results or may result in substantial injury or harm to the  
14016 population or substantial damage to or loss of property.

14017       (4) "Emergency management" means the preparation for, the  
14018 mitigation of, the response to, and the recovery from  
14019 emergencies and disasters. Specific emergency management  
14020 responsibilities include, but are not limited to:

14021       (a) Reduction of vulnerability of people and communities  
14022 of this state to damage, injury, and loss of life and property  
14023 resulting from natural, technological, or manmade emergencies or  
14024 hostile military or paramilitary action.

HB 7247

2011

(b) Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies.

(c) Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.

(d) Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.

(e) Provision of an emergency management system embodying all aspects of preemergency preparedness and postemergency response, recovery, and mitigation.

(f) Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(5) "Local emergency management agency" means an organization created in accordance with ~~the provisions of ss.~~ 252.31-252.90 to discharge the emergency management responsibilities and functions of a political subdivision.

(6) "Manmade emergency" means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government.

(7) "Natural emergency" means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.

(8) "Political subdivision" means any county or municipality created pursuant to law.

HB 7247

2011

(9) "Technological emergency" means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident.

Section 260. Subsection (2) of section 252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice.—

(2) The division ~~Department of Community Affairs~~ shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

Section 261. Section 252.371, Florida Statutes, is amended to read:

252.371 Emergency Management, Preparedness, and Assistance Trust Fund.—There is created the Emergency Management, Preparedness, and Assistance Trust Fund to be administered by the division ~~Department of Community Affairs~~.

Section 262. Subsections (1) and (2) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—

(1) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the division ~~Department of Community Affairs~~ for the following purposes:

(a) To implement and administer state and local emergency management programs, including administration, training, and operations.

HB 7247

2011

(b) For grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

(c) To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

(2) The division ~~department~~ shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or



HB 7247

2011

2. If the county has fewer than 75,000 population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(b), that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

(b) Specifying a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount.

(c) Specifying match requirements.

(d) Preferential funding to provide incentives to counties and municipalities to participate in mutual aid agreements.

Section 263. Subsection (5) of section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing.—

(5) The wing commander of the Florida Wing of the Civil Air Patrol shall biennially furnish the Division ~~Bureau~~ of Emergency Management a 2-year projection of the goals and objectives of the Civil Air Patrol which shall be reported in the division's biennial report submitted pursuant to s. 252.35.

Section 264. Subsection (4) of section 252.60, Florida Statutes, is amended to read:

252.60 Radiological emergency preparedness.—

(4) POWERS AND DUTIES.—In implementing the requirements of this section, the director of the division ~~secretary of the department~~, or the director's ~~secretary's~~ designated representative, shall:

(a) Negotiate and enter into such additional contracts and

HB 7247

2011

14137 arrangements among the division, appropriate counties, and each  
14138 operator to provide for the level of funding and the respective  
14139 roles of each in the development, preparation, testing, and  
14140 implementation of the plans.

14141 (b) Evaluate and determine the adequacy of the plans based  
14142 upon consultations with the United States Nuclear Regulatory  
14143 Commission and other agencies, as appropriate, and upon the  
14144 results of such tests as may be conducted.

14145 (c) Limited to such funding as is available based upon the  
14146 requirements of subsection (5), require the participation of  
14147 appropriate counties and operators in the development,  
14148 preparation, testing, or implementation of the plans as needed.

14149 (d) Determine the reasonableness and adequacy of the  
14150 provisions, terms, and conditions of the plans and, in the event  
14151 the appropriate counties and the operators cannot agree, resolve  
14152 such differences and require compliance by the appropriate  
14153 counties and the operators with the plans. In resolving such  
14154 differences, the director ~~secretary~~ shall consider:

14155 1. The requirements and parameters placed on the operators  
14156 by federal law and agencies;

14157 2. The reasonableness and adequacy of the funding for  
14158 appropriate counties from any sources of funds other than local  
14159 revenue sources; and

14160 3. The reasonableness and appropriateness of the costs to  
14161 the appropriate counties likely to be incurred in complying with  
14162 provisions, terms, and conditions of the plans.

14163 (e) Receive, expend, and disburse such funds as are made  
14164 available by each licensee pursuant to this section.

HB 7247

2011

(f) Limited to such funding as is available based upon the requirements of subsection (5), coordinate all activities undertaken pursuant to this section or required of appropriate counties and operators by any federal or state agency.

Section 265. Section 252.61, Florida Statutes, is amended to read:

252.61 List of persons for contact relating to release of toxic substances into atmosphere.—The Division of Emergency Management ~~Department of Community Affairs~~ shall maintain a list of contact persons ~~after the survey pursuant to s. 403.771 is completed.~~

Section 266. Section 252.82, Florida Statutes, is amended to read:

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

(1) "Commission" means the State Hazardous Materials Emergency Response Commission created pursuant to s. 301 of EPCRA.

(2) "Committee" means any local emergency planning committee established in the state pursuant to s. 301 of EPCRA.

(3) "Division" means the Division of Emergency Management of the Executive Office of the Governor.

~~(3) "Department" means the Department of Community Affairs.~~

(4) "Facility" means facility as defined in s. 329 of EPCRA. Vehicles placarded according to title 49 Code of Federal Regulations are ~~shall~~ not be considered a facility except for purposes of s. 304 of EPCRA.

(5) "Hazardous material" means any hazardous chemical,

HB 7247

2011

toxic chemical, or extremely hazardous substance, as defined in s. 329 of EPCRA.

(6) "EPCRA" means the Emergency Planning and Community Right-to-Know Act of 1986, title III of the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, ss. 300-329, 42 U.S.C. ss. 11001 et seq.; and federal regulations adopted thereunder.

(7) "Trust fund" means the Operating Trust Fund of the division ~~Department of Community Affairs~~.

Section 267. Section 252.83, Florida Statutes, is amended to read:

252.83 Powers and duties of the division ~~department~~.

(1) The division ~~department~~ shall have the authority:

(a) To coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities under part I of this chapter, and activities and with the related activities of other agencies, keeping separate accounts for all activities supported or partially supported from the Operating Trust Fund.

(b) To make rules, with the advice and consent of the commission, to implement this part.

(2) The division ~~department~~ shall provide administrative support, including staff, facilities, materials, and services, to the commission and shall provide funding to the committees to enable the commission and the committees to perform their functions under EPCRA and this part.

(3) The division ~~department~~ and the commission, to the extent possible, shall use the emergency planning capabilities

HB 7247

2011

14221 of local governments to reduce duplication and paperwork to  
14222 achieve the intent of this part. It is the intent of the  
14223 Legislature that this part be implemented in the most cost-  
14224 efficient manner possible, with the least possible financial  
14225 impact on local government and the community.

14226 Section 268. Subsections (1), (3), (4), and (5) of section  
14227 252.85, Florida Statutes, are amended to read:

14228 252.85 Fees.—

14229 (1) Any owner or operator of a facility required under s.  
14230 302 or s. 312 of EPCRA, or by s. 252.87, to submit a  
14231 notification or an annual inventory form to the commission shall  
14232 be required to pay an annual registration fee. The fee for any  
14233 company, including all facilities under common ownership or  
14234 control, shall not be less than \$25 nor more than \$2,000. The  
14235 division ~~department~~ shall establish a reduced fee, of not less  
14236 than \$25 nor more than \$500, applicable to any owner or operator  
14237 regulated under part I of chapter 368, chapter 527, or s.  
14238 376.303, which does not have present any extremely hazardous  
14239 substance, as defined by EPCRA, in excess of a threshold  
14240 planning quantity, as established by EPCRA. The division  
14241 ~~department~~ shall establish a reduced fee of not less than \$25  
14242 nor more than \$1,000, applicable to any owner or operator of a  
14243 facility with a Standard Industrial Classification Code of 01,  
14244 02, or 07, which is eligible for the "routine agricultural use"  
14245 exemption provided in ss. 311 and 312 of EPCRA. The fee under  
14246 this subsection shall be based on the number of employees  
14247 employed within the state at facilities under the common  
14248 ownership or control of such owner or operator, which number

HB 7247

2011

shall be determined, to the extent possible, in accordance with data supplied by the Department of Economic Opportunity or the Department of Revenue ~~the Department of Labor and Employment Security~~. In order to avoid the duplicative reporting of seasonal and temporary agricultural employees, fees applicable to owners or operators of agricultural facilities, which are eligible for the "routine agricultural use" reporting exemption provided in ss. 311 and 312 of EPCRA, shall be based on employee data which most closely reflects such owner or operator's permanent nonseasonal workforce. The division ~~department~~ shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection without regard to the number of facilities under common ownership or control. The division ~~department~~ may require owners or operators of multiple facilities to demonstrate common ownership or control for purposes of this subsection.

(3) Any owner or operator of a facility that is required to submit a report or filing under s. 313 of EPCRA shall pay an annual reporting fee not to exceed \$150 for those s. 313 EPCRA listed substances in effect on January 1, 2005. The division ~~department~~ shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection.

(4)(a) The division ~~department~~ may assess a late fee for the failure to submit a report or filing that substantially complies with the requirements of EPCRA or s. 252.87 by the specified date or for failure to pay any fee, including any late

HB 7247

2011

14277 fee, required by this section. This late fee shall be in  
14278 addition to the fee otherwise imposed pursuant to this section.  
14279 If the division ~~department~~ elects to impose a late fee, it shall  
14280 provide the owner or operator with a written notice that  
14281 identifies the specific requirements which have not been met and  
14282 advises of its intent to assess a late fee.

14283 (b) The division ~~department~~ may impose a late fee, subject  
14284 to the limitations set forth below:

14285 1. If the report, filing, or fee is submitted within 30  
14286 days after the receipt of the division's ~~department's~~ notice, no  
14287 late fee may be assessed.

14288 2. If the report, filing, or fee is not submitted within  
14289 30 days after the receipt of the division's ~~department's~~ notice,  
14290 the division ~~department~~ may impose a late fee in an amount equal  
14291 to the amount of the annual registration fee, filing fee, or s.  
14292 313 fee due, not to exceed \$2,000.

14293 3. If the report, filing, or fee is not submitted within  
14294 90 days after the receipt of the division's ~~department's~~ notice,  
14295 the division ~~department~~ may issue a second notice. If the  
14296 report, filing, or fee is not submitted within 30 days after  
14297 receipt of the division's ~~department's~~ second notice, the  
14298 division ~~department~~ may assess a second late fee in an amount  
14299 equal to twice the amount of the annual registration fee, filing  
14300 fee, or s. 313 fee due, not to exceed \$4,000.

14301 4. The division ~~department~~ may consider, but is not  
14302 limited to considering, the following factors in assessing late  
14303 fees: good faith attempt to comply; history of noncompliance;  
14304 ability to pay or continue in business; threat to health and

HB 7247

2011

14305 safety posed by noncompliance; and degree of culpability.

14306 (5) The division ~~department~~ shall establish by rule the  
14307 dates by which the fee is to be paid, as well as a formula or  
14308 method of determining the facility registration fee and late  
14309 fee.

14310 Section 269. Subsections (1) and (3) of section 252.86,  
14311 Florida Statutes, are amended to read:

14312 252.86 Penalties and remedies.—

14313 (1) The owner or operator of a facility, an employer, or  
14314 any other person submitting written information pursuant to  
14315 EPCRA or this part to the commission, a committee, or a fire  
14316 department shall be liable for a civil penalty of \$5,000 for  
14317 each item of information in the submission that is false, if  
14318 such person knew or should have known the information was false  
14319 or if such person submitted the information with reckless  
14320 disregard of its truth or falsity. The division ~~department~~ may  
14321 institute a civil action in a court of competent jurisdiction to  
14322 impose and recover a civil penalty for the amount indicated in  
14323 this subsection. However, the court may receive evidence in  
14324 mitigation.

14325 (3) Any provision of s. 325 or s. 326 of EPCRA which  
14326 creates a federal cause of action shall create a corresponding  
14327 cause of action under state law, with jurisdiction in the  
14328 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which  
14329 imposes or authorizes the imposition of a civil penalty by the  
14330 Administrator of the Environmental Protection Agency, or which  
14331 creates a liability to the United States, shall impose or  
14332 authorize the imposition of such a penalty by the division



HB 7247

2011

14333 ~~department~~ or create such a liability to and for the benefit of  
14334 the state, to be paid into the Operating Trust Fund. Venue shall  
14335 be proper in the county where the violation occurred or where  
14336 the defendant has its principal place of business.

14337 Section 270. Subsections (4) and (7) of section 252.87,  
14338 Florida Statutes, are amended to read:

14339 252.87 Supplemental state reporting requirements.—

14340 (4) Each employer that owns or operates a facility in this  
14341 state at which hazardous materials are present in quantities at  
14342 or above the thresholds established under ss. 311(b) and 312(b)  
14343 of EPCRA shall comply with the reporting requirements of ss. 311  
14344 and 312 of EPCRA. Such employer shall also be responsible for  
14345 notifying the division ~~department~~, the local emergency planning  
14346 committee, and the local fire department in writing within 30  
14347 days if there is a discontinuance or abandonment of the  
14348 employer's business activities that could affect any stored  
14349 hazardous materials.

14350 (7) The division ~~department~~ shall avoid duplicative  
14351 reporting requirements by utilizing the reporting requirements  
14352 of other state agencies that regulate hazardous materials to the  
14353 extent feasible and shall request the information authorized  
14354 under EPCRA. With the advice and consent of the State Emergency  
14355 Response Commission for Hazardous Materials, the division  
14356 ~~department~~ may require by rule that the maximum daily amount  
14357 entry on the chemical inventory report required under s. 312 of  
14358 EPCRA provide for reporting in estimated actual amounts. The  
14359 division ~~department~~ may also require by rule an entry for the  
14360 Federal Employer Identification Number on this report. To the

HB 7247

2011

14361 extent feasible, the division ~~department~~ shall encourage and  
14362 accept required information in a form initiated through  
14363 electronic data interchange and shall describe by rule the  
14364 format, manner of execution, and method of electronic  
14365 transmission necessary for using such form. To the extent  
14366 feasible, the Department of Financial Services, the Department  
14367 of Agriculture and Consumer Services, the Department of  
14368 Environmental Protection, the Public Service Commission, the  
14369 Department of Revenue, ~~the Department of Labor and Employment~~  
14370 ~~Security~~, and other state agencies which regulate hazardous  
14371 materials shall coordinate with the division ~~department~~ in order  
14372 to avoid duplicative requirements contained in each agency's  
14373 respective reporting or registration forms. The other state  
14374 agencies that inspect facilities storing hazardous materials and  
14375 suppliers and distributors of covered substances shall assist  
14376 the division ~~department~~ in informing the facility owner or  
14377 operator of the requirements of this part. The division  
14378 ~~department~~ shall provide the other state agencies with the  
14379 necessary information and materials to inform the owners and  
14380 operators of the requirements of this part to ensure that the  
14381 budgets of these agencies are not adversely affected.

14382 Section 271. Subsection (4) of section 252.88, Florida  
14383 Statutes, is amended to read:

14384 252.88 Public records.—

14385 (4) The division ~~department~~, the commission, and the  
14386 committees shall furnish copies of public records submitted  
14387 under EPCRA or this part, and may charge a fee of \$1 per page  
14388 per person per year for over 25 pages of materials copied.

HB 7247

2011

14389 Section 272. Subsections (3), (8), (9), and (19) of  
14390 section 252.936, Florida Statutes, are amended to read:

14391 252.936 Definitions.—As used in this part, the term:

14392 (3) "Audit" means a review of information at, ~~a stationary~~  
14393 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary  
14394 source subject to s. 112(r)(7), to determine whether that  
14395 stationary source is in compliance with ~~the requirements of this~~  
14396 part and rules adopted to administer ~~implement~~ this part. Audits  
14397 must include a review of the adequacy of the stationary source's  
14398 Risk Management Plan, may consist of reviews of information  
14399 submitted to the division ~~department~~ or the United States  
14400 Environmental Protection Agency to determine whether the plan is  
14401 complete or whether revisions to the plan are needed, and the  
14402 reviews may be conducted at the stationary source to confirm  
14403 that information onsite is consistent with reported information.

14404 (8) "Division" means the Division of Emergency Management  
14405 in the Executive Office of the Governor. ~~"Department" means the~~  
14406 ~~Department of Community Affairs.~~

14407 (9) "Inspection" means a review of information at a  
14408 stationary source subject to s. 112(r)(7), including  
14409 documentation and operating practices and access to the source  
14410 and to any area where an accidental release could occur, to  
14411 determine whether the stationary source is in compliance with  
14412 ~~the requirements of this part or rules adopted to~~ administer  
14413 ~~implement~~ this part.

14414 (19) "Trust fund" means the Operating Trust Fund of the  
14415 ~~established in the department's~~ Division of Emergency  
14416 Management.

HB 7247

2011

14417 Section 273. Section 252.937, Florida Statutes, is amended  
14418 to read:

14419 252.937 Division ~~Department~~ powers and duties.—

14420 (1) The division ~~department~~ has the power and duty to:

14421 (a)1. Seek delegation from the United States Environmental  
14422 Protection Agency to implement the Accidental Release Prevention  
14423 Program under s. 112(r)(7) of the Clean Air Act and the federal  
14424 implementing regulations for specified sources subject to s.  
14425 112(r)(7) of the Clean Air Act. Implementation for all other  
14426 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~  
14427 be performed by the United States Environmental Protection  
14428 Agency; and

14429 2. Ensure the timely submission of Risk Management Plans  
14430 and any subsequent revisions of Risk Management Plans.

14431 (b) Adopt, modify, and repeal rules, with the advice and  
14432 consent of the commission, necessary to obtain delegation from  
14433 the United States Environmental Protection Agency and to  
14434 administer the s. 112(r)(7) Accidental Release Prevention  
14435 Program in this state for the specified stationary sources with  
14436 no expansion or addition of the regulatory program.

14437 (c) Make and execute contracts and other agreements  
14438 necessary or convenient to the implementation of this part.

14439 (d) Coordinate its activities under this part with its  
14440 other emergency management responsibilities, including its  
14441 responsibilities and activities under parts I, II, and III of  
14442 this chapter and with the related activities of other state and  
14443 local agencies, keeping separate accounts for all activities  
14444 conducted under this part which are supported or partially

HB 7247

2011

14445 supported from the trust fund.

14446 (e) Establish, with the advice and consent of the  
14447 commission, a technical assistance and outreach program ~~on or~~  
14448 ~~before January 31, 1999,~~ to assist owners and operators of  
14449 specified stationary sources subject to s. 112(r)(7) in  
14450 complying with the reporting and fee requirements of this part.  
14451 This program is designed to facilitate and ensure timely  
14452 submission of proper certifications or compliance schedules and  
14453 timely submission and registration of Risk Management Plans and  
14454 revised registrations and Risk Management Plans if ~~when~~ required  
14455 for these sources.

14456 (f) Make a quarterly report to the State Emergency  
14457 Response Commission on income and expenses for the state's  
14458 Accidental Release Prevention Program under this part.

14459 (2) To ensure that this program is self-supporting, the  
14460 division ~~department~~ shall provide administrative support,  
14461 including staff, facilities, materials, and services to  
14462 implement this part for specified stationary sources subject to  
14463 s. 252.939 and ~~shall~~ provide necessary funding to local  
14464 emergency planning committees and county emergency management  
14465 agencies for work performed to implement this part. Each state  
14466 agency with regulatory, inspection, or technical assistance  
14467 programs for specified stationary sources subject to this part  
14468 shall enter into a memorandum of understanding with the division  
14469 ~~department~~ which specifically outlines how each agency's staff,  
14470 facilities, materials, and services will be used ~~utilized~~ to  
14471 support implementation. At a minimum, these agencies ~~and~~  
14472 ~~programs~~ include: the Department of Environmental Protection

HB 7247

2011

14473 ~~Protection's Division of Air Resources Management and Division~~  
14474 ~~of Water Resource Management, and the Department of Labor and~~  
14475 ~~Employment Security's Division of Safety.~~ It is the  
14476 Legislature's intent to implement this part as efficiently and  
14477 economically as possible, using existing expertise and  
14478 resources, if available and appropriate.

14479 (3) To prevent the duplication of investigative efforts  
14480 and resources, the division ~~department~~, on behalf of the  
14481 commission, shall coordinate with any federal agencies or agents  
14482 thereof, including the federal Chemical Safety and Hazard  
14483 Investigation Board, or its successor, which are performing  
14484 accidental release investigations for specified stationary  
14485 sources, and may coordinate with any agencies of the state which  
14486 are performing accidental release investigations. This  
14487 accidental release investigation coordination is not intended to  
14488 limit or take the place of any individual agency accidental  
14489 release investigation under separate authority.

14490 (4) To promote efficient administration of this program  
14491 and specified stationary sources, ~~the only~~ the division ~~agency~~  
14492 ~~which~~ may seek delegation from the United States Environmental  
14493 Protection Agency for this program ~~is the Florida Department of~~  
14494 ~~Community Affairs.~~ Further, the division may ~~Florida Department~~  
14495 ~~of Community Affairs shall~~ not delegate this program to any  
14496 local environmental agency.

14497 Section 274. Section 252.943, Florida Statutes, is amended  
14498 to read:

14499 252.943 Public records.—

14500 (1) The division ~~Department of Community Affairs~~ shall

HB 7247

2011

14501 protect records, reports, or information or particular parts  
14502 thereof, other than release or emissions data, contained in a  
14503 risk management plan from public disclosure pursuant to ss.  
14504 112(r) and 114(c) of the federal Clean Air Act and authorities  
14505 cited therein, based upon a showing satisfactory to the  
14506 Administrator of the United States Environmental Protection  
14507 Agency, by any owner or operator of a stationary source subject  
14508 to the Accidental Release Prevention Program, that public  
14509 release of such records, reports, or information would divulge  
14510 methods or processes entitled to protection as trade secrets as  
14511 provided for in 40 C.F.R. part 2, subpart B. Such records,  
14512 reports, or information held by the division ~~department~~ are  
14513 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
14514 s. 24(a), Art. I of the State Constitution, unless a final  
14515 determination has been made by the Administrator of the  
14516 Environmental Protection Agency that such records, reports, or  
14517 information are not entitled to trade secret protection, or  
14518 pursuant to an order of court.

14519       (2) The division ~~department~~ shall protect records,  
14520 reports, or information or particular parts thereof, other than  
14521 release or emissions data, obtained from an investigation,  
14522 inspection, or audit from public disclosure pursuant to ss.  
14523 112(r) and 114(c) of the federal Clean Air Act and authorities  
14524 cited therein, based upon a showing satisfactory to the  
14525 Administrator of the United States Environmental Protection  
14526 Agency, by any owner or operator of a stationary source subject  
14527 to the Accidental Release Prevention Program, that public  
14528 release of such records, reports, or information would divulge

HB 7247

2011

14529 methods or processes entitled to protection as trade secrets as  
14530 provided for in 40 C.F.R. part 2, subpart B. Such records,  
14531 reports, or information held by the division ~~department~~ are  
14532 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
14533 s. 24(a), Art. I of the State Constitution, unless a final  
14534 determination has been made by the Administrator of the  
14535 Environmental Protection Agency that such records, reports, or  
14536 information are not entitled to trade secret protection, or  
14537 pursuant to a court ~~an order of court~~.

14538 Section 275. Section 252.946, Florida Statutes, is amended  
14539 to read:

14540 252.946 Public records.—With regard to information  
14541 submitted to the United States Environmental Protection Agency  
14542 under this part or s. 112(r)(7), the division ~~department of~~  
14543 ~~Community Affairs~~, the State Hazardous Materials Emergency  
14544 Response Commission, and any local emergency planning committee  
14545 may assist persons in electronically accessing such information  
14546 held by the United States Environmental Protection Agency in its  
14547 centralized database. If requested, the division ~~department~~, the  
14548 commission, or a committee may furnish copies of such United  
14549 States Environmental Protection Agency records.

14550 Section 276. Subsections (3) and (4) of section 255.042,  
14551 Florida Statutes, are amended to read:

14552 255.042 Shelter in public buildings.—

14553 (3) The Division of Emergency Management ~~Department of~~  
14554 ~~Community Affairs~~ shall, in those cases in which the architect-  
14555 engineer firm does not possess the specialized training required  
14556 for the inclusion of fallout protection in building design and



HB 7247

2011

upon request from the architect-engineer concerned or the responsible state or local agency, provide, at no cost to the architect-engineer or agency, professional development service to increase fallout protection through shelter slanting and cost-reduction techniques.

(4) Nothing in this section establishes ~~act shall be construed as establishing~~ a mandatory requirement for the incorporation of fallout shelter in the construction of, modification of, or addition to the public buildings concerned. It is mandatory, however, that the incorporation of such protection be given every consideration through acceptable shelter slanting and cost-reduction techniques. The responsible state or local official shall determine whether cost, or other related factors, precludes or makes impracticable the incorporation of fallout shelter in public buildings. Further, the Division of Emergency Management ~~Department of Community Affairs~~ may waive the requirement for consideration of shelter in those cases where presently available shelter spaces equal or exceed the requirements of the area concerned.

Section 277. Subsection (4) of section 258.004, Florida Statutes, is amended to read:

258.004 Duties of division.—

(4) The Division of Recreation and Parks shall provide consultation assistance to ~~the Department of Community Affairs~~ and to local governing units as to the protection, organization, and administration of local recreation systems and the planning and design of local recreation areas and facilities.

Section 278. Paragraph (b) of subsection (3), paragraph

HB 7247

2011

14585 (b) of subsection (4), subsection (6), paragraph (a) of  
14586 subsection (7), and paragraph (c) of subsection (9) of section  
14587 258.501, Florida Statutes, are amended to read:

14588       258.501 Myakka River; wild and scenic segment.—

14589       (3) DEFINITIONS.—As used in this section, the term:

14590       (b) "Agreement" means the interagency operating agreement  
14591 between the department, the Department of Economic Opportunity  
14592 ~~Community Affairs~~, and Sarasota County or the City of North  
14593 Port.

14594       (4) DESIGNATION OF WILD AND SCENIC RIVER.—

14595       (b) The governments of Sarasota County and the City of  
14596 North Port shall manage the Myakka River wild and scenic  
14597 protection zone under their existing authorities for  
14598 comprehensive planning, the regulation of land development  
14599 activities, and other necessary or appropriate ordinances and in  
14600 conformance with this section, the management plan required  
14601 under subsection (5), and the agreements adopted by the  
14602 department and the Department of Economic Opportunity ~~Community~~  
14603 ~~Affairs~~ with the city and county pursuant to this section.

14604       (6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—

14605       (a) Sarasota County and the City of North Port shall amend  
14606 their comprehensive plans so that the parts of such plans that  
14607 affect the wild and scenic protection zone conform to, or are  
14608 more stringent than, this section, the river management plan,  
14609 and management guidelines and performance standards to be  
14610 developed and contained within agreements to be adopted by the  
14611 department, the Department of Economic Opportunity ~~Community~~  
14612 ~~Affairs~~, and the city and county. The guidelines and performance

HB 7247

2011

standards must be used by the department and the Department of Economic Opportunity ~~Community Affairs~~ to review and monitor the regulation of activities by the city and county in the wild and scenic protection zone. Amendments to those comprehensive plans must include specific policies and guidelines for minimizing adverse impacts on resources in the river area and for managing the wild and scenic protection zone in conformance with this section, the river management plan, and the agreement. Such comprehensive plans must be amended within 1 year after the adoption date of the agreement, and thereafter, within 6 months following an amendment to this section, the river management plan, or the agreement, as may be necessary. For the purposes established in this subsection, such amendments need not conform to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(b) Sarasota County and the City of North Port shall adopt or amend, within 1 year after the department and the Department of Economic Opportunity ~~Community Affairs~~ adopt with the city and with the county agreements for regulating activities in the wild and scenic protection zone, any necessary ordinances and land development regulations so that those ordinances and regulations conform to the purposes of this section, the river management plan, and the agreement. Thereafter, following any amendment to this section, the river management plan, or the agreement, the city and county must amend or adopt, within 1 year, appropriate ordinances and land development regulations to maintain such local ordinances and regulations in conformance with this section, the river management plan, and the agreement.

HB 7247

2011

Those ordinances and regulations must provide that activities must be prohibited, or must undergo review and either be denied or permitted with or without conditions, so as to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners' use of land for residential purposes. The resource values of concern are those identified in this section and by the coordinating council in the river management plan.

Activities which may be prohibited, subject to the agreement, include, but are not limited to, landfills, clear cuttings, major new infrastructure facilities, major activities that would alter historic water or flood flows, multifamily residential construction, commercial and industrial development, and mining and major excavations. However, appurtenant structures for these activities may be permitted if such structures do not have adverse visual or measurable adverse environmental impacts to resource values in the river area.

(c) If the Department of Economic Opportunity ~~Community Affairs~~ determines that the local comprehensive plan or land development regulations, as amended or supplemented by the local government, are not in conformance with the purposes of this section, the river management plan, and the agreement, the Department of Economic Opportunity ~~Community Affairs~~ shall issue a notice of intent to find the plan not in compliance and such plan shall be subject to the administrative proceedings in accordance with s. 163.3184.

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a

HB 7247

2011

permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Department of Economic Opportunity ~~Community Affairs~~, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

(9) RULEMAKING AUTHORITY.—

(c) The department and the Department of Economic Opportunity ~~Community Affairs~~ must enter into agreements with the City of North Port and Sarasota County that provide for guiding and monitoring the regulation of activities by the city and county, in accordance with subsection (6). Such agreements shall include guidelines and performance standards for regulating proposed activities so as to minimize adverse environmental and visual impacts of such activities on the resource values in the river area, and to minimize adverse impacts to landowners' use of land for residential purposes.

Section 279. Paragraph (b) of subsection (1) of section 259.035, Florida Statutes, is amended to read:

259.035 Acquisition and Restoration Council.—

HB 7247

2011

14697           (1) There is created the Acquisition and Restoration  
14698 Council.

14699           (b) The five remaining appointees shall be composed of the  
14700 Secretary of Environmental Protection, the director of the  
14701 Division of Forestry of the Department of Agriculture and  
14702 Consumer Services, the executive director of the Fish and  
14703 Wildlife Conservation Commission, the director of the Division  
14704 of Historical Resources of the Department of State, and the  
14705 Commissioner of Economic Opportunity ~~the secretary of the~~  
14706 ~~Department of Community Affairs,~~ or their respective designees.

14707           Section 280. Subsection (3) of section 259.042, Florida  
14708 Statutes, is amended to read:

14709           259.042 Tax increment financing for conservation lands.—

14710           (3) The governing body of the jurisdiction that will  
14711 administer the separate reserve account shall provide  
14712 documentation to the Department of Economic Opportunity  
14713 ~~Community Affairs~~ identifying the boundary of the tax increment  
14714 area. The department shall determine whether the boundary is  
14715 appropriate in that property owners within the boundary will  
14716 receive a benefit from the proposed purchase of identified  
14717 conservation lands. The department must issue a letter of  
14718 approval stating that the establishment of the tax increment  
14719 area and the proposed purchases would benefit property owners  
14720 within the boundary and serve a public purpose before any tax  
14721 increment funds are deposited into the separate reserve account.  
14722 If the department fails to provide the required letter within 90  
14723 days after receiving sufficient documentation of the boundary,  
14724 the establishment of the area and the proposed purchases are

HB 7247

2011

14725 deemed to provide such benefit and serve a public purpose.

14726 Section 281. Paragraphs (c) and (j) of subsection (3) of  
14727 section 259.105, Florida Statutes, are amended to read:

14728 259.105 The Florida Forever Act.—

14729 (3) Less the costs of issuing and the costs of funding  
14730 reserve accounts and other costs associated with bonds, the  
14731 proceeds of cash payments or bonds issued pursuant to this  
14732 section shall be deposited into the Florida Forever Trust Fund  
14733 created by s. 259.1051. The proceeds shall be distributed by the  
14734 Department of Environmental Protection in the following manner:

14735 (c) Twenty-one percent to the Department of Environmental  
14736 Protection ~~Community Affairs~~ for use by the Florida Communities  
14737 Trust for the purposes of part III of chapter 380, as described  
14738 and limited by this subsection, and grants to local governments  
14739 or nonprofit environmental organizations that are tax-exempt  
14740 under s. 501(c)(3) of the United States Internal Revenue Code  
14741 for the acquisition of community-based projects, urban open  
14742 spaces, parks, and greenways to implement local government  
14743 comprehensive plans. From funds available to the trust and used  
14744 for land acquisition, 75 percent shall be matched by local  
14745 governments on a dollar-for-dollar basis. The Legislature  
14746 intends that the Florida Communities Trust emphasize funding  
14747 projects in low-income or otherwise disadvantaged communities  
14748 and projects that provide areas for direct water access and  
14749 water-dependent facilities that are open to the public and offer  
14750 public access by vessels to waters of the state, including boat  
14751 ramps and associated parking and other support facilities. At  
14752 least 30 percent of the total allocation provided to the trust

HB 7247

2011

shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the Trust shall be selected in a competitive process measured against criteria adopted in rule by the Trust.

(j) Two and five-tenths percent to the Department of Environmental Protection ~~Community Affairs~~ for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida communities trust pursuant to s. 380.5105.

Section 282. Paragraph (d) of subsection (1) of section 260.0142, Florida Statutes, is amended to read:

260.0142 Florida Greenways and Trails Council;



HB 7247

2011

composition; powers and duties.—

(1) There is created within the department the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of 21 members, consisting of:

(d) The 10 remaining members shall include:

1. The Secretary of Environmental Protection or a designee.

2. The executive director of the Fish and Wildlife Conservation Commission or a designee.

3. The Commissioner of Economic Opportunity ~~The Secretary of Community Affairs~~ or a designee.

4. The Secretary of Transportation or a designee.

5. The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee.

6. The director of the Division of Historical Resources of the Department of State or a designee.

7. A representative of the water management districts. Membership on the council shall rotate among the five districts. The districts shall determine the order of rotation.

8. A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate federal agency and request designation of a representative from the agency to serve on the council.

9. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection ~~in consultation with the Secretary of Community Affairs~~. Membership

HB 7247

2011

14809 on the council shall rotate among each of the ~~seven~~ regional  
14810 planning councils. The regional planning councils shall  
14811 determine the order of rotation.

14812 10. A representative of local governments to be appointed  
14813 by the Secretary of Environmental Protection ~~in consultation~~  
14814 ~~with the Secretary of Community Affairs~~. Membership shall  
14815 alternate between a county representative and a municipal  
14816 representative.

14817 Section 283. Paragraph (a) of subsection (4) of section  
14818 282.34, Florida Statutes, is amended to read:

14819 282.34 Statewide e-mail service.—A state e-mail system  
14820 that includes the delivery and support of e-mail, messaging, and  
14821 calendaring capabilities is established as an enterprise  
14822 information technology service as defined in s. 282.0041. The  
14823 service shall be designed to meet the needs of all executive  
14824 branch agencies. The primary goals of the service are to  
14825 minimize the state investment required to establish, operate,  
14826 and support the statewide service; reduce the cost of current e-  
14827 mail operations and the number of duplicative e-mail systems;  
14828 and eliminate the need for each state agency to maintain its own  
14829 e-mail staff.

14830 (4) All agencies must be completely migrated to the  
14831 statewide e-mail service as soon as financially and  
14832 operationally feasible, but no later than June 30, 2015.

14833 (a) The following statewide e-mail service implementation  
14834 schedule is established for state agencies:

14835 1. Phase 1.—The following agencies must be completely  
14836 migrated to the statewide e-mail system by June 30, 2012: the

HB 7247

2011

14837 Agency for Enterprise Information Technology; the Department of  
14838 Economic Opportunity; ~~Community Affairs, including~~ the Division  
14839 of Emergency Management; the Department of Corrections; the  
14840 Department of Health; the Department of Highway Safety and Motor  
14841 Vehicles; the Department of Management Services, including the  
14842 Division of Administrative Hearings, the Division of Retirement,  
14843 the Commission on Human Relations, and the Public Employees  
14844 Relations Commission; the Southwood Shared Resource Center; and  
14845 the Department of Revenue.

14846       2. Phase 2.—The following agencies must be completely  
14847 migrated to the statewide e-mail system by June 30, 2013: the  
14848 Department of Business and Professional Regulation; the  
14849 Department of Education, including the Board of Governors; the  
14850 Department of Environmental Protection; the Department of  
14851 Juvenile Justice; the Department of the Lottery; the Department  
14852 of State; the Department of Law Enforcement; the Department of  
14853 Veterans' Affairs; the Judicial Administration Commission; the  
14854 Public Service Commission; and the Statewide Guardian Ad Litem  
14855 Office.

14856       3. Phase 3.—The following agencies must be completely  
14857 migrated to the statewide e-mail system by June 30, 2014: the  
14858 Agency for Health Care Administration; the Agency for Workforce  
14859 Innovation; the Department of Financial Services, including the  
14860 Office of Financial Regulation and the Office of Insurance  
14861 Regulation; the Department of Agriculture and Consumer Services;  
14862 the Executive Office of the Governor; the Department of  
14863 Transportation; the Fish and Wildlife Conservation Commission;  
14864 the Agency for Persons With Disabilities; the Northwood Shared

HB 7247

2011

Resource Center; and the State Board of Administration.

4. Phase 4.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2015: the Department of Children and Family Services; the Department of Citrus; the Department of Elderly Affairs; and the Department of Legal Affairs.

Section 284. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 282.709, Florida Statutes, are amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(1) The department may acquire and administer a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, establish policies, procedures, and standards to be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(d) The department shall exercise its powers and duties under this part to plan, manage, and administer the mutual aid channels in the statewide radio communication system.

1. In implementing such powers and duties, the department shall consult and act in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, and shall manage and administer

HB 7247

2011

the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

2. The department may make the mutual aid channels available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security.

(4) The department may create and administer an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The office may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The department may not charge state law enforcement agencies identified in paragraph (2) (a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of~~

HB 7247

2011

14921 ~~Community Affairs~~, amend and enhance the statewide radio  
 14922 communications system as necessary to implement the  
 14923 interoperability network.

14924       (b) The department, in consultation with the Joint Task  
 14925 Force on State Agency Law Enforcement Communications, and in  
 14926 conjunction with the Department of Law Enforcement and the  
 14927 Division of Emergency Management ~~of the Department of Community~~  
 14928 ~~Affairs~~, shall establish policies, procedures, and standards to  
 14929 incorporate into a comprehensive management plan for the use and  
 14930 operation of the interoperability network.

14931       Section 285. Subsection (1) of section 288.021, Florida  
 14932 Statutes, is amended to read:

14933       288.021 Economic development liaison.—

14934       (1) The heads of the Department of Transportation, the  
 14935 Department of Environmental Protection and an additional member  
 14936 appointed by the secretary of the department, ~~the Department of~~  
 14937 ~~Labor and Employment Security~~, the Department of Education, the  
 14938 Department of Economic Opportunity ~~Community Affairs~~, the  
 14939 Department of Management Services, the Department of Revenue,  
 14940 the Fish and Wildlife Conservation Commission, each water  
 14941 management district, and each Department of Transportation  
 14942 District office shall designate a high-level staff member from  
 14943 within such agency to serve as the economic development liaison  
 14944 for the agency. This person shall report to the agency head and  
 14945 have general knowledge both of the state's permitting and other  
 14946 regulatory functions and of the state's economic goals,  
 14947 policies, and programs. This person shall also be the primary  
 14948 point of contact for the agency with the Office of Tourism,

HB 7247

2011

14949 Trade, and Economic Development on issues and projects important  
 14950 to the economic development of Florida, including its rural  
 14951 areas, to expedite project review, to ensure a prompt, effective  
 14952 response to problems arising with regard to permitting and  
 14953 regulatory functions, and to work closely with the other  
 14954 economic development liaisons to resolve interagency conflicts.

14955 Section 286. Paragraph (a) of subsection (6) of section  
 14956 288.0656, Florida Statutes, is amended to read:

14957 288.0656 Rural Economic Development Initiative.—

14958 (6)(a) By August 1 of each year, the head of each of the  
 14959 following agencies and organizations shall designate a deputy  
 14960 secretary or higher-level staff person from within the agency or  
 14961 organization to serve as the REDI representative for the agency  
 14962 or organization:

14963 1. The Department of Economic Opportunity ~~Community~~  
 14964 ~~Affairs~~.

14965 2. The Department of Transportation.

14966 3. The Department of Environmental Protection.

14967 4. The Department of Agriculture and Consumer Services.

14968 5. The Department of State.

14969 6. The Department of Health.

14970 7. The Department of Children and Family Services.

14971 8. The Department of Corrections.

14972 9. The Agency for Workforce Innovation.

14973 10. The Department of Education.

14974 11. The Department of Juvenile Justice.

14975 12. The Fish and Wildlife Conservation Commission.

14976 13. Each water management district.

HB 7247

2011

- 14977           14.   Enterprise Florida, Inc.  
 14978           15.   Workforce Florida, Inc.  
 14979           16.   The Florida Commission on Tourism or VISIT Florida.  
 14980           17.   The Florida Regional Planning Council Association.  
 14981           18.   The Agency for Health Care Administration.  
 14982           19.   The Institute of Food and Agricultural Sciences  
 14983           (IFAS) .

14984  
 14985   An alternate for each designee shall also be chosen, and the  
 14986   names of the designees and alternates shall be sent to the  
 14987   director of the Office of Tourism, Trade, and Economic  
 14988   Development.

14989           Section 287. Paragraph (b) of subsection (4) of section  
 14990   288.109, Florida Statutes, is amended to read:

14991           288.109   One-Stop Permitting System.—

14992           (4)   The One-Stop Permitting System must initially provide  
 14993   access to the following state agencies, water management  
 14994   districts and counties, with other agencies and counties that  
 14995   agree to participate:

14996           (b)   The Department of Economic Opportunity ~~Community~~  
 14997   ~~Affairs~~.

14998           Section 288. Subsections (3), (8), and (9) of section  
 14999   288.975, Florida Statutes, are amended to read:

15000           288.975   Military base reuse plans.—

15001           (3)   No later than 6 months after the designation of a  
 15002   military base for closure by the Federal Government, each host  
 15003   local government shall notify the secretary of the Department of  
 15004   Economic Opportunity ~~Community Affairs~~ and the director of the



HB 7247

2011

15005 Office of Tourism, Trade, and Economic Development in writing,  
15006 by hand delivery or return receipt requested, as to whether it  
15007 intends to use the optional provisions provided in this act. If  
15008 a host local government does not opt to use the provisions of  
15009 this act, land use planning and regulation pertaining to base  
15010 reuse activities within those host local governments shall be  
15011 subject to all applicable statutory requirements, including  
15012 those contained within chapters 163 and 380.

15013       (8) At the request of a host local government, the Office  
15014 of Tourism, Trade, and Economic Development shall coordinate a  
15015 presubmission workshop concerning a military base reuse plan  
15016 within the boundaries of the host jurisdiction. Agencies that  
15017 shall participate in the workshop shall include any affected  
15018 local governments; the Department of Environmental Protection;  
15019 the Office of Tourism, Trade, and Economic Development; the  
15020 Department of Economic Opportunity ~~Community Affairs~~; the  
15021 Department of Transportation; the Department of Health; the  
15022 Department of Children and Family Services; the Department of  
15023 Juvenile Justice; the Department of Agriculture and Consumer  
15024 Services; the Department of State; the Fish and Wildlife  
15025 Conservation Commission; and any applicable water management  
15026 districts and regional planning councils. The purposes of the  
15027 workshop shall be to assist the host local government to  
15028 understand issues of concern to the above listed entities  
15029 pertaining to the military base site and to identify  
15030 opportunities for better coordination of planning and review  
15031 efforts with the information and analyses generated by the  
15032 federal environmental impact statement process and the federal

HB 7247

2011

15033 community base reuse planning process.

15034 (9) If a host local government elects to use the optional  
15035 provisions of this act, it shall, no later than 12 months after  
15036 notifying the agencies of its intent pursuant to subsection (3)  
15037 either:

15038 (a) Send a copy of the proposed military base reuse plan  
15039 for review to any affected local governments; the Department of  
15040 Environmental Protection; the Office of Tourism, Trade, and  
15041 Economic Development; the Department of Economic Opportunity  
15042 ~~Community Affairs~~; the Department of Transportation; the  
15043 Department of Health; the Department of Children and Family  
15044 Services; the Department of Juvenile Justice; the Department of  
15045 Agriculture and Consumer Services; the Department of State; the  
15046 Fish and Wildlife Conservation Commission; and any applicable  
15047 water management districts and regional planning councils, or

15048 (b) Petition the secretary of the Department of Economic  
15049 Opportunity ~~Community Affairs~~ for an extension of the deadline  
15050 for submitting a proposed reuse plan. Such an extension request  
15051 must be justified by changes or delays in the closure process by  
15052 the federal Department of Defense or for reasons otherwise  
15053 deemed to promote the orderly and beneficial planning of the  
15054 subject military base reuse. The secretary of the Department of  
15055 Community Affairs may grant extensions to the required  
15056 submission date of the reuse plan.

15057 Section 289. Paragraph (f) of subsection (2) of section  
15058 288.984, Florida Statutes, is amended to read:

15059 288.984 Florida Council on Military Base and Mission  
15060 Support.—The Florida Council on Military Base and Mission

HB 7247

2011

Support is established. The council shall provide oversight and direction for initiatives, claims, and actions taken on behalf of the state, its agencies, and political subdivisions under this part.

(2) MEMBERSHIP.—

(f) The Commissioner of Economic Opportunity ~~Secretary of Community Affairs~~ or his or her designee, the Secretary of Environmental Protection or his or her designee, the Secretary of Transportation or his or her designee, the Adjutant General of the state or his or her designee, and the executive director of the Department of Veterans' Affairs or his or her designee shall attend meetings held by the council and provide assistance, information, and support as requested by the council.

Section 290. Subsections (3) and (6) of section 290.042, Florida Statutes, are amended to read:

290.042 Definitions relating to Florida Small Cities Community Development Block Grant Program Act.—As used in ss. 290.0401-290.049, the term:

(3) "Department" means the Department of Economic Opportunity ~~Community Affairs~~.

(6) "Person of low or moderate income" means any person who meets the definition established by the department ~~of Community Affairs~~ in accordance with the guidelines established in Title I of the Housing and Community Development Act of 1974, as amended.

Section 291. Section 290.043, Florida Statutes, is amended to read:

HB 7247

2011

15089           290.043 Florida Small Cities Community Development Block  
15090 Grant Program; administration.—There is created the Florida  
15091 Small Cities Community Development Block Grant Program. The  
15092 department ~~of Community Affairs~~ shall administer the program as  
15093 authorized and described in Title I of the Housing and Community  
15094 Development Act of 1974, as amended; Pub. L. No. 93-383, as  
15095 amended by Pub. L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C.  
15096 ss. 5301 et seq.

15097           Section 292. Subsection (6) of section 290.046, Florida  
15098 Statutes, is amended to read:

15099           290.046 Applications for grants; procedures;  
15100 requirements.—

15101           (6) The local government shall establish a citizen  
15102 advisory task force composed of citizens in the jurisdiction in  
15103 which the proposed project is to be implemented to provide input  
15104 relative to all phases of the project process. The local  
15105 government must obtain consent from the department ~~of Community~~  
15106 ~~Affairs~~ for any other type of citizen participation plan upon a  
15107 showing that such plan is better suited to secure citizen  
15108 participation for that locality.

15109           Section 293. Section 290.048, Florida Statutes, is amended  
15110 to read:

15111           290.048 General powers of department ~~of Community Affairs~~  
15112 under ss. 290.0401-290.049.—The department has all the powers  
15113 necessary or appropriate to carry out the purposes and  
15114 provisions of the program, including the power to:

15115           (1) Make contracts and agreements with the Federal  
15116 Government; other agencies of the state; any other public

HB 7247

2011

15117 agency; or any other public person, association, corporation,  
15118 local government, or entity in exercising its powers and  
15119 performing its duties under ss. 290.0401-290.049.

15120       (2) Seek and accept funding from any public or private  
15121 source.

15122       (3) Adopt and enforce rules not inconsistent with ss.  
15123 290.0401-290.049 for the administration of the fund.

15124       (4) Assist in training employees of local governing  
15125 authorities to help achieve and increase their capacity to  
15126 administer programs pursuant to ss. 290.0401-290.049 and provide  
15127 technical assistance and advice to local governing authorities  
15128 involved with these programs.

15129       (5) Adopt and enforce strict requirements concerning an  
15130 applicant's written description of a service area. Each such  
15131 description shall contain maps which illustrate the location of  
15132 the proposed service area. All such maps must be clearly legible  
15133 and must:

15134           (a) Contain a scale which is clearly marked on the map.

15135           (b) Show the boundaries of the locality.

15136           (c) Show the boundaries of the service area where the  
15137 activities will be concentrated.

15138           (d) Display the location of all proposed area activities.

15139           (e) Include the names of streets, route numbers, or easily  
15140 identifiable landmarks where all service activities are located.

15141       (6) Pledge community development block grant revenues from  
15142 the Federal Government in order to guarantee notes or other  
15143 obligations of a public entity which are approved pursuant to s.  
15144 290.0455.

HB 7247

2011

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

Section 294. Paragraph (a) of subsection (2) and subsection (4) of section 290.0491, Florida Statutes, is amended to read:

290.0491 Florida Empowerment Zones.—

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

(a) "Department" means the Department of Economic Opportunity ~~Community Affairs~~.

(4) EMPOWERMENT ZONE PROGRAM.—There is created an economic development program to be known as the Florida Empowerment Zone Program. The program shall exist for 10 years and, except as otherwise provided by law, be operated by the Department of Economic Opportunity ~~Community Affairs~~ in conjunction with the Federal Empowerment Zone Program.

Section 295. Paragraph (b) of subsection (1) of section 311.105, Florida Statutes, is amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the Commissioner

HB 7247

2011

15173 | of Economic Opportunity ~~Secretary of Community Affairs~~, or his  
15174 | or her designee, as an ex officio, nonvoting member; and five or  
15175 | more port directors, as voting members, appointed to the  
15176 | committee by the council chair, who shall also designate one  
15177 | such member as committee chair.

15178 |       Section 296. Subsection (3) of section 327.803, Florida  
15179 | Statutes, is amended to read:

15180 |       327.803 Boating Advisory Council.—

15181 |       (3) The purpose of the council is to make recommendations  
15182 | to the Fish and Wildlife Conservation Commission and the  
15183 | Department of Economic Opportunity ~~Community Affairs~~ regarding  
15184 | issues affecting the boating community, including, but not  
15185 | limited to, issues related to:

15186 |       (a) Boating and diving safety education.

15187 |       (b) Boating-related facilities, including marinas and boat  
15188 | testing facilities.

15189 |       (c) Boat usage.

15190 |       (d) Boat access.

15191 |       (e) Working waterfronts.

15192 |       Section 297. Subsection (1) of section 332.115, Florida  
15193 | Statutes, is amended to read:

15194 |       332.115 Joint project agreement with port district for  
15195 | transportation corridor between airport and port facility.—

15196 |       (1) An eligible agency may acquire, construct, and operate  
15197 | all equipment, appurtenances, and land necessary to establish,  
15198 | maintain, and operate, or to license others to establish,  
15199 | maintain, operate, or use, a transportation corridor connecting  
15200 | an airport operated by such eligible agency with a port

HB 7247

2011

15201 facility, which corridor must be acquired, constructed, and used  
15202 for the transportation of persons between the airport and the  
15203 port facility, for the transportation of cargo, and for the  
15204 location and operation of lines for the transmission of water,  
15205 electricity, communications, information, petroleum products,  
15206 products of a public utility (including new technologies of a  
15207 public utility nature), and materials. However, any such  
15208 corridor may be established and operated only pursuant to a  
15209 joint project agreement between an eligible agency as defined in  
15210 s. 332.004 and a port district as defined in s. 315.02, and such  
15211 agreement must be approved by the Department of Transportation  
15212 and the Department of Economic Opportunity ~~Community Affairs~~.  
15213 Before the Department of Transportation approves the joint  
15214 project agreement, that department must review the public  
15215 purpose and necessity for the corridor pursuant to s. 337.273(5)  
15216 and must also determine that the proposed corridor is consistent  
15217 with the Florida Transportation Plan. Before the Department of  
15218 Economic Opportunity ~~Community Affairs~~ approves the joint  
15219 project agreement, that department must determine that the  
15220 proposed corridor is consistent with the applicable local  
15221 government comprehensive plans. An affected local government may  
15222 provide its comments regarding the consistency of the proposed  
15223 corridor with its comprehensive plan to the Department of  
15224 Economic Opportunity ~~Community Affairs~~.

15225 Section 298. Section 333.065, Florida Statutes, is amended  
15226 to read:

15227 333.065 Guidelines regarding land use near airports.—The  
15228 Department of Transportation, after consultation with the



HB 7247

2011

Department of Economic Opportunity ~~Community Affairs~~, local governments, and other interested persons, shall adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports. These guidelines shall utilize acceptable and established quantitative measures, such as the Air Installation Compatible Use Zone standards, the Florida Statutes, and applicable Federal Aviation Administration documents.

Section 299. Paragraph (f) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of Economic Opportunity ~~Community Affairs~~ at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), the Department of Economic Opportunity ~~Community Affairs~~ shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has

HB 7247

2011

15257 been previously reported to the affected metropolitan planning  
15258 organization.

15259 Section 300. Paragraphs (f) and (g) of subsection (8) of  
15260 section 339.175, Florida Statutes, are amended to read:

15261 339.175 Metropolitan planning organization.—

15262 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
15263 in cooperation with the state and affected public transportation  
15264 operators, develop a transportation improvement program for the  
15265 area within the jurisdiction of the M.P.O. In the development of  
15266 the transportation improvement program, each M.P.O. must provide  
15267 the public, affected public agencies, representatives of  
15268 transportation agency employees, freight shippers, providers of  
15269 freight transportation services, private providers of  
15270 transportation, representatives of users of public transit, and  
15271 other interested parties with a reasonable opportunity to  
15272 comment on the proposed transportation improvement program.

15273 (f) The adopted annual transportation improvement program  
15274 for M.P.O.'s in nonattainment or maintenance areas must be  
15275 submitted to the district secretary and the Department of  
15276 Economic Opportunity ~~Community Affairs~~ at least 90 days before  
15277 the submission of the state transportation improvement program  
15278 by the department to the appropriate federal agencies. The  
15279 annual transportation improvement program for M.P.O.'s in  
15280 attainment areas must be submitted to the district secretary and  
15281 the Department of Economic Opportunity ~~Community Affairs~~ at  
15282 least 45 days before the department submits the state  
15283 transportation improvement program to the appropriate federal  
15284 agencies; however, the department, the Department of Economic

HB 7247

2011

15285 Opportunity ~~Community Affairs~~, and a metropolitan planning  
15286 organization may, in writing, agree to vary this submittal date.  
15287 The Governor or the Governor's designee shall review and approve  
15288 each transportation improvement program and any amendments  
15289 thereto.

15290 (g) The Department of Economic Opportunity ~~Community~~  
15291 ~~Affairs~~ shall review the annual transportation improvement  
15292 program of each M.P.O. for consistency with the approved local  
15293 government comprehensive plans of the units of local government  
15294 whose boundaries are within the metropolitan area of each M.P.O.  
15295 and shall identify those projects that are inconsistent with  
15296 such comprehensive plans. The Department of Economic Opportunity  
15297 ~~Community Affairs~~ shall notify an M.P.O. of any transportation  
15298 projects contained in its transportation improvement program  
15299 which are inconsistent with the approved local government  
15300 comprehensive plans of the units of local government whose  
15301 boundaries are within the metropolitan area of the M.P.O.

15302 Section 301. Subsection (1) of section 342.201, Florida  
15303 Statutes, is amended to read:

15304 342.201 Waterfronts Florida Program.—

15305 (1) There is established within the Department of Economic  
15306 Opportunity ~~Community Affairs~~ the Waterfronts Florida Program to  
15307 provide technical assistance and support to communities in  
15308 revitalizing waterfront areas in this state.

15309 Section 302. Subsection (3) of section 369.303, Florida  
15310 Statutes, is amended to read:

15311 369.303 Definitions.—As used in this part:

15312 (3) "Department" means the Department of Economic

HB 7247

2011

15313 Opportunity ~~Community Affairs~~.

15314 Section 303. Subsections (1) of section 369.318, Florida  
15315 Statutes, is amended to read:

15316 369.318 Studies.—

15317 (1) The Department of Environmental Protection shall study  
15318 the efficacy and applicability of water quality and wastewater  
15319 treatment standards needed to achieve nitrogen reductions  
15320 protective of surface and groundwater quality within the Wekiva  
15321 Study Area and report to the Governor and the Department of  
15322 Economic Opportunity ~~Community Affairs~~. The Department of  
15323 Environmental Protection may adopt rules to implement the  
15324 specific recommendations set forth in sections C.2. and C.4. of  
15325 its report entitled "A Strategy for Water Quality Protection:  
15326 Wastewater Treatment in the Wekiva Study Area," dated December  
15327 2004, in order to achieve nitrogen reductions protective of  
15328 surface and groundwater quality in the Wekiva Study Area and  
15329 implement Recommendation 8 of the Wekiva River Basin  
15330 Coordinating Committee's final report dated March 16, 2004. The  
15331 rules shall provide an opportunity for relief from such specific  
15332 recommendations upon affirmative demonstration by the permittee  
15333 or permit applicant, based on water quality data, physical  
15334 circumstances, or other credible information, that the discharge  
15335 of treated wastewater is protective of surface water and  
15336 groundwater quality with respect to nitrate nitrogen as set  
15337 forth in section C.1. of the referenced December 2004 report.

15338 Section 304. Subsections (5) and (7) of section 369.321,  
15339 Florida Statutes, are amended to read:

15340 369.321 Comprehensive plan amendments.—Except as otherwise

HB 7247

2011

expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of Economic Opportunity ~~Community Affairs~~ pursuant to s. 163.3184, and shall be exempt from the provisions of s. 163.3187(1).

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Economic Opportunity ~~Community Affairs~~, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code, using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 305. Subsections (1) and (3) of section 369.322, Florida Statutes, are amended to read:

369.322 Coordination of land use and water supply within the Wekiva Study Area.—

(1) In their review of local government comprehensive plan amendments for property located within the Wekiva Study Area pursuant to s. 163.3184, the Department of Economic Opportunity ~~Community Affairs~~ and the St. Johns River Water Management District shall assure that amendments that increase development potential demonstrate that adequate potable water consumptive use permit capacity is available.

HB 7247

2011

(3) In recognition of the need to balance resource protection, existing infrastructure and improvements planned or committed as part of approved development, consistent with existing municipal or county comprehensive plans and economic development opportunities, planned community development initiatives that assure protection of surface and groundwater resources while promoting compact, ecologically and economically sustainable growth should be encouraged. Small area studies, sector plans, or similar planning tools should support these community development initiatives. In addition, the Department of Economic Opportunity ~~Community Affairs~~ may make available best practice guides that demonstrate how to balance resource protection and economic development opportunities.

Section 306. Section 369.323, Florida Statutes, is amended to read:

369.323 Compliance.—Comprehensive plans and plan amendments adopted by the local governments within the Wekiva Study Area to implement this act shall be reviewed for compliance by the Department of Economic Opportunity ~~Community Affairs~~.

Section 307. Subsections (1) and (5) of section 369.324, Florida Statutes, are amended to read:

369.324 Wekiva River Basin Commission.—

(1) The Wekiva River Basin Commission is created to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The East Central Florida Regional Planning Council shall provide staff support to the commission with funding

HB 7247

2011

15397 assistance from the Department of Economic Opportunity Community  
15398 ~~Affairs~~. The commission shall be comprised of a total of 19  
15399 members appointed by the Governor, 9 of whom shall be voting  
15400 members and 10 shall be ad hoc nonvoting members. The voting  
15401 members shall include:

15402 (a) One member of each of the Boards of County  
15403 Commissioners for Lake, Orange, and Seminole Counties.

15404 (b) One municipal elected official to serve as a  
15405 representative of the municipalities located within the Wekiva  
15406 Study Area of Lake County.

15407 (c) One municipal elected official to serve as a  
15408 representative of the municipalities located within the Wekiva  
15409 Study Area of Orange County.

15410 (d) One municipal elected official to serve as a  
15411 representative of the municipalities located within the Wekiva  
15412 Study Area of Seminole County.

15413 (e) One citizen representing an environmental or  
15414 conservation organization, one citizen representing a local  
15415 property owner, a land developer, or an agricultural entity, and  
15416 one at-large citizen who shall serve as chair of the council.

15417 (f) The ad hoc nonvoting members shall include one  
15418 representative from each of the following entities:

- 15419 1. St. Johns River Management District.
- 15420 2. Department of Economic Opportunity Community ~~Affairs~~.
- 15421 3. Department of Environmental Protection.
- 15422 4. Department of Health.
- 15423 5. Department of Agriculture and Consumer Services.
- 15424 6. Fish and Wildlife Conservation Commission.

HB 7247

2011

15425 7. Department of Transportation.

15426 8. MetroPlan Orlando.

15427 9. Orlando-Orange County Expressway Authority.

15428 10. Seminole County Expressway Authority.

15429 (5) The commission shall report annually, no later than  
15430 December 31 of each year, to the Governor, the President of the  
15431 Senate, the Speaker of the House of Representatives, and the  
15432 Department of Economic Opportunity ~~Community Affairs~~ on  
15433 implementation progress.

15434 Section 308. Paragraph (b) of subsection (3) of section  
15435 373.199, Florida Statutes, is amended to read:

15436 373.199 Florida Forever Water Management District Work  
15437 Plan.—

15438 (3) In developing the list, each water management district  
15439 shall:

15440 (b) Work cooperatively with the applicable ecosystem  
15441 management area teams and other citizen advisory groups, the  
15442 Department of Environmental Protection and its district offices,  
15443 the Department of Agriculture and Consumer Services, the Fish  
15444 and Wildlife Conservation Commission, the Department of Economic  
15445 Opportunity ~~Community Affairs~~, the Department of Transportation,  
15446 other state agencies, and federal agencies, where applicable.

15447 Section 309. Subsection (5) of section 373.4149, Florida  
15448 Statutes, is amended to read:

15449 373.4149 Miami-Dade County Lake Belt Plan.—

15450 (5) The secretary of the Department of Environmental  
15451 Protection, the Commissioner ~~secretary~~ of the Department of  
15452 Economic Opportunity ~~Community Affairs~~, the secretary of the



HB 7247

2011

15453 Department of Transportation, the Commissioner of Agriculture,  
15454 the executive director of the Fish and Wildlife Conservation  
15455 Commission, and the executive director of the South Florida  
15456 Water Management District may enter into agreements with  
15457 landowners, developers, businesses, industries, individuals, and  
15458 governmental agencies as necessary to effectuate the Miami-Dade  
15459 Lake Belt Plan and the provisions of this section.

15460 Section 310. Paragraph (a) of subsection (1) of section  
15461 373.453, Florida Statutes, is amended to read:

15462 373.453 Surface water improvement and management plans and  
15463 programs.—

15464 (1)(a) Each water management district, in cooperation with  
15465 the department, the Department of Agriculture and Consumer  
15466 Services, the Department of Economic Opportunity ~~Community~~  
15467 ~~Affairs~~, the Fish and Wildlife Conservation Commission, local  
15468 governments, and others, shall maintain a list that prioritizes  
15469 water bodies of regional or statewide significance within the  
15470 water management district. The list shall be reviewed and  
15471 updated every 5 years.

15472 Section 311. Subsection (2) of section 376.86, Florida  
15473 Statutes, is amended to read:

15474 376.86 Brownfield Areas Loan Guarantee Program.—

15475 (2) The council shall consist of the secretary of the  
15476 Department of Environmental Protection or the secretary's  
15477 designee, the Commissioner of Economic Opportunity or the  
15478 commissioner's ~~secretary of the Department of Community Affairs~~  
15479 ~~or the secretary's~~ designee, the State Surgeon General or the  
15480 State Surgeon General's designee, the Executive Director of the

HB 7247

2011

15481 State Board of Administration or the executive director's  
15482 designee, the Executive Director of the Florida Housing Finance  
15483 Corporation or the executive director's designee, and the  
15484 Director of the Governor's Office of Tourism, Trade, and  
15485 Economic Development or the director's designee. The chairperson  
15486 of the council shall be the Director of the Governor's Office of  
15487 Tourism, Trade, and Economic Development. Staff services for  
15488 activities of the council shall be provided as needed by the  
15489 member agencies.

15490 Section 312. Paragraph (c) of subsection (1) of section  
15491 377.6015, Florida Statutes, is amended to read:

15492 377.6015 Florida Energy and Climate Commission.—

15493 (1) The Florida Energy and Climate Commission is created  
15494 within the Executive Office of the Governor. The commission  
15495 shall be comprised of nine members appointed by the Governor,  
15496 the Commissioner of Agriculture, and the Chief Financial  
15497 Officer.

15498 (c) The chair may designate the following ex officio,  
15499 nonvoting members to provide information and advice to the  
15500 commission at the request of the chair:

15501 1. The chair of the Florida Public Service Commission, or  
15502 his or her designee.

15503 2. The Public Counsel, or his or her designee.

15504 3. A representative of the Department of Agriculture and  
15505 Consumer Services.

15506 4. A representative of the Department of Financial  
15507 Services.

15508 5. A representative of the Department of Environmental

HB 7247

2011

15509 Protection.

15510         6. A representative of the Department of Economic  
15511 Opportunity ~~Community Affairs~~.

15512         7. A representative of the Board of Governors of the State  
15513 University System.

15514         8. A representative of the Department of Transportation.  
15515         Section 313. Paragraph (h) of subsection (2) of section  
15516 377.703, Florida Statutes, is amended to read:

15517         377.703 Additional functions of the Florida Energy and  
15518 Climate Commission.—

15519         (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The  
15520 commission shall perform the following functions consistent with  
15521 the development of a state energy policy:

15522         (h) The commission shall promote the development and use  
15523 of renewable energy resources, in conformance with the  
15524 provisions of chapter 187 and s. 377.601, by:

15525         1. Establishing goals and strategies for increasing the  
15526 use of solar energy in this state.

15527         2. Aiding and promoting the commercialization of solar  
15528 energy technology, in cooperation with the Florida Solar Energy  
15529 Center, Enterprise Florida, Inc., and any other federal, state,  
15530 or local governmental agency which may seek to promote research,  
15531 development, and demonstration of solar energy equipment and  
15532 technology.

15533         3. Identifying barriers to greater use of solar energy  
15534 systems in this state, and developing specific recommendations  
15535 for overcoming identified barriers, with findings and  
15536 recommendations to be submitted annually in the report to the

HB 7247

2011

Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, ~~the Department of Community Affairs,~~ Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the commission shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

Section 314. Subsection (1), paragraph (c) of subsection (2), and subsections (3) and (4) of section 377.809, Florida Statutes, are amended to read:

377.809 Energy Economic Zone Pilot Program.—

(1) The Department of Economic Opportunity ~~Community Affairs,~~ in consultation with the Department of Transportation, shall implement an Energy Economic Zone Pilot Program for the

HB 7247

2011

purpose of developing a model to help communities cultivate green economic development, encourage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and further implement chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies. ~~The Office of Tourism, Trade, and Economic Development and the~~ Florida Energy and Climate Commission shall provide technical assistance to the departments in developing and administering the program.

(2)

(c) The Department of Economic Opportunity Community Affairs shall grant at least one application if the application meets the requirements of this subsection and the community has demonstrated a prior commitment to energy conservation, carbon reduction, green building, and economic development. The Department of Economic Opportunity Community Affairs ~~and the Office of Tourism, Trade, and Economic Development~~ shall provide the pilot community, including businesses within the energy economic zone, with technical assistance in identifying and qualifying for eligible grants and credits in job creation, energy, and other areas.

~~(3) The Department of Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development, shall submit an interim report by February 15, 2010, to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the status of the pilot program. The report shall contain any recommendations~~

HB 7247

2011

~~deemed appropriate by the department for statutory changes to accomplish the goals of the pilot program community, including whether it would be beneficial to provide financial incentives similar to those offered to an enterprise zone.~~

~~(3)(4)~~ If the pilot project is ongoing, the Department of Economic Opportunity Community Affairs, ~~with the assistance of the Office of Tourism, Trade, and Economic Development~~, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15, 2012, evaluating whether the pilot program has demonstrated success. The report shall contain recommendations with regard to whether the program should be expanded for use by other local governments and whether state policies should be revised to encourage the goals of the program.

Section 315. Subsection (3) of section 378.411, Florida Statutes, is amended to read:

378.411 Certification to receive notices of intent to mine, to review, and to inspect for compliance.—

(3) In making his or her determination, the secretary shall consult with the Department of Economic Opportunity Community Affairs, the appropriate regional planning council, and the appropriate water management district.

Section 316. Paragraph (c) of subsection (4) of section 379.2291, Florida Statutes, is amended to read:

379.2291 Endangered and Threatened Species Act.—

(4) INTERAGENCY COORDINATION.—

(c) The commission, in consultation with the Department of Agriculture and Consumer Services, the Department of Economic

HB 7247

2011

15621 Opportunity ~~Community Affairs~~, or the Department of  
15622 Transportation, may establish reduced speed zones along roads,  
15623 streets, and highways to protect endangered species or  
15624 threatened species.

15625 Section 317. Subsection (18) of section 380.031, Florida  
15626 Statutes, is amended to read:

15627 380.031 Definitions.—As used in this chapter:

15628 (18) "State land planning agency" means the Department of  
15629 Economic Opportunity ~~Community Affairs~~ and may be referred to in  
15630 this part as the "department."

15631 Section 318. Paragraph (e) of subsection (15) and  
15632 subsection (27) of section 380.06, Florida Statutes, are amended  
15633 to read:

15634 380.06 Developments of regional impact.—

15635 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

15636 (e)1. A local government shall not include, as a  
15637 development order condition for a development of regional  
15638 impact, any requirement that a developer contribute or pay for  
15639 land acquisition or construction or expansion of public  
15640 facilities or portions thereof unless the local government has  
15641 enacted a local ordinance which requires other development not  
15642 subject to this section to contribute its proportionate share of  
15643 the funds, land, or public facilities necessary to accommodate  
15644 any impacts having a rational nexus to the proposed development,  
15645 and the need to construct new facilities or add to the present  
15646 system of public facilities must be reasonably attributable to  
15647 the proposed development.

15648 2. A local government shall not approve a development of

HB 7247

2011

15649 regional impact that does not make adequate provision for the  
15650 public facilities needed to accommodate the impacts of the  
15651 proposed development unless the local government includes in the  
15652 development order a commitment by the local government to  
15653 provide these facilities consistently with the development  
15654 schedule approved in the development order; however, a local  
15655 government's failure to meet the requirements of subparagraph 1.  
15656 and this subparagraph shall not preclude the issuance of a  
15657 development order where adequate provision is made by the  
15658 developer for the public facilities needed to accommodate the  
15659 impacts of the proposed development. Any funds or lands  
15660 contributed by a developer must be expressly designated and used  
15661 to accommodate impacts reasonably attributable to the proposed  
15662 development.

15663       3. The department ~~of Community Affairs~~ and other state and  
15664 regional agencies involved in the administration and  
15665 implementation of this act shall cooperate and work with units  
15666 of local government in preparing and adopting local impact fee  
15667 and other contribution ordinances.

15668       (27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A  
15669 DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his  
15670 or her rights, responsibilities, and obligations under a  
15671 development order and the development order does not clearly  
15672 define his or her rights, responsibilities, and obligations, the  
15673 developer or owner may request participation in resolving the  
15674 dispute through the dispute resolution process outlined in s.  
15675 186.509. The department ~~of Community Affairs~~ shall be notified  
15676 by certified mail of any meeting held under the process provided



HB 7247

2011

for by this subsection at least 5 days before the meeting.

Section 319. Paragraph (a) of subsection (5) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(5)(a) Before filing an application for development designation, the developer shall contact the department ~~of~~ ~~Community Affairs~~ to arrange one or more preapplication conferences with the other reviewing entities. Upon the request of the developer or any of the reviewing entities, other affected state or regional agencies shall participate in this conference. The department, in coordination with the local government with jurisdiction and the regional planning council, shall provide the developer information about the Florida Quality Developments designation process and the use of preapplication conferences to identify issues, coordinate appropriate state, regional, and local agency requirements, fully address any concerns of the local government, the regional planning council, and other reviewing agencies and the meeting of those concerns, if applicable, through development order conditions, and otherwise promote a proper, efficient, and timely review of the proposed Florida Quality Development. The department shall take the lead in coordinating the review process.

Section 320. Subsections (2) and (6) of section 380.0677, Florida Statutes, are amended to read:

380.0677 Green Swamp Land Authority.—

(2) MISSION.—The mission of the Green Swamp Land Authority shall be to balance the protection of the ecological values of

HB 7247

2011

the Green Swamp Area of Critical State Concern with the protection of private property rights and the interests of taxpayers through the acquisition of lands, or rights or interests in lands, from willing sellers within the Green Swamp Area of Critical State Concern. To that end, the authority is encouraged to coordinate with the Division of State Lands of the Department of Environmental Protection, the Florida Communities Trust Program within the Department of Environmental Protection ~~Community Affairs~~, the Southwest Florida Water Management District, and the St. Johns River Water Management District to identify, select, and acquire less-than-fee-simple interests or rights in parcels within the Green Swamp Area of Critical State Concern, as part of overall land acquisition efforts by the state and the districts. When the Department of Environmental Protection and the water management districts are planning to acquire parcels within the Green Swamp Area of Critical State Concern, they shall consider acquiring such parcels using alternatives to fee simple techniques in consultation with the land authority.

(6) APPROPRIATIONS. ~~From funds appropriated to the Department of Environmental Protection for land acquisition from the Conservation and Recreation Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and 1996-1997, \$4 million shall be reserved each fiscal year to carry out the purposes of this section.~~ To the extent practicable, moneys appropriated from the Conservation and Recreation Lands Trust Fund, Save Our Rivers Trust Fund, and Florida Communities Trust Fund shall be used to acquire lands, or interests or rights in lands, on the

HB 7247

2011

15733 Conservation and Recreation Lands, Save Our Rivers, or Florida  
15734 Communities Trust land acquisition plans or lists, as defined in  
15735 s. 259.035, or a land acquisition plan under s. 373.59 or s.  
15736 380.508. However, nothing in this subsection prohibits the Green  
15737 Swamp Land Authority from entering into land protection  
15738 agreements with any property owner whose property is not on any  
15739 of such lists. ~~From sums appropriated to the Department of~~  
15740 ~~Environmental Protection from the Water Management District~~  
15741 ~~Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and~~  
15742 ~~1996-1997, \$3 million shall be reserved each fiscal year to~~  
15743 ~~carry out the purposes of this section. Such amounts as are used~~  
15744 ~~from the Water Management District Lands Trust Fund shall be~~  
15745 ~~credited against the allocations as provided in s. 373.59 to the~~  
15746 ~~St. Johns River Water Management District or the Southwest~~  
15747 ~~Florida Water Management District in proportion to the amount of~~  
15748 ~~lands for which an interest was acquired, and shall not be~~  
15749 ~~required by a district for debt service payments or land~~  
15750 ~~management purposes. From funds appropriated to the Department~~  
15751 ~~of Community Affairs for the Florida Communities Trust Program~~  
15752 ~~from the Preservation 2000 Trust Fund for fiscal years 1994-1995~~  
15753 ~~through 1999-2000, \$3 million shall be reserved each fiscal year~~  
15754 ~~to carry out the purposes of this section. Appropriations~~  
15755 ~~identified pursuant to this subsection shall fund the~~  
15756 ~~acquisition of lands, or the interests or rights in lands, and~~  
15757 ~~related costs of acquisition. Such funds shall be available for~~  
15758 ~~expenditure after the land authority has adopted rules to begin~~  
15759 ~~its program. Funds reserved pursuant to this subsection, for~~  
15760 ~~each of the referenced fiscal years, shall remain available for~~

HB 7247

2011

the purposes specified in this subsection for 24 months from the date on which such funds become available for disbursement. After such time has elapsed, any funds which are not legally obligated for expenditure shall be released for the lawful purposes for which they were otherwise appropriated.

Section 321. Subsection (2) of section 380.503, Florida Statutes, is amended to read:

380.503 Definitions.—As used in ss. 380.501-380.515, unless the context indicates a different meaning or intent:

(2) "Department" means the Department of Environmental Protection ~~Community Affairs~~.

Section 322. Subsection (1) of section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; membership; expenses.—

(1) There is created within the Department of Environmental Protection ~~the Department of Community Affairs~~ a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the "Florida Communities Trust." The governing body of the trust shall consist of:

(a) The Commissioner of Economic Opportunity ~~Secretary of Community Affairs~~ and the Secretary of Environmental Protection; and

(b) Four public members whom the Governor shall appoint subject to Senate confirmation.

HB 7247

2011

15788 The Governor shall appoint a former elected official of a county  
15789 government, a former elected official of a metropolitan  
15790 municipal government, a representative of a nonprofit  
15791 organization as defined in this part, and a representative of  
15792 the development industry. The Commissioner of Economic  
15793 Opportunity ~~Secretary of Community Affairs~~ may designate ~~his or~~  
15794 ~~her assistant secretary or~~ the director of the Division of  
15795 Community Planning and Development to serve in his or her  
15796 absence. The Secretary of Environmental Protection may appoint  
15797 his or her deputy secretary, the director of the Division of  
15798 State Lands, or the director of the Division of Recreation and  
15799 Parks to serve in his or her absence. The Secretary of  
15800 Environmental Protection ~~Secretary of Community Affairs~~ shall be  
15801 the chair of the governing body of the trust. The Governor shall  
15802 make his or her appointments upon the expiration of any current  
15803 terms or within 60 days after the effective date of the  
15804 resignation of any member.

15805 Section 323. Subsection (1) of section 380.5115, Florida  
15806 Statutes, is amended to read:

15807 380.5115 Florida Forever Program Trust Fund of the  
15808 Department of Environmental Protection ~~Community Affairs~~.—

15809 (1) There is created a Florida Forever Program Trust Fund  
15810 within the department ~~of Community Affairs~~ to further the  
15811 purposes of this part as specified in s. 259.105(3)(c) and (j).  
15812 The trust fund shall receive funds pursuant to s. 259.105(3)(c)  
15813 and (j).

HB 7247

2011

15814 Section 324. Paragraph (e) of subsection (2) and paragraph  
15815 (b) of subsection (5) of section 381.0303, Florida Statutes, are  
15816 amended to read:

15817 381.0303 Special needs shelters.—

15818 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY  
15819 ASSISTANCE.—If funds have been appropriated to support disaster  
15820 coordinator positions in county health departments:

15821 (e) The Secretary of Elderly Affairs, or his or her  
15822 designee, shall convene, at any time that he or she deems  
15823 appropriate and necessary, a multiagency special needs shelter  
15824 discharge planning team to assist local areas that are severely  
15825 impacted by a natural or manmade disaster that requires the use  
15826 of special needs shelters. Multiagency special needs shelter  
15827 discharge planning teams shall provide assistance to local  
15828 emergency management agencies with the continued operation or  
15829 closure of the shelters, as well as with the discharge of  
15830 special needs clients to alternate facilities if necessary.  
15831 Local emergency management agencies may request the assistance  
15832 of a multiagency special needs shelter discharge planning team  
15833 by alerting statewide emergency management officials of the  
15834 necessity for additional assistance in their area. The Secretary  
15835 of Elderly Affairs is encouraged to proactively work with other  
15836 state agencies prior to any natural disasters for which warnings  
15837 are provided to ensure that multiagency special needs shelter  
15838 discharge planning teams are ready to assemble and deploy  
15839 rapidly upon a determination by state emergency management  
15840 officials that a disaster area requires additional assistance.  
15841 The Secretary of Elderly Affairs may call upon any state agency

HB 7247

2011

or office to provide staff to assist a multiagency special needs shelter discharge planning team. Unless the secretary determines that the nature or circumstances surrounding the disaster do not warrant participation from a particular agency's staff, each multiagency special needs shelter discharge planning team shall include at least one representative from each of the following state agencies:

1. Department of Elderly Affairs.
2. Department of Health.
3. Department of Children and Family Services.
4. Department of Veterans' Affairs.
5. Division of Emergency Management ~~Department of Community Affairs.~~

6. Agency for Health Care Administration.
7. Agency for Persons with Disabilities.

(5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State Surgeon General may establish a special needs shelter interagency committee and serve as, or appoint a designee to serve as, the committee's chair. The department shall provide any necessary staff and resources to support the committee in the performance of its duties. The committee shall address and resolve problems related to special needs shelters not addressed in the state comprehensive emergency medical plan and shall consult on the planning and operation of special needs shelters.

(b) The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, representatives of the

HB 7247

2011

15870 Departments of Health, ~~Community Affairs~~, Children and Family  
15871 Services, Elderly Affairs, and Education; the Agency for Health  
15872 Care Administration; the Division of Emergency Management; the  
15873 Florida Medical Association; the Florida Osteopathic Medical  
15874 Association; Associated Home Health Industries of Florida, Inc.;  
15875 the Florida Nurses Association; the Florida Health Care  
15876 Association; the Florida Assisted Living Affiliation; the  
15877 Florida Hospital Association; the Florida Statutory Teaching  
15878 Hospital Council; the Florida Association of Homes for the  
15879 Aging; the Florida Emergency Preparedness Association; the  
15880 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
15881 the Association of Community Hospitals and Health Systems; the  
15882 Florida Association of Health Maintenance Organizations; the  
15883 Florida League of Health Systems; the Private Care Association;  
15884 the Salvation Army; the Florida Association of Aging Services  
15885 Providers; the AARP; and the Florida Renal Coalition.

15886 Section 325. Subsection (3) of section 381.7354, Florida  
15887 Statutes, is amended to read:

15888 381.7354 Eligibility.—

15889 (3) In addition to the grants awarded under subsections  
15890 (1) and (2), up to 20 percent of the funding for the Reducing  
15891 Racial and Ethnic Health Disparities: Closing the Gap grant  
15892 program shall be dedicated to projects that address improving  
15893 racial and ethnic health status within specific Front Porch  
15894 Florida Communities, ~~as designated pursuant to s. 20.18(6)~~.

15895 Section 326. Subsection (8) of section 393.067, Florida  
15896 Statutes, is amended to read:

15897 393.067 Facility licensure.—



HB 7247

2011

(8) The agency, after consultation with the Division of Emergency Management ~~Department of Community Affairs~~, shall adopt rules for foster care facilities, group home facilities, and residential habilitation centers which establish minimum standards for the preparation and annual update of a comprehensive emergency management plan. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan for all comprehensive transitional education programs and for homes serving individuals who have complex medical conditions is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the agency and the Division of Emergency Management ~~Department of Community Affairs~~, at a minimum, are given the opportunity to review the plan. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 327. Paragraph (c) of subsection (1) of section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss.

HB 7247

2011

120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(c) A comprehensive emergency management plan is prepared and updated annually. Such standards must be included in the rules adopted by the agency after consulting with the Division of Emergency Management ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records, and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 328. Paragraph (a) of subsection (1) of section 395.1056, Florida Statutes, is amended to read:

395.1056 Plan components addressing a hospital's response

HB 7247

2011

to terrorism; public records exemption; public meetings exemption.—

(1)(a) Those portions of a comprehensive emergency management plan that address the response of a public or private hospital to an act of terrorism as defined by s. 775.30 held by the agency, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, or the Department of Health, ~~or the Department of Community Affairs~~ are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 329. Paragraph (c) of subsection (14) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(14) In cooperation with service providers, foster and actively seek additional funding to enhance resources for prevention, intervention, clinical treatment, and recovery support services, including, but not limited to, the development of partnerships with:

(c) State agencies, including, but not limited to, the Department of Corrections, the Department of Education, the Department of Juvenile Justice, the Department of Economic Opportunity ~~Community Affairs~~, the Department of Elderly Affairs, the Department of Health, the Department of Financial Services, and the Agency for Health Care Administration.

Section 330. Subsection (1) of section 397.801, Florida Statutes, is amended to read:

397.801 Substance abuse impairment coordination.—

(1) The Department of Children and Family Services, the

HB 7247

2011

15982 Department of Education, the Department of Corrections, the  
15983 Department of Economic Opportunity ~~Community Affairs~~, and the  
15984 Department of Law Enforcement each shall appoint a policy level  
15985 staff person to serve as the agency substance abuse impairment  
15986 coordinator. The responsibilities of the agency coordinator  
15987 include interagency and intraagency coordination, collection and  
15988 dissemination of agency-specific data relating to substance  
15989 abuse impairment, and participation in the development of the  
15990 state comprehensive plan for substance abuse impairment.

15991 Section 331. Paragraph (g) of subsection (2) of section  
15992 400.23, Florida Statutes, is amended to read:

15993 400.23 Rules; evaluation and deficiencies; licensure  
15994 status.—

15995 (2) Pursuant to the intention of the Legislature, the  
15996 agency, in consultation with the Department of Health and the  
15997 Department of Elderly Affairs, shall adopt and enforce rules to  
15998 implement this part and part II of chapter 408, which shall  
15999 include reasonable and fair criteria in relation to:

16000 (g) The preparation and annual update of a comprehensive  
16001 emergency management plan. The agency shall adopt rules  
16002 establishing minimum criteria for the plan after consultation  
16003 with the Division of Emergency Management ~~Department of~~  
16004 ~~Community Affairs~~. At a minimum, the rules must provide for plan  
16005 components that address emergency evacuation transportation;  
16006 adequate sheltering arrangements; postdisaster activities,  
16007 including emergency power, food, and water; postdisaster  
16008 transportation; supplies; staffing; emergency equipment;  
16009 individual identification of residents and transfer of records;

HB 7247

2011

and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 332. Paragraph (a) of subsection (10) of section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement part II of chapter 408 and this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(10) Preparation of a comprehensive emergency management plan pursuant to s. 400.492.

(a) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the plan and plan updates, with the concurrence of the Department of Health and in consultation with the Division of Emergency Management ~~Department of Community Affairs~~.

Section 333. Paragraph (f) of subsection (12) of section

HB 7247

2011

16038 400.506, Florida Statutes, is amended to read:

16039 400.506 Licensure of nurse registries; requirements;  
16040 penalties.—

16041 (12) Each nurse registry shall prepare and maintain a  
16042 comprehensive emergency management plan that is consistent with  
16043 the criteria in this subsection and with the local special needs  
16044 plan. The plan shall be updated annually. The plan shall include  
16045 the means by which the nurse registry will continue to provide  
16046 the same type and quantity of services to its patients who  
16047 evacuate to special needs shelters which were being provided to  
16048 those patients prior to evacuation. The plan shall specify how  
16049 the nurse registry shall facilitate the provision of continuous  
16050 care by persons referred for contract to persons who are  
16051 registered pursuant to s. 252.355 during an emergency that  
16052 interrupts the provision of care or services in private  
16053 residences. Nurse registries may establish links to local  
16054 emergency operations centers to determine a mechanism by which  
16055 to approach specific areas within a disaster area in order for a  
16056 provider to reach its clients. Nurse registries shall  
16057 demonstrate a good faith effort to comply with the requirements  
16058 of this subsection by documenting attempts of staff to follow  
16059 procedures outlined in the nurse registry's comprehensive  
16060 emergency management plan which support a finding that the  
16061 provision of continuing care has been attempted for patients  
16062 identified as needing care by the nurse registry and registered  
16063 under s. 252.355 in the event of an emergency under this  
16064 subsection.

16065 (f) The Agency for Health Care Administration shall adopt

HB 7247

2011

rules establishing minimum criteria for the comprehensive emergency management plan and plan updates required by this subsection, with the concurrence of the Department of Health and in consultation with the Division of Emergency Management ~~Department of Community Affairs~~.

Section 334. Paragraph (h) of subsection (1) of section 400.605, Florida Statutes, is amended to read:

400.605 Administration; forms; fees; rules; inspections; fines.—

(1) The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. The department, in consultation with the agency, shall by rule establish minimum standards and procedures for a hospice pursuant to this part. The rules must include:

(h) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Department of Elderly Affairs, and the Division of Emergency Management ~~Department of Community Affairs~~.

Section 335. Subsection (9) of section 400.935, Florida Statutes, is amended to read:

400.935 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part and part II of chapter 408, which must provide reasonable and fair minimum standards relating to:

(9) Preparation of the comprehensive emergency management plan under s. 400.934 and the establishment of minimum criteria for the plan, including the maintenance of patient equipment and supply lists that can accompany patients who are transported

HB 7247

2011

from their homes. Such rules shall be formulated in consultation with the Department of Health and the Division of Emergency Management ~~Department of Community Affairs~~.

Section 336. Paragraph (g) of subsection (2) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of deficiencies.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Agency for Persons with Disabilities and the Department of Elderly Affairs, shall adopt and enforce rules to administer this part and part II of chapter 408, which shall include reasonable and fair criteria governing:

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Division of Emergency Management ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Agency for Health Care Administration,



HB 7247

2011

16122 and the Division of Emergency Management ~~Department of Community~~  
16123 ~~Affairs~~. Also, appropriate volunteer organizations must be given  
16124 the opportunity to review the plan. The local emergency  
16125 management agency shall complete its review within 60 days and  
16126 either approve the plan or advise the facility of necessary  
16127 revisions.

16128 Section 337. Paragraph (b) of subsection (2) of section  
16129 401.245, Florida Statutes, is amended to read:

16130 401.245 Emergency Medical Services Advisory Council.—

16131 (2)

16132 (b) Representation on the Emergency Medical Services  
16133 Advisory Council shall include: two licensed physicians who are  
16134 "medical directors" as defined in s. 401.23(15) or whose medical  
16135 practice is closely related to emergency medical services; two  
16136 emergency medical service administrators, one of whom is  
16137 employed by a fire service; two certified paramedics, one of  
16138 whom is employed by a fire service; two certified emergency  
16139 medical technicians, one of whom is employed by a fire service;  
16140 one emergency medical services educator; one emergency nurse;  
16141 one hospital administrator; one representative of air ambulance  
16142 services; one representative of a commercial ambulance operator;  
16143 and two laypersons who are in no way connected with emergency  
16144 medical services, one of whom is a representative of the  
16145 elderly. Ex officio members of the advisory council from state  
16146 agencies shall include, but shall not be limited to,  
16147 representatives from the Department of Education, the Department  
16148 of Management Services, the State Fire Marshal, the Department  
16149 of Highway Safety and Motor Vehicles, the Department of

HB 7247

2011

Transportation, and the Division of Emergency Management  
~~Department of Community Affairs.~~

Section 338. Subsection (5) of section 403.0752, Florida  
Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(5) The Commissioner of Economic Opportunity ~~Secretary of  
Community Affairs~~, the Secretary of Transportation, the  
Commissioner of Agriculture, the Executive Director of the Fish  
and Wildlife Conservation Commission, and the executive  
directors of the water management districts are authorized to  
participate in the development of ecosystem management  
agreements with regulated entities and other governmental  
agencies as necessary to effectuate the provisions of this  
section. Local governments are encouraged to participate in  
ecosystem management agreements.

Section 339. Subsection (6) of section 403.0891, Florida  
Statutes, is amended to read:

403.0891 State, regional, and local stormwater management  
plans and programs.—The department, the water management  
districts, and local governments shall have the responsibility  
for the development of mutually compatible stormwater management  
programs.

(6) The department and the Department of Economic  
Opportunity ~~Community Affairs~~, in cooperation with local  
governments in the coastal zone, shall develop a model  
stormwater management program that could be adopted by local  
governments. The model program shall contain dedicated funding  
options, including a stormwater utility fee system based upon an

HB 7247

2011

equitable unit cost approach. Funding options shall be designed to generate capital to retrofit existing stormwater management systems, build new treatment systems, operate facilities, and maintain and service debt.

Section 340. Paragraph (b) of subsection (3) of section 403.42, Florida Statutes, is amended to read:

403.42 Florida Clean Fuel Act.—

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(b)1. The advisory board shall consist of the Commissioner of Economic Opportunity ~~the Secretary of Community Affairs,~~ or a designee from that department, the Secretary of Environmental Protection, or a designee from that department, the Commissioner of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from that ~~the~~ department ~~of Agriculture and Consumer Services,~~ the Secretary of Management Services, or a designee from that department, and a representative of each of the following, who shall be appointed by the Secretary of Environmental Protection:

- a. The Florida biodiesel industry.
- b. The Florida electric utility industry.
- c. The Florida natural gas industry.
- d. The Florida propane gas industry.
- e. An automobile manufacturers' association.
- f. A Florida Clean Cities Coalition designated by the United States Department of Energy.
- g. Enterprise Florida, Inc.

HB 7247

2011

- 16206           h.   EV Ready Broward.
- 16207           i.   The Florida petroleum industry.
- 16208           j.   The Florida League of Cities.
- 16209           k.   The Florida Association of Counties.
- 16210           l.   Floridians for Better Transportation.
- 16211           m.   A motor vehicle manufacturer.
- 16212           n.   Florida Local Environment Resource Agencies.
- 16213           o.   Project for an Energy Efficient Florida.
- 16214           p.   Florida Transportation Builders Association.
- 16215           2.   The purpose of the advisory board is to serve as a
- 16216 resource for the department and to provide the Governor, the
- 16217 Legislature, and the Secretary of Environmental Protection with
- 16218 private sector and other public agency perspectives on achieving
- 16219 the goal of increasing the use of alternative fuel vehicles in
- 16220 this state.
- 16221           3.   Members shall be appointed to serve terms of 1 year
- 16222 each, with reappointment at the discretion of the Secretary of
- 16223 Environmental Protection. Vacancies shall be filled for the
- 16224 remainder of the unexpired term in the same manner as the
- 16225 original appointment.
- 16226           4.   The board shall annually select a chairperson.
- 16227           5.a.   The board shall meet at least once each quarter or
- 16228 more often at the call of the chairperson or the Secretary of
- 16229 Environmental Protection.
- 16230           b.   Meetings are exempt from the notice requirements of
- 16231 chapter 120, and sufficient notice shall be given to afford
- 16232 interested persons reasonable notice under the circumstances.
- 16233           6.   Members of the board are entitled to travel expenses

HB 7247

2011

while engaged in the performance of board duties.

7. The board shall terminate 5 years after the effective date of this act.

Section 341. Paragraph (a) of subsection (2) of section 403.507, Florida Statutes, is amended to read:

403.507 Preliminary statements of issues, reports, project analyses, and studies.—

(2)(a) No later than 100 days after the certification application has been determined complete, the following agencies shall prepare reports as provided below and shall submit them to the department and the applicant, unless a final order denying the determination of need has been issued under s. 403.519:

1. The Department of Economic Opportunity ~~Community Affairs~~ shall prepare a report containing recommendations which address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the state comprehensive plan, emergency management, and other such matters within its jurisdiction. The Department of Economic Opportunity ~~Community Affairs~~ may also comment on the consistency of the proposed electrical power plant with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

2. The water management district shall prepare a report as to matters within its jurisdiction, including but not limited to, the impact of the proposed electrical power plant on water resources, regional water supply planning, and district-owned lands and works.

HB 7247

2011

3. Each local government in whose jurisdiction the proposed electrical power plant is to be located shall prepare a report as to the consistency of the proposed electrical power plant with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed electrical power plant, including any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to matters within its jurisdiction.

5. Each regional planning council shall prepare a report containing recommendations that address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other matters within its jurisdiction.

6. The Department of Transportation shall address the impact of the proposed electrical power plant on matters within its jurisdiction.

Section 342. Paragraph (a) of subsection (3) of section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification hearings, parties, participants.—

(3)(a) Parties to the proceeding shall include:

1. The applicant.

2. The Public Service Commission.

3. The Department of Economic Opportunity ~~Community Affairs~~.

HB 7247

2011

16290 4. The Fish and Wildlife Conservation Commission.

16291 5. The water management district.

16292 6. The department.

16293 7. The regional planning council.

16294 8. The local government.

16295 9. The Department of Transportation.

16296 Section 343. Paragraph (b) of subsection (2) of section  
16297 403.524, Florida Statutes, is amended to read:

16298 403.524 Applicability; certification; exemptions.—

16299 (2) Except as provided in subsection (1), construction of  
16300 a transmission line may not be undertaken without first  
16301 obtaining certification under this act, but this act does not  
16302 apply to:

16303 (b) Transmission lines that have been exempted by a  
16304 binding letter of interpretation issued under s. 380.06(4), or  
16305 in which the Department of Economic Opportunity ~~Community~~  
16306 ~~Affairs~~ or its predecessor agency has determined the utility to  
16307 have vested development rights within the meaning of s.  
16308 380.05(18) or s. 380.06(20).

16309 Section 344. Paragraph (a) of subsection (2) of section  
16310 403.526, Florida Statutes, is amended to read:

16311 403.526 Preliminary statements of issues, reports, and  
16312 project analyses; studies.—

16313 (2)(a) No later than 90 days after the filing of the  
16314 application, the following agencies shall prepare reports as  
16315 provided below, unless a final order denying the determination  
16316 of need has been issued under s. 403.537:

16317 1. The department shall prepare a report as to the impact

HB 7247

2011

of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Economic Opportunity Community ~~Affairs~~ shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan, emergency management, and other matters within its jurisdiction. The Department of Economic Opportunity Community ~~Affairs~~ may also comment on the consistency of the proposed transmission line or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development



HB 7247

2011

16346 regulations, and any applicable local environmental regulations  
16347 adopted pursuant to s. 403.182 or by other means. A change by  
16348 the responsible local government or local agency in local  
16349 comprehensive plans, zoning ordinances, or other regulations  
16350 made after the date required for the filing of the local  
16351 government's report required by this section is not applicable  
16352 to the certification of the proposed transmission line or  
16353 corridor unless the certification is denied or the application  
16354 is withdrawn.

16355         6. Each regional planning council shall present a report  
16356 containing recommendations that address the impact upon the  
16357 public of the proposed transmission line or corridor based on  
16358 the degree to which the transmission line or corridor is  
16359 consistent with the applicable provisions of the strategic  
16360 regional policy plan adopted under chapter 186 and other impacts  
16361 of each proposed transmission line or corridor on matters within  
16362 its jurisdiction.

16363         7. The Department of Transportation shall prepare a report  
16364 as to the impact of the proposed transmission line or corridor  
16365 on state roads, railroads, airports, aeronautics, seaports, and  
16366 other matters within its jurisdiction.

16367         8. The commission shall prepare a report containing its  
16368 determination under s. 403.537, and the report may include the  
16369 comments from the commission with respect to any other subject  
16370 within its jurisdiction.

16371         9. Any other agency, if requested by the department, shall  
16372 also perform studies or prepare reports as to subjects within  
16373 the jurisdiction of the agency which may potentially be affected

HB 7247

2011

16374 by the proposed transmission line.

16375 Section 345. Paragraph (a) of subsection (2) of section  
16376 403.527, Florida Statutes, is amended to read:

16377 403.527 Certification hearing, parties, participants.—

16378 (2)(a) Parties to the proceeding shall be:

16379 1. The applicant.

16380 2. The department.

16381 3. The commission.

16382 4. The Department of Economic Opportunity ~~Community~~  
16383 ~~Affairs~~.

16384 5. The Fish and Wildlife Conservation Commission.

16385 6. The Department of Transportation.

16386 7. Each water management district in the jurisdiction of  
16387 which the proposed transmission line or corridor is to be  
16388 located.

16389 8. The local government.

16390 9. The regional planning council.

16391 Section 346. Subsection (1) of section 403.757, Florida  
16392 Statutes, is amended to read:

16393 403.757 Coordination with other state agencies.—

16394 (1) The department shall coordinate its activities and  
16395 functions under ss. 403.75-403.769 and s. 526.01, as amended by  
16396 chapter 84-338, Laws of Florida, with the Department of Economic  
16397 Opportunity ~~Community Affairs~~ and other state agencies to avoid  
16398 duplication in reporting and information gathering.

16399 Section 347. Paragraph (a) of subsection (2) of section  
16400 403.941, Florida Statutes, is amended to read:

16401 403.941 Preliminary statements of issues, reports, and

HB 7247

2011

studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Economic Opportunity ~~Community Affairs~~ shall prepare a report containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the proposed natural gas transmission pipeline or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Economic Opportunity ~~Community Affairs~~ may also comment on the consistency of the proposed natural gas transmission pipeline or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

HB 7247

2011

16430           5. Each local government in which the natural gas  
16431 transmission pipeline or natural gas transmission pipeline  
16432 corridor will be located shall prepare a report as to the impact  
16433 of each proposed natural gas transmission pipeline or corridor  
16434 on matters within its jurisdiction, including the consistency of  
16435 the proposed natural gas transmission pipeline or corridor with  
16436 all applicable local ordinances, regulations, standards, or  
16437 criteria that apply to the proposed natural gas transmission  
16438 pipeline or corridor, including local comprehensive plans,  
16439 zoning regulations, land development regulations, and any  
16440 applicable local environmental regulations adopted pursuant to  
16441 s. 403.182 or by other means. No change by the responsible local  
16442 government or local agency in local comprehensive plans, zoning  
16443 ordinances, or other regulations made after the date required  
16444 for the filing of the local government's report required by this  
16445 section shall be applicable to the certification of the proposed  
16446 natural gas transmission pipeline or corridor unless the  
16447 certification is denied or the application is withdrawn.

16448           6. Each regional planning council in which the natural gas  
16449 transmission pipeline or natural gas transmission pipeline  
16450 corridor will be located shall present a report containing  
16451 recommendations that address the impact upon the public of the  
16452 proposed natural gas transmission pipeline or corridor, based on  
16453 the degree to which the natural gas transmission pipeline or  
16454 corridor is consistent with the applicable provisions of the  
16455 strategic regional policy plan adopted pursuant to chapter 186  
16456 and other impacts of each proposed natural gas transmission  
16457 pipeline or corridor on matters within its jurisdiction.

HB 7247

2011

7. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

8. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

9. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 348. Paragraph (a) of subsection (4) of section 403.9411, Florida Statutes, is amended to read:

403.9411 Notice; proceedings; parties and participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.

2. The department.

3. The commission.

4. The Department of Economic Opportunity Community Affairs.

HB 7247

2011

5. The Fish and Wildlife Conservation Commission.

6. Each water management district in the jurisdiction of which the proposed natural gas transmission pipeline or corridor is to be located.

7. The local government.

8. The regional planning council.

9. The Department of Transportation.

10. The Department of State, Division of Historical Resources.

Section 349. Subsection (4) of section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from the office and the respective heads of the Department of Economic Opportunity ~~Community Affairs~~, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

Section 350. Subsection (4) of section 404.056, Florida Statutes, is amended to read:

HB 7247

2011

16514 404.056 Environmental radiation standards and projects;  
16515 certification of persons performing measurement or mitigation  
16516 services; mandatory testing; notification on real estate  
16517 documents; rules.—

16518 (4) MANDATORY TESTING.—All public and private school  
16519 buildings or school sites housing students in kindergarten  
16520 through grade 12; all state-owned, state-operated, state-  
16521 regulated, or state-licensed 24-hour care facilities; and all  
16522 state-licensed day care centers for children or minors which are  
16523 located in counties designated within the Department of Business  
16524 and Professional Regulation's ~~Community Affairs'~~ Florida Radon  
16525 Protection Map Categories as "Intermediate" or "Elevated Radon  
16526 Potential" shall be measured to determine the level of indoor  
16527 radon, using measurement procedures established by the  
16528 department. Initial measurements shall be conducted in 20  
16529 percent of the habitable first floor spaces within any of the  
16530 regulated buildings and shall be completed and reported to the  
16531 department within 1 year after the date the building is opened  
16532 for occupancy or within 1 year after license approval for the  
16533 entity residing in the existing building. Followup testing must  
16534 be completed in 5 percent of the habitable first floor spaces  
16535 within any of the regulated buildings after the building has  
16536 been occupied for 5 years, and results must be reported to the  
16537 department by the first day of the 6th year of occupancy. After  
16538 radon measurements have been made twice, regulated buildings  
16539 need not undergo further testing unless significant structural  
16540 changes occur. No funds collected pursuant to s. 553.721 shall  
16541 be used to carry out the provisions of this subsection.

HB 7247

2011

Section 351. Paragraph (d) of subsection (4) of section 404.0617, Florida Statutes, is amended to read:

404.0617 Siting of commercial low-level radioactive waste management facilities.—

(4) The Governor and Cabinet shall consider the following when determining whether to grant a petition for a variance from local ordinances, regulations, or plans:

(d) Such studies, reports, and information as the Governor and Cabinet may request of the Department of Economic Opportunity ~~Community Affairs~~ addressing whether or not the proposed facility unreasonably interferes with the achievement of the goals and objectives of any adopted state or local comprehensive plan and any other matter within its jurisdiction.

Section 352. Subsections (2), (3), and (4) of section 409.508, Florida Statutes, are amended to read:

409.508 Low-income home energy assistance program.—

(2) The Department of Economic Opportunity ~~Community Affairs~~ is designated as the state agency to administer the Low-income Home Energy Assistance Act of 1981, 42 U.S.C. ss. 8621 et seq. The Department of Economic Opportunity ~~Community Affairs~~ is authorized to provide home energy assistance benefits to eligible households which may be in the form of cash, vouchers, certificates, or direct payments to electric or natural gas utilities or other energy suppliers and operators of low-rent, subsidized housing in behalf of eligible households. Priority shall be given to eligible households having at least one elderly or handicapped individual and to eligible households with the lowest incomes.



HB 7247

2011

(3) Agreements may be established between electric or natural gas utility companies, other energy suppliers, the Department of Revenue, and the Department of Economic Opportunity ~~Community Affairs~~ for the purpose of providing payments to energy suppliers in the form of a credit against sales and use taxes due or direct payments to energy suppliers for services rendered to low-income, eligible households.

(4) The Department of Economic Opportunity ~~Community Affairs~~ shall adopt rules to carry out ~~the provisions of this section act.~~

Section 353. Subsection (2) of section 409.509, Florida Statutes, is amended to read:

409.509 Definitions; weatherization of low-income residences.—As used in this act, the term:

(2) "Department" means the Department of Economic Opportunity ~~Community Affairs~~.

Section 354. Subsection (2) and paragraph (f) of subsection (3) of section 410.502, Florida Statutes, is amended to read:

410.502 Housing and living arrangements; special needs of the elderly; services.—The Department of Elderly Affairs shall provide services related to housing and living arrangements which meet the special needs of the elderly. Such services shall include, but not be limited to:

(2) Coordinating with the Department of Economic Opportunity ~~Community Affairs~~ to gather and maintain data on living arrangements which meet the special needs of the elderly and to disseminate such information to the public. Such

HB 7247

2011

information shall include types of facilities, cost of care, services provided, and possible sources of help in meeting the cost of care for indigent individuals.

(3) Promoting, through the Department of Elderly Affairs staff activities and area agencies on aging, the development of a variety of living arrangements through public and private auspices to meet the various needs and desires of the elderly, including, but not limited to:

(f) Retirement communities for independent communal living, to be developed in conjunction with the Department of Economic Opportunity ~~Community Affairs~~.

Demonstration projects must be used advisedly to test the extent to which these and other innovative housing and living arrangements do meet the basic and special needs of the elderly.

Section 355. Subsection (2) of section 418.12, Florida Statutes, is amended to read:

418.12 Duties and functions of Division of Recreation and Parks.—Among its functions, the Division of Recreation and Parks of the Department of Environmental Protection shall:

(2) Provide consultation assistance to the Department of Economic Opportunity ~~Community Affairs~~ and to local governing units as to the promotion, organization, and administration of local recreation systems and as to the planning and design of local recreation areas and facilities;

Section 356. Paragraph (e) of subsection (3) and subsection (4) of section 420.0003, Florida Statutes, are amended to read:

HB 7247

2011

16626 420.0003 State housing strategy.—

16627 (3) POLICIES.—

16628 (e) Housing production or rehabilitation programs.—New  
16629 programs for housing production or rehabilitation shall be  
16630 developed in accordance with the following general guidelines as  
16631 appropriate for the purpose of the specific program:

16632 1. State and local governments shall provide incentives to  
16633 encourage the private sector to be the primary delivery vehicle  
16634 for the development of affordable housing.

16635 2. State funds should be heavily leveraged to achieve the  
16636 maximum local and private commitment of funds while achieving  
16637 the program objectives.

16638 3. To the maximum extent possible, state funds should be  
16639 expended to provide housing units rather than to support program  
16640 administration.

16641 4. State money should be used, when possible, as loans  
16642 rather than grants.

16643 5. State funds should be available only to local  
16644 governments that provide incentives or financial assistance for  
16645 housing.

16646 6. State funds should be made available only for projects  
16647 which are consistent with the local government comprehensive  
16648 plan.

16649 7. State funding for housing should not be made available  
16650 to local governments whose comprehensive plans have been found  
16651 not in compliance with chapter 163 and who have not entered into  
16652 a stipulated settlement agreement with the Department of  
16653 Economic Opportunity ~~the Department of Community Affairs~~ to

HB 7247

2011

bring the plan into compliance.

8. Mixed income projects should be encouraged, to avoid a concentration of low-income residents in one area or project.

9. Distribution of state housing funds should be flexible and consider the regional and local needs, resources, and capabilities of housing producers.

10. Income levels used to determine program eligibility should be adjusted for family size in determining the eligibility of specific beneficiaries.

11. To the maximum extent possible, state-owned lands that are appropriate for the development of affordable housing shall be made available for that purpose.

(4) IMPLEMENTATION.—The Department of Economic Opportunity  
~~The Department of Community Affairs~~ and the Florida Housing Finance Corporation in carrying out the strategy articulated herein shall have the following duties:

(a) The fiscal resources of the Department of Economic Opportunity ~~the Department of Community Affairs~~ shall be directed to achieve the following programmatic objectives:

1. Effective technical assistance and capacity-building programs shall be established at the state and local levels.

2. The Shimberg Center for Affordable Housing at the University of Florida shall develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.

HB 7247

2011

16682 (b) The agency strategic plan of the Department of  
16683 Economic Opportunity ~~the Department of Community Affairs~~ shall  
16684 include specific goals, objectives, and strategies that  
16685 implement the housing policies in this section and shall include  
16686 the strategic plan for housing production prepared by the  
16687 corporation pursuant to s. 420.511.

16688 (c) The Shimberg Center for Affordable Housing, in  
16689 consultation with the Department of Economic Opportunity ~~the~~  
16690 ~~Department of Community Affairs~~ and the Florida Housing Finance  
16691 Corporation, shall review and evaluate existing housing  
16692 rehabilitation, production, and finance programs to determine  
16693 their consistency with relevant policies in this section and  
16694 identify the needs of specific populations, including, but not  
16695 limited to, elderly and handicapped persons, and shall recommend  
16696 statutory modifications where appropriate. The Shimberg Center  
16697 for Affordable Housing, in consultation with the Department of  
16698 Economic Opportunity ~~the Department of Community Affairs~~ and the  
16699 corporation, shall also evaluate the degree of coordination  
16700 between state housing programs, and between state, federal, and  
16701 local housing activities, and shall recommend improved program  
16702 linkages. The recommendations required above and a report of any  
16703 programmatic modifications made as a result of these policies  
16704 shall be included in the housing report required by s. 420.6075,  
16705 beginning December 31, 1991, and every 5 years thereafter.

16706 (d) The department and the corporation are anticipated to  
16707 conform the administrative rules for each housing program to the  
16708 policies stated in this section, provided that such changes in  
16709 the rules are consistent with the statutory intent or

HB 7247

2011

requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.

Section 357. Subsection (6) of section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(6) "Department" means the Department of Economic Opportunity ~~the Department of Community Affairs~~.

Section 358. Section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—There is hereby established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the Commissioner of Economic Opportunity

HB 7247

2011

~~Secretary of Community Affairs~~ that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

Section 359. Paragraph (d) of subsection (1) of section 420.101, Florida Statutes, is amended to read:

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

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing

HB 7247

2011

development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(d) The names and post office addresses of the members of the first board of directors. The first board of directors shall be elected by and from the stockholders of the corporation and shall consist of 21 members. However, five of such members shall consist of the following persons, who shall be nonvoting members: the secretary of the Department of Economic Opportunity ~~Community Affairs~~ or her or his designee; the head of the Department of Financial Services or her or his designee with expertise in banking matters; a designee of the head of the Department of Financial Services with expertise in insurance matters; one state senator appointed by the President of the Senate; and one representative appointed by the Speaker of the House of Representatives.

Section 360. Subsection (8) of section 420.111, Florida Statutes, is amended to read:

420.111 Housing Development Corporation of Florida; additional powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by chapter 607, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:



HB 7247

2011

(8) To cooperate with, and avail itself of the facilities of, the United States Department of Housing and Urban Development, the Department of Economic Opportunity Community Affairs, and any other similar local, state, or Federal Government agency; and to cooperate with and assist, and otherwise encourage, organizations in the various communities of the state on the promotion, assistance, and development of the housing and economic welfare of such communities or of this state or any part thereof.

Section 361. Section 420.36, Florida Statutes, is amended to read:

420.36 Low-income Emergency Home Repair Program.—There is established within the Department of Economic Opportunity Community Affairs the Low-income Emergency Home Repair Program to assist low-income persons, especially the elderly and physically disabled, in making emergency repairs which directly affect their health and safety.

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

(a) "Grantee" means a local public or private nonprofit agency currently receiving funds from the department to conduct a weatherization assistance program in one or more counties or a public or nonprofit agency chosen as outlined in subparagraph (4) (c) 4.

(b) "Subgrantee" means a local public or private nonprofit agency experienced in weatherization, emergency repairs, or rehabilitation of housing.

(2) A person is eligible to receive assistance if that person has an income in relation to that person's family size

HB 7247

2011

which is at or below 125 percent of the poverty level as specified annually in the federal Office of Management and Budget Poverty Guidelines. Eligible persons over 60 years of age and eligible persons who are physically disabled shall be given priority in the program.

(3)(a) Allowable repairs, including materials and labor, which may be charged under the program include:

1. Correcting deficiencies in support beams, load-bearing walls, and floor joists.

2. Repair or replacement of unsafe or nonfunctional space heating or water heating systems.

3. Egress or physically disabled accessibility repairs, improvements, or assistive devices, including wheelchair ramps, steps, porches, handrails, or other health and safety measures.

4. Plumbing, pump, well, and line repairs to ensure safe drinking water and sanitary sewage.

5. Electrical repairs.

6. Repairs to deteriorating walls, floors, and roofs.

7. Other interior and exterior repairs as necessary for the health and safety of the resident.

(b) Administrative expenses may not exceed 10 percent of the total grant funds.

(c) Each grantee shall be required to provide an in-kind or cash match of at least 20 percent of the funds granted. Grantees and subgrantees shall be encouraged to use community resources to provide such match, including family, church, and neighborhood volunteers and materials provided by local groups and businesses. Grantees shall coordinate with local governments

HB 7247

2011

through their community development block grant entitlement programs and other housing programs, local housing partnerships, and agencies under contract to a lead agency for the provisions of services under the Community Care for the Elderly Act, ss. 430.201-430.207.

(4) (a) Funds appropriated to the department for the program shall be deposited in the Energy Consumption Trust Fund. Administrative and personnel costs incurred by the department in implementing the provisions of this section may be paid from the fund.

(b) The grantee may subgrant these funds to a subgrantee if the grantee is unable to serve all of the county or the target population. Grantee and subgrantee eligibility shall be determined by the department.

(c) Funds shall be distributed to grantees and subgrantees as follows:

1. For each county, a base amount of at least \$3,000 shall be set aside from the total funds available, and such amount shall be deducted from the total amount appropriated by the Legislature.

2. The balance of the funds appropriated by the Legislature shall be divided by the total poverty population of the state, and this quotient shall be multiplied by each county's share of the poverty population. That amount plus the base of at least \$3,000 shall constitute each county's share. A grantee which serves more than one county shall receive the base amount plus the poverty population share for each county to be served. Contracts with grantees may be renewed annually.

HB 7247

2011

3. The funds allocated to each county shall be offered first to an existing weatherization assistance program grantee in good standing, as determined by the department, that can provide services to the target population of low-income persons, low-income elderly persons, and low-income physically disabled persons throughout the county.

4. If a weatherization assistance program grantee is not available to serve the entire county area, the funds shall be distributed through the following process:

a. An announcement of funding availability shall be provided to the county. The county may elect to administer the program.

b. If the county elects not to administer the program, the department shall establish rules to address the selection of one or more public or private not-for-profit agencies that are experienced in weatherization, rehabilitation, or emergency repair to administer the program.

5. If no eligible agency agrees to serve a county, the funds for that county shall be distributed to grantees having the best performance record as determined by department rule. At the end of the contract year, any uncontracted or unexpended funds shall be returned to the Energy Consumption Trust Fund and reallocated under the next year's contracting cycle.

(5) The department may perform all actions appropriate and necessary to carry out the purposes of this section, including, but not limited to:

(a) Entering into contracts and agreements with the Federal Government, agencies of the state, local governments, or

HB 7247

2011

16906 any person, association, corporation, or entity.

16907 (b) Seeking and accepting funding from any public or  
16908 private source.

16909 (c) Adopting and enforcing rules consistent with this  
16910 section.

16911 Section 362. Subsections (1) and (2) of section 420.424,  
16912 Florida Statutes, are amended, and subsections (3) through (7)  
16913 of that section are redesignated as subsections (2) through (6),  
16914 to read:

16915 420.424 Definitions.—As used in ss. 420.421-420.429:

16916 (1) "Department" means the Department of Economic  
16917 Opportunity Community Affairs.

16918 ~~(2) "Secretary" means the Secretary of Community Affairs.~~

16919 Section 363. Subsection (12) of section 420.503, Florida  
16920 Statutes, is amended to read:

16921 420.503 Definitions.—As used in this part, the term:

16922 (12) "Department" means the Department of Economic  
16923 Opportunity ~~the Department of Community Affairs~~.

16924 Section 364. Subsections (1) and (3) of section 420.504,  
16925 Florida Statutes, are amended to read:

16926 420.504 Public corporation; creation, membership, terms,  
16927 expenses.—

16928 (1) There is created within the Department of Economic  
16929 Opportunity ~~the Department of Community Affairs~~ a public  
16930 corporation and a public body corporate and politic, to be known  
16931 as the "Florida Housing Finance Corporation." It is declared to  
16932 be the intent of and constitutional construction by the  
16933 Legislature that the Florida Housing Finance Corporation

HB 7247

2011

16934 constitutes an entrepreneurial public corporation organized to  
16935 provide and promote the public welfare by administering the  
16936 governmental function of financing or refinancing housing and  
16937 related facilities in Florida and that the corporation is not a  
16938 department of the executive branch of state government within  
16939 the scope and meaning of s. 6, Art. IV of the State  
16940 Constitution, but is functionally related to the Department of  
16941 Economic Opportunity ~~the Department of Community Affairs~~ in  
16942 which it is placed. The executive function of state government  
16943 to be performed by the Commissioner of Economic Opportunity  
16944 ~~secretary of the department~~ in the conduct of the business of  
16945 the Florida Housing Finance Corporation must be performed  
16946 pursuant to a contract to monitor and set performance standards  
16947 for the implementation of the business plan for the provision of  
16948 housing approved for the corporation as provided in s. 420.0006.  
16949 This contract shall include the performance standards for the  
16950 provision of affordable housing in Florida established in the  
16951 business plan described in s. 420.511.

16952 (3) The corporation is a separate budget entity and is not  
16953 subject to control, supervision, or direction by the Department  
16954 of Economic Opportunity ~~the Department of Community Affairs~~ in  
16955 any manner, including, but not limited to, personnel,  
16956 purchasing, transactions involving real or personal property,  
16957 and budgetary matters. The corporation shall consist of a board  
16958 of directors composed of the Commissioner of Economic  
16959 Opportunity ~~Secretary of Community Affairs~~ as an ex officio and  
16960 voting member and eight members appointed by the Governor  
16961 subject to confirmation by the Senate from the following:

Page 606 of 914

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7247-00

HB 7247

2011

16962           (a) One citizen actively engaged in the residential home  
16963 building industry.

16964           (b) One citizen actively engaged in the banking or  
16965 mortgage banking industry.

16966           (c) One citizen who is a representative of those areas of  
16967 labor engaged in home building.

16968           (d) One citizen with experience in housing development who  
16969 is an advocate for low-income persons.

16970           (e) One citizen actively engaged in the commercial  
16971 building industry.

16972           (f) One citizen who is a former local government elected  
16973 official.

16974           (g) Two citizens of the state who are not principally  
16975 employed as members or representatives of any of the groups  
16976 specified in paragraphs (a)-(f).

16977           Section 365. Section 420.506, Florida Statutes, is amended  
16978 to read:

16979           420.506 Executive director; agents and employees.—The  
16980 appointment and removal of an executive director shall be by the  
16981 Commissioner of Economic Opportunity ~~Secretary of Community~~  
16982 ~~Affairs~~, with the advice and consent of the corporation's board  
16983 of directors. The executive director shall employ legal and  
16984 technical experts and such other agents and employees, permanent  
16985 and temporary, as the corporation may require, and shall  
16986 communicate with and provide information to the Legislature with  
16987 respect to the corporation's activities. The board is  
16988 authorized, notwithstanding the provisions of s. 216.262, to  
16989 develop and implement rules regarding the employment of

HB 7247

2011

employees of the corporation and service providers, including legal counsel. The board of directors of the corporation is entitled to establish travel procedures and guidelines for employees of the corporation. The executive director's office and the corporation's files and records must be located in Leon County.

Section 366. Paragraph (e) of subsection (12) of section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(12) All eligible applications shall:

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in subsection (8) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Economic Opportunity ~~the Department of Community Affairs~~ in evaluating the use of regulatory incentives by applicants.

Section 367. Subsections (4) through (10) of section 420.602, Florida Statutes, are amended, and a new subsection (4) is added to that section, to read:

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

(4) "Commissioner" means the commissioner of Economic Opportunity.

(5) ~~(4)~~ "Community-based organization" means a private corporation organized under chapter 617 to assist in the provision of housing and related services on a not-for-profit



HB 7247

2011

basis within a designated area, including a municipality,  
county, or area of more than one municipality or county.

(6)~~(5)~~ "Corporation" means the Florida Housing Finance  
Corporation as created in s. 420.504.

(7)~~(6)~~ "Department" means the Department of Economic  
Opportunity ~~the Department of Community Affairs~~.

(8)~~(7)~~ "Fund" means the Florida Affordable Housing Trust  
Fund as created in this part.

(9)~~(8)~~ "Low-income persons" means one or more natural  
persons or a family, the total annual adjusted gross household  
income of which does not exceed 80 percent of the median annual  
adjusted gross income for households within the state, or 80  
percent of the median annual adjusted gross income for  
households within the metropolitan statistical area (MSA) or, if  
not within an MSA, within the county in which the person or  
family resides, whichever is greater.

(10)~~(9)~~ "Moderate-income persons" means one or more  
natural persons or a family, the total annual adjusted gross  
household income of which is less than 120 percent of the median  
annual adjusted gross income for households within the state, or  
120 percent of the median annual adjusted gross income for  
households within the metropolitan statistical area (MSA) or, if  
not within an MSA, within the county in which the household is  
located, whichever is greater.

~~(10) "Secretary" means the Secretary of Community Affairs.~~  
Section 368. Subsections (3) and (4) of section 420.606,  
Florida Statutes, are amended to read:  
420.606 Training and technical assistance program.—

HB 7247

2011

(3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The Department of Economic Opportunity ~~Community Affairs~~ shall be responsible for securing the necessary expertise to provide training and technical assistance to staff of local governments, to staff of state agencies, as appropriate, and to community-based organizations, and to persons forming such organizations, which are formed for the purpose of developing new housing and rehabilitating existing housing which is affordable for very-low-income persons, low-income persons, and moderate-income persons.

(a) The training component of the program shall be designed to build the housing development capacity of community-based organizations and local governments as a permanent resource for the benefit of communities in this state.

1. The scope of training shall include, but not be limited to, real estate development skills related to affordable housing, including the construction process and property management and disposition, the development of public-private partnerships to reduce housing costs, model housing projects, and management and board responsibilities of community-based organizations.

2. Training activities may include, but are not limited to, materials for self-instruction, workshops, seminars, internships, coursework, and special programs developed in conjunction with state universities and community colleges.

(b) The technical assistance component of the program shall be designed to assist applicants for state-administered programs in developing applications and in expediting project

HB 7247

2011

17074 implementation. Technical assistance activities for the staffs  
17075 of community-based organizations and local governments who are  
17076 directly involved in the production of affordable housing may  
17077 include, but are not limited to, workshops for program  
17078 applicants, onsite visits, guidance in achieving project  
17079 completion, and a newsletter to community-based organizations  
17080 and local governments.

17081       (4) POWERS.—The Department of Economic Opportunity  
17082 ~~Community Affairs~~ may do all things necessary or appropriate to  
17083 carry out the purposes of this section, including exercising the  
17084 power to:

17085       (a) Enter into contracts and agreements with the Federal  
17086 Government or with other agencies of the state, with local  
17087 governments, or with any other person, association, corporation,  
17088 or entity;

17089       (b) Seek and accept funding from any public or private  
17090 source; and

17091       (c) Adopt and enforce rules consistent with this section.  
17092       Section 369. Subsection (5) of section 420.609, Florida  
17093 Statutes, is amended to read:

17094       420.609 Affordable Housing Study Commission.—Because the  
17095 Legislature firmly supports affordable housing in Florida for  
17096 all economic classes:

17097       (5) The commission shall review, evaluate, and make  
17098 recommendations regarding existing and proposed housing programs  
17099 and initiatives. The commission shall provide these and any  
17100 other housing recommendations to the commissioner ~~secretary of~~  
17101 ~~the Department of Community Affairs~~ and the executive director

HB 7247

2011

17102 of the corporation.

17103 Section 370. Subsection (2) of section 420.622, Florida  
17104 Statutes, is amended to read:

17105 420.622 State Office on Homelessness; Council on  
17106 Homelessness.—

17107 (2) The Council on Homelessness is created to consist of a  
17108 17-member council of public and private agency representatives  
17109 who shall develop policy and advise the State Office on  
17110 Homelessness. The council members shall be: the Secretary of  
17111 Children and Family Services, or his or her designee; the  
17112 Commissioner of Economic Opportunity ~~Secretary of Community~~  
17113 ~~Affairs~~, or his or her designee, to advise the council on issues  
17114 related to rural development; the State Surgeon General, or his  
17115 or her designee; the Executive Director of Veterans' Affairs, or  
17116 his or her designee; the Secretary of Corrections, or his or her  
17117 designee; the Secretary of Health Care Administration, or his or  
17118 her designee; the Commissioner of Education, or his or her  
17119 designee; the Director of Workforce Florida, Inc., or his or her  
17120 designee; one representative of the Florida Association of  
17121 Counties; one representative from the Florida League of Cities;  
17122 one representative of the Florida Supportive Housing Coalition;  
17123 the Executive Director of the Florida Housing Finance  
17124 Corporation, or his or her designee; one representative of the  
17125 Florida Coalition for the Homeless; and four members appointed  
17126 by the Governor. The council members shall be volunteer, nonpaid  
17127 persons and shall be reimbursed for travel expenses only. The  
17128 appointed members of the council shall be appointed to staggered  
17129 2-year terms, and the council shall meet at least four times per

HB 7247

2011

year. The importance of minority, gender, and geographic representation must be considered when appointing members to the council.

Section 371. Subsections (8) and (9) of section 420.631, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and present subsections (2) and (7) of that section are amended to read:

420.631 Definitions relating to Urban Homesteading Act.—As used in ss. 420.630-420.635:

(2) "Department" means the Department of Economic Opportunity ~~the Department of Community Affairs~~.

~~(7) "Office" means the Office of Urban Opportunity within the Department of Community Affairs.~~

Section 372. Section 420.635, Florida Statutes, is amended to read:

420.635 Loans to qualified buyers.—Contingent upon an appropriation, the department, ~~in consultation with the Office of Urban Opportunity,~~ shall provide loans to qualified buyers who are required to pay the pro rata portion of the bonded debt on single-family housing pursuant to s. 420.634. Loans provided under this section shall be made at a rate of interest which does not exceed the qualified loan rate. A buyer must maintain the qualifications specified in s. 420.633 for the full term of the loan. The loan agreement may contain additional terms and conditions as determined by ~~the department~~.

Section 373. Section 421.001, Florida Statutes, is amended to read:

421.001 State role in housing and urban development.—The

HB 7247

2011

17158 role of state government required by part I of chapter 421  
17159 (Housing Authorities Law), chapter 422 (Housing Cooperation  
17160 Law), and chapter 423 (Tax Exemption of Housing Authorities) is  
17161 the responsibility of the Department of Economic Opportunity  
17162 ~~Community Affairs~~; and the department is the agency of state  
17163 government responsible for the state's role in housing and urban  
17164 development.

17165       Section 374. Section 422.001, Florida Statutes, is amended  
17166 to read:

17167       422.001 State role in housing and urban development.—The  
17168 role of state government required by part I of chapter 421  
17169 (Housing Authorities Law), chapter 422 (Housing Cooperation  
17170 Law), and chapter 423 (Tax Exemption of Housing Authorities) is  
17171 the responsibility of the Department of Economic Opportunity  
17172 ~~Community Affairs~~; and the department is the agency of state  
17173 government responsible for the state's role in housing and urban  
17174 development.

17175       Section 375. Section 423.001, Florida Statutes, is amended  
17176 to read:

17177       423.001 State role in housing and urban development.—The  
17178 role of state government required by part I of chapter 421  
17179 (Housing Authorities Law), chapter 422 (Housing Cooperation  
17180 Law), and chapter 423 (Tax Exemption of Housing Authorities) is  
17181 the responsibility of the Department of Economic Opportunity  
17182 ~~Community Affairs~~; and the department is the agency of state  
17183 government responsible for the state's role in housing and urban  
17184 development.

17185       Section 376. Paragraph (b) of subsection (1) of section

HB 7247

2011

429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(b) The preparation and annual update of a comprehensive emergency management plan. Such standards must be included in the rules adopted by the department after consultation with the Department of Economic Opportunity ~~Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including provision of emergency power, food, and water; postdisaster transportation;

HB 7247

2011

17214 supplies; staffing; emergency equipment; individual  
 17215 identification of residents and transfer of records;  
 17216 communication with families; and responses to family inquiries.  
 17217 The comprehensive emergency management plan is subject to review  
 17218 and approval by the local emergency management agency. During  
 17219 its review, the local emergency management agency shall ensure  
 17220 that the following agencies, at a minimum, are given the  
 17221 opportunity to review the plan: the Department of Elderly  
 17222 Affairs, the Department of Health, the Agency for Health Care  
 17223 Administration, and the Department of Economic Opportunity  
 17224 ~~Community Affairs~~. Also, appropriate volunteer organizations  
 17225 must be given the opportunity to review the plan. The local  
 17226 emergency management agency shall complete its review within 60  
 17227 days and either approve the plan or advise the facility of  
 17228 necessary revisions.

17229       Section 377. Paragraph (g) of subsection (1) of section  
 17230 429.929, Florida Statutes, is amended to read:

17231       429.929 Rules establishing standards.—

17232       (1) The agency, in consultation with the department, may  
 17233 adopt rules to administer the requirements of part II of chapter  
 17234 408. The Department of Elderly Affairs, in conjunction with the  
 17235 agency, shall adopt rules to implement the provisions of this  
 17236 part. The rules must include reasonable and fair standards. Any  
 17237 conflict between these standards and those that may be set forth  
 17238 in local, county, or municipal ordinances shall be resolved in  
 17239 favor of those having statewide effect. Such standards must  
 17240 relate to:

17241       (g) Components of a comprehensive emergency management



HB 7247

2011

plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management ~~Department of Community Affairs~~.

Section 378. Section 450.261, Florida Statutes, is amended to read:

450.261 Interstate Migrant Labor Commission; Florida membership.—In selecting the Florida membership of the Interstate Migrant Labor Commission, the Governor may designate the secretary of the Department of Economic Opportunity ~~Community Affairs~~ as his or her representative. The two legislative members shall be chosen from among the members of the Legislative Commission on Migrant Labor, and at least one of the two members appointed by the Governor shall be chosen from among the members of the advisory committee to that commission.

Section 379. Subsection (21) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the Florida Building Commission ~~Department of Community Affairs~~ showing compliance with the Florida Building Code.

Section 380. Subsection (3) of section 489.109, Florida Statutes, is amended to read:

489.109 Fees.—

(3) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all certificateholders and registrants must pay a fee of \$4 to the

HB 7247

2011

17270 department at the time of application or renewal. The funds must  
17271 be transferred at the end of each licensing period to the  
17272 ~~department of Community Affairs~~ to fund projects relating to the  
17273 building construction industry or continuing education programs  
17274 offered to persons engaged in the building construction industry  
17275 in Florida, to be selected by the Florida Building Commission.  
17276 The board shall, at the time the funds are transferred, advise  
17277 the department ~~of Community Affairs~~ on the most needed areas of  
17278 research or continuing education based on significant changes in  
17279 the industry's practices or on changes in the state building  
17280 code or on the most common types of consumer complaints or on  
17281 problems costing the state or local governmental entities  
17282 substantial waste. The board's advice is not binding on the  
17283 department ~~of Community Affairs~~. The department ~~of Community~~  
17284 ~~Affairs~~ shall ensure the distribution of research reports and  
17285 the availability of continuing education programs to all  
17286 segments of the building construction industry to which they  
17287 relate. The department ~~of Community Affairs~~ shall report to the  
17288 board in October of each year, summarizing the allocation of the  
17289 funds by institution and summarizing the new projects funded and  
17290 the status of previously funded projects.

17291 Section 381. Subsection (3) of section 489.509, Florida  
17292 Statutes, is amended to read:

17293 489.509 Fees.—

17294 (3) Four dollars of each fee under subsection (1) paid to  
17295 the department at the time of application or renewal shall be  
17296 transferred at the end of each licensing period to the  
17297 department ~~of Community Affairs~~ to fund projects relating to the

HB 7247

2011

17298 building construction industry or continuing education programs  
17299 offered to persons engaged in the building construction industry  
17300 in Florida. The board shall, at the time the funds are  
17301 transferred, advise the department ~~of Community Affairs~~ on the  
17302 most needed areas of research or continuing education based on  
17303 significant changes in the industry's practices or on the most  
17304 common types of consumer complaints or on problems costing the  
17305 state or local governmental entities substantial waste. The  
17306 board's advice is not binding on the department ~~of Community~~  
17307 ~~Affairs~~. The department ~~of Community Affairs~~ shall ensure the  
17308 distribution of research reports and the availability of  
17309 continuing education programs to all segments of the building  
17310 construction industry to which they relate. The department ~~of~~  
17311 ~~Community Affairs~~ shall report to the board in October of each  
17312 year, summarizing the allocation of the funds by institution and  
17313 summarizing the new projects funded and the status of previously  
17314 funded projects.

17315 Section 382. Subsection (2) of section 497.271, Florida  
17316 Statutes, is amended to read:

17317 497.271 Standards for construction and significant  
17318 alteration or renovation of mausoleums and columbaria.—

17319 (2) The licensing authority shall adopt, by no later than  
17320 July 1, 1999, rules establishing minimum standards for all newly  
17321 constructed and significantly altered or renovated mausoleums  
17322 and columbaria; however, in the case of significant alterations  
17323 or renovations to existing structures, the rules shall apply  
17324 only, when physically feasible, to the newly altered or  
17325 renovated portion of such structures, except as specified in

HB 7247

2011

17326 subsection (4). In developing and adopting such rules, the  
17327 licensing authority may define different classes of structures  
17328 or construction standards, and may provide for different rules  
17329 to apply to each of said classes, if the designation of classes  
17330 and the application of different rules is in the public interest  
17331 and is supported by findings by the licensing authority based on  
17332 evidence of industry practices, economic and physical  
17333 feasibility, location, or intended uses; provided, that the  
17334 rules shall provide minimum standards applicable to all  
17335 construction. For example, and without limiting the generality  
17336 of the foregoing, the licensing authority may determine that a  
17337 small single-story ground level mausoleum does not require the  
17338 same level of construction standards that a large multistory  
17339 mausoleum might require; or that a mausoleum located in a low-  
17340 lying area subject to frequent flooding or hurricane threats  
17341 might require different standards than one located on high  
17342 ground in an area not subject to frequent severe weather  
17343 threats. The licensing authority shall develop the rules in  
17344 cooperation with, and with technical assistance from, the  
17345 Florida Building Commission ~~of the Department of Community~~  
17346 ~~Affairs~~, to ensure that the rules are in the proper form and  
17347 content to be included as part of the Florida Building Code  
17348 under part IV of chapter 553. If the Florida Building Commission  
17349 advises that some of the standards proposed by the licensing  
17350 authority are not appropriate for inclusion in such building  
17351 codes, the licensing authority may choose to include those  
17352 standards in a distinct chapter of its rules entitled "Non-  
17353 Building-Code Standards for Mausoleums" or "Additional Standards

HB 7247

2011

for Mausoleums," or other terminology to that effect. If the licensing authority elects to divide the standards into two or more chapters, all such rules shall be binding on licensees and others subject to the jurisdiction of the licensing authority, but only the chapter containing provisions appropriate for building codes shall be transmitted to the Florida Building Commission pursuant to subsection (3). Such rules may be in the form of standards for design and construction; methods, materials, and specifications for construction; or other mechanisms. Such rules shall encompass, at a minimum, the following standards:

(a) No structure may be built or significantly altered for use for interment, entombment, or inurnment purposes unless constructed of such material and workmanship as will ensure its durability and permanence, as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(b) Such structure must be so arranged that the exterior of any vault, niche, or crypt may be readily examined at any time by any person authorized by law to do so.

(c) Such structure must contain adequate provision for drainage and ventilation. Private or family mausoleums with all crypts bordering an exterior wall must contain pressure relief ventilation from the crypts to the outside of the mausoleum through the exterior wall or roof.

(d) Such structure must be of fire-resistant construction. Notwithstanding the requirements of s. 553.895 and chapter 633,

HB 7247

2011

17382 any mausoleum or columbarium constructed of noncombustible  
17383 materials, as defined in the Standard Building Code, shall not  
17384 require a sprinkler system.

17385 (e) Such structure must be resistant to hurricane and  
17386 other storm damage to the highest degree provided under  
17387 applicable building codes for buildings of that class.

17388 (f) Suitable provisions must be made for securely and  
17389 permanently sealing each crypt with durable materials after the  
17390 interment or entombment of human remains, so that no effluvia or  
17391 odors may escape therefrom except as provided by design and  
17392 sanitary engineering standards. Panels for permanent seals must  
17393 be solid and constructed of materials of sufficient weight,  
17394 permanence, density, imperviousness, and strength as to ensure  
17395 their durability and continued functioning. Permanent crypt  
17396 sealing panels must be securely installed and set in with high  
17397 quality fire-resistant, resilient, and durable materials after  
17398 the interment or entombment of human remains. The outer or  
17399 exposed covering of each crypt must be of a durable, permanent,  
17400 fire-resistant material; however, plastic, fiberglass, and wood  
17401 are not acceptable materials for such outer or exposed  
17402 coverings.

17403 (g) Interior and exterior fastenings for hangers, clips,  
17404 doors, and other objects must be of copper, copper-base alloy,  
17405 aluminum, or stainless steel of adequate gauges, or other  
17406 materials established by rule which provide equivalent or better  
17407 strength and durability, and must be properly installed.

17408 Section 383. Paragraph (a) of subsection (1) of section  
17409 526.144, Florida Statutes, is amended to read:

HB 7247

2011

17410 526.144 Florida Disaster Motor Fuel Supplier Program.—

17411 (1)(a) There is created the Florida Disaster Motor Fuel  
17412 Supplier Program within the Division of Emergency Management  
17413 ~~Department of Community Affairs~~.

17414 Section 384. Subsection (7) of section 553.36, Florida  
17415 Statutes, is amended to read:

17416 553.36 Definitions.—The definitions contained in this  
17417 section govern the construction of this part unless the context  
17418 otherwise requires.

17419 (7) "Department" means the Department of Business and  
17420 Professional Regulation ~~Community Affairs~~.

17421 Section 385. Section 553.382, Florida Statutes, is amended  
17422 to read:

17423 553.382 Placement of certain housing.—Notwithstanding any  
17424 other law or ordinance to the contrary, in order to expand the  
17425 availability of affordable housing in this state, any  
17426 residential manufactured building that is certified under this  
17427 chapter by the department ~~of Community Affairs~~ may be placed on  
17428 a mobile home lot in a mobile home park, recreational vehicle  
17429 park, or mobile home condominium, cooperative, or subdivision.  
17430 Any such housing unit placed on a mobile home lot is a mobile  
17431 home for purposes of chapter 723 and, therefore, all rights,  
17432 obligations, and duties under chapter 723 apply, including the  
17433 specifics of the prospectus. However, a housing unit subject to  
17434 this section may not be placed on a mobile home lot without the  
17435 prior written approval of the park owner. Each housing unit  
17436 subject to this section shall be taxed as a mobile home under s.  
17437 320.08(11) and is subject to payments to the Florida Mobile Home

HB 7247

2011

17438 Relocation Fund under s. 723.06116.

17439 Section 386. Subsection (2) of section 553.512, Florida  
17440 Statutes, is amended to read:

17441 553.512 Modifications and waivers; advisory council.—

17442 (2) The Accessibility Advisory Council shall consist of  
17443 the following seven members, who shall be knowledgeable in the  
17444 area of accessibility for persons with disabilities. The  
17445 commissioner of Economic Opportunity ~~Secretary of Community~~  
17446 ~~Affairs~~ shall appoint the following: a representative from the  
17447 Advocacy Center for Persons with Disabilities, Inc.; a  
17448 representative from the Division of Blind Services; a  
17449 representative from the Division of Vocational Rehabilitation; a  
17450 representative from a statewide organization representing the  
17451 physically handicapped; a representative from the hearing  
17452 impaired; a representative from the President, Florida Council  
17453 of Handicapped Organizations; and a representative of the  
17454 Paralyzed Veterans of America. The terms for the first three  
17455 council members appointed subsequent to October 1, 1991, shall  
17456 be for 4 years, the terms for the next two council members  
17457 appointed shall be for 3 years, and the terms for the next two  
17458 members shall be for 2 years. Thereafter, all council member  
17459 appointments shall be for terms of 4 years. No council member  
17460 shall serve more than two 4-year terms subsequent to October 1,  
17461 1991. Any member of the council may be replaced by the secretary  
17462 upon three unexcused absences. Upon application made in the form  
17463 provided, an individual waiver or modification may be granted by  
17464 the commission so long as such modification or waiver is not in  
17465 conflict with more stringent standards provided in another



HB 7247

2011

chapter.

Section 387. Section 553.71, Florida Statutes, is amended to read:

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

(1) "Commission" means the Florida Building Commission created by this part.

(2) "Department" means the Department of Business and Professional Regulation ~~Community Affairs~~.

~~(3)-(4)~~ (3) "Housing code" means any code or rule intending postconstruction regulation of structures which would include, but not be limited to: standards of maintenance, condition of facilities, condition of systems and components, living conditions, occupancy, use, and room sizes.

~~(4)-(8)~~ (4) "Load management control device" means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility's system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission.

(5) "Local enforcement agency" means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for

HB 7247

2011

17494 design, construction, erection, alteration, repair,  
17495 modification, or demolition of public or private buildings,  
17496 structures, or facilities.

17497 (6)~~(10)~~ "Prototype building" means a building constructed  
17498 in accordance with architectural or engineering plans intended  
17499 for replication on various sites and which will be updated to  
17500 comply with the Florida Building Code and applicable laws  
17501 relating to firesafety, health and sanitation, casualty safety,  
17502 and requirements for persons with disabilities which are in  
17503 effect at the time a construction contract is to be awarded.

17504 (7)~~(6)~~ "Secretary" means the Secretary of Business and  
17505 Professional Regulation ~~Community Affairs~~.

17506 (8)~~(9)~~ "Special inspector" means a licensed architect or  
17507 registered engineer who is certified under chapter 471 or  
17508 chapter 481 to conduct inspections of threshold buildings.

17509 (9)~~(3)~~ "State enforcement agency" means the agency of  
17510 state government with authority to make inspections of buildings  
17511 and to enforce the codes, as required by this part, which  
17512 establish standards for design, construction, erection,  
17513 alteration, repair, modification, or demolition of public or  
17514 private buildings, structures, or facilities.

17515 (10)~~(11)~~ "Temporary" includes, but is not limited to,  
17516 buildings identified by, but not designated as permanent  
17517 structures on, an approved development order.

17518 (11)~~(7)~~ "Threshold building" means any building which is  
17519 greater than three stories or 50 feet in height, or which has an  
17520 assembly occupancy classification as defined in the Florida  
17521 Building Code which exceeds 5,000 square feet in area and an

HB 7247

2011

17522 occupant content of greater than 500 persons.

17523 Section 388. Section 553.721, Florida Statutes, is amended  
17524 to read:

17525 553.721 Surcharge.—In order for the Department of Business  
17526 and Professional Regulation ~~Community Affairs~~ to administer and  
17527 carry out the purposes of this part and related activities,  
17528 there is hereby created a surcharge, to be assessed at the rate  
17529 of 1.5 percent of the permit fees associated with enforcement of  
17530 the Florida Building Code as defined by the uniform account  
17531 criteria and specifically the uniform account code for building  
17532 permits adopted for local government financial reporting  
17533 pursuant to s. 218.32. The minimum amount collected on any  
17534 permit issued shall be \$2. The unit of government responsible  
17535 for collecting a permit fee pursuant to s. 125.56(4) or s.  
17536 166.201 shall collect such surcharge and electronically remit  
17537 the funds collected to the department on a quarterly calendar  
17538 basis beginning not later than December 31, 2010, for the  
17539 preceding quarter, and continuing each third month thereafter,  
17540 and such unit of government shall retain 10 percent of the  
17541 surcharge collected to fund the participation of building  
17542 departments in the national and state building code adoption  
17543 processes and to provide education related to enforcement of the  
17544 Florida Building Code. All funds remitted to the department  
17545 pursuant to this section shall be deposited in the Professional  
17546 Regulation Trust Fund ~~Operating Trust Fund~~. Funds collected from  
17547 such surcharge shall be used exclusively for the duties of the  
17548 Florida Building Commission and the Department of Business and  
17549 Professional Regulation ~~Community Affairs~~ under this chapter and

HB 7247

2011

shall not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

Section 389. Subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and ~~shall~~ ~~be~~ located within the Department of Business and Professional Regulation ~~Community Affairs~~ for administrative purposes.

Members shall be appointed by the Governor subject to confirmation by the Senate. The commission shall be composed of 25 members, consisting of the following:

(a) One architect registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors

HB 7247

2011

17578 Association of Florida are encouraged to recommend a list of  
17579 candidates for consideration.

17580 (d) One electrical contractor certified to do business in  
17581 this state and actively engaged in the profession. The Florida  
17582 Electrical Contractors Association and the National Electrical  
17583 Contractors Association, Florida Chapter, are encouraged to  
17584 recommend a list of candidates for consideration.

17585 (e) One member from fire protection engineering or  
17586 technology who is actively engaged in the profession. The  
17587 Florida Chapter of the Society of Fire Protection Engineers and  
17588 the Florida Fire Marshals and Inspectors Association are  
17589 encouraged to recommend a list of candidates for consideration.

17590 (f) One general contractor certified to do business in  
17591 this state and actively engaged in the profession. The  
17592 Associated Builders and Contractors of Florida, the Florida  
17593 Associated General Contractors Council, and the Union  
17594 Contractors Association are encouraged to recommend a list of  
17595 candidates for consideration.

17596 (g) One plumbing contractor licensed to do business in  
17597 this state and actively engaged in the profession. The Florida  
17598 Association of Plumbing, Heating, and Cooling Contractors is  
17599 encouraged to recommend a list of candidates for consideration.

17600 (h) One roofing or sheet metal contractor certified to do  
17601 business in this state and actively engaged in the profession.  
17602 The Florida Roofing, Sheet Metal, and Air Conditioning  
17603 Contractors Association and the Sheet Metal and Air Conditioning  
17604 Contractors National Association are encouraged to recommend a  
17605 list of candidates for consideration.

HB 7247

2011

17606 (i) One residential contractor licensed to do business in  
17607 this state and actively engaged in the profession. The Florida  
17608 Home Builders Association is encouraged to recommend a list of  
17609 candidates for consideration.

17610 (j) Three members who are municipal or district codes  
17611 enforcement officials, one of whom is also a fire official. The  
17612 Building Officials Association of Florida and the Florida Fire  
17613 Marshals and Inspectors Association are encouraged to recommend  
17614 a list of candidates for consideration.

17615 (k) One member who represents the Department of Financial  
17616 Services.

17617 (l) One member who is a county codes enforcement official.  
17618 The Building Officials Association of Florida is encouraged to  
17619 recommend a list of candidates for consideration.

17620 (m) One member of a Florida-based organization of persons  
17621 with disabilities or a nationally chartered organization of  
17622 persons with disabilities with chapters in this state.

17623 (n) One member of the manufactured buildings industry who  
17624 is licensed to do business in this state and is actively engaged  
17625 in the industry. The Florida Manufactured Housing Association is  
17626 encouraged to recommend a list of candidates for consideration.

17627 (o) One mechanical or electrical engineer registered to  
17628 practice in this state and actively engaged in the profession.  
17629 The Florida Engineering Society is encouraged to recommend a  
17630 list of candidates for consideration.

17631 (p) One member who is a representative of a municipality  
17632 or a charter county. The Florida League of Cities and the  
17633 Florida Association of Counties are encouraged to recommend a

HB 7247

2011

17634 list of candidates for consideration.

17635 (q) One member of the building products manufacturing  
17636 industry who is authorized to do business in this state and is  
17637 actively engaged in the industry. The Florida Building Material  
17638 Association, the Florida Concrete and Products Association, and  
17639 the Fenestration Manufacturers Association are encouraged to  
17640 recommend a list of candidates for consideration.

17641 (r) One member who is a representative of the building  
17642 owners and managers industry who is actively engaged in  
17643 commercial building ownership or management. The Building Owners  
17644 and Managers Association is encouraged to recommend a list of  
17645 candidates for consideration.

17646 (s) One member who is a representative of the insurance  
17647 industry. The Florida Insurance Council is encouraged to  
17648 recommend a list of candidates for consideration.

17649 (t) One member who is a representative of public  
17650 education.

17651 (u) One member who is a swimming pool contractor licensed  
17652 to do business in this state and actively engaged in the  
17653 profession. The Florida Swimming Pool Association and the United  
17654 Pool and Spa Association are encouraged to recommend a list of  
17655 candidates for consideration.

17656 (v) One member who is a representative of the green  
17657 building industry and who is a third-party commission agent, a  
17658 Florida board member of the United States Green Building Council  
17659 or Green Building Initiative, or a LEED-accredited professional.

17660 (w) One member who shall be the chair.

17661

HB 7247

2011

Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.

Section 390. Subsections (2) and (5) of section 553.841, Florida Statutes, are amended to read:

553.841 Building code compliance and mitigation program.—

(2) The Department of Business and Professional Regulation ~~Community Affairs~~ shall administer a program, designated as the Florida Building Code Compliance and Mitigation Program, to develop, coordinate, and maintain education and outreach to persons required to comply with the Florida Building Code and ensure consistent education, training, and communication of the code's requirements, including, but not limited to, methods for mitigation of storm-related damage. The program shall also operate a clearinghouse through which design, construction, and building code enforcement licensees, suppliers, and consumers in this state may find others in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster.

(5) Each biennium, upon receipt of funds by the Department of Business and Professional Regulation ~~Community Affairs~~ from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under ss. 489.109(3) and 489.509(3), the department shall determine the amount of funds available for the Florida Building Code Compliance and Mitigation Program.

Section 391. Subsections (2) and (3) of section 553.896,



HB 7247

2011

17690 Florida Statutes, are amended to read:

17691 553.896 Mitigation grant program guideline.—

17692 (2) Beginning with grant funds approved after July 1,  
17693 2005, the construction of new or retrofitted window or door  
17694 coverings that is funded by a hazard-mitigation grant program or  
17695 shelter-retrofit program must conform to design drawings that  
17696 are signed, sealed, and inspected by a structural engineer who  
17697 is registered in this state. Before the Division of Emergency  
17698 Management ~~Department of Community Affairs~~ forwards payment to a  
17699 recipient of the grant, an inspection report and attestation or  
17700 a copy of the signed and sealed plans shall be provided to the  
17701 department.

17702 (3) If the construction is funded by a hazard mitigation  
17703 grant or shelter retrofit program, the Division of Emergency  
17704 Management ~~Department of Community Affairs~~ shall advise the  
17705 county, municipality, or other entity applying for the grant  
17706 that the cost or price of the project is not the sole criterion  
17707 for selecting a vendor.

17708 Section 392. Section 553.901, Florida Statutes, is amended  
17709 to read:

17710 553.901 Purpose of thermal efficiency code.—The Department  
17711 of Economic Opportunity ~~Community Affairs~~ shall prepare a  
17712 thermal efficiency code to provide for a statewide uniform  
17713 standard for energy efficiency in the thermal design and  
17714 operation of all buildings statewide, consistent with energy  
17715 conservation goals, and to best provide for public safety,  
17716 health, and general welfare. The Florida Building Commission  
17717 shall adopt the Florida Energy Efficiency Code for Building

HB 7247

2011

Construction within the Florida Building Code, and shall modify, revise, update, and maintain the code to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least triennially, determine the most cost-effective energy-saving equipment and techniques available and report its determinations to the commission, which shall update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months prior to code implementation. The term "cost-effective," for the purposes of this part, shall be construed to mean cost-effective to the consumer.

Section 393. Section 553.9085, Florida Statutes, is amended to read:

553.9085 Energy performance disclosure for residential buildings.—The energy performance level resulting from compliance with the provisions of this part, for each new residential building, shall be disclosed at the request of the prospective purchaser. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be completed and certified by the builder as accurate and correct before final approval of the building for occupancy. The energy performance level display card shall be included as an addendum to each sales contract. The display card shall be uniform statewide and developed by the Department of Economic Opportunity ~~Community Affairs~~. At a minimum, the display card shall list information indicating the

HB 7247

2011

17746 energy performance level of the dwelling unit resulting from  
17747 compliance with the code, shall be signed by the builder, and  
17748 shall list general information about the energy performance  
17749 level and the code.

17750 Section 394. Section 553.954, Florida Statutes, is amended  
17751 to read:

17752 553.954 Adoption of standards.—The Department of Economic  
17753 Opportunity ~~Community Affairs~~ shall adopt, modify, revise,  
17754 update, and maintain the Florida Energy Conservation Standards  
17755 to implement the provisions of this part and amendments thereto  
17756 in accordance with the procedures of chapter 120.

17757 Section 395. Subsection (6) of section 553.955, Florida  
17758 Statutes, is amended to read:

17759 553.955 Definitions.—For purposes of this part:

17760 (6) "Department" means the Department of Economic  
17761 Opportunity ~~Community Affairs~~.

17762 Section 396. Subsection (1) of section 553.973, Florida  
17763 Statutes, is amended to read:

17764 553.973 Enforcement and penalties.—

17765 (1) The department ~~of Community Affairs~~ shall investigate  
17766 any complaints received concerning violations of this part and  
17767 shall report the results of its investigation to the Attorney  
17768 General or state attorney. The Attorney General or state  
17769 attorney may institute proceedings to enjoin any person found to  
17770 be violating the provisions of this part.

17771 Section 397. Section 553.992, Florida Statutes, is amended  
17772 to read:

17773 553.992 Adoption of rating system.—The Department of

HB 7247

2011

Economic Opportunity ~~Community Affairs~~ shall adopt, update, and maintain a statewide uniform building energy-efficiency rating system to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120 and shall, upon the request of any builder, designer, rater, or owner of a building, issue nonbinding interpretations, clarifications, and opinions concerning the application and use of the building energy rating system under rules that the department adopts in accordance with chapter 120.

Section 398. Subsection (4) of section 553.995, Florida Statutes, is amended to read:

553.995 Energy-efficiency ratings for buildings.—

(4) The department shall develop a training and certification program to certify raters. In addition to the department, ratings may be conducted by any local government or private entity, provided that the appropriate persons have completed the necessary training and have been certified by the department. The Department of Management Services shall rate state-owned or state-leased buildings, provided that the appropriate persons have completed the necessary training and have been certified by the Department of Economic Opportunity ~~Community Affairs~~. A state agency which has building construction regulation authority may rate its own buildings and those it is responsible for, if the appropriate persons have completed the necessary training and have been certified by the Department of Economic Opportunity ~~Community Affairs~~. The Department of Economic Opportunity ~~Community Affairs~~ may charge a fee not to exceed the costs for the training and certification

HB 7247

2011

17802 of raters. The department shall by rule set the appropriate  
17803 charges for raters to charge for energy ratings, not to exceed  
17804 the actual costs.

17805 Section 399. Subsection (10) of section 570.71, Florida  
17806 Statutes, is amended to read:

17807 570.71 Conservation easements and agreements.—

17808 (10) The department, in consultation with the Department  
17809 of Environmental Protection, the water management districts, the  
17810 Department of Economic Opportunity ~~Community Affairs~~, and the  
17811 Florida Fish and Wildlife Conservation Commission, shall adopt  
17812 rules that establish an application process, a process and  
17813 criteria for setting priorities for use of funds consistent with  
17814 the purposes specified in subsection (1) and giving preference  
17815 to ranch and timber lands managed using sustainable practices,  
17816 an appraisal process, and a process for title review and  
17817 compliance and approval of the rules by the Board of Trustees of  
17818 the Internal Improvement Trust Fund.

17819 Section 400. Subsection (2) of section 604.006, Florida  
17820 Statutes, is amended to read:

17821 604.006 Mapping and monitoring of agricultural lands.—

17822 (2) The Department of Economic Opportunity ~~Community~~  
17823 ~~Affairs~~ shall develop a program for mapping and monitoring the  
17824 agricultural lands in the state. The department has the power to  
17825 adopt rules necessary to carry out the purposes of this section,  
17826 and it may contract with other agencies for the provision of  
17827 necessary mapping and information services.

17828 Section 401. Paragraph (a) of subsection (4) of section  
17829 624.5105, Florida Statutes, is amended to read:

HB 7247

2011

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

(4) ADMINISTRATION.—

(a)1. The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The decision of the director shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The office shall monitor all projects periodically, in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

4. The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~ shall, in consultation with ~~the Department of Community Affairs,~~ the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

Section 402. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

HB 7247

2011

17858 627.0628 Florida Commission on Hurricane Loss Projection  
17859 Methodology; public records exemption; public meetings  
17860 exemption.—

17861 (2) COMMISSION CREATED.—

17862 (b) The commission shall consist of the following 11  
17863 members:

17864 1. The insurance consumer advocate.

17865 2. The senior employee of the State Board of  
17866 Administration responsible for operations of the Florida  
17867 Hurricane Catastrophe Fund.

17868 3. The Executive Director of the Citizens Property  
17869 Insurance Corporation.

17870 4. The Director of the Division of Emergency Management ~~of~~  
17871 ~~the Department of Community Affairs.~~

17872 5. The actuary member of the Florida Hurricane Catastrophe  
17873 Fund Advisory Council.

17874 6. An employee of the office who is an actuary responsible  
17875 for property insurance rate filings and who is appointed by the  
17876 director of the office.

17877 7. Five members appointed by the Chief Financial Officer,  
17878 as follows:

17879 a. An actuary who is employed full time by a property and  
17880 casualty insurer which was responsible for at least 1 percent of  
17881 the aggregate statewide direct written premium for homeowner's  
17882 insurance in the calendar year preceding the member's  
17883 appointment to the commission.

17884 b. An expert in insurance finance who is a full-time  
17885 member of the faculty of the State University System and who has

HB 7247

2011

17886 a background in actuarial science.

17887 c. An expert in statistics who is a full-time member of  
17888 the faculty of the State University System and who has a  
17889 background in insurance.

17890 d. An expert in computer system design who is a full-time  
17891 member of the faculty of the State University System.

17892 e. An expert in meteorology who is a full-time member of  
17893 the faculty of the State University System and who specializes  
17894 in hurricanes.

17895 Section 403. Paragraph (b) of subsection (1) and  
17896 paragraphs (d) and (e) of subsection (8) of section 627.0629,  
17897 Florida Statutes, are amended to read:

17898 627.0629 Residential property insurance; rate filings.—

17899 (1)

17900 (b) ~~By February 1, 2011, the Office of Insurance~~  
17901 ~~Regulation, in consultation with the Department of Financial~~  
17902 ~~Services and the Department of Community Affairs, shall develop~~  
17903 ~~and make publicly available a proposed method for insurers to~~  
17904 ~~establish discounts, credits, or other rate differentials for~~  
17905 ~~hurricane mitigation measures which directly correlate to the~~  
17906 ~~numerical rating assigned to a structure pursuant to the uniform~~  
17907 ~~home grading scale adopted by the Financial Services Commission~~  
17908 ~~pursuant to s. 215.55865, including any proposed changes to the~~  
17909 ~~uniform home grading scale.~~ By October 1, 2011, the commission  
17910 shall adopt rules requiring insurers to make rate filings for  
17911 residential property insurance which revise insurers' discounts,  
17912 credits, or other rate differentials for hurricane mitigation  
17913 measures so that such rate differentials correlate directly to



HB 7247

2011

the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).

(8) EVALUATION OF RESIDENTIAL PROPERTY STRUCTURAL SOUNDNESS.—

(d) The Division of Emergency Management ~~Department of Community Affairs~~ shall establish by rule standards to govern the quality of the evaluation, the quality of the recommendations for retrofitting, the eligibility of the persons conducting the evaluation, and the selection of applicants under the program. In establishing the rule, the Division of Emergency Management ~~Department of Community Affairs~~ shall consult with the advisory committee to minimize the possibility of fraud or abuse in the evaluation and retrofitting process, and to ensure that funds spent by homeowners acting on the recommendations

HB 7247

2011

17942 achieve positive results.

17943 (e) The Citizens Property Insurance Corporation shall  
17944 identify areas of this state with the greatest wind risk to  
17945 residential properties and recommend annually to the Division of  
17946 Emergency Management ~~Department of Community Affairs~~ priority  
17947 target areas for such evaluations and inclusion with the  
17948 associated residential construction mitigation program.

17949 Section 404. Subsection (2) of section 720.403, Florida  
17950 Statutes, is amended to read:

17951 720.403 Preservation of residential communities; revival  
17952 of declaration of covenants.—

17953 (2) In order to preserve a residential community and the  
17954 associated infrastructure and common areas for the purposes  
17955 described in this section, the parcel owners in a community that  
17956 was previously subject to a declaration of covenants that has  
17957 ceased to govern one or more parcels in the community may revive  
17958 the declaration and the homeowners' association for the  
17959 community upon approval by the parcel owners to be governed  
17960 thereby as provided in this act, and upon approval of the  
17961 declaration and the other governing documents for the  
17962 association by the Department of Economic Opportunity ~~Community~~  
17963 ~~Affairs~~ in a manner consistent with this act.

17964 Section 405. Section 720.404, Florida Statutes, is amended  
17965 to read:

17966 720.404 Eligible residential communities; requirements for  
17967 revival of declaration.—Parcel owners in a community are  
17968 eligible to seek approval from the Department of Economic  
17969 Opportunity ~~Community Affairs~~ to revive a declaration of

HB 7247

2011

17970 covenants under this act if all of the following requirements  
17971 are met:

17972       (1) All parcels to be governed by the revived declaration  
17973 must have been once governed by a previous declaration that has  
17974 ceased to govern some or all of the parcels in the community;

17975       (2) The revived declaration must be approved in the manner  
17976 provided in s. 720.405(6); and

17977       (3) The revived declaration may not contain covenants that  
17978 are more restrictive on the parcel owners than the covenants  
17979 contained in the previous declaration, except that the  
17980 declaration may:

17981           (a) Have an effective term of longer duration than the  
17982 term of the previous declaration;

17983           (b) Omit restrictions contained in the previous  
17984 declaration;

17985           (c) Govern fewer than all of the parcels governed by the  
17986 previous declaration;

17987           (d) Provide for amendments to the declaration and other  
17988 governing documents; and

17989           (e) Contain provisions required by this chapter for new  
17990 declarations that were not contained in the previous  
17991 declaration.

17992       Section 406. Subsection (1) of section 720.406, Florida  
17993 Statutes, is amended to read:

17994       720.406 Department of Economic Opportunity ~~Community~~  
17995 ~~Affairs~~; submission; review and determination.—

17996       (1) No later than 60 days after the date the proposed  
17997 revived declaration and other governing documents are approved

HB 7247

2011

17998 | by the affected parcel owners, the organizing committee or its  
17999 | designee must submit the proposed revived governing documents  
18000 | and supporting materials to the Department of Economic  
18001 | Opportunity ~~Community Affairs~~ to review and determine whether to  
18002 | approve or disapprove of the proposal to preserve the  
18003 | residential community. The submission to the department must  
18004 | include:

18005 |       (a) The full text of the proposed revived declaration of  
18006 | covenants and articles of incorporation and bylaws of the  
18007 | homeowners' association;

18008 |       (b) A verified copy of the previous declaration of  
18009 | covenants and other previous governing documents for the  
18010 | community, including any amendments thereto;

18011 |       (c) The legal description of each parcel to be subject to  
18012 | the revived declaration and other governing documents and a plat  
18013 | or other graphic depiction of the affected properties in the  
18014 | community;

18015 |       (d) A verified copy of the written consents of the  
18016 | requisite number of the affected parcel owners approving the  
18017 | revived declaration and other governing documents or, if  
18018 | approval was obtained by a vote at a meeting of affected parcel  
18019 | owners, verified copies of the notice of the meeting,  
18020 | attendance, and voting results;

18021 |       (e) An affidavit by a current or former officer of the  
18022 | association or by a member of the organizing committee verifying  
18023 | that the requirements for the revived declaration set forth in  
18024 | s. 720.404 have been satisfied; and

18025 |       (f) Such other documentation that the organizing committee

HB 7247

2011

believes is supportive of the policy of preserving the residential community and operating, managing, and maintaining the infrastructure, aesthetic character, and common areas serving the residential community.

Section 407. Subsection (4) of section 760.854, Florida Statutes, is amended to read:

760.854 Center for Environmental Equity and Justice.—

(4) The Center for Environmental Equity and Justice shall sponsor students to serve as interns at the Department of Health, the Department of Environmental Protection, the Department of Economic Opportunity ~~Community Affairs~~, and other relevant state agencies. The center may enter into a memorandum of understanding with these agencies to address environmental equity and justice issues.

Section 408. Paragraph (d) of subsection (2) of section 768.13, Florida Statutes, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)

(d) Any person whose acts or omissions are not otherwise covered by this section and who participates in emergency response activities under the direction of or in connection with a community emergency response team, local emergency management agencies, the Division of Emergency Management ~~of the Department of Community Affairs~~, or the Federal Emergency Management Agency is not liable for any civil damages as a result of care, treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if

HB 7247

2011

such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

Section 409. Subsection (7) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the department with respect to domestic security.—

(7) As used in this section, the term "state agency" includes the Agency for Health Care Administration, ~~the Agency for Workforce Innovation,~~ the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Citrus, ~~the Department of Community Affairs,~~ the Department of Corrections, the Department of Education, the Department of Elderly Affairs, the Division of Emergency Management, the Department of Environmental Protection, the Department of Financial Services, the Department of Health, the Department of Highway Safety and Motor Vehicles, the Department of Economic Opportunity, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Management Services, the Department of Military Affairs, the Department of Revenue, the Department of State, the Department of the Lottery, the Department of Transportation, the Department of Veterans' Affairs, the Fish and Wildlife Conservation Commission, the Parole Commission, the State Board of Administration, and the Executive Office of the Governor.

Section 410. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraphs (a) and (b) of subsection

HB 7247

2011

18082 (4) of section 943.0313, Florida Statutes, are amended to read:  
 18083 943.0313 Domestic Security Oversight Council.—The  
 18084 Legislature finds that there exists a need to provide executive  
 18085 direction and leadership with respect to terrorism prevention,  
 18086 preparation, protection, response, and recovery efforts by state  
 18087 and local agencies in this state. In recognition of this need,  
 18088 the Domestic Security Oversight Council is hereby created. The  
 18089 council shall serve as an advisory council pursuant to s.  
 18090 20.03(7) to provide guidance to the state's regional domestic  
 18091 security task forces and other domestic security working groups  
 18092 and to make recommendations to the Governor and the Legislature  
 18093 regarding the expenditure of funds and allocation of resources  
 18094 related to counter-terrorism and domestic security efforts.

18095 (1) MEMBERSHIP.—

18096 (a) The Domestic Security Oversight Council shall consist  
 18097 of the following voting members:

18098 1. The executive director of the Department of Law  
 18099 Enforcement.

18100 2. The director of the Division of Emergency Management  
 18101 ~~within the Department of Community Affairs.~~

18102 3. The Attorney General.

18103 4. The Commissioner of Agriculture.

18104 5. The State Surgeon General.

18105 6. The Commissioner of Education.

18106 7. The State Fire Marshal.

18107 8. The adjutant general of the Florida National Guard.

18108 9. The state chief information officer.

18109 10. Each sheriff or chief of police who serves as a co-

HB 7247

2011

18110 chair of a regional domestic security task force pursuant to s.  
18111 943.0312(1) (b) .

18112 11. Each of the department's special agents in charge who  
18113 serve as a co-chair of a regional domestic security task force.

18114 12. Two representatives of the Florida Fire Chiefs  
18115 Association.

18116 13. One representative of the Florida Police Chiefs  
18117 Association.

18118 14. One representative of the Florida Prosecuting  
18119 Attorneys Association.

18120 15. The chair of the Statewide Domestic Security  
18121 Intelligence Committee.

18122 16. One representative of the Florida Hospital  
18123 Association.

18124 17. One representative of the Emergency Medical Services  
18125 Advisory Council.

18126 18. One representative of the Florida Emergency  
18127 Preparedness Association.

18128 19. One representative of the Florida Seaport  
18129 Transportation and Economic Development Council.

18130 (2) ORGANIZATION.—

18131 (b) The executive director of the Department of Law  
18132 Enforcement shall serve as chair of the council, and the  
18133 director of the Division of Emergency Management ~~within the~~  
18134 ~~Department of Community Affairs~~ shall serve as vice chair of the  
18135 council. In the absence of the chair, the vice chair shall serve  
18136 as chair. In the absence of the vice chair, the chair may name  
18137 any member of the council to perform the duties of the chair if



HB 7247

2011

18138 such substitution does not extend beyond a defined meeting,  
18139 duty, or period of time.

18140 (4) EXECUTIVE COMMITTEE.—

18141 (a) The council shall establish an executive committee  
18142 consisting of the following members:

18143 1. The executive director of the Department of Law  
18144 Enforcement.

18145 2. The director of the Division of Emergency Management  
18146 ~~within the Department of Community Affairs.~~

18147 3. The Attorney General.

18148 4. The Commissioner of Agriculture.

18149 5. The State Surgeon General.

18150 6. The Commissioner of Education.

18151 7. The State Fire Marshal.

18152 (b) The executive director of the Department of Law  
18153 Enforcement shall serve as the chair of the executive committee,  
18154 and the director of the Division of Emergency Management ~~within~~  
18155 ~~the Department of Community Affairs~~ shall serve as the vice  
18156 chair of the executive committee.

18157 Section 411. Paragraph (g) of subsection (1) of section  
18158 1004.46, Florida Statutes, is amended to read:

18159 1004.46 Multidisciplinary Center for Affordable Housing.—

18160 (1) The Multidisciplinary Center for Affordable Housing is  
18161 established within the School of Building Construction of the  
18162 College of Architecture of the University of Florida with the  
18163 collaboration of other related disciplines such as agriculture,  
18164 business administration, engineering, law, and medicine. The  
18165 center shall work in conjunction with other state universities.

HB 7247

2011

The Multidisciplinary Center for Affordable Housing shall:

(g) Establish a research agenda and general work plan in cooperation with the Department of Economic Opportunity ~~Community Affairs~~, which is the state agency responsible for research and planning for affordable housing and for training and technical assistance for providers of affordable housing.

Section 412. Paragraph (a) of subsection (1) of section 1013.37, Florida Statutes, is amended to read:

1013.37 State uniform building code for public educational facilities construction.—

(1) UNIFORM BUILDING CODE.—A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822–320.862. Such standards must permit boards to contract with the Department of Economic Opportunity ~~Community Affairs~~ for factory inspections by certified building code inspectors to certify conformance with

HB 7247

2011

applicable law and rules. The standards must comply with the requirements of s. 1013.20 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of s. 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to the code.

Section 413. Subsections (1) and (2) of section 1013.372, Florida Statutes, are amended to read:

1013.372 Education facilities as emergency shelters.—

(1) The Department of Education shall, in consultation with boards and county and state emergency management offices, include within the standards to be developed under this subsection public shelter design criteria to be incorporated into the Florida Building Code. The new criteria must be designed to ensure that appropriate new educational facilities can serve as public shelters for emergency management purposes. A facility, or an appropriate area within a facility, for which a design contract is entered into after the effective date of

HB 7247

2011

the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part of it is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the Division of Emergency Management ~~Department of Community Affairs~~. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone is not subject to the requirements of this subsection. If the regional planning council region in which the county is located does not have a hurricane evacuation shelter deficit, as determined by the Division of Emergency Management ~~Department of Community Affairs~~, educational facilities within the planning council region are not required to incorporate the public shelter criteria.

(2) By January 31 of each even-numbered year, the Division of Emergency Management ~~Department of Community Affairs~~ shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. The plan must identify the general location and square footage of existing shelters, by regional planning council region, and the general location and square footage of needed shelters, by regional planning council region, during the next 5 years. The plan must identify the types of public facilities that should be constructed to comply with emergency-shelter criteria and must recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within these public

HB 7247

2011

18250 facilities. After the approval of the plan, a board may not be  
18251 required to build more emergency-shelter space than identified  
18252 as needed in the plan, and decisions pertaining to exemptions  
18253 pursuant to subsection (1) must be guided by the plan.

18254 Section 414. Subsection (4) of section 1013.74, Florida  
18255 Statutes, is amended to read:

18256 1013.74 University authorization for fixed capital outlay  
18257 projects.—

18258 (4) The university board of trustees shall, in  
18259 consultation with local and state emergency management agencies,  
18260 assess existing facilities to identify the extent to which each  
18261 campus has public hurricane evacuation shelter space. The board  
18262 shall submit to the Governor and the Legislature by August 1 of  
18263 each year a 5-year capital improvements program that identifies  
18264 new or retrofitted facilities that will incorporate enhanced  
18265 hurricane resistance standards and that can be used as public  
18266 hurricane evacuation shelters. Enhanced hurricane resistance  
18267 standards include fixed passive protection for window and door  
18268 applications to provide mitigation protection, security  
18269 protection with egress, and energy efficiencies that meet  
18270 standards required in the 130-mile-per-hour wind zone areas. The  
18271 board must also submit proposed facility retrofit projects to  
18272 the Division of Emergency Management ~~Department of Community~~  
18273 ~~Affairs~~ for assessment and inclusion in the annual report  
18274 prepared in accordance with s. 252.385(3). Until a regional  
18275 planning council region in which a campus is located has  
18276 sufficient public hurricane evacuation shelter space, any campus  
18277 building for which a design contract is entered into subsequent

HB 7247

2011

to July 1, 2001, and which has been identified by the board, with the concurrence of the local emergency management agency or the Division of Emergency Management ~~Department of Community Affairs~~, to be appropriate for use as a public hurricane evacuation shelter, must be constructed in accordance with public shelter standards.

Section 415. Section 163.2523, Florida Statutes, is repealed.

Section 416. Section 380.285, Florida Statutes, is repealed.

Section 417. Section 943.402, Florida Statutes, is repealed.

Section 418. Section 20.50, Florida Statutes, is repealed.

Section 419. Transfers from the Agency for Workforce Innovation.—

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Agency for Workforce Innovation are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:

(a) The Office of Early Learning is transferred to the Department of Economic Opportunity.

(b) The Office of Unemployment Compensation Services is transferred to the Department of Economic Opportunity.

(c) The Office of Workforce Services is transferred to the

HB 7247

2011

18306 Department of Economic Opportunity.

18307 (2) The following trust funds are transferred from the

18308 Agency for Workforce Innovation to the Department of Economic

18309 Opportunity:

18310 (a) The Administrative Trust Fund, FLAIR number 75-2-021.

18311 (b) The Employment Security Administration Trust Fund,

18312 FLAIR number 75-2-195.

18313 (c) The Special Employment Security Administration Trust

18314 Fund, FLAIR number 75-2-648.

18315 (d) The Unemployment Compensation Benefit Trust Fund,

18316 FLAIR number 75-2-765.

18317 (e) The Unemployment Compensation Clearing Trust Fund,

18318 FLAIR number 75-2-767.

18319 (f) The Revolving Trust Fund, FLAIR number 75-2-600.

18320 (g) The Welfare Transition Trust Fund, FLAIR number 75-2-

18321 401.

18322 (h) The Displaced Homemaker Trust Fund, FLAIR number 75-2-

18323 160.

18324 (i) The Child Care and Development Block Grant Trust Fund,

18325 FLAIR number 75-2-098.

18326 (3) Any binding contract or interagency agreement existing

18327 on or before October 1, 2011, between the Agency for Workforce

18328 Innovation, or an entity or agent of the agency, and any other

18329 agency, entity, or person shall continue as a binding contract

18330 or agreement for the remainder of the term of such contract or

18331 agreement with the successor department, agency, or entity

18332 responsible for the program, activity, or functions relative to

18333 the contract or agreement.

HB 7247

2011

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Agency for Workforce Innovation and not specifically delineated for transfer within this section are transferred by a type two transfer to the Department of Economic Opportunity.

Section 420. Subsection (3) of section 11.905, Florida Statutes, is amended to read:

11.905 Schedule for reviewing state agencies and advisory committees.—The following state agencies, including their advisory committees, or the following advisory committees of agencies shall be reviewed according to the following schedule:

(3) Reviewed by July 1, 2012:

(a) Advisory committees for the Florida Community College System.

(b) Advisory committees for the State University System.

~~(c) Agency for Workforce Innovation.~~

(c)~~(d)~~ Department of Education.

(d)~~(e)~~ Department of the Lottery.

Upon completion of this cycle, each agency shall again be subject to sunset review 10 years after its initial review.

Section 421. Paragraph (b) of subsection (2) of section 14.20195, Florida Statutes, is amended to read:

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



HB 7247

2011

18362 Statewide Office for Suicide Prevention a Suicide Prevention  
18363 Coordinating Council. The council shall develop strategies for  
18364 preventing suicide.

18365 (2) MEMBERSHIP.—The Suicide Prevention Coordinating  
18366 Council shall consist of 28 voting members.

18367 (b) The following state officials or their designees shall  
18368 serve on the coordinating council:

18369 1. The Secretary of Elderly Affairs.

18370 2. The State Surgeon General.

18371 3. The Commissioner of Education.

18372 4. The Secretary of Health Care Administration.

18373 5. The Secretary of Juvenile Justice.

18374 6. The Secretary of Corrections.

18375 7. The executive director of the Department of Law  
18376 Enforcement.

18377 8. The executive director of the Department of Veterans'  
18378 Affairs.

18379 9. The Secretary of Children and Family Services.

18380 10. The Commissioner of Economic Opportunity ~~director of~~  
18381 ~~the Agency for Workforce Innovation.~~

18382 Section 422. Paragraph (j) of subsection (1) of section  
18383 16.615, Florida Statutes, is amended to read:

18384 16.615 Council on the Social Status of Black Men and  
18385 Boys.—

18386 (1) The Council on the Social Status of Black Men and Boys  
18387 is established within the Department of Legal Affairs and shall  
18388 consist of 19 members appointed as follows:

18389 (j) The chair of the advisory council of the Division of

HB 7247

2011

Minority Business Development of Enterprise Florida, Inc.,  
~~director of the Agency for Workforce Innovation~~ or his or her  
designee.

Section 423. Section 20.505, Florida Statutes, is  
transferred, renumbered as section 20.605, Florida Statutes, and  
amended to read:

20.605 ~~20.505~~ Administrative Trust Fund of the Department  
of Economic Opportunity ~~the Agency for Workforce Innovation.~~

(1) The Administrative Trust Fund is created within the  
Department of Economic Opportunity ~~the Agency for Workforce~~  
~~Innovation.~~

(2) Funds shall be used for the purpose of supporting the  
administrative functions of the Department of Economic  
Opportunity ~~the agency~~ as required by law, pursuant to  
legislative appropriation or an approved amendment to the  
Department of Economic Opportunity's ~~the agency's~~ operating  
budget pursuant to the provisions of chapter 216.

(3) Notwithstanding the provisions of s. 216.301 and  
pursuant to s. 216.351, any balance in the trust fund at the end  
of any fiscal year shall remain in the trust fund at the end of  
the year and shall be available for carrying out the purposes of  
the trust fund.

Section 424. Paragraph (a) of subsection (8) and paragraph  
(a) of subsection (9) of section 39.001, Florida Statutes, are  
amended to read:

39.001 Purposes and intent; personnel standards and  
screening.—

(8) PLAN FOR COMPREHENSIVE APPROACH.—

HB 7247

2011

18418 (a) The office shall develop a state plan for the  
18419 promotion of adoption, support of adoptive families, and  
18420 prevention of abuse, abandonment, and neglect of children and  
18421 shall submit the state plan to the Speaker of the House of  
18422 Representatives, the President of the Senate, and the Governor  
18423 no later than December 31, 2008. The Department of Children and  
18424 Family Services, the Department of Corrections, the Department  
18425 of Education, the Department of Health, the Department of  
18426 Juvenile Justice, the Department of Law Enforcement, the Agency  
18427 for Persons with Disabilities, and the Department of Economic  
18428 Opportunity ~~Agency for Workforce Innovation~~ shall participate  
18429 and fully cooperate in the development of the state plan at both  
18430 the state and local levels. Furthermore, appropriate local  
18431 agencies and organizations shall be provided an opportunity to  
18432 participate in the development of the state plan at the local  
18433 level. Appropriate local groups and organizations shall include,  
18434 but not be limited to, community mental health centers; guardian  
18435 ad litem programs for children under the circuit court; the  
18436 school boards of the local school districts; the Florida local  
18437 advocacy councils; community-based care lead agencies; private  
18438 or public organizations or programs with recognized expertise in  
18439 working with child abuse prevention programs for children and  
18440 families; private or public organizations or programs with  
18441 recognized expertise in working with children who are sexually  
18442 abused, physically abused, emotionally abused, abandoned, or  
18443 neglected and with expertise in working with the families of  
18444 such children; private or public programs or organizations with  
18445 expertise in maternal and infant health care; multidisciplinary

HB 7247

2011

child protection teams; child day care centers; law enforcement agencies; and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(9) FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the office, the department, the Department of Health, the Department of Education, the Department of Juvenile Justice, the Department of Corrections, the Agency for Persons with Disabilities, ~~the Agency for Workforce Innovation,~~ or any other agency to the Legislature for funding of efforts for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect shall be based on the state plan developed pursuant to this section.

Section 425. Paragraph (a) of subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(7) DISBURSEMENTS OF PROCEEDS.—

(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of

HB 7247

2011

18474 Revenue if the department was named as a defendant in the action  
18475 or if the Department of Economic Opportunity or the former  
18476 Agency for Workforce Innovation ~~or the former Department of~~  
18477 ~~Labor and Employment Security~~ was named as a defendant while the  
18478 Department of Revenue was providing unemployment tax collection  
18479 services under contract with the Department of Economic  
18480 Opportunity or the former Agency for Workforce Innovation  
18481 through an interagency agreement pursuant to s. 443.1316.

18482 Section 426. Paragraph (a) of subsection (4) of section  
18483 69.041, Florida Statutes, is amended to read:

18484 69.041 State named party; lien foreclosure, suit to quiet  
18485 title.—

18486 (4) (a) The Department of Revenue has the right to  
18487 participate in the disbursement of funds remaining in the  
18488 registry of the court after distribution pursuant to s.  
18489 45.031(7). The department shall participate in accordance with  
18490 applicable procedures in any mortgage foreclosure action in  
18491 which the department has a duly filed tax warrant, or interests  
18492 under a lien arising from a judgment, order, or decree for  
18493 support, as defined in s. 409.2554, or interest in an  
18494 unemployment compensation tax lien under contract with the  
18495 Department of Economic Opportunity ~~the Agency for Workforce~~  
18496 ~~Innovation~~ through an interagency agreement pursuant to s.  
18497 443.1316, against the subject property and with the same  
18498 priority, regardless of whether a default against the  
18499 department, the Department of Economic Opportunity, or the  
18500 former Agency for Workforce Innovation, ~~or the former Department~~  
18501 ~~of Labor and Employment Security~~ has been entered for failure to

HB 7247

2011

18502 file an answer or other responsive pleading.

18503 Section 427. Paragraph (d) of subsection (2) and  
18504 subsection (5) of section 112.044, Florida Statutes, are amended  
18505 to read:

18506 112.044 Public employers, employment agencies, labor  
18507 organizations; discrimination based on age prohibited;  
18508 exceptions; remedy.—

18509 (2) DEFINITIONS.—For the purpose of this act:

18510 ~~(d) "Department" means the Department of Labor and~~  
18511 ~~Employment Security.~~

18512 (5) NOTICE TO BE POSTED.—Each employer, employment agency,  
18513 and labor organization shall post and keep posted in conspicuous  
18514 places upon its premises notices required by a notice to be  
18515 ~~prepared or approved by the department setting forth such~~  
18516 ~~information as the United States Department of Labor and the~~  
18517 ~~United States Equal Employment Opportunity Commission department~~  
18518 ~~deems appropriate to effectuate the purposes of this act.~~

18519 Section 428. Subsection (3) of section 112.3135, Florida  
18520 Statutes, is amended to read:

18521 112.3135 Restriction on employment of relatives.—

18522 (3) An agency may prescribe regulations authorizing the  
18523 temporary employment, in the event of an emergency as defined in  
18524 s. 252.34(3), of individuals whose employment would be otherwise  
18525 prohibited by this section.

18526 Section 429. Subsection (10) of section 120.80, Florida  
18527 Statutes, is amended to read:

18528 120.80 Exceptions and special requirements; agencies.—

18529 (10) THE DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~

HB 7247

2011

18530 ~~WORKFORCE INNOVATION.~~—

18531 (a) Notwithstanding s. 120.54, the rulemaking provisions  
18532 of this chapter do not apply to unemployment appeals referees.

18533 (b) Notwithstanding s. 120.54(5), the uniform rules of  
18534 procedure do not apply to appeal proceedings conducted under  
18535 chapter 443 by the Unemployment Appeals Commission, special  
18536 deputies, or unemployment appeals referees.

18537 (c) Notwithstanding s. 120.57(1)(a), hearings under  
18538 chapter 443 may not be conducted by an administrative law judge  
18539 assigned by the division, but instead shall be conducted by the  
18540 Unemployment Appeals Commission in unemployment compensation  
18541 appeals, unemployment appeals referees, and the Department of  
18542 Economic Opportunity ~~the Agency for Workforce Innovation~~ or its  
18543 special deputies under s. 443.141.

18544 Section 430. Paragraph (a) of subsection (1) of section  
18545 202.37, Florida Statutes, is amended to read:

18546 202.37 Special rules for administration of local  
18547 communications services tax.—

18548 (1)(a) Except as otherwise provided in this section, all  
18549 statutory provisions and administrative rules applicable to the  
18550 communications services tax imposed by s. 202.12 apply to any  
18551 local communications services tax imposed under s. 202.19, and  
18552 the department shall administer, collect, and enforce all taxes  
18553 imposed under s. 202.19, including interest and penalties  
18554 attributable thereto, in accordance with the same procedures  
18555 used in the administration, collection, and enforcement of the  
18556 communications services tax imposed by s. 202.12. Audits  
18557 performed by the department shall include a determination of the

HB 7247

2011

dealer's compliance with the jurisdictional situsing of its customers' service addresses and a determination of whether the rate collected for the local tax pursuant to ss. 202.19 and 202.20 is correct. The person or entity designated by a local government pursuant to s. 213.053(8) ~~(v)~~ may provide evidence to the department demonstrating a specific person's failure to fully or correctly report taxable communications services sales within the jurisdiction. The department may request additional information from the designee to assist in any review. The department shall inform the designee of what action, if any, the department intends to take regarding the person.

Section 431. Paragraph (d) of subsection (1) of section 212.096, Florida Statutes, is amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(d) "Job" means a full-time position, as consistent with terms used by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from a business operation in this state. This term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 220.181(1). The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if such employee has



HB 7247

2011

18586 been continuously leased to the employer for an average of at  
18587 least 36 hours per week for more than 6 months.

18588  
18589 A person shall be deemed to be employed if the person performs  
18590 duties in connection with the operations of the business on a  
18591 regular, full-time basis, provided the person is performing such  
18592 duties for an average of at least 36 hours per week each month.  
18593 The person must be performing such duties at a business site  
18594 located in the enterprise zone.

18595 Section 432. Paragraphs (l) through (s) of subsection (8)  
18596 of section 213.053, Florida Statutes, as amended by chapter  
18597 2010-280, Laws of Florida, are redesignated as paragraphs (k)  
18598 through (r), respectively, paragraphs (u) and (v) of that  
18599 subsection are redesignated as paragraphs (s) and (t),  
18600 respectively, paragraphs (x) through (aa) of that subsection are  
18601 redesignated as paragraphs (u) through (x), respectively,  
18602 paragraph (cc) of that subsection is redesignated as paragraph  
18603 (y), and subsection (4), paragraph (a) of subsection (7),  
18604 present paragraphs (k), (t), (w), and (bb) of subsection (8),  
18605 and subsections (19), (20), and (21) of that section are  
18606 amended, to read:

18607 213.053 Confidentiality and information sharing.—

18608 (4) The department, while providing unemployment tax  
18609 collection services under contract with the Department of  
18610 Economic Opportunity ~~the Agency for Workforce Innovation~~ through  
18611 an interagency agreement pursuant to s. 443.1316, may release  
18612 unemployment tax rate information to the agent of an employer,  
18613 which agent provides payroll services for more than 100 ~~500~~

HB 7247

2011

employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding must state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain unemployment tax rate information, and that the agent shall provide the department with a copy of the employer's power of attorney upon request.

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

1. The Auditor General or his or her authorized agent;
2. The director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent;
3. The Chief Financial Officer or his or her authorized agent;
4. The Director of the Office of Insurance Regulation of the Financial Services Commission or his or her authorized agent;
5. A property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1); ~~or~~
6. Designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 1011.62(2); and

HB 7247

2011

18642        7. The Commissioner of Economic Opportunity or his or her  
18643        authorized agent.

18644            (8) Notwithstanding any other provision of this section,  
18645        the department may provide:

18646            ~~(k)1. Payment information relative to chapters 199, 201,~~  
18647        ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~  
18648        ~~Economic Development, or its employees or agents that are~~  
18649        ~~identified in writing by the office to the department, in the~~  
18650        ~~administration of the tax refund program for qualified defense~~  
18651        ~~contractors and space flight business contractors authorized by~~  
18652        ~~s. 288.1045 and the tax refund program for qualified target~~  
18653        ~~industry businesses authorized by s. 288.106.~~

18654            ~~2. Information relative to tax credits taken by a business~~  
18655        ~~under s. 220.191 and exemptions or tax refunds received by a~~  
18656        ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~  
18657        ~~and Economic Development, or its employees or agents that are~~  
18658        ~~identified in writing by to the department, in the~~  
18659        ~~administration and evaluation of the capital investment tax~~  
18660        ~~credit program authorized in s. 220.191 and the semiconductor,~~  
18661        ~~defense, and space tax exemption program authorized in s.~~  
18662        ~~212.08(5)(j).~~

18663            ~~3. Information relative to tax credits taken by a taxpayer~~  
18664        ~~pursuant to the tax credit programs created in ss. 193.017,~~  
18665        ~~212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;~~  
18666        ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~  
18667        ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~  
18668        ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~  
18669        ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~

HB 7247

2011

~~the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, for use in the administration or evaluation of such programs.~~

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

~~(t) Information relative to the tax exemptions under ss. 212.031, 212.06, and 212.08 for those persons qualified under s. 288.1258 to the Office of Film and Entertainment. The Department of Revenue shall provide the Office of Film and Entertainment with information in the aggregate.~~

~~(w) Tax registration information to the Agency for Workforce Innovation for use in the conduct of its official duties, which information may not be redisclosed by the Agency for Workforce Innovation.~~

~~(bb) Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development.~~

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental,

HB 7247

2011

shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

~~(19) The department may disclose information relative to tax credits taken by a taxpayer pursuant to s. 288.9916 to the Office of Tourism, Trade, and Economic Development or its employees or agents. Such employees must be identified in writing by the office to the department. All information disclosed under this subsection is subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department.~~

(19) ~~(20)~~ (a) The department may publish a list of taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. The list may include the name and address of each taxpayer; the amounts and types of delinquent taxes, fees, or surcharges, penalties, or interest; and the employer identification number or other taxpayer identification number.

(b) The department shall update the list at least monthly to reflect payments for resolution of deficiencies and to otherwise add or remove taxpayers from the list.

(c) The department may adopt rules to administer this subsection.

(20) ~~(21)~~ The department may disclose information relating to taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. Such information includes the name and address of the taxpayer, the actions

HB 7247

2011

taken, the amounts and types of liabilities, and the amount of any collections made.

Section 433. Paragraph (b) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

(b) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.

Section 434. Paragraph (a) of subsection (6) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(6) The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the Department of Revenue as the state agency providing unemployment tax collection services under an interagency agreement ~~contract~~ with the

HB 7247

2011

18754 Department of Economic Opportunity ~~Agency for Workforce~~  
18755 ~~Innovation through an interagency agreement~~ pursuant to s.  
18756 443.1316.

18757 Section 435. Subsection (1) of section 216.231, Florida  
18758 Statutes, is amended to read:

18759 216.231 Release of certain classified appropriations.—

18760 (1)(a) Any appropriation to the Executive Office of the  
18761 Governor which is classified as an ~~"emergency,"~~ as defined in s.  
18762 252.34~~(3)~~, may be released only with the approval of the  
18763 Governor. The state agency, or the judicial branch, desiring the  
18764 use of the emergency appropriation shall submit to the Executive  
18765 Office of the Governor an application ~~therefor~~ in writing  
18766 setting forth the facts from which the alleged need arises. The  
18767 Executive Office of the Governor shall, at a public hearing,  
18768 review such application promptly and approve or disapprove the  
18769 applications as the circumstances may warrant. All actions of  
18770 the Executive Office of the Governor shall be reported to the  
18771 legislative appropriations committees, and the committees may  
18772 advise the Executive Office of the Governor relative to the  
18773 release of such funds.

18774 (b) The release of appropriated funds classified as  
18775 "emergency" shall be approved only when an act or circumstance  
18776 caused by an act of God, civil disturbance, natural disaster, or  
18777 other circumstance of an emergency nature threatens, endangers,  
18778 or damages the property, safety, health, or welfare of the state  
18779 or its residents ~~citizens~~, which condition has not been provided  
18780 for in appropriation acts of the Legislature. Funds allocated  
18781 for this purpose may be used to pay overtime pay to personnel of

HB 7247

2011

18782 agencies called upon to perform extra duty because of any civil  
18783 disturbance or other emergency as defined in s. 252.34~~(3)~~ and to  
18784 provide the required state match for federal grants under the  
18785 federal Disaster Relief Act.

18786 Section 436. Paragraph (ff) of subsection (1) of section  
18787 220.03, Florida Statutes, is amended to read:

18788 220.03 Definitions.—

18789 (1) SPECIFIC TERMS.—When used in this code, and when not  
18790 otherwise distinctly expressed or manifestly incompatible with  
18791 the intent thereof, the following terms shall have the following  
18792 meanings:

18793 (ff) "Job" means a full-time position, as consistent with  
18794 terms used by the Department of Economic Opportunity ~~the Agency~~  
18795 ~~for Workforce Innovation~~ and the United States Department of  
18796 Labor for purposes of unemployment compensation tax  
18797 administration and employment estimation resulting directly from  
18798 business operations in this state. The term may not include a  
18799 temporary construction job involved with the construction of  
18800 facilities or any job that has previously been included in any  
18801 application for tax credits under s. 212.096. The term also  
18802 includes employment of an employee leased from an employee  
18803 leasing company licensed under chapter 468 if the employee has  
18804 been continuously leased to the employer for an average of at  
18805 least 36 hours per week for more than 6 months.

18806 Section 437. Subsection (2) of section 222.15, Florida  
18807 Statutes, is amended to read:

18808 222.15 Wages or unemployment compensation payments due  
18809 deceased employee may be paid spouse or certain relatives.—



HB 7247

2011

(2) It is also lawful for the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, in case of death of any unemployed individual, to pay to those persons referred to in subsection (1) any unemployment compensation payments that may be due to the individual at the time of his or her death.

Section 438. Subsections (3) and (4) of section 250.06, Florida Statutes, are amended to read:

250.06 Commander in chief.—

(3) The Governor may, in order to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, respond to an emergency as defined in s. 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling of all or any portion of the militia of this state ~~Florida~~ into the services of the United States, may increase the Florida National Guard and organize it in accordance with rules and regulations governing the Armed Forces of the United States. Such organization and increase may be pursuant to or in advance of any call made by the President of the United States. If the Florida National Guard is activated into service of the United States, another organization may not be designated as the Florida National Guard.

(4) The Governor may, in order to preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34~~(3)~~ or imminent danger thereof, or respond to any need for emergency aid to civil authorities as specified in s. 250.28, order into state active duty all or any

HB 7247

2011

part of the militia which he or she deems proper.

Section 439. Paragraph (b) of subsection (1) of section 255.099, Florida Statutes, is amended to read:

255.099 Preference to state residents.—

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of nonresidents. A contract for construction funded by local funds may contain such a provision.

(b) A contractor required to employ state residents must contact the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ to post the contractor's employment needs in the state's job bank system.

Section 440. Section 287.09431, Florida Statutes, is amended to read:

287.09431 Statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise.—The statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise is hereby enacted and entered into with all jurisdictions or organizations legally joining therein. If, within 2 years from the date that the certification core criteria are approved by the Department of Management Services ~~Department of Labor and Employment Security~~, the agreement included herein is not executed by a majority of county and municipal governing bodies that administer a minority business

HB 7247

2011

18866 assistance program on the effective date of this act, then the  
18867 Legislature shall review this agreement. It is the intent of the  
18868 Legislature that if the agreement is not executed by a majority  
18869 of the requisite governing bodies, then a statewide uniform  
18870 certification process should be adopted, and that said agreement  
18871 should be repealed and replaced by a mandatory state government  
18872 certification process.

18873  
18874 ARTICLE I  
18875

18876 PURPOSE, FINDINGS, AND POLICY.—

18877 (1) The parties to this agreement, desiring by common  
18878 action to establish a uniform certification process in order to  
18879 reduce the multiplicity of applications by business concerns to  
18880 state and local governmental programs for minority business  
18881 assistance, declare that it is the policy of each of them, on  
18882 the basis of cooperation with one another, to remedy social and  
18883 economic disadvantage suffered by certain groups, resulting in  
18884 their being historically underutilized in ownership and control  
18885 of commercial enterprises. Thus, the parties seek to address  
18886 this history by increasing the participation of the identified  
18887 groups in opportunities afforded by government procurement.

18888 (2) The parties find that the State of Florida presently  
18889 certifies firms for participation in the minority business  
18890 assistance programs of the state. The parties find further that  
18891 some counties, municipalities, school boards, special districts,  
18892 and other divisions of local government require a separate, yet  
18893 similar, and in most cases redundant certification in order for

HB 7247

2011

businesses to participate in the programs sponsored by each government entity.

(3) The parties find further that this redundant certification has proven to be unduly burdensome to the minority-owned firms intended to benefit from the underlying purchasing incentives.

(4) The parties agree that:

(a) They will facilitate integrity, stability, and cooperation in the statewide and interlocal certification process, and in other elements of programs established to assist minority-owned businesses.

(b) They shall cooperate with agencies, organizations, and associations interested in certification and other elements of minority business assistance.

(c) It is the purpose of this agreement to provide for a uniform process whereby the status of a business concern may be determined in a singular review of the business information for these purposes, in order to eliminate any undue expense, delay, or confusion to the minority-owned businesses in seeking to participate in the minority business assistance programs of state and local jurisdictions.

## ARTICLE II

DEFINITIONS.—As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) "Awarding organization" means any political subdivision or organization authorized by law, ordinance, or

HB 7247

2011

18922 agreement to enter into contracts and for which the governing  
18923 body has entered into this agreement.

18924 (2) "Department" means the Department of Management  
18925 Services ~~Department of Labor and Employment Security~~.

18926 (3) "Minority" means a person who is a lawful, permanent  
18927 resident of the state, having origins in one of the minority  
18928 groups as described and adopted by the Department of Management  
18929 Services ~~Department of Labor and Employment Security~~, hereby  
18930 incorporated by reference.

18931 (4) "Minority business enterprise" means any small  
18932 business concern as defined in subsection (6) that meets all of  
18933 the criteria described and adopted by the Department of  
18934 Management Services ~~Department of Labor and Employment Security~~,  
18935 hereby incorporated by reference.

18936 (5) "Participating state or local organization" means any  
18937 political subdivision of the state or organization designated by  
18938 such that elects to participate in the certification process  
18939 pursuant to this agreement, which has been approved according to  
18940 s. 287.0943(3) and has legally entered into this agreement.

18941 (6) "Small business concern" means an independently owned  
18942 and operated business concern which is of a size and type as  
18943 described and adopted by vote related to this agreement of the  
18944 commission, hereby incorporated by reference.

18945  
18946 ARTICLE III  
18947

18948 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

18949 (1) All awarding organizations shall accept a

HB 7247

2011

18950 certification granted by any participating organization which  
18951 has been approved according to s. 287.0943(3) and has entered  
18952 into this agreement, as valid status of minority business  
18953 enterprise.

18954 (2) A participating organization shall certify a business  
18955 concern that meets the definition of minority business  
18956 enterprise in this agreement, in accordance with the duly  
18957 adopted eligibility criteria.

18958 (3) All participating organizations shall issue notice of  
18959 certification decisions granting or denying certification to all  
18960 other participating organizations within 14 days of the  
18961 decision. Such notice may be made through electronic media.

18962 (4) No certification will be granted without an onsite  
18963 visit to verify ownership and control of the prospective  
18964 minority business enterprise, unless verification can be  
18965 accomplished by other methods of adequate verification or  
18966 assessment of ownership and control.

18967 (5) The certification of a minority business enterprise  
18968 pursuant to the terms of this agreement shall not be suspended,  
18969 revoked, or otherwise impaired except on any grounds which would  
18970 be sufficient for revocation or suspension of a certification in  
18971 the jurisdiction of the participating organization.

18972 (6) The certification determination of a party may be  
18973 challenged by any other participating organization by the  
18974 issuance of a timely written notice by the challenging  
18975 organization to the certifying organization's determination  
18976 within 10 days of receiving notice of the certification  
18977 decision, stating the grounds therefor.

HB 7247

2011

(7) The sole accepted grounds for challenge shall be the failure of the certifying organization to adhere to the adopted criteria or the certifying organization's rules or procedures, or the perpetuation of a misrepresentation or fraud by the firm.

(8) The certifying organization shall reexamine its certification determination and submit written notice to the applicant and the challenging organization of its findings within 30 days after the receipt of the notice of challenge.

(9) If the certification determination is affirmed, the challenging agency may subsequently submit timely written notice to the firm of its intent to revoke certification of the firm.

#### ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement shall be construed to repeal or otherwise modify any ordinance, law, or regulation of a party relating to the existing minority business assistance provisions and procedures by which minority business enterprises participate therein.

#### ARTICLE V

TERM.—The term of the agreement shall be 5 years, after which it may be reexecuted by the parties.

#### ARTICLE VI

AGREEMENT EVALUATION.—The designated state and local

HB 7247

2011

officials may meet from time to time as a group to evaluate progress under the agreement, to formulate recommendations for changes, or to propose a new agreement.

## ARTICLE VII

OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

## ARTICLE VIII

## EFFECT AND WITHDRAWAL.—

(1) This agreement shall become effective when properly executed by a legal representative of the participating organization, when enacted into the law of the state and after an ordinance or other legislation is enacted into law by the governing body of each participating organization. Thereafter it shall become effective as to any participating organization upon the enactment of this agreement by the governing body of that organization.

(2) Any party may withdraw from this agreement by enacting legislation repealing the same, but no such withdrawal shall take effect until one year after the governing body of the withdrawing party has given notice in writing of the withdrawal to the other parties.

(3) No withdrawal shall relieve the withdrawing party of any obligations imposed upon it by law.



HB 7247

2011

19034  
19035  
19036  
19037  
19038  
19039  
19040  
19041  
19042  
19043  
19044  
19045  
19046  
19047  
19048  
19049  
19050  
19051  
19052  
19053  
19054  
19055  
19056  
19057  
19058  
19059  
19060  
19061

## ARTICLE IX

## FINANCIAL RESPONSIBILITY.—

(1) A participating organization shall not be financially responsible or liable for the obligations of any other participating organization related to this agreement.

(2) The provisions of this agreement shall constitute neither a waiver of any governmental immunity under Florida law nor a waiver of any defenses of the parties under Florida law. The provisions of this agreement are solely for the benefit of its executors and not intended to create or grant any rights, contractual or otherwise, to any person or entity.

## ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Office of Supplier Diversity, and venue for any legal action in connection with this agreement shall lie, for any participating organization except the Office of Supplier Diversity, exclusively in the county where the participating organization is located. This agreement shall be governed by and construed in accordance with the laws and court decisions of the state.

## ARTICLE XI

HB 7247

2011

CONSTRUCTION AND SEVERABILITY.—This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the State Constitution or the United States Constitution, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the State Constitution, the agreement shall remain in full force and effect as to all severable matters.

Section 441. Paragraphs (h) and (o) of subsection (4) of section 287.09451, Florida Statutes, are amended to read:

287.09451 Office of Supplier Diversity; powers, duties, and functions.—

(4) The Office of Supplier Diversity shall have the following powers, duties, and functions:

(h) To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting minority status to the Department of Management Services for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, ~~the Department of Labor and Employment Security shall refer the~~

HB 7247

2011

19090 matter shall be referred to the office of the Attorney General,  
19091 Department of Legal Affairs, for prosecution.

19092       (o)1. To establish a system to record and measure the use  
19093 of certified minority business enterprises in state contracting.  
19094 This system shall maintain information and statistics on  
19095 certified minority business enterprise participation, awards,  
19096 dollar volume of expenditures and agency goals, and other  
19097 appropriate types of information to analyze progress in the  
19098 access of certified minority business enterprises to state  
19099 contracts and to monitor agency compliance with this section.  
19100 Such reporting must include, but is not limited to, the  
19101 identification of all subcontracts in state contracting by  
19102 dollar amount and by number of subcontracts and the  
19103 identification of the utilization of certified minority business  
19104 enterprises as prime contractors and subcontractors by dollar  
19105 amounts of contracts and subcontracts, number of contracts and  
19106 subcontracts, minority status, industry, and any conditions or  
19107 circumstances that significantly affected the performance of  
19108 subcontractors. Agencies shall report their compliance with the  
19109 requirements of this reporting system at least annually and at  
19110 the request of the office. All agencies shall cooperate with the  
19111 office in establishing this reporting system. Except in  
19112 construction contracting, all agencies shall review contracts  
19113 costing in excess of CATEGORY FOUR as defined in s. 287.017 to  
19114 determine if such contracts could be divided into smaller  
19115 contracts to be separately solicited and awarded, and shall,  
19116 when economical, offer such smaller contracts to encourage  
19117 minority participation.

HB 7247

2011

2. To report agency compliance with ~~the provisions of~~  
subparagraph 1. for the preceding fiscal year to the Governor  
and Cabinet, the President of the Senate, and the Speaker of the  
House of Representatives, ~~and the secretary of the Department of~~  
~~Labor and Employment Security~~ on or before February 1 of each  
year. The report must contain, at a minimum, the following:

a. Total expenditures of each agency by industry.

b. The dollar amount and percentage of contracts awarded  
to certified minority business enterprises by each state agency.

c. The dollar amount and percentage of contracts awarded  
indirectly to certified minority business enterprises as  
subcontractors by each state agency.

d. The total dollar amount and percentage of contracts  
awarded to certified minority business enterprises, whether  
directly or indirectly, as subcontractors.

e. A statement and assessment of good faith efforts taken  
by each state agency.

f. A status report of agency compliance with subsection  
(6), as determined by the Minority Business Enterprise Office.

Section 442. Subsections (2), (4), and (5) of section  
331.369, Florida Statutes, are transferred, renumbered as  
section 445.061, Florida Statutes, and amended to read:

445.061 ~~331.369~~ Space Industry Workforce Initiative.—

(1)(2) Workforce Florida, Inc., ~~The Workforce Development~~  
~~Board of Enterprise Florida, Inc.,~~ or its successor entity,  
shall coordinate development of a Space Industry Workforce  
Initiative in partnership with Space Florida, public and private  
universities, community colleges, and other training providers

HB 7247

2011

19146 approved by the board. The purpose of the initiative is to use  
19147 or revise existing programs and to develop innovative new  
19148 programs to address the workforce needs of the aerospace  
19149 industry.

19150 ~~(2)(4)~~ Workforce Florida, Inc., ~~The Workforce Development~~  
19151 ~~Board of Enterprise Florida, Inc.,~~ or its successor entity, with  
19152 the assistance of Enterprise Florida, Inc., and Space Florida,  
19153 shall convene representatives from the aerospace industry to  
19154 identify the priority training and education needs of the  
19155 industry and to appoint a team to design programs to meet the  
19156 priority needs.

19157 ~~(3)(5)~~ Workforce Florida, Inc., ~~The Workforce Development~~  
19158 ~~Board of Enterprise Florida, Inc.,~~ or its successor entity, as  
19159 part of its statutorily prescribed annual report to the  
19160 Legislature, shall provide recommendations for policies,  
19161 programs, and funding to enhance the workforce needs of the  
19162 aerospace industry.

19163 Section 443. Subsection (6) of section 381.0086, Florida  
19164 Statutes, is amended to read:

19165 381.0086 Rules; variances; penalties.—

19166 (6) For the purposes of filing an interstate clearance  
19167 order with the Department of Economic Opportunity ~~the Agency for~~  
19168 ~~Workforce Innovation~~, if the housing is covered by 20 C.F.R.  
19169 part 654, subpart E, no permanent structural variance referred  
19170 to in subsection (2) is allowed.

19171 Section 444. Paragraph (b) of subsection (1) and  
19172 subsection (2) of section 383.14, Florida Statutes, are amended  
19173 to read:

HB 7247

2011

19174           383.14 Screening for metabolic disorders, other hereditary  
19175 and congenital disorders, and environmental risk factors.—

19176           (1) SCREENING REQUIREMENTS.—To help ensure access to the  
19177 maternal and child health care system, the Department of Health  
19178 shall promote the screening of all newborns born in Florida for  
19179 metabolic, hereditary, and congenital disorders known to result  
19180 in significant impairment of health or intellect, as screening  
19181 programs accepted by current medical practice become available  
19182 and practical in the judgment of the department. The department  
19183 shall also promote the identification and screening of all  
19184 newborns in this state and their families for environmental risk  
19185 factors such as low income, poor education, maternal and family  
19186 stress, emotional instability, substance abuse, and other high-  
19187 risk conditions associated with increased risk of infant  
19188 mortality and morbidity to provide early intervention,  
19189 remediation, and prevention services, including, but not limited  
19190 to, parent support and training programs, home visitation, and  
19191 case management. Identification, perinatal screening, and  
19192 intervention efforts shall begin prior to and immediately  
19193 following the birth of the child by the attending health care  
19194 provider. Such efforts shall be conducted in hospitals,  
19195 perinatal centers, county health departments, school health  
19196 programs that provide prenatal care, and birthing centers, and  
19197 reported to the Office of Vital Statistics.

19198           (b) Postnatal screening.—A risk factor analysis using the  
19199 department's designated risk assessment instrument shall also be  
19200 conducted as part of the medical screening process upon the  
19201 birth of a child and submitted to the department's Office of

HB 7247

2011

Vital Statistics for recording and other purposes provided for in this chapter. The department's screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children's Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Newborn Infant Screening Advisory Council ~~and the Agency for Workforce Innovation.~~

(2) RULES.—After consultation with the Genetics and

HB 7247

2011

19230 Newborn Screening Advisory Council, the department shall adopt  
19231 and enforce rules requiring that every newborn in this state  
19232 shall, prior to becoming 1 week of age, be subjected to a test  
19233 for phenylketonuria and, at the appropriate age, be tested for  
19234 such other metabolic diseases and hereditary or congenital  
19235 disorders as the department may deem necessary from time to  
19236 time. ~~After consultation with the Agency for Workforce~~  
19237 ~~Innovation,~~ The department shall also adopt and enforce rules  
19238 requiring every newborn in this state to be screened for  
19239 environmental risk factors that place children and their  
19240 families at risk for increased morbidity, mortality, and other  
19241 negative outcomes. The department shall adopt such additional  
19242 rules as are found necessary for the administration of this  
19243 section and s. 383.145, including rules providing definitions of  
19244 terms, rules relating to the methods used and time or times for  
19245 testing as accepted medical practice indicates, rules relating  
19246 to charging and collecting fees for the administration of the  
19247 newborn screening program authorized by this section, rules for  
19248 processing requests and releasing test and screening results,  
19249 and rules requiring mandatory reporting of the results of tests  
19250 and screenings for these conditions to the department.

19251 Section 445. Paragraph (b) of subsection (3) of section  
19252 402.281, Florida Statutes, is amended to read:

19253 402.281 Gold Seal Quality Care program.—

19254 (3)

19255 (b) In approving accrediting associations, the department  
19256 shall consult with the Department of Education, the Department  
19257 of Economic Opportunity ~~Agency for Workforce Innovation~~, the



HB 7247

2011

19258 Florida Head Start Directors Association, the Florida  
19259 Association of Child Care Management, the Florida Family Day  
19260 Care Association, the Florida Children's Forum, the Early  
19261 Childhood Association of Florida, the Child Development  
19262 Education Alliance, providers receiving exemptions under s.  
19263 402.316, and parents.

19264 Section 446. Subsection (6) of section 402.45, Florida  
19265 Statutes, is amended to read:

19266 402.45 Community resource mother or father program.—

19267 (6) Individuals under contract to provide community  
19268 resource mother or father services shall participate in  
19269 preservice and ongoing training as determined by the Department  
19270 of Health in consultation with the Department of Economic  
19271 Opportunity ~~Agency for Workforce Innovation~~. A community  
19272 resource mother or father shall not be assigned a client  
19273 caseload until all preservice training requirements are  
19274 completed.

19275 Section 447. Subsection (4) of section 402.56, Florida  
19276 Statutes, is amended to read:

19277 402.56 Children's cabinet; organization; responsibilities;  
19278 annual report.—

19279 (4) MEMBERS.—The cabinet shall consist of 15 members  
19280 including the Governor and the following persons:

19281 (a)1. The Secretary of Children and Family Services;

19282 2. The Secretary of Juvenile Justice;

19283 3. The director of the Agency for Persons with  
19284 Disabilities;

19285 4. The Commissioner of Economic Opportunity ~~director of~~

HB 7247

2011

19286 ~~the Agency for Workforce Innovation;~~  
 19287       5. The State Surgeon General;  
 19288       6. The Secretary of Health Care Administration;  
 19289       7. The Commissioner of Education;  
 19290       8. The director of the Statewide Guardian Ad Litem Office;  
 19291       9. The director of the Office of Child Abuse Prevention;  
 19292 and  
 19293       10. Five members representing children and youth advocacy  
 19294 organizations, who are not service providers and who are  
 19295 appointed by the Governor.  
 19296       (b) The President of the Senate, the Speaker of the House  
 19297 of Representatives, the Chief Justice of the Supreme Court, the  
 19298 Attorney General, and the Chief Financial Officer, or their  
 19299 appointed designees, shall serve as ex officio members of the  
 19300 cabinet.  
 19301       (c) The Governor or the Governor's designee shall serve as  
 19302 the chair of the cabinet.  
 19303       (d) Nongovernmental members of the cabinet shall serve  
 19304 without compensation, but are entitled to receive per diem and  
 19305 travel expenses in accordance with s. 112.061 while in  
 19306 performance of their duties.  
 19307       Section 448. Paragraph (m) of subsection (5) of section  
 19308 403.7032, Florida Statutes, is amended to read:  
 19309       403.7032 Recycling.—  
 19310       (5) The Department of Environmental Protection shall  
 19311 create the Recycling Business Assistance Center by December 1,  
 19312 2010. In carrying out its duties under this subsection, the  
 19313 department shall consult with state agency personnel appointed

HB 7247

2011

to serve as economic development liaisons under s. 288.021 and seek technical assistance from Enterprise Florida, Inc., to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(m) Coordinating with the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ and its partners to provide job placement and job training services to job seekers through the state's workforce services programs.

Section 449. Paragraph (a) of subsection (3) of section 409.017, Florida Statutes, is amended to read:

409.017 Revenue Maximization Act; legislative intent; revenue maximization program.—

(3) REVENUE MAXIMIZATION PROGRAM.—

(a) For purposes of this section, the term "agency" means any state agency or department that is involved in providing health, social, or human services, including, but not limited to, the Agency for Health Care Administration, the Department of Economic Opportunity ~~Agency for Workforce Innovation~~, the Department of Children and Family Services, the Department of Elderly Affairs, the Department of Juvenile Justice, the Department of Education, and the State Board of Education.

Section 450. Paragraph (c) of subsection (7) of section

HB 7247

2011

19342 409.1451, Florida Statutes, is amended to read:

19343 409.1451 Independent living transition services.—

19344 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The  
19345 Secretary of Children and Family Services shall establish the  
19346 Independent Living Services Advisory Council for the purpose of  
19347 reviewing and making recommendations concerning the  
19348 implementation and operation of the independent living  
19349 transition services. This advisory council shall continue to  
19350 function as specified in this subsection until the Legislature  
19351 determines that the advisory council can no longer provide a  
19352 valuable contribution to the department's efforts to achieve the  
19353 goals of the independent living transition services.

19354 (c) Members of the advisory council shall be appointed by  
19355 the secretary of the department. The membership of the advisory  
19356 council must include, at a minimum, representatives from the  
19357 headquarters and district offices of the Department of Children  
19358 and Family Services, community-based care lead agencies, the  
19359 Department of Economic Opportunity ~~the Agency for Workforce~~  
19360 ~~Innovation~~, the Department of Education, the Agency for Health  
19361 Care Administration, the State Youth Advisory Board, Workforce  
19362 Florida, Inc., the Statewide Guardian Ad Litem Office, foster  
19363 parents, recipients of Road-to-Independence Program funding, and  
19364 advocates for foster children. The secretary shall determine the  
19365 length of the term to be served by each member appointed to the  
19366 advisory council, which may not exceed 4 years.

19367 Section 451. Subsection (4) of section 409.942, Florida  
19368 Statutes, is amended to read:

19369 409.942 Electronic benefit transfer program.—

HB 7247

2011

~~(4) Workforce Florida, Inc., through the Agency for Workforce Innovation, shall establish an electronic benefit transfer program for the use and management of education, training, child care, transportation, and other program benefits under its direction. The workforce electronic benefit transfer program shall fulfill all federal and state requirements for Individual Training Accounts, Retention Incentive Training Accounts, Individual Development Accounts, and Individual Services Accounts. The workforce electronic benefit transfer program shall be designed to enable an individual who receives an electronic benefit transfer card under subsection (1) to use that card for purposes of benefits provided under the workforce development system as well. The Department of Children and Family Services shall assist Workforce Florida, Inc., in developing an electronic benefit transfer program for the workforce development system that is fully compatible with the department's electronic benefit transfer program. The agency shall reimburse the department for all costs incurred in providing such assistance and shall pay all costs for the development of the workforce electronic benefit transfer program.~~

Section 452. Paragraph (d) of subsection (2), subsection (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5), paragraph (e) of subsection (7), subsection (8), and paragraphs (b), (c), (d), and (e) of subsection (9) of section 411.01, Florida Statutes, are amended to read:

411.01 School readiness programs; early learning coalitions.—

HB 7247

2011

19398 (2) LEGISLATIVE INTENT.—

19399 (d) It is the intent of the Legislature that the  
19400 administrative staff for school readiness programs be kept to  
19401 the minimum necessary to administer the duties of the Department  
19402 of Economic Opportunity ~~Agency for Workforce Innovation~~ and  
19403 early learning coalitions. The Department of Economic  
19404 Opportunity ~~Agency for Workforce Innovation~~ shall adopt system  
19405 support services at the state level to build a comprehensive  
19406 early learning system. Each early learning coalition shall  
19407 implement and maintain direct enhancement services at the local  
19408 level, as approved in its school readiness plan by the  
19409 Department of Economic Opportunity ~~Agency for Workforce~~  
19410 ~~Innovation~~, and ensure access to such services in all 67  
19411 counties.

19412 (4) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~  
19413 ~~WORKFORCE INNOVATION~~.—

19414 (a) The Department of Economic Opportunity ~~Agency for~~  
19415 ~~Workforce Innovation~~ shall administer school readiness programs  
19416 at the state level and shall coordinate with the early learning  
19417 coalitions in providing school readiness services on a full-day,  
19418 full-year, full-choice basis to the extent possible in order to  
19419 enable parents to work and be financially self-sufficient.

19420 (b) The Department of Economic Opportunity ~~Agency for~~  
19421 ~~Workforce Innovation~~ shall:

19422 1. Coordinate the birth-to-kindergarten services for  
19423 children who are eligible under subsection (6) and the  
19424 programmatic, administrative, and fiscal standards under this  
19425 section for all public providers of school readiness programs.

HB 7247

2011

2. Focus on improving the educational quality of all program providers participating in publicly funded school readiness programs.

(c) The Governor shall designate the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ as the lead agency for administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the department agency shall comply with the lead agency responsibilities under federal law.

(d) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. Provide final approval and every 2 years review early learning coalitions and school readiness plans.

3. Establish a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall adopt specific system support services that address the state's school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~. System support services shall include, but are not limited to:

- a. Child care resource and referral services;
- b. Warm-Line services;

HB 7247

2011

19454 c. Eligibility determinations;  
19455 d. Child performance standards;  
19456 e. Child screening and assessment;  
19457 f. Developmentally appropriate curricula;  
19458 g. Health and safety requirements;  
19459 h. Statewide data system requirements; and  
19460 i. Rating and improvement systems.

19461 4. Safeguard the effective use of federal, state, local,  
19462 and private resources to achieve the highest possible level of  
19463 school readiness for the children in this state.

19464 5. Adopt a rule establishing criteria for the expenditure  
19465 of funds designated for the purpose of funding activities to  
19466 improve the quality of child care within the state in accordance  
19467 with s. 658G of the federal Child Care and Development Block  
19468 Grant Act.

19469 6. Provide technical assistance to early learning  
19470 coalitions in a manner determined by the Department of Economic  
19471 Opportunity Agency ~~for Workforce Innovation~~ based upon  
19472 information obtained by the department agency from various  
19473 sources, including, but not limited to, public input, government  
19474 reports, private interest group reports, department agency  
19475 monitoring visits, and coalition requests for service.

19476 7. In cooperation with the Department of Education and  
19477 early learning coalitions, coordinate with the Child Care  
19478 Services Program Office of the Department of Children and Family  
19479 Services to minimize duplicating interagency activities, health  
19480 and safety monitoring, and acquiring and composing data  
19481 pertaining to child care training and credentialing.



HB 7247

2011

19482           8. Develop and adopt performance standards and outcome  
19483 measures for school readiness programs. The performance  
19484 standards must address the age-appropriate progress of children  
19485 in the development of school readiness skills. The performance  
19486 standards for children from birth to 5 years of age in school  
19487 readiness programs must be integrated with the performance  
19488 standards adopted by the Department of Education for children in  
19489 the Voluntary Prekindergarten Education Program under s.  
19490 1002.67.

19491           9. Adopt a standard contract that must be used by the  
19492 coalitions when contracting with school readiness providers.

19493           (e) The Department of Economic Opportunity ~~Agency for~~  
19494 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and  
19495 120.54 to administer the provisions of law conferring duties  
19496 upon the department ~~agency~~, including, but not limited to, rules  
19497 governing the administration of system support services of  
19498 school readiness programs, the collection of data, the approval  
19499 of early learning coalitions and school readiness plans, the  
19500 provision of a method whereby an early learning coalition may  
19501 serve two or more counties, the award of incentives to early  
19502 learning coalitions, child performance standards, child outcome  
19503 measures, the issuance of waivers, and the implementation of the  
19504 state's Child Care and Development Fund Plan as approved by the  
19505 federal Administration for Children and Families.

19506           (f) The Department of Economic Opportunity ~~Agency for~~  
19507 ~~Workforce Innovation~~ shall have all powers necessary to  
19508 administer this section, including, but not limited to, the  
19509 power to receive and accept grants, loans, or advances of funds

HB 7247

2011

19510 from any public or private agency and to receive and accept from  
19511 any source contributions of money, property, labor, or any other  
19512 thing of value, to be held, used, and applied for purposes of  
19513 this section.

19514 (g) Except as provided by law, the Department of Economic  
19515 Opportunity ~~Agency for Workforce Innovation~~ may not impose  
19516 requirements on a child care or early childhood education  
19517 provider that does not deliver services under the school  
19518 readiness programs or receive state or federal funds under this  
19519 section.

19520 (h) The Department of Economic Opportunity ~~Agency for~~  
19521 ~~Workforce Innovation~~ shall have a budget for school readiness  
19522 programs, which shall be financed through an annual  
19523 appropriation made for purposes of this section in the General  
19524 Appropriations Act.

19525 (i) The Department of Economic Opportunity ~~Agency for~~  
19526 ~~Workforce Innovation~~ shall coordinate the efforts toward school  
19527 readiness in this state and provide independent policy analyses,  
19528 data analyses, and recommendations to the Governor, the State  
19529 Board of Education, and the Legislature.

19530 (j) The Department of Economic Opportunity ~~Agency for~~  
19531 ~~Workforce Innovation~~ shall require that school readiness  
19532 programs, at a minimum, enhance the age-appropriate progress of  
19533 each child in attaining the performance standards adopted under  
19534 subparagraph (d)8. and in the development of the following  
19535 school readiness skills:

- 19536 1. Compliance with rules, limitations, and routines.
- 19537 2. Ability to perform tasks.

HB 7247

2011

- 19538 3. Interactions with adults.
- 19539 4. Interactions with peers.
- 19540 5. Ability to cope with challenges.
- 19541 6. Self-help skills.
- 19542 7. Ability to express the child's needs.
- 19543 8. Verbal communication skills.
- 19544 9. Problem-solving skills.
- 19545 10. Following of verbal directions.
- 19546 11. Demonstration of curiosity, persistence, and
- 19547 exploratory behavior.
- 19548 12. Interest in books and other printed materials.
- 19549 13. Paying attention to stories.
- 19550 14. Participation in art and music activities.
- 19551 15. Ability to identify colors, geometric shapes, letters
- 19552 of the alphabet, numbers, and spatial and temporal
- 19553 relationships.
- 19554
- 19555 Within 30 days after enrollment in the school readiness program,
- 19556 the early learning coalition must ensure that the program
- 19557 provider obtains information regarding the child's
- 19558 immunizations, physical development, and other health
- 19559 requirements as necessary, including appropriate vision and
- 19560 hearing screening and examinations. For a program provider
- 19561 licensed by the Department of Children and Family Services, the
- 19562 provider's compliance with s. 402.305(9), as verified pursuant
- 19563 to s. 402.311, shall satisfy this requirement.
- 19564 (k) The Department of Economic Opportunity ~~Agency for~~
- 19565 ~~Workforce Innovation~~ shall conduct studies and planning

HB 7247

2011

activities related to the overall improvement and effectiveness of the outcome measures adopted by the department ~~agency~~ for school readiness programs and the specific system support services to address the state's school readiness programs adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ in accordance with subparagraph (d)3.

(l) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(m) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall submit an annual report of its activities conducted under this section to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Department of Economic Opportunity's ~~Agency for Workforce Innovation's~~ reports and recommendations shall be made available to the Florida Early Learning Advisory Council and other appropriate state agencies and entities. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

(n) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall work with the early learning

HB 7247

2011

19594 coalitions to ensure availability of training and support for  
19595 parental involvement in children's early education and to  
19596 provide family literacy activities and services.

19597 (5) CREATION OF EARLY LEARNING COALITIONS.—

19598 (a) Early learning coalitions.—

19599 1. Each early learning coalition shall maintain direct  
19600 enhancement services at the local level and ensure access to  
19601 such services in all 67 counties.

19602 2. The Department of Economic Opportunity ~~Agency for~~  
19603 ~~Workforce Innovation~~ shall establish the minimum number of  
19604 children to be served by each early learning coalition through  
19605 the coalition's school readiness program. The Department of  
19606 Economic Opportunity ~~Agency for Workforce Innovation~~ may only  
19607 approve school readiness plans in accordance with this minimum  
19608 number. The minimum number must be uniform for every early  
19609 learning coalition and must:

19610 a. Permit 31 or fewer coalitions to be established; and

19611 b. Require each coalition to serve at least 2,000 children  
19612 based upon the average number of all children served per month  
19613 through the coalition's school readiness program during the  
19614 previous 12 months.

19615 3. If an early learning coalition would serve fewer  
19616 children than the minimum number established under subparagraph  
19617 2., the coalition must merge with another county to form a  
19618 multicounty coalition. The Department of Economic Opportunity  
19619 ~~Agency for Workforce Innovation~~ shall adopt procedures for  
19620 merging early learning coalitions, including procedures for the  
19621 consolidation of merging coalitions, and for the early

HB 7247

2011

19622 termination of the terms of coalition members which are  
19623 necessary to accomplish the mergers. However, the Department of  
19624 Economic Opportunity ~~Agency for Workforce Innovation~~ shall grant  
19625 a waiver to an early learning coalition to serve fewer children  
19626 than the minimum number established under subparagraph 2., if:

19627       a. The Department of Economic Opportunity ~~Agency for~~  
19628 ~~Workforce Innovation~~ has determined during the most recent  
19629 review of the coalition's school readiness plan, or through  
19630 monitoring and performance evaluations conducted under paragraph  
19631 (4)(1), that the coalition has substantially implemented its  
19632 plan;

19633       b. The coalition demonstrates to the Department of  
19634 Economic Opportunity ~~Agency for Workforce Innovation~~ the  
19635 coalition's ability to effectively and efficiently implement the  
19636 Voluntary Prekindergarten Education Program; and

19637       c. The coalition demonstrates to the Department of  
19638 Economic Opportunity ~~Agency for Workforce Innovation~~ that the  
19639 coalition can perform its duties in accordance with law.

19640  
19641 If an early learning coalition fails or refuses to merge as  
19642 required by this subparagraph, the Department of Economic  
19643 Opportunity ~~Agency for Workforce Innovation~~ may dissolve the  
19644 coalition and temporarily contract with a qualified entity to  
19645 continue school readiness and prekindergarten services in the  
19646 coalition's county or multicounty region until the department  
19647 ~~agency~~ reestablishes the coalition and a new school readiness  
19648 plan is approved by the department ~~agency~~.

19649       4. Each early learning coalition shall be composed of at

HB 7247

2011

19650 | least 15 members but not more than 30 members. The Department of  
19651 | Economic Opportunity ~~Agency for Workforce Innovation~~ shall adopt  
19652 | standards establishing within this range the minimum and maximum  
19653 | number of members that may be appointed to an early learning  
19654 | coalition and procedures for identifying which members have  
19655 | voting privileges under subparagraph 6. These standards must  
19656 | include variations for a coalition serving a multicounty region.  
19657 | Each early learning coalition must comply with these standards.

19658 |         5. The Governor shall appoint the chair and two other  
19659 | members of each early learning coalition, who must each meet the  
19660 | same qualifications as private sector business members appointed  
19661 | by the coalition under subparagraph 7.

19662 |         6. Each early learning coalition must include the  
19663 | following member positions; however, in a multicounty coalition,  
19664 | each ex officio member position may be filled by multiple  
19665 | nonvoting members but no more than one voting member shall be  
19666 | seated per member position. If an early learning coalition has  
19667 | more than one member representing the same entity, only one of  
19668 | such members may serve as a voting member:

19669 |             a. A Department of Children and Family Services circuit  
19670 | administrator or his or her designee who is authorized to make  
19671 | decisions on behalf of the department.

19672 |             b. A district superintendent of schools or his or her  
19673 | designee who is authorized to make decisions on behalf of the  
19674 | district.

19675 |             c. A regional workforce board executive director or his or  
19676 | her designee.

19677 |             d. A county health department director or his or her

HB 7247

2011

19678 designee.

19679       e. A children's services council or juvenile welfare board

19680 chair or executive director, if applicable.

19681       f. An agency head of a local licensing agency as defined

19682 in s. 402.302, where applicable.

19683       g. A president of a community college or his or her

19684 designee.

19685       h. One member appointed by a board of county commissioners

19686 or the governing board of a municipality.

19687       i. A central agency administrator, where applicable.

19688       j. A Head Start director.

19689       k. A representative of private for-profit child care

19690 providers, including private for-profit family day care homes.

19691       l. A representative of faith-based child care providers.

19692       m. A representative of programs for children with

19693 disabilities under the federal Individuals with Disabilities

19694 Education Act.

19695       7. Including the members appointed by the Governor under

19696 subparagraph 5., more than one-third of the members of each

19697 early learning coalition must be private sector business members

19698 who do not have, and none of whose relatives as defined in s.

19699 112.3143 has, a substantial financial interest in the design or

19700 delivery of the Voluntary Prekindergarten Education Program

19701 created under part V of chapter 1002 or the coalition's school

19702 readiness program. To meet this requirement an early learning

19703 coalition must appoint additional members. The Department of

19704 Economic Opportunity ~~Agency for Workforce Innovation~~ shall

19705 establish criteria for appointing private sector business



HB 7247

2011

members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition. An early learning coalition board may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

9. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11. For purposes of tort liability, each member or

HB 7247

2011

employee of an early learning coalition shall be governed by s. 768.28.

12. An early learning coalition serving a multicounty region must include representation from each county.

13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(c) Program expectations.—

1. The school readiness program must meet the following expectations:

a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards and outcome measures adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~.

b. The program must provide extended-day and extended-year services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.

c. The program must provide a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~.

HB 7247

2011

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term "single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.

f. The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Prekindergarten Education Program for increasing the number of children served in school

HB 7247

2011

19790 readiness programs before increasing payment rates.

19791 g. The program must meet all state licensing guidelines,  
19792 where applicable.

19793 h. The program must ensure that minimum standards for  
19794 child discipline practices are age-appropriate. Such standards  
19795 must provide that children not be subjected to discipline that  
19796 is severe, humiliating, or frightening or discipline that is  
19797 associated with food, rest, or toileting. Spanking or any other  
19798 form of physical punishment is prohibited.

19799 2. Each early learning coalition must implement a  
19800 comprehensive program of school readiness services in accordance  
19801 with the rules adopted by the department ~~agency~~ which enhance  
19802 the cognitive, social, and physical development of children to  
19803 achieve the performance standards and outcome measures. At a  
19804 minimum, these programs must contain the following system  
19805 support service elements:

19806 a. Developmentally appropriate curriculum designed to  
19807 enhance the age-appropriate progress of children in attaining  
19808 the performance standards adopted by the Department of Economic  
19809 Opportunity ~~Agency for Workforce Innovation~~ under subparagraph  
19810 (4) (d) 8.

19811 b. A character development program to develop basic  
19812 values.

19813 c. An age-appropriate screening of each child's  
19814 development.

19815 d. An age-appropriate assessment administered to children  
19816 when they enter a program and an age-appropriate assessment  
19817 administered to children when they leave the program.

HB 7247

2011

e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(7) or (8), as applicable, and as verified pursuant to s. 402.311.

f. A healthy and safe environment pursuant to s. 401.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.

g. A resource and referral network established under s. 411.0101 to assist parents in making an informed choice and a regional Warm-Line under s. 411.01015.

The Department of Economic Opportunity ~~Agency for Workforce Innovation~~, the Department of Education, and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) Implementation.—

1. An early learning coalition may not implement the school readiness program until the coalition's school readiness plan is approved by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~.

2. Each early learning coalition shall coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance standards and outcome measures and which helps families achieve economic self-sufficiency. Such program must contain, at a

HB 7247

2011

minimum, the following elements:

a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~.

b. Demonstrate how the program will ensure that each child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the department ~~agency~~ under subparagraph (4)(d)8.

c. Ensure that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

Before implementing the school readiness program, the early learning coalition must submit the plan to the department ~~agency~~ for approval. The department ~~agency~~ may approve the plan, reject the plan, or approve the plan with conditions. The department ~~agency~~ shall review school readiness plans at least every 2 years.

3. If the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ determines during the review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(1), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome

HB 7247

2011

measures adopted by the department ~~agency~~, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the department ~~agency~~ may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the department ~~agency~~ reestablishes the coalition and a new school readiness plan is approved in accordance with the rules adopted by the department ~~agency~~.

4. The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall adopt rules establishing criteria for the approval of school readiness plans. The criteria must be consistent with the system support services, performance standards, and outcome measures adopted by the department ~~agency~~ and must require each approved plan to include the following minimum standards for the school readiness program:

a. A community plan that addresses the needs of all children and providers within the coalition's county or multicounty region.

b. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers.

c. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

d. Specific eligibility priorities for children in accordance with subsection (6).

e. Performance standards and outcome measures adopted by

HB 7247

2011

19902 the department ~~agency~~.

19903 f. Payment rates adopted by the early learning coalitions  
19904 and approved by the department ~~agency~~. Payment rates may not  
19905 have the effect of limiting parental choice or creating  
19906 standards or levels of services that have not been expressly  
19907 established by the Legislature, unless the creation of such  
19908 standards or levels of service, which must be uniform throughout  
19909 the state, has been approved by the Federal Government and  
19910 result in the state being eligible to receive additional federal  
19911 funds available for early learning on a statewide basis.

19912 g. Direct enhancement services for families and children.  
19913 System support and direct enhancement services shall be in  
19914 addition to payments for the placement of children in school  
19915 readiness programs. Direct enhancement services for families may  
19916 include parent training and involvement activities and  
19917 strategies to meet the needs of unique populations and local  
19918 eligibility priorities. Enhancement services for children may  
19919 include provider supports and professional development approved  
19920 in the plan by the Department of Economic Opportunity ~~Agency for~~  
19921 ~~Workforce Innovation~~.

19922 h. The business organization of the early learning  
19923 coalition, which must include the coalition's articles of  
19924 incorporation and bylaws if the coalition is organized as a  
19925 corporation. If the coalition is not organized as a corporation  
19926 or other business entity, the plan must include the contract  
19927 with a fiscal agent. An early learning coalition may contract  
19928 with other coalitions to achieve efficiency in multicounty  
19929 services, and these contracts may be part of the coalition's



HB 7247

2011

19930 school readiness plan.

19931 i. The implementation of locally developed quality  
19932 programs in accordance with the requirements adopted by the  
19933 department ~~agency~~ under subparagraph (4)(d)5.

19934  
19935 The Department of Economic Opportunity ~~Agency for Workforce~~  
19936 ~~Innovation~~ may request the Governor to apply for a waiver to  
19937 allow the coalition to administer the Head Start Program to  
19938 accomplish the purposes of the school readiness program.

19939 5. Persons with an early childhood teaching certificate  
19940 may provide support and supervision to other staff in the school  
19941 readiness program.

19942 6. An early learning coalition may not implement its  
19943 school readiness plan until it submits the plan to and receives  
19944 approval from the Department of Economic Opportunity ~~Agency for~~  
19945 ~~Workforce Innovation~~. Once the plan is approved, the plan and  
19946 the services provided under the plan shall be controlled by the  
19947 early learning coalition. The plan shall be reviewed and revised  
19948 as necessary, but at least biennially. An early learning  
19949 coalition may not implement the revisions until the coalition  
19950 submits the revised plan to and receives approval from the  
19951 department ~~agency~~. If the department ~~agency~~ rejects a revised  
19952 plan, the coalition must continue to operate under its prior  
19953 approved plan.

19954 7. Section 125.901(2)(a)3. does not apply to school  
19955 readiness programs. The Department of Economic Opportunity  
19956 ~~Agency for Workforce Innovation~~ may apply to the Governor and  
19957 Cabinet for a waiver of, and the Governor and Cabinet may waive,

HB 7247

2011

any of the provisions of ss. 411.223 and 1003.54, if the waiver is necessary for implementation of school readiness programs.

8. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program.

(e) Requests for proposals; payment schedule.—

1. Each early learning coalition must comply with the procurement and expenditure procedures adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded under this section. The payment schedule must take into consideration the prevailing market rate, must include the projected number of children to be served, and must be submitted for approval by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(f) Evaluation and annual report.—Each early learning coalition shall conduct an evaluation of its implementation of the school readiness program, including system support services, performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the Department of Economic Opportunity ~~Agency for Workforce Innovation~~. This report must also include an evaluation of the effectiveness of

HB 7247

2011

its direct enhancement services and conform to the content and format specifications adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~. The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ must include an analysis of the early learning coalitions' reports in the department's ~~agency's~~ annual report.

(7) PARENTAL CHOICE.—

(e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition's school readiness plan, unless a waiver is obtained from the Department of Economic Opportunity ~~Agency for Workforce Innovation~~.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the school readiness program must meet the performance standards and outcome measures adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(b)1. The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ in

HB 7247

2011

20014 accordance with the policies of the Legislature.

20015 (c) The Department of Economic Opportunity ~~Agency for~~  
20016 ~~Workforce Innovation~~, subject to legislative notice and review  
20017 under s. 216.177, shall establish a formula for the allocation  
20018 of all state and federal school readiness funds provided for  
20019 children participating in the school readiness program, whether  
20020 served by a public or private provider, based upon equity for  
20021 each county. The allocation formula must be submitted to the  
20022 Governor, the chair of the Senate Ways and Means Committee or  
20023 its successor, and the chair of the House of Representatives  
20024 Fiscal Council or its successor no later than January 1 of each  
20025 year. If the Legislature specifies changes to the allocation  
20026 formula, the Department of Economic Opportunity ~~Agency for~~  
20027 ~~Workforce Innovation~~ shall allocate funds as specified in the  
20028 General Appropriations Act.

20029 (d) All state, federal, and required local maintenance-of-  
20030 effort or matching funds provided to an early learning coalition  
20031 for purposes of this section shall be used for implementation of  
20032 its approved school readiness plan, including the hiring of  
20033 staff to effectively operate the coalition's school readiness  
20034 program. As part of plan approval and periodic plan review, the  
20035 Department of Economic Opportunity ~~Agency for Workforce~~  
20036 ~~Innovation~~ shall require that administrative costs be kept to  
20037 the minimum necessary for efficient and effective administration  
20038 of the school readiness plan, but total administrative  
20039 expenditures must not exceed 5 percent unless specifically  
20040 waived by the Department of Economic Opportunity ~~Agency for~~  
20041 ~~Workforce Innovation~~. The Department of Economic Opportunity

HB 7247

2011

20042 ~~Agency for Workforce Innovation~~ shall annually report to the  
20043 Legislature any problems relating to administrative costs.

20044 (e) The Department of Economic Opportunity ~~Agency for~~  
20045 ~~Workforce Innovation~~ shall annually distribute, to a maximum  
20046 extent practicable, all eligible funds provided under this  
20047 section as block grants to the early learning coalitions in  
20048 accordance with the terms and conditions specified by the  
20049 department ~~agency~~.

20050 Section 453. Subsections (1) and (2), paragraph (a) of  
20051 subsection (3), and subsection (4) of section 411.0101, Florida  
20052 Statutes, are amended to read:

20053 411.0101 Child care and early childhood resource and  
20054 referral.—

20055 (1) As a part of the school readiness programs, the  
20056 Department of Economic Opportunity ~~Agency for Workforce~~  
20057 ~~Innovation~~ shall establish a statewide child care resource and  
20058 referral network that is unbiased and provides referrals to  
20059 families for child care. Preference shall be given to using the  
20060 already established early learning coalitions as the child care  
20061 resource and referral agencies. If an early learning coalition  
20062 cannot comply with the requirements to offer the resource  
20063 information component or does not want to offer that service,  
20064 the early learning coalition shall select the resource and  
20065 referral agency for its county or multicounty region based upon  
20066 a request for proposal pursuant to s. 411.01(5)(e)1.

20067 (2) At least one child care resource and referral agency  
20068 must be established in each early learning coalition's county or  
20069 multicounty region. The Department of Economic Opportunity

HB 7247

2011

20070 ~~Agency for Workforce Innovation~~ shall adopt rules regarding  
20071 accessibility of child care resource and referral services  
20072 offered through child care resource and referral agencies in  
20073 each county or multicounty region which include, at a minimum,  
20074 required hours of operation, methods by which parents may  
20075 request services, and child care resource and referral staff  
20076 training requirements.

20077 (3) Child care resource and referral agencies shall  
20078 provide the following services:

20079 (a) Identification of existing public and private child  
20080 care and early childhood education services, including child  
20081 care services by public and private employers, and the  
20082 development of a resource file of those services through the  
20083 single statewide information system developed by the Department  
20084 of Economic Opportunity ~~Agency for Workforce Innovation~~ under s.  
20085 411.01(5)(c)1.e. These services may include family day care,  
20086 public and private child care programs, the Voluntary  
20087 Prekindergarten Education Program, Head Start, the school  
20088 readiness program, special education programs for  
20089 prekindergarten children with disabilities, services for  
20090 children with developmental disabilities, full-time and part-  
20091 time programs, before-school and after-school programs, vacation  
20092 care programs, parent education, the Temporary Cash Assistance  
20093 Program, and related family support services. The resource file  
20094 shall include, but not be limited to:

- 20095 1. Type of program.
- 20096 2. Hours of service.
- 20097 3. Ages of children served.

HB 7247

2011

20098           4.   Number of children served.

20099           5.   Significant program information.

20100           6.   Fees and eligibility for services.

20101           7.   Availability of transportation.

20102           (4)   The Department of Economic Opportunity ~~Agency for~~

20103 ~~Workforce Innovation~~ shall adopt any rules necessary for the

20104 implementation and administration of this section.

20105           Section 454. Subsections (2), (6), and (7) of section

20106 411.01013, Florida Statutes, are amended to read:

20107           411.01013   Prevailing market rate schedule.—

20108           (2)   The Department of Economic Opportunity ~~Agency for~~

20109 ~~Workforce Innovation~~ shall establish procedures for the adoption

20110 of a prevailing market rate schedule. The schedule must include,

20111 at a minimum, county-by-county rates:

20112           (a)   At the prevailing market rate, plus the maximum rate,

20113 for child care providers that hold a Gold Seal Quality Care

20114 designation under s. 402.281.

20115           (b)   At the prevailing market rate for child care providers

20116 that do not hold a Gold Seal Quality Care designation.

20117           (6)   The Department of Economic Opportunity ~~Agency for~~

20118 ~~Workforce Innovation~~ may contract with one or more qualified

20119 entities to administer this section and provide support and

20120 technical assistance for child care providers.

20121           (7)   The Department of Economic Opportunity ~~Agency for~~

20122 ~~Workforce Innovation~~ may adopt rules pursuant to ss. 120.536(1)

20123 and 120.54 for establishing procedures for the collection of

20124 child care providers' market rate, the calculation of a

20125 reasonable frequency distribution of the market rate, and the

HB 7247

2011

publication of a prevailing market rate schedule.

Section 455. Subsection (1) of section 411.01014, Florida Statutes, is amended to read:

411.01014 School readiness transportation services.—

(1) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~, pursuant to chapter 427, may authorize an early learning coalition to establish school readiness transportation services for children at risk of abuse or neglect participating in the school readiness program. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 456. Subsections (1), (3), and (4) of section 411.01015, Florida Statutes, are amended to read:

411.01015 Consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues.—

(1) Contingent upon specific appropriations, the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs.

(3) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall annually inform child care centers and family day care homes of the availability of this service through the child care resource and referral network under s.



HB 7247

2011

411.0101.

(4) Contingent upon specific appropriations, the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall expand, or contract for the expansion of, the Warm-Line to maintain at least one Warm-Line site in each early learning coalition service area.

Section 457. Paragraphs (4), (5), and (6) of section 411.0102, Florida Statutes, are amended to read:

411.0102 Child Care Executive Partnership Act; findings and intent; grant; limitation; rules.—

(4) The Child Care Executive Partnership, staffed by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~, shall consist of a representative of the Executive Office of the Governor and nine members of the corporate or child care community, appointed by the Governor.

(a) Members shall serve for a period of 4 years, except that the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.

(b) The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote and shall meet at least quarterly and at other times upon the call of the chair. The Child Care Executive Partnership may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, only if the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

(c) Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with

HB 7247

2011

s. 112.061.

(d) The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

1. Assisting in the formulation and coordination of the state's child care policy.

2. Adopting an official seal.

3. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.

4. Contracting with public or private entities as necessary.

5. Approving an annual budget.

6. Carrying forward any unexpended state appropriations into succeeding fiscal years.

7. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care Executive Partnership Program child care purchasing pools in counties chosen by the Child Care Executive Partnership, provided that at least two of the counties have populations of no more than 300,000. The Legislature shall annually review the effectiveness of the child care purchasing pool program and reevaluate the percentage of

HB 7247

2011

additional state or federal funds, if any, that can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, an early learning coalition or the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall administer the child care purchasing pool funds.

(c) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~, in conjunction with the Child Care Executive Partnership, shall develop procedures for disbursement of funds through the child care purchasing pools. In order to be considered for funding, an early learning coalition or the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ must commit to:

1. Matching the state purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those public funds which are matched by employers, local government, and other matching contributors who contribute to the purchasing pool. Parents shall also pay a fee, which may not be less than the amount identified in the early learning coalition's school readiness program sliding fee scale.

(d) Each early learning coalition shall establish a community child care task force for each child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative from the local children's services council, if one exists in the area of the purchasing pool. The early learning coalition is expected to recruit the task force members from existing child care

HB 7247

2011

councils, commissions, or task forces already operating in the area of a purchasing pool. A majority of the task force shall consist of employers.

(e) Each participating early learning coalition board shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the purchasing pool, how many will be new to receiving child care services, and how the early learning coalition intends to attract new employers and their employees to the program.

(6) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall adopt any rules necessary for the implementation and administration of this section.

Section 458. Subsections (2) and (3) of section 411.0103, Florida Statutes, are amended to read:

411.0103 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(2) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ may contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The department ~~agency~~ shall adopt rules under ss. 120.536(1) and 120.54 as necessary to administer this section.

Section 459. Subsections (1) and (3) of section 411.0104, Florida Statutes, are amended to read:

411.0104 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriations, the

HB 7247

2011

20266 Department of Economic Opportunity ~~Agency for Workforce~~  
20267 ~~Innovation~~ shall establish a program to award collaboration  
20268 grants to assist local agencies in securing Early Head Start  
20269 programs through Early Head Start program federal grants. The  
20270 collaboration grants shall provide the required matching funds  
20271 for public and private nonprofit agencies that have been  
20272 approved for Early Head Start program federal grants.

20273 (3) The Department of Economic Opportunity ~~Agency for~~  
20274 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and  
20275 120.54 as necessary for the award of collaboration grants to  
20276 competing agencies and the administration of the collaboration  
20277 grants program under this section.

20278 Section 460. Section 411.0105, Florida Statutes, is  
20279 amended to read:

20280 411.0105 Early Learning Opportunities Act and Even Start  
20281 Family Literacy Programs; lead agency.—For purposes of  
20282 administration of the Early Learning Opportunities Act and the  
20283 Even Start Family Literacy Programs, pursuant to Pub. L. No.  
20284 106-554, the Department of Economic Opportunity ~~Agency for~~  
20285 ~~Workforce Innovation~~ is designated as the lead agency and must  
20286 comply with lead agency responsibilities pursuant to federal  
20287 law.

20288 Section 461. Section 411.0106, Florida Statutes, is  
20289 amended to read:

20290 411.0106 Infants and toddlers in state-funded education  
20291 and care programs; brain development activities.—Each state-  
20292 funded education and care program for children from birth to 5  
20293 years of age must provide activities to foster brain development

HB 7247

2011

in infants and toddlers. A program must provide an environment that helps children attain the performance standards adopted by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ under s. 411.01(4)(d)8. and must be rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children and must include classical music and at least 30 minutes of reading to the children each day. A program may be offered through an existing early childhood program such as Healthy Start, the Title I program, the school readiness program, the Head Start program, or a private child care program. A program must provide training for the infants' and toddlers' parents including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of a child's life. Family day care centers are encouraged, but not required, to comply with this section.

Section 462. Subsection (1) and paragraph (g) of subsection (3) of section 411.011, Florida Statutes, are amended to read:

411.011 Records of children in school readiness programs.—

(1) The individual records of children enrolled in school readiness programs provided under s. 411.01, held by an early learning coalition or the Department of Economic Opportunity ~~Agency for Workforce Innovation~~, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations,

HB 7247

2011

and personal identifying information.

(3) School readiness records may be released to:

(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, providers of school readiness programs, state agencies, and the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ for the purpose of implementing the school readiness program.

Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parents by persons other than those authorized to receive the records.

Section 463. Paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.—

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Department of Economic Opportunity ~~Agency for Workforce Innovation~~, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

Section 464. Paragraph (d) of subsection (1), paragraph

HB 7247

2011

(a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

(1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.—

(d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, child care providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards adopted by the Department of Economic Opportunity ~~Agency for Workforce~~



HB 7247

2011

20378 ~~Innovation.~~

20379       2. Public awareness strategies targeting parents of  
20380 children from ages 6 through 9 must be designed to disseminate  
20381 training materials and brochures to parents and public and  
20382 private school personnel, and must be coordinated with the local  
20383 school board and the appropriate school advisory committees in  
20384 the demonstration projects. The materials should contain  
20385 information on state and district proficiency levels for grades  
20386 K-3.

20387       (2) SCREENING AND DEVELOPMENTAL MONITORING.—

20388       (a) In coordination with the Department of Economic  
20389 Opportunity ~~Agency for Workforce Innovation~~, the Department of  
20390 Education, and the Florida Pediatric Society, and using  
20391 information learned from the local demonstration projects, the  
20392 Learning Gateway Steering Committee shall establish guidelines  
20393 for screening children from birth through age 9. The guidelines  
20394 should incorporate recent research on the indicators most likely  
20395 to predict early learning problems, mild developmental delays,  
20396 child-specific precursors of school failure, and other related  
20397 developmental indicators in the domains of cognition;  
20398 communication; attention; perception; behavior; and social,  
20399 emotional, sensory, and motor functioning.

20400       (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

20401       (c) The steering committee, in cooperation with the  
20402 Department of Children and Family Services, the Department of  
20403 Education, and the Department of Economic Opportunity ~~Agency for~~  
20404 ~~Workforce Innovation~~, shall identify the elements of an  
20405 effective research-based curriculum for early care and education

HB 7247

2011

20406 programs.

20407 Section 465. Section 414.24, Florida Statutes, is amended  
20408 to read:

20409 414.24 Integrated welfare reform and child welfare  
20410 services.—The department shall develop integrated service  
20411 delivery strategies to better meet the needs of families subject  
20412 to work activity requirements who are involved in the child  
20413 welfare system or are at high risk of involvement in the child  
20414 welfare system. To the extent that resources are available, the  
20415 department and the Department of Economic Opportunity ~~the~~  
20416 ~~Department of Labor and Employment Security~~ shall provide funds  
20417 to one or more service districts to promote development of  
20418 integrated, nonduplicative case management within the  
20419 department, the Department of Economic Opportunity ~~the~~  
20420 ~~Department of Labor and Employment Security~~, other participating  
20421 government agencies, and community partners. Alternative  
20422 delivery systems shall be encouraged which include well-defined,  
20423 pertinent outcome measures. Other factors to be considered shall  
20424 include innovation regarding training, enhancement of existing  
20425 resources, and increased private sector and business sector  
20426 participation.

20427 Section 466. Subsection (1) of section 414.295, Florida  
20428 Statutes, is amended to read:

20429 414.295 Temporary cash assistance programs; public records  
20430 exemption.—

20431 (1) Personal identifying information of a temporary cash  
20432 assistance program participant, a participant's family, or a  
20433 participant's family or household member, except for information

HB 7247

2011

20434 identifying a parent who does not live in the same home as the  
20435 child, held by the department, the Department of Economic  
20436 Opportunity ~~the Agency for Workforce Innovation~~, Workforce  
20437 Florida, Inc., the Department of Health, the Department of  
20438 Revenue, the Department of Education, or a regional workforce  
20439 board or local committee created pursuant to s. 445.007 is  
20440 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
20441 of the State Constitution. Such confidential and exempt  
20442 information may be released for purposes directly connected  
20443 with:

20444 (a) The administration of the temporary assistance for  
20445 needy families plan under Title IV-A of the Social Security Act,  
20446 as amended, by the department, the Department of Economic  
20447 Opportunity ~~the Agency for Workforce Innovation~~, Workforce  
20448 Florida, Inc., the Department of Military Affairs, the  
20449 Department of Health, the Department of Revenue, the Department  
20450 of Education, a regional workforce board or local committee  
20451 created pursuant to s. 445.007, or a school district.

20452 (b) The administration of the state's plan or program  
20453 approved under Title IV-B, Title IV-D, or Title IV-E of the  
20454 Social Security Act, as amended, or under Title I, Title X,  
20455 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
20456 Social Security Act, as amended.

20457 (c) Any investigation, prosecution, or any criminal,  
20458 civil, or administrative proceeding conducted in connection with  
20459 the administration of any of the plans or programs specified in  
20460 paragraph (a) or paragraph (b) by a federal, state, or local  
20461 governmental entity, upon request by that entity, when such

HB 7247

2011

20462 request is made pursuant to the proper exercise of that entity's  
20463 duties and responsibilities.

20464 (d) The administration of any other state, federal, or  
20465 federally assisted program that provides assistance or services  
20466 on the basis of need, in cash or in kind, directly to a  
20467 participant.

20468 (e) Any audit or similar activity, such as a review of  
20469 expenditure reports or financial review, conducted in connection  
20470 with the administration of any of the plans or programs  
20471 specified in paragraph (a) or paragraph (b) by a governmental  
20472 entity authorized by law to conduct such audit or activity.

20473 (f) The administration of the unemployment compensation  
20474 program.

20475 (g) The reporting to the appropriate agency or official of  
20476 information about known or suspected instances of physical or  
20477 mental injury, sexual abuse or exploitation, or negligent  
20478 treatment or maltreatment of a child or elderly person receiving  
20479 assistance, if circumstances indicate that the health or welfare  
20480 of the child or elderly person is threatened.

20481 (h) The administration of services to elderly persons  
20482 under ss. 430.601-430.606.

20483 Section 467. Subsections (1) and (3) of section 414.411,  
20484 Florida Statutes, are amended to read:

20485 414.411 Public assistance fraud.—

20486 (1) The Department of Financial Services shall investigate  
20487 all public assistance provided to residents of the state or  
20488 provided to others by the state. In the course of such  
20489 investigation the department shall examine all records,

HB 7247

2011

including electronic benefits transfer records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys, food assistance, or other items or benefits authorizations to recipients. All public assistance recipients, as a condition precedent to qualification for public assistance under chapter 409, chapter 411, or this chapter, must first give in writing, to the Agency for Health Care Administration, the Department of Health, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, and the Department of Children and Family Services, as appropriate, and to the Department of Financial Services, consent to make inquiry of past or present employers and records, financial or otherwise.

(3) The results of such investigation shall be reported by the Department of Financial Services to the appropriate legislative committees, the Agency for Health Care Administration, the Department of Health, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, and the Department of Children and Family Services, and to such others as the department may determine.

Section 468. Paragraph (g) of subsection (1) of section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the

HB 7247

2011

20518 requirements of s. 20.052.

20519 (g) The Secretary of Transportation, the Secretary of  
20520 Children and Family Services, the Commissioner of Economic  
20521 Opportunity ~~director of Workforce Innovation~~, the executive  
20522 director of the Department of Veterans' Affairs, the Secretary  
20523 of Elderly Affairs, the Secretary of Health Care Administration,  
20524 the director of the Agency for Persons with Disabilities, and a  
20525 county manager or administrator who is appointed by the  
20526 Governor, or a senior management level representative of each,  
20527 shall serve as ex officio, nonvoting advisors to the commission.

20528 Section 469. Paragraph (b) of subsection (2) of section  
20529 429.907, Florida Statutes, is amended to read:

20530 429.907 License requirement; fee; exemption; display.—

20531 (2)

20532 (b) ~~If in the event~~ a licensed center becomes wholly or  
20533 substantially unusable due to a disaster ~~as defined in s.~~  
20534 ~~252.34(1)~~ or due to an emergency as those terms are defined in  
20535 s. 252.34~~(3)~~:

20536 1. The licensee may continue to operate under its current  
20537 license in ~~a premise or~~ premises separate from that authorized  
20538 under the license if the licensee has:

20539 a. Specified the location of the ~~premise or~~ premises in  
20540 its comprehensive emergency management plan submitted to and  
20541 approved by the applicable county emergency management  
20542 authority; and

20543 b. Notified the agency and the county emergency management  
20544 authority within 24 hours of operating in the separate ~~premise~~  
20545 ~~or~~ premises.

HB 7247

2011

20546           2. The licensee shall operate the separate ~~premise or~~  
20547 premises only while the licensed center's original location is  
20548 substantially unusable and for up to ~~no longer than~~ 180 days.  
20549 The agency may extend use of the alternate ~~premise or~~ premises  
20550 beyond the initial 180 days. The agency may also review the  
20551 operation of the disaster ~~premise or~~ premises quarterly.

20552           Section 470. Subsection (2) of section 440.12, Florida  
20553 Statutes, is amended to read:

20554           440.12 Time for commencement and limits on weekly rate of  
20555 compensation.—

20556           (2) Compensation for disability resulting from injuries  
20557 which occur after December 31, 1974, shall not be less than \$20  
20558 per week. However, if the employee's wages at the time of injury  
20559 are less than \$20 per week, he or she shall receive his or her  
20560 full weekly wages. If the employee's wages at the time of the  
20561 injury exceed \$20 per week, compensation shall not exceed an  
20562 amount per week which is:

20563           (a) Equal to 100 percent of the statewide average weekly  
20564 wage, determined as hereinafter provided for the year in which  
20565 the injury occurred; however, the increase to 100 percent from  
20566 66 2/3 percent of the statewide average weekly wage shall apply  
20567 only to injuries occurring on or after August 1, 1979; and

20568           (b) Adjusted to the nearest dollar.

20569  
20570 For the purpose of this subsection, the "statewide average  
20571 weekly wage" means the average weekly wage paid by employers  
20572 subject to the Florida Unemployment Compensation Law as reported  
20573 to the Department of Economic Opportunity ~~the Agency for~~

HB 7247

2011

20574 ~~Workforce Innovation~~ for the four calendar quarters ending each  
20575 June 30, which average weekly wage shall be determined by the  
20576 Department of Economic Opportunity ~~the Agency for Workforce~~  
20577 ~~Innovation~~ on or before November 30 of each year and shall be  
20578 used in determining the maximum weekly compensation rate with  
20579 respect to injuries occurring in the calendar year immediately  
20580 following. The statewide average weekly wage determined by the  
20581 Department of Economic Opportunity ~~the Agency for Workforce~~  
20582 ~~Innovation~~ shall be reported annually to the Legislature.

20583 Section 471. Paragraph (c) of subsection (9) of section  
20584 440.15, Florida Statutes, is amended to read:

20585 440.15 Compensation for disability.—Compensation for  
20586 disability shall be paid to the employee, subject to the limits  
20587 provided in s. 440.12(2), as follows:

20588 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND  
20589 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

20590 (c) Disability compensation benefits payable for any week,  
20591 including those benefits provided by paragraph (1)(f), may not  
20592 be reduced pursuant to this subsection until the Social Security  
20593 Administration determines the amount otherwise payable to the  
20594 employee under 42 U.S.C. ss. 402 and 423 and the employee has  
20595 begun receiving such social security benefit payments. The  
20596 employee shall, upon demand by the department, the employer, or  
20597 the carrier, authorize the Social Security Administration to  
20598 release disability information relating to her or him and  
20599 authorize the Department of Economic Opportunity ~~the Agency for~~  
20600 ~~Workforce Innovation~~ to release unemployment compensation  
20601 information relating to her or him, in accordance with rules to



HB 7247

2011

be adopted by the department prescribing the procedure and manner for requesting the authorization and for compliance by the employee. The department or the employer or carrier may not make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph is effective for a period not to exceed 12 months and such authority may be renewed, as the department prescribes by rule.

Section 472. Subsections (4) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(4) Each employer must submit a copy of the quarterly earnings ~~earning~~ report required by chapter 443 at the end of each quarter to the carrier and submit self-audits supported by the quarterly earnings reports required by chapter 443 and the rules adopted by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or by the Department of Revenue ~~as the state agency providing unemployment tax collection services under an interagency agreement~~ ~~contract~~ with the Department of Economic Opportunity ~~the Agency for Workforce Innovation through an interagency agreement~~ pursuant to s. 443.1316. The reports must include a sworn statement by an officer or principal of the employer attesting to the accuracy

HB 7247

2011

of the information contained in the report.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or the Department of Revenue as the state agency providing unemployment tax collection services under an interagency agreement ~~contract~~ with the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ through an ~~interagency agreement~~ pursuant to s. 443.1316 before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. Failure of the employer to indemnify the insurer within 21 days after demand by the insurer is grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier is cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer is entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in the action.

Section 473. Subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ an Unemployment Appeals Commission. The commission is composed of a chair and

HB 7247

2011

two other members appointed by the Governor, subject to confirmation by the Senate. Only one appointee may be a representative of employers, as demonstrated by his or her previous vocation, employment, or affiliation; and only one appointee may be a representative of employees, as demonstrated by his or her previous vocation, employment, or affiliation.

(a) The chair shall devote his or her entire time to commission duties and is responsible for the administrative functions of the commission.

(b) The chair has authority to appoint a general counsel and other personnel to carry out the duties and responsibilities of the commission.

(c) The chair must have the qualifications required by law for a judge of the circuit court and may not engage in any other business vocation or employment. Notwithstanding any other law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of \$100 for each day they are engaged in the work of the commission. The chair and other members are entitled to be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of Economic Opportunity ~~the Agency for Workforce~~

HB 7247

2011

20686 ~~Innovation.~~

20687       (5) The commission is not subject to control, supervision,  
20688 or direction by the Department of Economic Opportunity ~~the~~  
20689 ~~Agency for Workforce Innovation~~ in performing its powers or  
20690 duties under this chapter.

20691       Section 474. Subsections (16) through (40) of section  
20692 443.036, Florida Statutes, are renumbered as subsections (17)  
20693 through (41), respectively, present subsections (9), (18), (41),  
20694 (43), and (45) are amended, and a new subsection (16) is added  
20695 to that section, to read:

20696       443.036 Definitions.—As used in this chapter, the term:

20697       (9) "Benefit year" means, for an individual, the 1-year  
20698 period beginning with the first day of the first week for which  
20699 the individual first files a valid claim for benefits and,  
20700 thereafter, the 1-year period beginning with the first day of  
20701 the first week for which the individual next files a valid claim  
20702 for benefits after the termination of his or her last preceding  
20703 benefit year. Each claim for benefits made in accordance with s.  
20704 443.151(2) is a valid claim under this subsection if the  
20705 individual was paid wages for insured work in accordance with s.  
20706 443.091(1)(g) and is unemployed as defined in subsection (43) at  
20707 the time of filing the claim. However, the department ~~Agency for~~  
20708 ~~Workforce Innovation~~ may adopt rules providing for the  
20709 establishment of a uniform benefit year for all workers in one  
20710 or more groups or classes of service or within a particular  
20711 industry if the department ~~agency~~ determines, after notice to  
20712 the industry and to the workers in the industry and an  
20713 opportunity to be heard in the matter, that those groups or

HB 7247

2011

classes of workers in a particular industry periodically experience unemployment resulting from layoffs or shutdowns for limited periods of time.

(16) "Department" means the Department of Economic Opportunity.

(19)~~(18)~~ "Employee leasing company" means an employing unit that has a valid and active license under chapter 468 and that maintains the records required by s. 443.171(5) and, in addition, is responsible for producing quarterly reports concerning the clients of the employee leasing company and the internal staff of the employee leasing company. As used in this subsection, the term "client" means a party who has contracted with an employee leasing company to provide a worker, or workers, to perform services for the client. Leased employees include employees subsequently placed on the payroll of the employee leasing company on behalf of the client. An employee leasing company must notify the Department of Revenue ~~tax collection service provider~~ within 30 days after the initiation or termination of the company's relationship with any client company under chapter 468.

~~(41) "Tax collection service provider" or "service provider" means the state agency providing unemployment tax collection services under contract with the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.~~

(43) "Unemployment" means:

(a) An individual is "totally unemployed" in any week during which he or she does not perform any services and for

HB 7247

2011

20742 which earned income is not payable to him or her. An individual  
20743 is "partially unemployed" in any week of less than full-time  
20744 work if the earned income payable to him or her for that week is  
20745 less than his or her weekly benefit amount. The department ~~The~~  
20746 ~~Agency for Workforce Innovation~~ may adopt rules prescribing  
20747 distinctions in the procedures for unemployed individuals based  
20748 on total unemployment, part-time unemployment, partial  
20749 unemployment of individuals attached to their regular jobs, and  
20750 other forms of short-time work.

20751 (b) An individual's week of unemployment commences only  
20752 after his or her registration with the department ~~the Agency for~~  
20753 ~~Workforce Innovation~~ as required in s. 443.091, except as the  
20754 department ~~agency~~ may otherwise prescribe by rule.

20755 (45) "Week" means a period of 7 consecutive days as  
20756 defined in the rules of the department ~~the Agency for Workforce~~  
20757 ~~Innovation~~. The department ~~the Agency for Workforce Innovation~~  
20758 may by rule prescribe that a week is deemed to be "in,"  
20759 "within," or "during" the benefit year that contains the greater  
20760 part of the week.

20761 Section 475. Subsections (2) and (3) of section 443.041,  
20762 Florida Statutes, are amended to read:

20763 443.041 Waiver of rights; fees; privileged  
20764 communications.—

20765 (2) FEES.—

20766 (a) Except as otherwise provided in this chapter, an  
20767 individual claiming benefits may not be charged fees of any kind  
20768 in any proceeding under this chapter by the commission or the  
20769 Department of Economic Opportunity ~~the Agency for Workforce~~

HB 7247

2011

20770 ~~Innovation~~, or their representatives, or by any court or any  
 20771 officer of the court. An individual claiming benefits in any  
 20772 proceeding before the commission or the Department of Economic  
 20773 Opportunity ~~the Agency for Workforce Innovation~~, or  
 20774 representatives of either, or a court may be represented by  
 20775 counsel or an authorized representative, but the counsel or  
 20776 representative may not charge or receive for those services more  
 20777 than an amount approved by the commission, the Department of  
 20778 Economic Opportunity ~~the Agency for Workforce Innovation~~, or the  
 20779 court.

20780 (b) An attorney at law representing a claimant for  
 20781 benefits in any district court of appeal of this state or in the  
 20782 Supreme Court of Florida is entitled to counsel fees payable by  
 20783 the Department of Economic Opportunity ~~the Agency for Workforce~~  
 20784 ~~Innovation~~ as set by the court if the petition for review or  
 20785 appeal is initiated by the claimant and results in a decision  
 20786 awarding more benefits than provided in the decision from which  
 20787 appeal was taken. The amount of the fee may not exceed 50  
 20788 percent of the total amount of regular benefits permitted under  
 20789 s. 443.111(5)(a) during the benefit year.

20790 (c) The Department of Economic Opportunity ~~The Agency for~~  
 20791 ~~Workforce Innovation~~ shall pay attorneys' fees awarded under  
 20792 this section from the Employment Security Administration Trust  
 20793 Fund as part of the costs of administration of this chapter and  
 20794 may pay these fees directly to the attorney for the claimant in  
 20795 a lump sum. The Department of Economic Opportunity ~~The Agency~~  
 20796 ~~for Workforce Innovation~~ or the commission may not pay any other  
 20797 fees or costs in connection with an appeal.

HB 7247

2011

(d) Any person, firm, or corporation who or which seeks or receives any remuneration or gratuity for any services rendered on behalf of a claimant, except as allowed by this section and in an amount approved by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, the commission, or a court, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) PRIVILEGED COMMUNICATIONS.—All letters, reports, communications, or any other matters, either oral or written, between an employer and an employee or between the department ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ and any of their agents, representatives, or employees which are written, sent, delivered, or made in connection with this chapter, are privileged and may not be the subject matter or basis for any suit for slander or libel in any court of the state.

Section 476. Subsection (3) of section 443.051, Florida Statutes, is amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(3) EXCEPTION, SUPPORT INTERCEPT.—

(a) The Department of Revenue shall, at least biweekly, provide the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ with a magnetic tape or other electronic data file disclosing the individuals who owe support obligations and the amount of any legally required deductions.

(b) For support obligations established on or after July 1, 2006, and for support obligations established before July 1,



HB 7247

2011

20826 2006, when the support order does not address the withholding of  
20827 unemployment compensation, the Department of Economic  
20828 Opportunity ~~the Agency for Workforce Innovation~~ shall deduct and  
20829 withhold 40 percent of the unemployment compensation otherwise  
20830 payable to an individual disclosed under paragraph (a). If  
20831 delinquencies, arrearages, or retroactive support are owed and  
20832 repayment has not been ordered, the unpaid amounts are included  
20833 in the support obligation and are subject to withholding. If the  
20834 amount deducted exceeds the support obligation, the Department  
20835 of Revenue shall promptly refund the amount of the excess  
20836 deduction to the obligor. For support obligations in effect  
20837 before July 1, 2006, if the support order addresses the  
20838 withholding of unemployment compensation, the Department of  
20839 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
20840 deduct and withhold the amount ordered by the court or  
20841 administrative agency that issued the support order as disclosed  
20842 by the Department of Revenue.

20843 (c) The Department of Economic Opportunity ~~the Agency for~~  
20844 ~~Workforce Innovation~~ shall pay any amount deducted and withheld  
20845 under paragraph (b) to the Department of Revenue.

20846 (d) Any amount deducted and withheld under this subsection  
20847 shall for all purposes be treated as if it were paid to the  
20848 individual as unemployment compensation and paid by the  
20849 individual to the Department of Revenue for support obligations.

20850 (e) The Department of Revenue shall reimburse the  
20851 Department of Economic Opportunity ~~the Agency for Workforce~~  
20852 ~~Innovation~~ for the administrative costs incurred by the  
20853 Department of Economic Opportunity ~~the agency~~ under this

HB 7247

2011

subsection which are attributable to support obligations being enforced by the department.

Section 477. Subsections (3) and (4), paragraph (b) of subsection (5), and subsections (6) and (8) of section 443.071, Florida Statutes, are amended to read:

443.071 Penalties.—

(3) Any employing unit or any officer or agent of any employing unit or any other person who fails to furnish any reports required under this chapter or to produce or permit the inspection of or copying of records as required under this chapter, who fails or refuses, within 6 months after written demand by the department ~~the Agency for Workforce Innovation or the Department of Revenue~~ ~~its tax collection service provider~~, to keep and maintain the payroll records required by this chapter or by rule of the department ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~state agency providing tax collection services~~, or who willfully fails or refuses to make any contribution, reimbursement, or other payment required from an employer under this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who establishes a fictitious employing unit by submitting to the department ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ fraudulent employing unit records or tax or wage reports by the introduction of fraudulent records into a computer system, the intentional or deliberate alteration or destruction of computerized information or files, or the theft

HB 7247

2011

of financial instruments, data, and other assets, for the purpose of enabling herself or himself or any other person to receive benefits under this chapter to which such person is not entitled, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) In any prosecution or action under this section, the entry into evidence of the signature of a person on a document, letter, or other writing constitutes prima facie evidence of the person's identity if the following conditions exist:

(b) The signature of the person is witnessed by an agent or employee of the department ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ at the time the document, letter, or other writing is filed.

(6) The entry into evidence of an application for unemployment benefits initiated by the use of the Internet claims program or the interactive voice response system telephone claims program of the department ~~the Agency for Workforce Innovation~~ constitutes prima facie evidence of the establishment of a personal benefit account by or for an individual if the following information is provided: the applicant's name, residence address, date of birth, social security number, and present or former place of work.

(8) All records relating to investigations of unemployment compensation fraud in the custody of the department ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ are available for examination by the Department of Law Enforcement, the state attorneys, or the

HB 7247

2011

20910 Office of the Statewide Prosecutor in the prosecution of  
20911 offenses under s. 817.568 or in proceedings brought under this  
20912 chapter.

20913 Section 478. Subsections (1) and (4) of section 443.091,  
20914 Florida Statutes, are amended to read:

20915 443.091 Benefit eligibility conditions.—

20916 (1) An unemployed individual is eligible to receive  
20917 benefits for any week only if the department ~~the Agency for~~  
20918 ~~Workforce Innovation~~ finds that:

20919 (a) She or he has made a claim for benefits for that week  
20920 in accordance with the rules adopted by the department ~~the~~  
20921 ~~Agency for Workforce Innovation~~.

20922 (b) She or he has registered with the department ~~the~~  
20923 ~~agency~~ for work and subsequently reports to the one-stop career  
20924 center as directed by the regional workforce board for  
20925 reemployment services. This requirement does not apply to  
20926 persons who are:

- 20927 1. Non-Florida residents;  
20928 2. On a temporary layoff, ~~as defined in s. 443.036(42);~~  
20929 3. Union members who customarily obtain employment through  
20930 a union hiring hall; or  
20931 4. Claiming benefits under an approved short-time  
20932 compensation plan as provided in s. 443.1116.

20933 (c) To make continued claims for benefits, she or he is  
20934 reporting to the Department of Economic Opportunity ~~the agency~~  
20935 in accordance with its rules. These rules may not conflict with  
20936 s. 443.111(1)(b), including the requirement that each claimant  
20937 continue to report regardless of any pending appeal relating to

HB 7247

2011

her or his eligibility or disqualification for benefits.

(d) She or he is able to work and is available for work.

In order to assess eligibility for a claimed week of unemployment, the Department of Economic Opportunity ~~the agency~~ shall develop criteria to determine a claimant's ability to work and availability for work. However:

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

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

HB 7247

2011

determined for purposes of the Trade Act of 1974, as amended.

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

(e) She or he participates in reemployment services, such as job search assistance services, whenever the individual has been determined, by a profiling system established by the rules of the Department of Economic Opportunity ~~agency rule~~, to be likely to exhaust regular benefits and to be in need of reemployment services.

(f) She or he has been unemployed for a waiting period of 1 week. A week may not be counted as a week of unemployment under this subsection:

1. Unless it occurs within the benefit year that includes the week for which she or he claims payment of benefits.

2. If benefits have been paid for that week.

3. Unless the individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and of s. 443.101(5).

(g) She or he has been paid wages for insured work equal to 1.5 times her or his high quarter wages during her or his base period, except that an unemployed individual is not eligible to receive benefits if the base period wages are less than \$3,400.

(h) She or he submitted to the Department of Economic Opportunity ~~the agency~~ a valid social security number assigned to her or him. The Department of Economic Opportunity ~~The agency~~

HB 7247

2011

20994 may verify the social security number with the United States  
20995 Social Security Administration and may deny benefits if the  
20996 Department of Economic Opportunity ~~the agency~~ is unable to  
20997 verify the individual's social security number, the social  
20998 security number is invalid, or the social security number is not  
20999 assigned to the individual.

21000 (4) In the event of national emergency, in the course of  
21001 which the Federal Emergency Unemployment Payment Plan is, at the  
21002 request of the Governor, invoked for all or any part of the  
21003 state, the emergency plan shall supersede the procedures  
21004 prescribed by this chapter, and by rules adopted under this  
21005 chapter, and the Department of Economic Opportunity ~~the Agency~~  
21006 ~~for Workforce Innovation~~ shall act as the Florida agency for the  
21007 United States Department of Labor in the administration of the  
21008 plan.

21009 Section 479. Subsections (1), (2), (4), (6), (7), and (9)  
21010 of section 443.101, Florida Statutes, are amended to read:

21011 443.101 Disqualification for benefits.—An individual shall  
21012 be disqualified for benefits:

21013 (1)(a) For the week in which he or she has voluntarily  
21014 left work without good cause attributable to his or her  
21015 employing unit or in which the individual has been discharged by  
21016 the employing unit for misconduct connected with his or her  
21017 work, based on a finding by the Department of Economic  
21018 Opportunity ~~the Agency for Workforce Innovation~~. As used in this  
21019 paragraph, the term "work" means any work, whether full-time,  
21020 part-time, or temporary.

21021 1. Disqualification for voluntarily quitting continues for

HB 7247

2011

the full period of unemployment next ensuing after the individual has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term "good cause" includes only that cause attributable to the employing unit or which consists of the individual's illness or disability requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months. An individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual is reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by the Department of Economic Opportunity ~~the agency~~ in each case according to the circumstances in each case or the seriousness of the misconduct, under the Department of Economic Opportunity's ~~the agency's~~ rules adopted for determinations of disqualification for benefits for misconduct.



HB 7247

2011

21050           3. If an individual has provided notification to the  
21051     employing unit of his or her intent to voluntarily leave work  
21052     and the employing unit discharges the individual for reasons  
21053     other than misconduct before the date the voluntary quit was to  
21054     take effect, the individual, if otherwise entitled, shall  
21055     receive benefits from the date of the employer's discharge until  
21056     the effective date of his or her voluntary quit.

21057           4. If an individual is notified by the employing unit of  
21058     the employer's intent to discharge the individual for reasons  
21059     other than misconduct and the individual quits without good  
21060     cause, as defined in this section, before the date the discharge  
21061     was to take effect, the claimant is ineligible for benefits  
21062     pursuant to s. 443.091(1)(d) for failing to be available for  
21063     work for the week or weeks of unemployment occurring before the  
21064     effective date of the discharge.

21065           (b) For any week with respect to which the Department of  
21066     Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
21067     that his or her unemployment is due to a suspension for  
21068     misconduct connected with the individual's work.

21069           (c) For any week with respect to which the Department of  
21070     Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
21071     that his or her unemployment is due to a leave of absence, if  
21072     the leave was voluntarily initiated by the individual.

21073           (d) For any week with respect to which the Department of  
21074     Economic Opportunity ~~the Agency for Workforce Innovation~~ finds  
21075     that his or her unemployment is due to a discharge for  
21076     misconduct connected with the individual's work, consisting of  
21077     drug use, as evidenced by a positive, confirmed drug test.

HB 7247

2011

21078           (2) If the Department of Economic Opportunity ~~the Agency~~  
21079 ~~for Workforce Innovation~~ finds that the individual has failed  
21080 without good cause to apply for available suitable work when  
21081 directed by the Department of Economic Opportunity ~~the agency~~ or  
21082 the one-stop career center, to accept suitable work when offered  
21083 to him or her, or to return to the individual's customary self-  
21084 employment when directed by the Department of Economic  
21085 Opportunity ~~the agency~~, the disqualification continues for the  
21086 full period of unemployment next ensuing after he or she failed  
21087 without good cause to apply for available suitable work, to  
21088 accept suitable work, or to return to his or her customary self-  
21089 employment, under this subsection, and until the individual has  
21090 earned income at least 17 times his or her weekly benefit  
21091 amount. The Department of Economic Opportunity ~~The Agency for~~  
21092 ~~Workforce Innovation~~ shall by rule adopt criteria for  
21093 determining the "suitability of work," as used in this section.  
21094 The Department of Economic Opportunity ~~The Agency for Workforce~~  
21095 ~~Innovation~~ in developing these rules shall consider the duration  
21096 of a claimant's unemployment in determining the suitability of  
21097 work and the suitability of proposed rates of compensation for  
21098 available work. Further, after an individual has received 25  
21099 weeks of benefits in a single year, suitable work is a job that  
21100 pays the minimum wage and is 120 percent or more of the weekly  
21101 benefit amount the individual is drawing.

21102           (a) In determining whether or not any work is suitable for  
21103 an individual, the Department of Economic Opportunity ~~the Agency~~  
21104 ~~for Workforce Innovation~~ shall consider the degree of risk  
21105 involved to his or her health, safety, and morals; his or her

HB 7247

2011

physical fitness and prior training; the individual's experience and prior earnings; his or her length of unemployment and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding any other provisions of this chapter, work is not deemed suitable and benefits may not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

(4) For any week with respect to which the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ finds that his or her total or partial unemployment is due to a labor dispute in active progress which exists at the factory, establishment, or other premises at which he or she is or was

HB 7247

2011

21134 last employed; except that this subsection does not apply if it  
21135 is shown to the satisfaction of the Department of Economic  
21136 Opportunity ~~the Agency for Workforce Innovation~~ that:

21137 (a)1. He or she is not participating in, financing, or  
21138 directly interested in the labor dispute that is in active  
21139 progress; however, the payment of regular union dues may not be  
21140 construed as financing a labor dispute within the meaning of  
21141 this section; and

21142 2. He or she does not belong to a grade or class of  
21143 workers of which immediately before the commencement of the  
21144 labor dispute there were members employed at the premises at  
21145 which the labor dispute occurs any of whom are participating in,  
21146 financing, or directly interested in the dispute; if in any case  
21147 separate branches of work are commonly conducted as separate  
21148 businesses in separate premises, or are conducted in separate  
21149 departments of the same premises, each department, for the  
21150 purpose of this subsection, is deemed to be a separate factory,  
21151 establishment, or other premise.

21152 (b) His or her total or partial unemployment results from  
21153 a lockout by his or her employer. As used in this section, the  
21154 term "lockout" means a situation in which employees have not  
21155 gone on strike, nor have employees notified the employer of a  
21156 date certain for a strike, but in which employees have been  
21157 denied entry to the factory, establishment, or other premises of  
21158 employment by the employer. However, benefits are not payable  
21159 under this paragraph if the lockout action was taken in response  
21160 to threats, actions, or other indications of impending damage to  
21161 property and equipment or possible physical violence by

HB 7247

2011

employees or in response to actual damage or violence or a substantial reduction in production instigated or perpetrated by employees.

(6) For a period not to exceed 1 year from the date of the discovery by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ of the making of any false or fraudulent representation for the purpose of obtaining benefits contrary to this chapter, constituting a violation under s. 443.071. This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

(7) If the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ finds that the individual is an alien, unless the alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law, including an alien who is lawfully present in the United States as a result of the application of s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality Act, if any modifications to s. 3304(a)(14) of the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-566, which specify other conditions or other effective dates than those stated under federal law for the denial of benefits based on services performed by aliens, and which modifications are required to be implemented under state law as a condition

HB 7247

2011

21190 for full tax credit against the tax imposed by the Federal  
21191 Unemployment Tax Act, are deemed applicable under this section,  
21192 if:

21193 (a) Any data or information required of individuals  
21194 applying for benefits to determine whether benefits are not  
21195 payable to them because of their alien status is uniformly  
21196 required from all applicants for benefits; and

21197 (b) In the case of an individual whose application for  
21198 benefits would otherwise be approved, a determination that  
21199 benefits to such individual are not payable because of his or  
21200 her alien status may not be made except by a preponderance of  
21201 the evidence.

21202  
21203 If the Department of Economic Opportunity ~~the Agency for~~  
21204 ~~Workforce Innovation~~ finds that the individual has refused  
21205 without good cause an offer of resettlement or relocation, which  
21206 offer provides for suitable employment for the individual  
21207 notwithstanding the distance of relocation, resettlement, or  
21208 employment from the current location of the individual in this  
21209 state, this disqualification continues for the week in which the  
21210 failure occurred and for not more than 17 weeks immediately  
21211 after that week, or a reduction by not more than 5 weeks from  
21212 the duration of benefits, as determined by the Department of  
21213 Economic Opportunity ~~the Agency for Workforce Innovation~~ in each  
21214 case.

21215 (9) If the individual was terminated from his or her work  
21216 for violation of any criminal law punishable by imprisonment, or  
21217 for any dishonest act, in connection with his or her work, as

HB 7247

2011

21218 follows:

21219 (a) If the Department of Economic Opportunity ~~the Agency~~  
21220 ~~for Workforce Innovation~~ or the Unemployment Appeals Commission  
21221 finds that the individual was terminated from his or her work  
21222 for violation of any criminal law punishable by imprisonment in  
21223 connection with his or her work, and the individual was found  
21224 guilty of the offense, made an admission of guilt in a court of  
21225 law, or entered a plea of no contest, the individual is not  
21226 entitled to unemployment benefits for up to 52 weeks, under  
21227 rules adopted by the Department of Economic Opportunity ~~the~~  
21228 ~~Agency for Workforce Innovation~~, and until he or she has earned  
21229 income of at least 17 times his or her weekly benefit amount.  
21230 If, before an adjudication of guilt, an admission of guilt, or a  
21231 plea of no contest, the employer shows the Department of  
21232 Economic Opportunity ~~the Agency for Workforce Innovation~~ that  
21233 the arrest was due to a crime against the employer or the  
21234 employer's business and, after considering all the evidence, the  
21235 Department of Economic Opportunity ~~the Agency for Workforce~~  
21236 ~~Innovation~~ finds misconduct in connection with the individual's  
21237 work, the individual is not entitled to unemployment benefits.

21238 (b) If the Department of Economic Opportunity ~~the Agency~~  
21239 ~~for Workforce Innovation~~ or the Unemployment Appeals Commission  
21240 finds that the individual was terminated from work for any  
21241 dishonest act in connection with his or her work, the individual  
21242 is not entitled to unemployment benefits for up to 52 weeks,  
21243 under rules adopted by the Department of Economic Opportunity  
21244 ~~the Agency for Workforce Innovation~~, and until he or she has  
21245 earned income of at least 17 times his or her weekly benefit

HB 7247

2011

21246 amount. In addition, if the employer terminates an individual as  
21247 a result of a dishonest act in connection with his or her work  
21248 and the Department of Economic Opportunity ~~the Agency for~~  
21249 ~~Workforce Innovation~~ finds misconduct in connection with his or  
21250 her work, the individual is not entitled to unemployment  
21251 benefits.

21252

21253 With respect to an individual disqualified for benefits, the  
21254 account of the terminating employer, if the employer is in the  
21255 base period, is noncharged at the time the disqualification is  
21256 imposed.

21257 Section 480. Subsection (1) of section 443.111, Florida  
21258 Statutes, is amended to read:

21259 443.111 Payment of benefits.—

21260 (1) MANNER OF PAYMENT.—Benefits are payable from the fund  
21261 in accordance with rules adopted by the Department of Economic  
21262 Opportunity ~~the Agency for Workforce Innovation~~, subject to the  
21263 following requirements:

21264 (a) Benefits are payable by mail or electronically.  
21265 ~~Notwithstanding s. 409.942(4),~~ The Department of Economic  
21266 Opportunity ~~the agency~~ may develop a system for the payment of  
21267 benefits by electronic funds transfer, including, but not  
21268 limited to, debit cards, electronic payment cards, or any other  
21269 means of electronic payment that the Department of Economic  
21270 Opportunity ~~the agency~~ deems to be commercially viable or cost-  
21271 effective. Commodities or services related to the development of  
21272 such a system shall be procured by competitive solicitation,  
21273 unless they are purchased from a state term contract pursuant to



HB 7247

2011

21274 s. 287.056. The Department of Economic Opportunity ~~The agency~~  
21275 shall adopt rules necessary to administer the system.

21276 (b) Each claimant must report in the manner prescribed by  
21277 the Department of Economic Opportunity ~~the Agency for Workforce~~  
21278 ~~Innovation~~ to certify for benefits that are paid and must  
21279 continue to report at least biweekly to receive unemployment  
21280 benefits and to attest to the fact that she or he is able and  
21281 available for work, has not refused suitable work, is seeking  
21282 work, and, if she or he has worked, to report earnings from that  
21283 work. Each claimant must continue to report regardless of any  
21284 appeal or pending appeal relating to her or his eligibility or  
21285 disqualification for benefits.

21286 Section 481. Subsections (1) and (5) of section 443.1113,  
21287 Florida Statutes, are amended to read:

21288 443.1113 Unemployment Compensation Claims and Benefits  
21289 Information System.—

21290 (1) To the extent that funds are appropriated for each  
21291 phase of the Unemployment Compensation Claims and Benefits  
21292 Information System by the Legislature, the Department of  
21293 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
21294 replace and enhance the functionality provided in the following  
21295 systems with an integrated Internet-based system that is known  
21296 as the "Unemployment Compensation Claims and Benefits  
21297 Information System":

21298 (a) Claims and benefit mainframe system.

21299 (b) Florida unemployment Internet direct.

21300 (c) Florida continued claim Internet directory.

21301 (d) Call center interactive voice response system.

HB 7247

2011

- 21302 (e) Benefit overpayment screening system.
- 21303 (f) Internet and Intranet appeals system.
- 21304 (5) The Department of Economic Opportunity ~~The Agency for~~  
21305 ~~Workforce Innovation~~ shall implement the following project  
21306 governance structure until such time as the project is  
21307 completed, suspended, or terminated:
- 21308 (a) The project sponsor for the Unemployment Compensation  
21309 Claims and Benefits Information System project is the  
21310 Commissioner of Economic Opportunity ~~executive director of the~~  
21311 ~~Agency for Workforce Innovation~~.
- 21312 (b) The project shall be governed by an executive steering  
21313 committee composed of the following voting members or their  
21314 designees:
- 21315 1. The Commissioner of Economic Opportunity ~~executive~~  
21316 ~~director of the Agency for Workforce Innovation~~.
- 21317 2. The executive director of the Department of Revenue.
- 21318 3. The director of the Division of Workforce Services  
21319 within the Department of Economic Opportunity ~~Office of~~  
21320 ~~Unemployment Compensation within the Agency for Workforce~~  
21321 ~~Innovation~~.
- 21322 4. The program director of the General Tax Administration  
21323 Program Office within the Department of Revenue.
- 21324 5. The chief information officer of the Department of  
21325 Economic Opportunity ~~the Agency for Workforce Innovation~~.
- 21326 (c) The executive steering committee has the overall  
21327 responsibility for ensuring that the project meets its primary  
21328 objectives and is specifically responsible for:
- 21329 1. Providing management direction and support to the

HB 7247

2011

21330 project management team.

21331 2. Assessing the project's alignment with the strategic  
21332 goals of the Department of Economic Opportunity ~~the Agency for~~  
21333 ~~Workforce Innovation~~ for administering the unemployment  
21334 compensation program.

21335 3. Reviewing and approving or disapproving any changes to  
21336 the project's scope, schedule, and costs.

21337 4. Reviewing, approving or disapproving, and determining  
21338 whether to proceed with any major project deliverables.

21339 5. Recommending suspension or termination of the project  
21340 to the Governor, the President of the Senate, and the Speaker of  
21341 the House of Representatives if it determines that the primary  
21342 objectives cannot be achieved.

21343 (d) The project management team shall work under the  
21344 direction of the executive steering committee and shall be  
21345 minimally comprised of senior managers and stakeholders from the  
21346 Department of Economic Opportunity ~~the Agency for Workforce~~  
21347 ~~Innovation~~ and the Department of Revenue. The project management  
21348 team is responsible for:

21349 1. Providing daily planning, management, and oversight of  
21350 the project.

21351 2. Submitting an operational work plan and providing  
21352 quarterly updates to that plan to the executive steering  
21353 committee. The plan must specify project milestones,  
21354 deliverables, and expenditures.

21355 3. Submitting written monthly project status reports to  
21356 the executive steering committee which include:

21357 a. Planned versus actual project costs;

HB 7247

2011

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

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

d. Identification of risks that must be managed; and

e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

Section 482. Paragraph (d) of subsection (1), subsection (2), paragraphs (a) and (c) of subsection (3), and subsection (6) of section 443.1115, Florida Statutes, are amended to read:  
443.1115 Extended benefits.—

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

(d) "Rate of insured unemployment" means the percentage derived by dividing the average weekly number of individuals filing claims for regular compensation in this state, excluding extended-benefit claimants for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ on the basis of its reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of that 13-week period.

HB 7247

2011

(2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.—Except when the result is inconsistent with the other provisions of this section and as provided in the rules of the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, the provisions of this chapter applying to claims for, or the payment of, regular benefits apply to claims for, and the payment of, extended benefits. These extended benefits are charged to the employment records of employers to the extent that the share of those extended benefits paid from this state's Unemployment Compensation Trust Fund is not eligible to be reimbursed from federal sources.

(3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

(a) An individual is eligible to receive extended benefits for any week of unemployment in her or his eligibility period only if the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ finds that, for that week:

1. She or he is an exhaustee as defined in subsection (1).
2. She or he satisfies the requirements of this chapter for the receipt of regular benefits applicable to individuals claiming extended benefits, including not being subject to disqualification from the receipt of benefits. An individual disqualified from receiving regular benefits may not receive extended benefits after the disqualification period terminates if he or she was disqualified for voluntarily leaving work, being discharged from work for misconduct, or refusing suitable work. However, if the disqualification period for regular benefits terminates because the individual received the required amount of remuneration for services rendered as a common-law

HB 7247

2011

21414 employee, she or he may receive extended benefits.

21415 3. The individual was paid wages for insured work for the  
21416 applicable benefit year equal to 1.5 times the high quarter  
21417 earnings during the base period.

21418 (c)1. An individual is disqualified from receiving  
21419 extended benefits if the Department of Economic Opportunity ~~the~~  
21420 ~~Agency for Workforce Innovation~~ finds that, during any week of  
21421 unemployment in her or his eligibility period:

21422 a. She or he failed to apply for suitable work or, if  
21423 offered, failed to accept suitable work, unless the individual  
21424 can furnish to the Department of Economic Opportunity ~~the agency~~  
21425 satisfactory evidence that her or his prospects for obtaining  
21426 work in her or his customary occupation within a reasonably  
21427 short period are good. If this evidence is deemed satisfactory  
21428 for this purpose, the determination of whether any work is  
21429 suitable for the individual shall be made in accordance with the  
21430 definition of suitable work in s. 443.101(2). This  
21431 disqualification begins with the week the failure occurred and  
21432 continues until she or he is employed for at least 4 weeks and  
21433 receives earned income of at least 17 times her or his weekly  
21434 benefit amount.

21435 b. She or he failed to furnish tangible evidence that she  
21436 or he actively engaged in a systematic and sustained effort to  
21437 find work. This disqualification begins with the week the  
21438 failure occurred and continues until she or he is employed for  
21439 at least 4 weeks and receives earned income of at least 4 times  
21440 her or his weekly benefit amount.

21441 2. Except as otherwise provided in sub-subparagraph 1.a.,

HB 7247

2011

as used in this paragraph, the term "suitable work" means any work within the individual's capabilities to perform, if:

a. The gross average weekly remuneration payable for the work exceeds the sum of the individual's weekly benefit amount plus the amount, if any, of supplemental unemployment benefits, as defined in s. 501(c)(17)(D) of the Internal Revenue Code of 1954, as amended, payable to the individual for that week;

b. The wages payable for the work equal the higher of the minimum wages provided by s. 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption, or the state or local minimum wage; and

c. The work otherwise meets the definition of suitable work in s. 443.101(2) to the extent that the criteria for suitability are not inconsistent with this paragraph.

(6) COMPUTATIONS.—The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall perform the computations required under paragraph (1)(d) in accordance with regulations of the United States Secretary of Labor.

Section 483. Subsection (2) and paragraphs (a) and (b) of subsection (5) of section 443.1116, Florida Statutes, are amended to read:

443.1116 Short-time compensation.—

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

HB 7247

2011

21470           (a) The plan applies to and identifies each specific  
21471 affected unit;

21472           (b) The individuals in the affected unit are identified by  
21473 name and social security number;

21474           (c) The normal weekly hours of work for individuals in the  
21475 affected unit are reduced by at least 10 percent and by not more  
21476 than 40 percent;

21477           (d) The plan includes a certified statement by the  
21478 employer that the aggregate reduction in work hours is in lieu  
21479 of temporary layoffs that would affect at least 10 percent of  
21480 the employees in the affected unit and that would have resulted  
21481 in an equivalent reduction in work hours;

21482           (e) The plan applies to at least 10 percent of the  
21483 employees in the affected unit;

21484           (f) The plan is approved in writing by the collective  
21485 bargaining agent for each collective bargaining agreement  
21486 covering any individual in the affected unit;

21487           (g) The plan does not serve as a subsidy to seasonal  
21488 employers during the off-season or as a subsidy to employers who  
21489 traditionally use part-time employees; and

21490           (h) The plan certifies the manner in which the employer  
21491 will treat fringe benefits of the individuals in the affected  
21492 unit if the hours of the individuals are reduced to less than  
21493 their normal weekly hours of work. As used in this paragraph,  
21494 the term "fringe benefits" includes, but is not limited to,  
21495 health insurance, retirement benefits under defined benefit  
21496 pension plans as defined in subsection 35 of s. 1002 of the  
21497 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid



HB 7247

2011

21498 vacation and holidays, and sick leave.

21499 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION  
21500 BENEFITS.—

21501 (a) Except as provided in this subsection, an individual  
21502 is eligible to receive short-time compensation benefits for any  
21503 week only if she or he complies with this chapter and the  
21504 Department of Economic Opportunity ~~the Agency for Workforce~~  
21505 ~~Innovation~~ finds that:

21506 1. The individual is employed as a member of an affected  
21507 unit in an approved plan that was approved before the week and  
21508 is in effect for the week;

21509 2. The individual is able to work and is available for  
21510 additional hours of work or for full-time work with the short-  
21511 time employer; and

21512 3. The normal weekly hours of work of the individual are  
21513 reduced by at least 10 percent but not by more than 40 percent,  
21514 with a corresponding reduction in wages.

21515 (b) The Department of Economic Opportunity ~~The Agency for~~  
21516 ~~Workforce Innovation~~ may not deny short-time compensation  
21517 benefits to an individual who is otherwise eligible for these  
21518 benefits for any week by reason of the application of any  
21519 provision of this chapter relating to availability for work,  
21520 active search for work, or refusal to apply for or accept work  
21521 from other than the short-time compensation employer of that  
21522 individual.

21523 Section 484. Subsection (3) of section 443.1215, Florida  
21524 Statutes, is amended to read:

21525 443.1215 Employers.—

HB 7247

2011

(3) An employing unit that fails to keep the records of employment required by this chapter and by the rules of the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ and the Department of Revenue ~~the state agency providing unemployment tax collection services~~ is presumed to be an employer liable for the payment of contributions under this chapter, regardless of the number of individuals employed by the employing unit. However, the Department of Revenue ~~tax collection service provider~~ shall make written demand that the employing unit keep and maintain required payroll records. The demand must be made at least 6 months before assessing contributions against an employing unit determined to be an employer that is subject to this chapter solely by reason of this subsection.

Section 485. Paragraphs (a) and (d) of subsection (1), subsection (12), and paragraphs (f) and (p) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036~~(18)~~, which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply

HB 7247

2011

it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

a. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ which includes each client establishment and each establishment of the employee leasing company, or as otherwise directed by the Department of Economic Opportunity ~~the agency~~. The report must include the following information for each establishment:

(I) The trade or establishment name;

(II) The former unemployment compensation account number, if available;

(III) The former federal employer's identification number (FEIN), if available;

(IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

(V) A description of the client's primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to unemployment

HB 7247

2011

21582 compensation taxes for, the pay period including the 12th of the  
21583 month for each month of the quarter;

21584 (VIII) The total wages subject to unemployment  
21585 compensation taxes paid during the calendar quarter;

21586 (IX) An internal identification code to uniquely identify  
21587 each establishment of each client;

21588 (X) The month and year that the client entered into the  
21589 contract for services; and

21590 (XI) The month and year that the client terminated the  
21591 contract for services.

21592 b. The report shall be submitted electronically or in a  
21593 manner otherwise prescribed by the Department of Economic  
21594 Opportunity ~~the Agency for Workforce Innovation~~ in the format  
21595 specified by the Bureau of Labor Statistics of the United States  
21596 Department of Labor for its Multiple Worksite Report for  
21597 Professional Employer Organizations. The report must be provided  
21598 quarterly to the Labor Market Statistics Center within the  
21599 Department of Economic Opportunity ~~the Agency for Workforce~~  
21600 ~~Innovation~~, or as otherwise directed by the Department of  
21601 Economic Opportunity ~~the agency~~, and must be filed by the last  
21602 day of the month immediately following the end of the calendar  
21603 quarter. The information required in sub-sub-subparagraphs a.(X)  
21604 and (XI) need be provided only in the quarter in which the  
21605 contract to which it relates was entered into or terminated. The  
21606 sum of the employment data and the sum of the wage data in this  
21607 report must match the employment and wages reported in the  
21608 unemployment compensation quarterly tax and wage report. A  
21609 report is not required for any calendar quarter preceding the

HB 7247

2011

21610 third calendar quarter of 2010.

21611 c. The Department of Economic Opportunity ~~The Agency for~~  
21612 ~~Workforce Innovation~~ shall adopt rules as necessary to  
21613 administer this subparagraph, and may administer, collect,  
21614 enforce, and waive the penalty imposed by s. 443.141(1)(b) for  
21615 the report required by this subparagraph.

21616 d. For the purposes of this subparagraph, the term  
21617 "establishment" means any location where business is conducted  
21618 or where services or industrial operations are performed.

21619 3. An individual other than an individual who is an  
21620 employee under subparagraph 1. or subparagraph 2., who performs  
21621 services for remuneration for any person:

21622 a. As an agent-driver or commission-driver engaged in  
21623 distributing meat products, vegetable products, fruit products,  
21624 bakery products, beverages other than milk, or laundry or  
21625 drycleaning services for his or her principal.

21626 b. As a traveling or city salesperson engaged on a full-  
21627 time basis in the solicitation on behalf of, and the  
21628 transmission to, his or her principal of orders from  
21629 wholesalers, retailers, contractors, or operators of hotels,  
21630 restaurants, or other similar establishments for merchandise for  
21631 resale or supplies for use in their business operations. This  
21632 sub-subparagraph does not apply to an agent-driver or a  
21633 commission-driver and does not apply to sideline sales  
21634 activities performed on behalf of a person other than the  
21635 salesperson's principal.

21636 4. The services described in subparagraph 3. are  
21637 employment subject to this chapter only if:

HB 7247

2011

a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(d) If two or more related corporations concurrently employ the same individual and compensate the individual through a common paymaster, each related corporation is considered to have paid wages to the individual only in the amounts actually disbursed by that corporation to the individual and is not considered to have paid the wages actually disbursed to the individual by another of the related corporations. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ and the Department of Revenue ~~the state agency providing unemployment tax collection services~~ may adopt rules necessary to administer this paragraph.

1. As used in this paragraph, the term "common paymaster" means a member of a group of related corporations that disburses wages to concurrent employees on behalf of the related corporations and that is responsible for keeping payroll records for those concurrent employees. A common paymaster is not required to disburse wages to all the employees of the related corporations; however, this subparagraph does not apply to wages of concurrent employees which are not disbursed through a common

HB 7247

2011

paymaster. A common paymaster must pay concurrently employed individuals under this subparagraph by one combined paycheck.

2. As used in this paragraph, the term "concurrent employment" means the existence of simultaneous employment relationships between an individual and related corporations. Those relationships require the performance of services by the employee for the benefit of the related corporations, including the common paymaster, in exchange for wages that, if deductible for the purposes of federal income tax, are deductible by the related corporations.

3. Corporations are considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:

a. The corporations are members of a "controlled group of corporations" as defined in s. 1563 of the Internal Revenue Code of 1986 or would be members if s. 1563(a)(4) and (b) did not apply.

b. In the case of a corporation that does not issue stock, at least 50 percent of the members of the board of directors or other governing body of one corporation are members of the board of directors or other governing body of the other corporation or the holders of at least 50 percent of the voting power to select those members are concurrently the holders of at least 50 percent of the voting power to select those members of the other corporation.

c. At least 50 percent of the officers of one corporation are concurrently officers of the other corporation.

d. At least 30 percent of the employees of one corporation

HB 7247

2011

21694 are concurrently employees of the other corporation.

21695 4. The common paymaster must report to the Department of  
21696 Revenue ~~tax collection service provider~~, as part of the  
21697 unemployment compensation quarterly tax and wage report, the  
21698 state unemployment compensation account number and name of each  
21699 related corporation for which concurrent employees are being  
21700 reported. Failure to timely report this information shall result  
21701 in the related corporations being denied common paymaster status  
21702 for that calendar quarter.

21703 5. The common paymaster also has the primary  
21704 responsibility for remitting contributions due under this  
21705 chapter for the wages it disburses as the common paymaster. The  
21706 common paymaster must compute these contributions as though it  
21707 were the sole employer of the concurrently employed individuals.  
21708 If a common paymaster fails to timely remit these contributions  
21709 or reports, in whole or in part, the common paymaster remains  
21710 liable for the full amount of the unpaid portion of these  
21711 contributions. In addition, each of the other related  
21712 corporations using the common paymaster is jointly and severally  
21713 liable for its appropriate share of these contributions. Each  
21714 related corporation's share equals the greater of:

21715 a. The liability of the common paymaster under this  
21716 chapter, after taking into account any contributions made.

21717 b. The liability under this chapter which, notwithstanding  
21718 this section, would have existed for the wages from the other  
21719 related corporations, reduced by an allocable portion of any  
21720 contributions previously paid by the common paymaster for those  
21721 wages.



HB 7247

2011

(12) The employment subject to this chapter includes services covered by a reciprocal arrangement under s. 443.221 between the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ and the agency charged with the administration of another state unemployment compensation law or a federal unemployment compensation law, under which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, if the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ approved an election of the employing unit in which all of the services performed by the individual during the period covered by the election are deemed to be insured work.

(13) The following are exempt from coverage under this chapter:

(f) Service performed in the employ of a public employer as defined in s. 443.036, except as provided in subsection (2), and service performed in the employ of an instrumentality of a public employer as described in s. 443.036(36) ~~(35)~~ (b) or (c), to the extent that the instrumentality is immune under the United States Constitution from the tax imposed by s. 3301 of the Internal Revenue Code for that service.

(p) Service covered by an arrangement between the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, or the Department of Revenue ~~its tax collection service provider~~, and the agency charged with the administration of another state or federal unemployment compensation law under

HB 7247

2011

21750 which all services performed by an individual for an employing  
21751 unit during the period covered by the employing unit's duly  
21752 approved election is deemed to be performed entirely within the  
21753 other agency's state or under the federal law.

21754 Section 486. Subsection (1) of section 443.1217, Florida  
21755 Statutes, is amended to read:

21756 443.1217 Wages.—

21757 (1) The wages subject to this chapter include all  
21758 remuneration for employment, including commissions, bonuses,  
21759 back pay awards, and the cash value of all remuneration paid in  
21760 any medium other than cash. The reasonable cash value of  
21761 remuneration in any medium other than cash must be estimated and  
21762 determined in accordance with rules adopted by the Department of  
21763 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
21764 Department of Revenue ~~state agency providing tax collection~~  
21765 ~~services~~. The wages subject to this chapter include tips or  
21766 gratuities received while performing services that constitute  
21767 employment and are included in a written statement furnished to  
21768 the employer under s. 6053(a) of the Internal Revenue Code of  
21769 1954. As used in this section only, the term "employment"  
21770 includes services constituting employment under any employment  
21771 security law of another state or of the Federal Government.

21772 Section 487. Subsection (1) and paragraphs (a), (g), and  
21773 (i) of subsection (3) of section 443.131, Florida Statutes, are  
21774 amended to read:

21775 443.131 Contributions.—

21776 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are  
21777 payable by each employer for each calendar quarter he or she is

HB 7247

2011

21778 subject to this chapter for wages paid during each calendar  
21779 quarter for employment. Contributions are due and payable by  
21780 each employer to the Department of Revenue ~~tax collection~~  
21781 ~~service provider~~, in accordance with the rules adopted by the  
21782 Department of Economic Opportunity ~~the Agency for Workforce~~  
21783 ~~Innovation~~ or the Department of Revenue ~~state agency providing~~  
21784 ~~tax collection services~~. This subsection does not prohibit the  
21785 Department of Revenue ~~tax collection service provider~~ from  
21786 allowing, at the request of the employer, employers of employees  
21787 performing domestic services, as defined in s. 443.1216(6), to  
21788 pay contributions or report wages at intervals other than  
21789 quarterly when the nonquarterly payment or reporting assists the  
21790 Department of Revenue ~~service provider~~ and when nonquarterly  
21791 payment and reporting is authorized under federal law. Employers  
21792 of employees performing domestic services may report wages and  
21793 pay contributions annually, with a due date of January 1 and a  
21794 delinquency date of February 1. To qualify for this election,  
21795 the employer must employ only employees performing domestic  
21796 services, be eligible for a variation from the standard rate  
21797 computed under subsection (3), apply to this program no later  
21798 than December 1 of the preceding calendar year, and agree to  
21799 provide the Department of Economic Opportunity ~~the Agency for~~  
21800 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
21801 ~~collection service provider~~ with any special reports that are  
21802 requested, including copies of all federal employment tax forms.  
21803 An employer who fails to timely furnish any wage information  
21804 required by the Department of Economic Opportunity ~~the Agency~~  
21805 ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~

HB 7247

2011

21806 ~~collection service provider~~ loses the privilege to participate  
21807 in this program, effective the calendar quarter immediately  
21808 after the calendar quarter the failure occurred. The employer  
21809 may reapply for annual reporting when a complete calendar year  
21810 elapses after the employer's disqualification if the employer  
21811 timely furnished any requested wage information during the  
21812 period in which annual reporting was denied. An employer may not  
21813 deduct contributions, interests, penalties, fines, or fees  
21814 required under this chapter from any part of the wages of his or  
21815 her employees. A fractional part of a cent less than one-half  
21816 cent shall be disregarded from the payment of contributions, but  
21817 a fractional part of at least one-half cent shall be increased  
21818 to 1 cent.

21819 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
21820 EXPERIENCE.—

21821 (a) Employment records.—The regular and short-time  
21822 compensation benefits paid to an eligible individual shall be  
21823 charged to the employment record of each employer who paid the  
21824 individual wages of at least \$100 during the individual's base  
21825 period in proportion to the total wages paid by all employers  
21826 who paid the individual wages during the individual's base  
21827 period. Benefits may not be charged to the employment record of  
21828 an employer who furnishes part-time work to an individual who,  
21829 because of loss of employment with one or more other employers,  
21830 is eligible for partial benefits while being furnished part-time  
21831 work by the employer on substantially the same basis and in  
21832 substantially the same amount as the individual's employment  
21833 during his or her base period, regardless of whether this part-

HB 7247

2011

time work is simultaneous or successive to the individual's lost employment. Further, as provided in s. 443.151(3), benefits may not be charged to the employment record of an employer who furnishes the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ with notice, as prescribed in agency rules of the Department of Economic Opportunity, that any of the following apply:

1. If an individual leaves his or her work without good cause attributable to the employer or is discharged by the employer for misconduct connected with his or her work, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

2. If an individual is discharged by the employer for unsatisfactory performance during an initial employment probationary period, benefits subsequently paid to the individual based on wages paid during the probationary period by the employer before the separation may not be charged to the employer's employment record. As used in this subparagraph, the term "initial employment probationary period" means an established probationary plan that applies to all employees or a specific group of employees and that does not exceed 90 calendar days following the first day a new employee begins work. The employee must be informed of the probationary period within the first 7 days of work. The employer must demonstrate by conclusive evidence that the individual was separated because of unsatisfactory work performance and not because of lack of work due to temporary, seasonal, casual, or other similar employment

HB 7247

2011

that is not of a regular, permanent, and year-round nature.

3. Benefits subsequently paid to an individual after his or her refusal without good cause to accept suitable work from an employer may not be charged to the employment record of the employer if any part of those benefits are based on wages paid by the employer before the individual's refusal to accept suitable work. As used in this subparagraph, the term "good cause" does not include distance to employment caused by a change of residence by the individual. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall adopt rules prescribing for the payment of all benefits whether this subparagraph applies regardless of whether a disqualification under s. 443.101 applies to the claim.

4. If an individual is separated from work as a direct result of a natural disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

(g) Transfer of unemployment experience upon transfer or acquisition of a business.—Notwithstanding any other provision of law, upon transfer or acquisition of a business, the following conditions apply to the assignment of rates and to transfers of unemployment experience:

1.a. If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, the unemployment experience attributable

HB 7247

2011

21890 to the transferred trade or business shall be transferred to the  
21891 employer to whom the business is so transferred. The rates of  
21892 both employers shall be recalculated and made effective as of  
21893 the beginning of the calendar quarter immediately following the  
21894 date of the transfer of the trade or business unless the  
21895 transfer occurred on the first day of a calendar quarter, in  
21896 which case the rate shall be recalculated as of that date.

21897 b. If, following a transfer of experience under sub-  
21898 subparagraph a., the Department of Economic Opportunity ~~the~~  
21899 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~tax~~  
21900 ~~collection service provider~~ determines that a substantial  
21901 purpose of the transfer of trade or business was to obtain a  
21902 reduced liability for contributions, the experience rating  
21903 account of the employers involved shall be combined into a  
21904 single account and a single rate assigned to the account.

21905 2. Whenever a person who is not an employer under this  
21906 chapter at the time it acquires the trade or business of an  
21907 employer, the unemployment experience of the acquired business  
21908 shall not be transferred to the person if the Department of  
21909 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
21910 Department of Revenue ~~tax collection service provider~~ finds that  
21911 such person acquired the business solely or primarily for the  
21912 purpose of obtaining a lower rate of contributions. Instead,  
21913 such person shall be assigned the new employer rate under  
21914 paragraph (2)(a). In determining whether the business was  
21915 acquired solely or primarily for the purpose of obtaining a  
21916 lower rate of contributions, the Department of Revenue ~~tax~~  
21917 ~~collection service provider~~ shall consider, but not be limited

HB 7247

2011

21918 to, the following factors:

21919 a. Whether the person continued the business enterprise of  
21920 the acquired business;

21921 b. How long such business enterprise was continued; or

21922 c. Whether a substantial number of new employees was hired  
21923 for performance of duties unrelated to the business activity  
21924 conducted before the acquisition.

21925 3. If a person knowingly violates or attempts to violate  
21926 subparagraph 1. or subparagraph 2. or any other provision of  
21927 this chapter related to determining the assignment of a  
21928 contribution rate, or if a person knowingly advises another  
21929 person to violate the law, the person shall be subject to the  
21930 following penalties:

21931 a. If the person is an employer, the employer shall be  
21932 assigned the highest rate assignable under this chapter for the  
21933 rate year during which such violation or attempted violation  
21934 occurred and for the 3 rate years immediately following this  
21935 rate year. However, if the person's business is already at the  
21936 highest rate for any year, or if the amount of increase in the  
21937 person's rate would be less than 2 percent for such year, then a  
21938 penalty rate of contribution of 2 percent of taxable wages shall  
21939 be imposed for such year and the following 3 rate years.

21940 b. If the person is not an employer, such person shall be  
21941 subject to a civil money penalty of not more than \$5,000. The  
21942 procedures for the assessment of a penalty shall be in  
21943 accordance with the procedures set forth in s. 443.141(2), and  
21944 the provisions of s. 443.141(3) shall apply to the collection of  
21945 the penalty. Any such penalty shall be deposited in the penalty



HB 7247

2011

and interest account established under s. 443.211(2).

4. For purposes of this paragraph, the term:

a. "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

b. "Violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresent, or willfully nondisclose.

5. In addition to the penalty imposed by subparagraph 3., any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ and the Department of Revenue ~~tax collection service provider~~ shall establish procedures to identify the transfer or acquisition of a business for the purposes of this paragraph and shall adopt any rules necessary to administer this paragraph.

7. For purposes of this paragraph:

a. "Person" has the meaning given to the term by s. 7701(a)(1) of the Internal Revenue Code of 1986.

b. "Trade or business" shall include the employer's workforce.

8. This paragraph shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

(i) Notice of determinations of contribution rates;

HB 7247

2011

21974 redeterminations.—The Department of Revenue ~~state agency~~  
21975 ~~providing tax collection services~~:

21976       1. Shall promptly notify each employer of his or her  
21977 contribution rate as determined for any calendar year under this  
21978 section. The determination is conclusive and binding on the  
21979 employer unless within 20 days after mailing the notice of  
21980 determination to the employer's last known address, or, in the  
21981 absence of mailing, within 20 days after delivery of the notice,  
21982 the employer files an application for review and redetermination  
21983 setting forth the grounds for review. An employer may not, in  
21984 any proceeding involving his or her contribution rate or  
21985 liability for contributions, contest the chargeability to his or  
21986 her employment record of any benefits paid in accordance with a  
21987 determination, redetermination, or decision under s. 443.151,  
21988 except on the ground that the benefits charged were not based on  
21989 services performed in employment for him or her and then only if  
21990 the employer was not a party to the determination,  
21991 redetermination, or decision, or to any other proceeding under  
21992 this chapter, in which the character of those services was  
21993 determined.

21994       2. Shall, upon discovery of an error in computation,  
21995 reconsider any prior determination or redetermination of a  
21996 contribution rate after the 20-day period has expired and issue  
21997 a revised notice of contribution rate as redetermined. A  
21998 redetermination is subject to review, and is conclusive and  
21999 binding if review is not sought, in the same manner as review of  
22000 a determination under subparagraph 1. A reconsideration may not  
22001 be made after March 31 of the calendar year immediately after

HB 7247

2011

the calendar year for which the contribution rate is applicable, and interest may not accrue on any additional contributions found to be due until 30 days after the employer is mailed notice of his or her revised contribution rate.

3. May adopt rules providing for periodic notification to employers of benefits paid and charged to their employment records or of the status of those employment records. A notification, unless an application for redetermination is filed in the manner and within the time limits prescribed by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, is conclusive and binding on the employer under this chapter. The redetermination, and the Department of Economic Opportunity's ~~the Agency for Workforce Innovation's~~ finding of fact in connection with the redetermination, may be introduced in any subsequent administrative or judicial proceeding involving the determination of the contribution rate of an employer for any calendar year. A redetermination becomes final in the same manner provided in this subsection for findings of fact made by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ in proceedings to redetermine the contribution rate of an employer. Pending a redetermination or an administrative or judicial proceeding, the employer must file reports and pay contributions in accordance with this section.

Section 488. Paragraph (d) of subsection (2) and paragraph (d) of subsection (3) of section 443.1312, Florida Statutes, are amended to read:

443.1312 Reimbursements; nonprofit organizations.—Benefits paid to employees of nonprofit organizations shall be financed

HB 7247

2011

22030 in accordance with this section.

22031 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF  
22032 REIMBURSEMENT.—A nonprofit organization that is, or becomes,  
22033 subject to this chapter under s. 443.1215(1)(c) or s.  
22034 443.121(3)(a) must pay contributions under s. 443.131 unless it  
22035 elects, in accordance with this subsection, to reimburse the  
22036 Unemployment Compensation Trust Fund for all of the regular  
22037 benefits, short-time compensation benefits, and one-half of the  
22038 extended benefits paid, which are attributable to service in the  
22039 employ of the nonprofit organization, to individuals for weeks  
22040 of unemployment which begin during the effective period of the  
22041 election.

22042 (d) In accordance with rules adopted by the Department of  
22043 Economic Opportunity ~~the Agency for Workforce Innovation or the~~  
22044 Department of Revenue ~~the state agency providing unemployment~~  
22045 ~~tax collection services, the Department of Revenue the tax~~  
22046 ~~collection service provider~~ shall notify each nonprofit  
22047 organization of any determination of the organization's status  
22048 as an employer, the effective date of any election the  
22049 organization makes, and the effective date of any termination of  
22050 the election. Each determination is subject to reconsideration,  
22051 appeal, and review under s. 443.141(2)(c).

22052 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of  
22053 contributions must be paid in accordance with this subsection.

22054 (d) The amount due, as specified in any bill from the  
22055 Department of Revenue ~~tax collection service provider~~, is  
22056 conclusive, and the nonprofit organization is liable for payment  
22057 of that amount unless, within 20 days after the bill is mailed

HB 7247

2011

22058 to the organization's last known address or otherwise delivered  
22059 to the organization, the organization files an application for  
22060 redetermination by the Department of Economic Opportunity ~~the~~  
22061 ~~Agency for Workforce Innovation~~, setting forth the grounds for  
22062 the application. The Department of Economic Opportunity ~~The~~  
22063 ~~Agency for Workforce Innovation~~ shall promptly review and  
22064 reconsider the amount due, as specified in the bill, and shall  
22065 issue a redetermination in each case in which an application for  
22066 redetermination is filed. The redetermination is conclusive and  
22067 the nonprofit organization is liable for payment of the amount  
22068 due, as specified in the redetermination, unless, within 20 days  
22069 after the redetermination is mailed to the organization's last  
22070 known address or otherwise delivered to the organization, the  
22071 organization files a protest, setting forth the grounds for the  
22072 appeal. Proceedings on the protest shall be conducted in  
22073 accordance with s. 443.141(2).

22074 Section 489. Paragraph (b) of subsection (1) of section  
22075 443.1313, Florida Statutes, is amended to read:

22076 443.1313 Public employers; reimbursements; election to pay  
22077 contributions.—Benefits paid to employees of a public employer,  
22078 as defined in s. 443.036, based on service described in s.  
22079 443.1216(2) shall be financed in accordance with this section.

22080 (1) PAYMENT OF REIMBURSEMENTS.—

22081 (b) If a state agency is more than 120 days delinquent on  
22082 reimbursements due to the Unemployment Compensation Trust Fund,  
22083 the Department of Revenue ~~tax collection service provider~~ shall  
22084 certify to the Chief Financial Officer the amount due and the  
22085 Chief Financial Officer shall transfer the amount due to the

HB 7247

2011

22086 Unemployment Compensation Trust Fund from the funds of the  
22087 agency which legally may be used for that purpose. If a public  
22088 employer other than a state agency is more than 120 days  
22089 delinquent on reimbursements due to the Unemployment  
22090 Compensation Trust Fund, upon request by the Department of  
22091 Revenue ~~tax collection service provider~~ after a hearing, the  
22092 Department of Revenue or the Department of Financial Services,  
22093 as applicable, shall deduct the amount owed by the public  
22094 employer from any funds to be distributed by the applicable  
22095 department to the public employer for further distribution to  
22096 the trust fund in accordance with this chapter. If an employer  
22097 for whom the municipal or county tax collector collects taxes  
22098 fails to make the reimbursements to the Unemployment  
22099 Compensation Trust Fund required by this chapter, the tax  
22100 collector after a hearing, at the request of the Department of  
22101 Revenue ~~the tax collection service provider~~ and upon receipt of  
22102 a certificate showing the amount owed by the employer, shall  
22103 deduct the certified amount from any taxes collected for the  
22104 employer and remit that amount to the Department of Revenue ~~tax~~  
22105 ~~collection service provider~~ for further distribution to the  
22106 trust fund in accordance with this chapter. This paragraph does  
22107 not apply to amounts owed by a political subdivision of the  
22108 state for benefits erroneously paid in which the claimant must  
22109 repay to the Department of Economic Opportunity ~~the Agency for~~  
22110 ~~Workforce Innovation~~ under s. 443.151(6) (a) or (b) any sum as  
22111 benefits received.

22112 Section 490. Paragraphs (b) and (c) of subsection (4) and  
22113 subsection (7) of section 443.1315, Florida Statutes, are

HB 7247

2011

22114 amended to read:

22115 443.1315 Treatment of Indian tribes.—

22116 (4)

22117 (b)1. Services performed for an Indian tribe or tribal  
22118 unit that fails to make required reimbursements, including  
22119 assessments of interest and penalty, after all collection  
22120 activities deemed necessary by the Department of Revenue ~~tax~~  
22121 ~~collection service provider~~, subject to approval by the  
22122 Department of Economic Opportunity ~~the Agency for Workforce~~  
22123 ~~Innovation~~, are exhausted may not be treated as employment for  
22124 purposes of paragraph (1) (b).

22125 2. The Department of Revenue ~~tax collection service~~  
22126 ~~provider~~ may determine that any Indian tribe that loses coverage  
22127 under subparagraph 1. may have services performed for the tribe  
22128 subsequently included as employment for purposes of paragraph  
22129 (1) (b) if all contributions, reimbursements, penalties, and  
22130 interest are paid.

22131 (c) The Department of Economic Opportunity ~~The Agency for~~  
22132 ~~Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
22133 ~~collection service provider~~ shall immediately notify the United  
22134 States Internal Revenue Service and the United States Department  
22135 of Labor when an Indian tribe fails to make reimbursements  
22136 required under this section, including assessments of interest  
22137 and penalty, within 90 days after a final notice of delinquency.

22138 (7) The Department of Economic Opportunity ~~The Agency for~~  
22139 ~~Workforce Innovation~~ and the Department of Revenue ~~the state~~  
22140 ~~agency providing unemployment tax collection services~~ shall  
22141 adopt rules necessary to administer this section.

HB 7247

2011

22142 Section 491. Section 443.1316, Florida Statutes, is  
22143 amended to read:

22144 443.1316 Unemployment tax collection services; interagency  
22145 agreement.—

22146 (1) The department ~~The Agency for Workforce Innovation~~  
22147 shall contract with the Department of Revenue, through an  
22148 interagency agreement, to perform the duties assigned to the  
22149 Department of Revenue ~~of the tax collection service provider~~ and  
22150 provide other unemployment tax collection services under this  
22151 chapter. Under the interagency agreement, the Department of  
22152 Revenue ~~tax collection service provider~~ may only implement:

22153 (a) The provisions of this chapter conferring duties upon  
22154 the Department of Revenue ~~tax collection service provider~~.

22155 (b) The provisions of law conferring duties upon the  
22156 Department of Economic Opportunity ~~the Agency for Workforce~~  
22157 ~~Innovation~~ which are specifically delegated to the Department of  
22158 Revenue through ~~tax collection service provider in the~~  
22159 interagency agreement.

22160 (2) (a) The Department of Revenue is considered to be  
22161 administering a revenue law of this state when it ~~the department~~  
22162 implements this chapter, or otherwise provides unemployment tax  
22163 collection services, under contract with the Department of  
22164 Economic Opportunity ~~the Agency for Workforce Innovation~~ through  
22165 the interagency agreement.

22166 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);  
22167 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;  
22168 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;  
22169 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;



HB 7247

2011

22170 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and  
22171 213.757 apply to the collection of unemployment contributions  
22172 and reimbursements by the Department of Revenue unless  
22173 prohibited by federal law.

22174 Section 492. Section 443.1317, Florida Statutes, is  
22175 amended to read:

22176 443.1317 Rulemaking authority; enforcement of rules.—

22177 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~  
22178 ~~WORKFORCE INNOVATION.~~—

22179 (a) Except as otherwise provided in s. 443.012, the  
22180 Department of Economic Opportunity ~~the Agency for Workforce~~  
22181 ~~Innovation~~ has ultimate authority over the administration of the  
22182 Unemployment Compensation Program.

22183 (b) The Department of Economic Opportunity ~~The Agency for~~  
22184 ~~Workforce Innovation~~ may adopt rules under ss. 120.536(1) and  
22185 120.54 to administer the provisions of this chapter conferring  
22186 duties upon either the Department of Economic Opportunity ~~the~~  
22187 ~~agency~~ or the Department of Revenue ~~its tax collection service~~  
22188 ~~provider.~~

22189 (2) DEPARTMENT OF REVENUE ~~TAX COLLECTION SERVICE~~  
22190 ~~PROVIDER.~~—The Department of Revenue as the state agency  
22191 providing unemployment tax collection services under an  
22192 interagency agreement with the Department of Economic  
22193 Opportunity ~~contract with the Agency for Workforce Innovation~~  
22194 ~~through an interagency agreement~~ pursuant to s. 443.1316 may  
22195 adopt rules under ss. 120.536(1) and 120.54, subject to approval  
22196 by the Department of Economic Opportunity ~~the Agency for~~  
22197 ~~Workforce Innovation~~, to administer the provisions of law

HB 7247

2011

described in s. 443.1316(1)(a) and (b) which are within this chapter. These rules must not conflict with the rules adopted by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or with the interagency agreement.

(3) ENFORCEMENT OF RULES.—The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ may enforce any rule adopted by the Department of Revenue ~~state agency providing unemployment tax collection services~~ to administer this chapter. The Department of Revenue ~~tax collection service provider~~ may enforce any rule adopted by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ to administer the provisions of law described in s. 443.1316(1)(a) and (b).

Section 493. Paragraphs (b), (c), and (f) of subsection (1), subsection (2), paragraphs (f) and (g) of subsection (3), and paragraph (c) of subsection (4) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

(b) Penalty for delinquent, erroneous, incomplete, or insufficient reports.—

1. An employing unit that fails to file any report required by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~, in accordance with rules for administering this chapter, shall pay to the Department of Revenue ~~service provider~~ for each delinquent report the sum of \$25 for each 30 days or fraction thereof that the employing unit

HB 7247

2011

22226 is delinquent, unless the Department of Economic Opportunity  
22227 ~~agency~~ or the Department of Revenue ~~its service provider~~,  
22228 whichever required the report, finds that the employing unit has  
22229 good reason for failing to file the report. The Department of  
22230 Economic Opportunity ~~The agency~~ or the Department of Revenue ~~its~~  
22231 ~~service provider~~ may assess penalties only through the date of  
22232 the issuance of the final assessment notice. However, additional  
22233 penalties accrue if the delinquent report is subsequently filed.

22234 2.a. An employing unit that files an erroneous,  
22235 incomplete, or insufficient report with the Department of  
22236 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
22237 Department of Revenue ~~its tax collection service provider~~ shall  
22238 pay a penalty. The amount of the penalty is \$50 or 10 percent of  
22239 any tax due, whichever is greater, but no more than \$300 per  
22240 report. The penalty shall be added to any tax, penalty, or  
22241 interest otherwise due.

22242 b. The Department of Economic Opportunity ~~The agency~~ or  
22243 the Department of Revenue ~~its tax collection service provider~~  
22244 shall waive the penalty if the employing unit files an accurate,  
22245 complete, and sufficient report within 30 days after a penalty  
22246 notice is issued to the employing unit. The penalty may not be  
22247 waived pursuant to this subparagraph more than one time during a  
22248 12-month period.

22249 c. As used in this subsection, the term "erroneous,  
22250 incomplete, or insufficient report" means a report so lacking in  
22251 information, completeness, or arrangement that the report cannot  
22252 be readily understood, verified, or reviewed. Such reports  
22253 include, but are not limited to, reports having missing wage or

HB 7247

2011

employee information, missing or incorrect social security numbers, or illegible entries; reports submitted in a format that is not approved by the Department of Economic Opportunity ~~the agency or the Department of Revenue~~ ~~its tax collection service provider~~; and reports showing gross wages that do not equal the total of the wages of each employee. However, the term does not include a report that merely contains inaccurate data that was supplied to the employer by the employee, if the employer was unaware of the inaccuracy.

3. Penalties imposed pursuant to this paragraph shall be deposited in the Special Employment Security Administration Trust Fund.

4. The penalty and interest for a delinquent, erroneous, incomplete, or insufficient report may be waived if the penalty or interest is inequitable. The provisions of s. 213.24(1) apply to any penalty or interest that is imposed under this section.

(c) Application of partial payments.—If a delinquency exists in the employment record of an employer not in bankruptcy, a partial payment less than the total delinquency amount shall be applied to the employment record as the payor directs. In the absence of specific direction, the partial payment shall be applied to the payor's employment record as prescribed in the rules of the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~state agency providing tax collection services~~.

(f) Adoption of rules.—The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ and the

HB 7247

2011

22282 Department of Revenue ~~the state agency providing unemployment~~  
22283 ~~tax collection services~~ may adopt rules to administer this  
22284 subsection.

22285 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

22286 (a) Failure to make reports and pay contributions.—If an  
22287 employing unit determined by the Department of Revenue ~~tax~~  
22288 ~~collection service provider~~ to be an employer subject to this  
22289 chapter fails to make and file any report as and when required  
22290 by this chapter or by any rule of the Department of Economic  
22291 Opportunity ~~the Agency for Workforce Innovation~~ or the  
22292 Department of Revenue ~~state agency providing tax collection~~  
22293 ~~services~~, for the purpose of determining the amount of  
22294 contributions due by the employer under this chapter, or if any  
22295 filed report is found by the Department of Revenue ~~service~~  
22296 ~~provider~~ to be incorrect or insufficient, and the employer,  
22297 after being notified in writing by the Department of Revenue  
22298 ~~service provider~~ to file the report, or a corrected or  
22299 sufficient report, as applicable, fails to file the report  
22300 within 15 days after the date of the mailing of the notice, the  
22301 Department of Revenue ~~tax collection service provider~~ may:

22302 1. Determine the amount of contributions due from the  
22303 employer based on the information readily available to it, which  
22304 determination is deemed to be prima facie correct;

22305 2. Assess the employer the amount of contributions  
22306 determined to be due; and

22307 3. Immediately notify the employer by mail of the  
22308 determination and assessment including penalties as provided in  
22309 this chapter, if any, added and assessed, and demand payment

HB 7247

2011

22310 together with interest on the amount of contributions from the  
22311 date that amount was due and payable.

22312 (b) Hearings.—The determination and assessment are final  
22313 15 days after the date the assessment is mailed unless the  
22314 employer files with the Department of Revenue ~~tax collection~~  
22315 ~~service provider~~ within the 15 days a written protest and  
22316 petition for hearing specifying the objections thereto. The  
22317 Department of Revenue ~~tax collection service provider~~ shall  
22318 promptly review each petition and may reconsider its  
22319 determination and assessment in order to resolve the  
22320 petitioner's objections. The Department of Revenue ~~tax~~  
22321 ~~collection service provider~~ shall forward each petition  
22322 remaining unresolved to the Department of Economic Opportunity  
22323 ~~the Agency for Workforce Innovation~~ for a hearing on the  
22324 objections. Upon receipt of a petition, the Department of  
22325 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
22326 schedule a hearing and notify the petitioner of the time and  
22327 place of the hearing. The Department of Economic Opportunity ~~The~~  
22328 ~~Agency for Workforce Innovation~~ may appoint special deputies to  
22329 conduct hearings and to submit their findings together with a  
22330 transcript of the proceedings before them and their  
22331 recommendations to the Department of Economic Opportunity ~~the~~  
22332 ~~agency~~ for its final order. Special deputies are subject to the  
22333 prohibition against ex parte communications in s. 120.66. At any  
22334 hearing conducted by the Department of Economic Opportunity ~~the~~  
22335 ~~Agency for Workforce Innovation~~ or its special deputy, evidence  
22336 may be offered to support the determination and assessment or to  
22337 prove it is incorrect. In order to prevail, however, the

HB 7247

2011

petitioner must either prove that the determination and assessment are incorrect or file full and complete corrected reports. Evidence may also be submitted at the hearing to rebut the determination by the Department of Revenue ~~tax collection service provider~~ that the petitioner is an employer under this chapter. Upon evidence taken before it or upon the transcript submitted to it with the findings and recommendation of its special deputy, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ shall either set aside the Department of Revenue's ~~tax collection service provider's~~ determination that the petitioner is an employer under this chapter or reaffirm the determination. The amounts assessed under the final order, together with interest and penalties, must be paid within 15 days after notice of the final order is mailed to the employer, unless judicial review is instituted in a case of status determination. Amounts due when the status of the employer is in dispute are payable within 15 days after the entry of an order by the court affirming the determination. However, any determination that an employing unit is not an employer under this chapter does not affect the benefit rights of any individual as determined by an appeals referee or the commission unless:

1. The individual is made a party to the proceedings before the special deputy; or

2. The decision of the appeals referee or the commission has not become final or the employing unit and the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ were not made parties to the proceedings before the appeals referee

HB 7247

2011

or the commission.

(c) Appeals.—The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ and the Department of Revenue ~~the state agency providing unemployment tax collection services~~ shall adopt rules prescribing the procedures for an employing unit determined to be an employer to file an appeal and be afforded an opportunity for a hearing on the determination. Pending a hearing, the employing unit must file reports and pay contributions in accordance with s. 443.131.

(3) COLLECTION PROCEEDINGS.—

(f) Reproductions.—In any proceedings in any court under this chapter, reproductions of the original records of the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, the Department of Revenue ~~its tax collection service provider~~, the former Agency for Workforce Innovation, the former Department of Labor and Employment Security, or the commission, including, but not limited to, photocopies or microfilm, are primary evidence in lieu of the original records or of the documents that were transcribed into those records.

(g) Jeopardy assessment and warrant.—If the Department of Revenue ~~tax collection service provider~~ reasonably believes that the collection of contributions or reimbursements from an employer will be jeopardized by delay, the Department of Revenue ~~service provider~~ may assess the contributions or reimbursements immediately, together with interest or penalties when due, regardless of whether the contributions or reimbursements accrued are due, and may immediately issue a notice of lien and jeopardy warrant upon which proceedings may be conducted as



HB 7247

2011

provided in this section for notice of lien and warrant of the Department of Revenue ~~service provider~~. Within 15 days after mailing the notice of lien by registered mail, the employer may protest the issuance of the lien in the same manner provided in paragraph (2)(a). The protest does not operate as a supersedeas or stay of enforcement unless the employer files with the sheriff seeking to enforce the warrant a good and sufficient surety bond in twice the amount demanded by the notice of lien or warrant. The bond must be conditioned upon payment of the amount subsequently found to be due from the employer to the Department of Revenue ~~tax collection service provider~~ in the final order of the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ upon protest of assessment. The jeopardy warrant and notice of lien are satisfied in the manner provided in this section upon payment of the amount finally determined to be due from the employer. If enforcement of the jeopardy warrant is not superseded as provided in this section, the employer is entitled to a refund from the fund of all amounts paid as contributions or reimbursements in excess of the amount finally determined to be due by the employer upon application being made as provided in this chapter.

(4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF CONTRIBUTIONS AND REIMBURSEMENTS.—

(c) Any agent or employee designated by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ may administer an oath to any person for any return or report required by this chapter or by the rules of the Department of

HB 7247

2011

22422 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
22423 Department of Revenue ~~the state agency providing unemployment~~  
22424 ~~tax collection services~~, and an oath made before the Department  
22425 of Economic Opportunity ~~the agency~~ or the Department of Revenue  
22426 ~~its service provider~~ or any authorized agent or employee has the  
22427 same effect as an oath made before any judicial officer or  
22428 notary public of the state.

22429 Section 494. Section 443.151, Florida Statutes, is amended  
22430 to read:

22431 443.151 Procedure concerning claims.—

22432 (1) POSTING OF INFORMATION.—

22433 (a) Each employer must post and maintain in places readily  
22434 accessible to individuals in her or his employ printed  
22435 statements concerning benefit rights, claims for benefits, and  
22436 other matters relating to the administration of this chapter as  
22437 the Department of Economic Opportunity ~~the Agency for Workforce~~  
22438 ~~Innovation~~ may by rule prescribe. Each employer must supply to  
22439 individuals copies of printed statements or other materials  
22440 relating to claims for benefits as directed by the ~~agency's~~  
22441 rules of the Department of Economic Opportunity. The Department  
22442 of Economic Opportunity ~~The Agency for Workforce Innovation~~  
22443 shall supply these printed statements and other materials to  
22444 each employer without cost to the employer.

22445 (b)1. The Department of Economic Opportunity ~~The Agency~~  
22446 ~~for Workforce Innovation~~ shall advise each individual filing a  
22447 new claim for unemployment compensation, at the time of filing  
22448 the claim, that:

22449 a. Unemployment compensation is subject to federal income

HB 7247

2011

22450 tax.

22451 b. Requirements exist pertaining to estimated tax

22452 payments.

22453 c. The individual may elect to have federal income tax

22454 deducted and withheld from the individual's payment of

22455 unemployment compensation at the amount specified in the federal

22456 Internal Revenue Code.

22457 d. The individual is not permitted to change a previously

22458 elected withholding status more than twice per calendar year.

22459 2. Amounts deducted and withheld from unemployment

22460 compensation must remain in the Unemployment Compensation Trust

22461 Fund until transferred to the federal taxing authority as

22462 payment of income tax.

22463 3. The Department of Economic Opportunity ~~The Agency for~~

22464 ~~Workforce Innovation~~ shall follow all procedures specified by

22465 the United States Department of Labor and the federal Internal

22466 Revenue Service pertaining to the deducting and withholding of

22467 income tax.

22468 4. If more than one authorized request for deduction and

22469 withholding is made, amounts must be deducted and withheld in

22470 accordance with the following priorities:

22471 a. Unemployment overpayments have first priority;

22472 b. Child support payments have second priority; and

22473 c. Withholding under this subsection has third priority.

22474 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF

22475 CLAIMANTS AND EMPLOYERS.—

22476 (a) In general.—Claims for benefits must be made in

22477 accordance with the rules adopted by the Department of Economic

HB 7247

2011

22478 Opportunity ~~the Agency for Workforce Innovation~~. The Department  
22479 of Economic Opportunity ~~The agency~~ must notify claimants and  
22480 employers regarding monetary and nonmonetary determinations of  
22481 eligibility. Investigations of issues raised in connection with  
22482 a claimant which may affect a claimant's eligibility for  
22483 benefits or charges to an employer's employment record shall be  
22484 conducted by the Department of Economic Opportunity ~~the agency~~  
22485 through written, telephonic, or electronic means as prescribed  
22486 by rule.

22487 (b) Process.—When the Unemployment Compensation Claims and  
22488 Benefits Information System described in s. 443.1113 is fully  
22489 operational, the process for filing claims must incorporate the  
22490 process for registering for work with the workforce information  
22491 systems established pursuant to s. 445.011. A claim for benefits  
22492 may not be processed until the work registration requirement is  
22493 satisfied. The Department of Economic Opportunity ~~The Agency for~~  
22494 ~~Workforce Innovation~~ may adopt rules as necessary to administer  
22495 the work registration requirement set forth in this paragraph.

22496 (3) DETERMINATION OF ELIGIBILITY.—

22497 (a) Notices of claim.—The Department of Economic  
22498 Opportunity ~~The Agency for Workforce Innovation~~ shall promptly  
22499 provide a notice of claim to the claimant's most recent  
22500 employing unit and all employers whose employment records are  
22501 liable for benefits under the monetary determination. The  
22502 employer must respond to the notice of claim within 20 days  
22503 after the mailing date of the notice, or in lieu of mailing,  
22504 within 20 days after the delivery of the notice. If a  
22505 contributing employer fails to timely respond to the notice of

HB 7247

2011

22506 claim, the employer's account may not be relieved of benefit  
22507 charges as provided in s. 443.131(3)(a), notwithstanding  
22508 paragraph (5)(b). The Department of Economic Opportunity ~~The~~  
22509 ~~agency~~ may adopt rules as necessary to implement the processes  
22510 described in this paragraph relating to notices of claim.

22511 (b) Monetary determinations.—In addition to the notice of  
22512 claim, the Department of Economic Opportunity ~~the agency~~ shall  
22513 also promptly provide an initial monetary determination to the  
22514 claimant and each base period employer whose account is subject  
22515 to being charged for its respective share of benefits on the  
22516 claim. The monetary determination must include a statement of  
22517 whether and in what amount the claimant is entitled to benefits,  
22518 and, in the event of a denial, must state the reasons for the  
22519 denial. A monetary determination for the first week of a benefit  
22520 year must also include a statement of whether the claimant was  
22521 paid the wages required under s. 443.091(1)(g) and, if so, the  
22522 first day of the benefit year, the claimant's weekly benefit  
22523 amount, and the maximum total amount of benefits payable to the  
22524 claimant for a benefit year. The monetary determination is final  
22525 unless within 20 days after the mailing of the notices to the  
22526 parties' last known addresses, or in lieu of mailing, within 20  
22527 days after the delivery of the notices, an appeal or written  
22528 request for reconsideration is filed by the claimant or other  
22529 party entitled to notice. The Department of Economic Opportunity  
22530 ~~The agency~~ may adopt rules as necessary to implement the  
22531 processes described in this paragraph relating to notices of  
22532 monetary determinations and the appeals or reconsideration  
22533 requests filed in response to such notices.

HB 7247

2011

22534 (c) Nonmonetary determinations.—If the Department of  
22535 Economic Opportunity ~~the agency~~ receives information that may  
22536 result in a denial of benefits, the Department of Economic  
22537 Opportunity ~~the agency~~ must complete an investigation of the  
22538 claim required by subsection (2) and provide notice of a  
22539 nonmonetary determination to the claimant and the employer from  
22540 whom the claimant's reason for separation affects his or her  
22541 entitlement to benefits. The determination must state the reason  
22542 for the determination and whether the unemployment tax account  
22543 of the contributing employer is charged for benefits paid on the  
22544 claim. The nonmonetary determination is final unless within 20  
22545 days after the mailing of the notices to the parties' last known  
22546 addresses, or in lieu of mailing, within 20 days after the  
22547 delivery of the notices, an appeal or written request for  
22548 reconsideration is filed by the claimant or other party entitled  
22549 to notice. The Department of Economic Opportunity ~~The agency~~ may  
22550 adopt rules as necessary to implement the processes described in  
22551 this paragraph relating to notices of nonmonetary determination  
22552 and the appeals or reconsideration requests filed in response to  
22553 such notices, and may adopt rules prescribing the manner and  
22554 procedure by which employers within the base period of a  
22555 claimant become entitled to notice of nonmonetary determination.

22556 (d) Determinations in labor dispute cases.—Whenever any  
22557 claim involves a labor dispute described in s. 443.101(4), the  
22558 Department of Economic Opportunity ~~the Agency for Workforce~~  
22559 ~~Innovation~~ shall promptly assign the claim to a special examiner  
22560 who shall make a determination on the issues involving  
22561 unemployment due to the labor dispute. The special examiner

HB 7247

2011

shall make the determination after an investigation, as necessary. The claimant or another party entitled to notice of the determination may appeal a determination under subsection (4).

(e) Redeterminations.—

1. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ may reconsider a determination if it finds an error or if new evidence or information pertinent to the determination is discovered after a prior determination or redetermination. A redetermination may not be made more than 1 year after the last day of the benefit year unless the disqualification for making a false or fraudulent representation under s. 443.101(6) is applicable, in which case the redetermination may be made within 2 years after the false or fraudulent representation. The Department of Economic Opportunity ~~The agency~~ must promptly give notice of redetermination to the claimant and to any employers entitled to notice in the manner prescribed in this section for the notice of an initial determination.

2. If the amount of benefits is increased by the redetermination, an appeal of the redetermination based solely on the increase may be filed as provided in subsection (4). If the amount of benefits is decreased by the redetermination, the redetermination may be appealed by the claimant if a subsequent claim for benefits is affected in amount or duration by the redetermination. If the final decision on the determination or redetermination to be reconsidered was made by an appeals referee, the commission, or a court, the Department of Economic

HB 7247

2011

22590 Opportunity ~~the Agency for Workforce Innovation~~ may apply for a  
22591 revised decision from the body or court that made the final  
22592 decision.

22593 3. If an appeal of an original determination is pending  
22594 when a redetermination is issued, the appeal unless withdrawn is  
22595 treated as an appeal from the redetermination.

22596 (4) APPEALS.—

22597 (a) Appeals referees.—The Department of Economic  
22598 Opportunity ~~The Agency for Workforce Innovation~~ shall appoint  
22599 one or more impartial salaried appeals referees in accordance  
22600 with s. 443.171(3) to hear and decide appealed claims. A person  
22601 may not participate on behalf of the Department of Economic  
22602 Opportunity ~~the Agency for Workforce Innovation~~ as an appeals  
22603 referee in any case in which she or he is an interested party.  
22604 The Department of Economic Opportunity ~~The Agency for Workforce~~  
22605 ~~Innovation~~ may designate alternates to serve in the absence or  
22606 disqualification of any appeals referee on a temporary basis.  
22607 These alternates must have the same qualifications required of  
22608 appeals referees. The Department of Economic Opportunity ~~The~~  
22609 ~~Agency for Workforce Innovation~~ shall provide the commission and  
22610 the appeals referees with proper facilities and assistance for  
22611 the execution of their functions.

22612 (b) Filing and hearing.—

22613 1. The claimant or any other party entitled to notice of a  
22614 determination may appeal an adverse determination to an appeals  
22615 referee within 20 days after the date of mailing of the notice  
22616 to her or his last known address or, if the notice is not  
22617 mailed, within 20 days after the date of delivery of the notice.



HB 7247

2011

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

3. However, when an appeal appears to have been filed after the permissible time limit, the Office of Appeals may issue an order to show cause to the appellant, requiring the appellant to show why the appeal should not be dismissed as untimely. If the appellant does not, within 15 days after the mailing date of the order to show cause, provide written evidence of timely filing or good cause for failure to appeal timely, the appeal shall be dismissed.

4. When an appeal involves a question of whether services were performed by a claimant in employment or for an employer, the referee must give special notice of the question and of the pendency of the appeal to the employing unit and to the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, both of which become parties to the proceeding.

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

(c) Review by commission.—The commission may, on its own

HB 7247

2011

22646 motion, within the time limit in paragraph (b), initiate a  
22647 review of the decision of an appeals referee. The commission may  
22648 also allow the Department of Economic Opportunity ~~the Agency for~~  
22649 ~~Workforce Innovation~~ or any adversely affected party entitled to  
22650 notice of the decision to appeal the decision by filing an  
22651 application within the time limit in paragraph (b). An adversely  
22652 affected party has the right to appeal the decision if the  
22653 Department of Economic Opportunity's ~~the Agency for Workforce~~  
22654 ~~Innovation's~~ determination is not affirmed by the appeals  
22655 referee. The commission may affirm, modify, or reverse the  
22656 findings and conclusions of the appeals referee based on  
22657 evidence previously submitted in the case or based on additional  
22658 evidence taken at the direction of the commission. The  
22659 commission may assume jurisdiction of or transfer to another  
22660 appeals referee the proceedings on any claim pending before an  
22661 appeals referee. Any proceeding in which the commission assumes  
22662 jurisdiction before completion must be heard by the commission  
22663 in accordance with the requirement of this subsection for  
22664 proceedings before an appeals referee. When the commission  
22665 denies an application to hear an appeal of an appeals referee's  
22666 decision, the decision of the appeals referee is the decision of  
22667 the commission for purposes of this paragraph and is subject to  
22668 judicial review within the same time and manner as decisions of  
22669 the commission, except that the time for initiating review runs  
22670 from the date of notice of the commission's order denying the  
22671 application to hear an appeal.

22672 (d) Procedure.—The manner that appealed claims are  
22673 presented must comply with the commission's rules. Witnesses

HB 7247

2011

subpoenaed under this section are allowed fees at the rate established by s. 92.142, and fees of witnesses subpoenaed on behalf of the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or any claimant are deemed part of the expense of administering this chapter.

(e) Judicial review.—Orders of the commission entered under paragraph (c) are subject to review only by notice of appeal in the district court of appeal in the appellate district in which the issues involved were decided by an appeals referee. Notwithstanding chapter 120, the commission is a party respondent to every such proceeding. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ may initiate judicial review of orders in the same manner and to the same extent as any other party.

(5) PAYMENT OF BENEFITS.—

(a) The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall promptly pay benefits in accordance with a determination or redetermination regardless of any appeal or pending appeal. Before payment of benefits to the claimant, however, each employer who is liable for reimbursements in lieu of contributions for payment of the benefits must be notified, at the address on file with the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~, of the initial determination of the claim and must be given 10 days to respond.

(b) The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall promptly pay benefits, regardless of

HB 7247

2011

whether a determination is under appeal if the determination allowing benefits is affirmed in any amount by an appeals referee or is affirmed by the commission, or if a decision of an appeals referee allowing benefits is affirmed in any amount by the commission. In these instances, a court may not issue an injunction, supersedeas, stay, or other writ or process suspending payment of benefits. A contributing employer that responded to the notice of claim within the time limit provided in subsection (3) may not, however, be charged with benefits paid under an erroneous determination if the decision is ultimately reversed. Benefits are not paid for any subsequent weeks of unemployment involved in a reversal.

(c) The provisions of paragraph (b) relating to charging an employer liable for contributions do not apply to reimbursing employers.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ on behalf of the trust fund or, in the ~~agency's~~ discretion of the Department of Economic Opportunity, to have those benefits deducted from future benefits payable to her or him under this chapter. To enforce this paragraph, the Department of Economic Opportunity ~~the agency~~ must find the existence of fraud through a redetermination or decision under this section within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be effected within 5 years after the

HB 7247

2011

22730 redetermination or decision.

22731 (b) Any person who, by reason other than her or his fraud,  
22732 receives benefits under this chapter to which, under a  
22733 redetermination or decision pursuant to this section, she or he  
22734 is not entitled, is liable for repaying those benefits to the  
22735 Department of Economic Opportunity ~~the Agency for Workforce~~  
22736 ~~Innovation~~ on behalf of the trust fund or, in the ~~agency's~~  
22737 discretion of the Department of Economic Opportunity, to have  
22738 those benefits deducted from any future benefits payable to her  
22739 or him under this chapter. Any recovery or recoupment of  
22740 benefits must be effected within 3 years after the  
22741 redetermination or decision.

22742 (c) Any person who, by reason other than fraud, receives  
22743 benefits under this chapter to which she or he is not entitled  
22744 as a result of an employer's failure to respond to a claim  
22745 within the timeframe provided in subsection (3) is not liable  
22746 for repaying those benefits to the Department of Economic  
22747 Opportunity ~~the Agency for Workforce Innovation~~ on behalf of the  
22748 trust fund or to have those benefits deducted from any future  
22749 benefits payable to her or him under this chapter.

22750 (d) Recoupment from future benefits is not permitted if  
22751 the benefits are received by any person without fault on the  
22752 person's part and recoupment would defeat the purpose of this  
22753 chapter or would be inequitable and against good conscience.

22754 (e) The Department of Economic Opportunity ~~The Agency for~~  
22755 ~~Workforce Innovation~~ shall collect the repayment of benefits  
22756 without interest by the deduction of benefits through a  
22757 redetermination or by a civil action.

HB 7247

2011

22758 (f) Notwithstanding any other provision of this chapter,  
22759 any person who is determined by this state, a cooperating state  
22760 agency, the United States Secretary of Labor, or a court to have  
22761 received any payments under the Trade Act of 1974, as amended,  
22762 to which the person was not entitled shall have those payments  
22763 deducted from any regular benefits, as defined in s.

22764 443.1115(1)(e), payable to her or him under this chapter. Each  
22765 such deduction may not exceed 50 percent of the amount otherwise  
22766 payable. The payments deducted shall be remitted to the agency  
22767 that issued the payments under the Trade Act of 1974, as  
22768 amended, for return to the United States Treasury. Except for  
22769 overpayments determined by a court, a deduction may not be made  
22770 under this paragraph until a determination by the state agency  
22771 or the United States Secretary of Labor is final.

22772 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any  
22773 administrative proceeding conducted under this chapter, an  
22774 employer or a claimant has the right, at his or her own expense,  
22775 to be represented by counsel or by an authorized representative.  
22776 Notwithstanding s. 120.62(2), the authorized representative need  
22777 not be a qualified representative.

22778 (8) BILINGUAL REQUIREMENTS.—

22779 (a) The Department of Economic Opportunity ~~The Agency for~~  
22780 ~~Workforce Innovation~~ shall provide printed bilingual  
22781 instructional and educational materials in the appropriate  
22782 language in those counties in which 5 percent or more of the  
22783 households in the county are classified as a single-language  
22784 minority.

22785 (b) The Department of Economic Opportunity ~~The Agency for~~

HB 7247

2011

22786 ~~Workforce Innovation~~ shall ensure that one-stop career centers  
22787 and appeals offices located in counties subject to the  
22788 requirements of paragraph (c) prominently post notices in the  
22789 appropriate languages and that translators are available in  
22790 those centers and offices.

22791 (c) As used in this subsection, the term "single-language  
22792 minority" means households that speak the same non-English  
22793 language and that do not contain an adult fluent in English. The  
22794 Department of Economic Opportunity ~~The Agency for Workforce~~  
22795 ~~Innovation~~ shall develop estimates of the percentages of single-  
22796 language minority households for each county by using data from  
22797 the United States Bureau of the Census.

22798 Section 495. Subsection (1), paragraphs (a) and (c) of  
22799 subsection (3), and subsection (4) of section 443.163, Florida  
22800 Statutes, are amended to read:

22801 443.163 Electronic reporting and remitting of  
22802 contributions and reimbursements.—

22803 (1) An employer may file any report and remit any  
22804 contributions or reimbursements required under this chapter by  
22805 electronic means. The Department of Economic Opportunity ~~The~~  
22806 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~the~~  
22807 ~~state agency providing unemployment tax collection services~~  
22808 shall adopt rules prescribing the format and instructions  
22809 necessary for electronically filing reports and remitting  
22810 contributions and reimbursements to ensure a full collection of  
22811 contributions and reimbursements due. The acceptable method of  
22812 transfer, the method, form, and content of the electronic means,  
22813 and the method, if any, by which the employer will be provided

HB 7247

2011

with an acknowledgment shall be prescribed by the Department of Economic Opportunity ~~the Agency for Workforce Innovation or the Department of Revenue~~ ~~its tax collection service provider~~.

However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the Department of Revenue ~~tax collection service provider~~. A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for each calendar quarter in the current calendar year, beginning with reports due for the second calendar quarter of 2003, by electronic means approved by the Department of Revenue ~~tax collection service provider~~.

(3) The Department of Revenue ~~tax collection service provider~~ may waive the requirement to file an Employers Quarterly Report (UCT-6) by electronic means for employers that are unable to comply despite good faith efforts or due to circumstances beyond the employer's reasonable control.

(a) As prescribed by the Department of Economic Opportunity ~~the Agency for Workforce Innovation or the Department of Revenue~~ ~~its tax collection service provider~~, grounds for approving the waiver include, but are not limited to, circumstances in which the employer does not:

1. Currently file information or data electronically with any business or government agency; or
2. Have a compatible computer that meets or exceeds the



HB 7247

2011

standards prescribed by the Department of Economic Opportunity  
~~the Agency for Workforce Innovation~~ or the Department of Revenue  
~~its tax collection service provider.~~

(c) The Department of Economic Opportunity ~~The Agency for~~  
~~Workforce Innovation~~ or the Department of Revenue the state  
~~agency providing unemployment tax collection services~~ may  
establish by rule the length of time a waiver is valid and may  
determine whether subsequent waivers will be authorized, based  
on this subsection.

(4) As used in this section, the term "electronic means"  
includes, but is not limited to, electronic data interchange;  
electronic funds transfer; and use of the Internet, telephone,  
or other technology specified by the Department of Economic  
Opportunity ~~the Agency for Workforce Innovation~~ or the  
Department of Revenue ~~its tax collection service provider.~~

Section 496. Section 443.171, Florida Statutes, is amended  
to read:

443.171 The Department of Economic Opportunity ~~Agency for~~  
~~Workforce Innovation~~ and commission; powers and duties; records  
and reports; proceedings; state-federal cooperation.—

(1) POWERS AND DUTIES.—The Department of Economic  
Opportunity ~~The Agency for Workforce Innovation~~ shall administer  
this chapter. The Department of Economic Opportunity ~~The agency~~  
may employ those persons, make expenditures, require reports,  
conduct investigations, and take other action necessary or  
suitable to administer this chapter. The Department of Economic  
Opportunity ~~The Agency for Workforce Innovation~~ shall annually  
submit information to Workforce Florida, Inc., covering the

HB 7247

2011

administration and operation of this chapter during the preceding calendar year for inclusion in the strategic plan under s. 445.006 and may make recommendations for amendment to this chapter.

(2) PUBLICATION OF ACTS AND RULES.—The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall cause to be printed and distributed to the public, or otherwise distributed to the public through the Internet or similar electronic means, the text of this chapter and of the rules for administering this chapter adopted by the Department of Economic Opportunity ~~the agency~~ or the Department of Revenue ~~the state agency providing unemployment tax collection services~~ and any other matter relevant and suitable. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall furnish this information to any person upon request. However, any pamphlet, rules, circulars, or reports required by this chapter may not contain any matter except the actual data necessary to complete them or the actual language of the rule, together with the proper notices.

(3) PERSONNEL.—Subject to chapter 110 and the other provisions of this chapter, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ may appoint, set the compensation of, and prescribe the duties and powers of employees, accountants, attorneys, experts, and other persons as necessary for the performance of the ~~agency's~~ duties of the Department of Economic Opportunity under this chapter. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ may delegate to any person its power and authority

HB 7247

2011

22898 under this chapter as necessary for the effective administration  
22899 of this chapter and may bond any person handling moneys or  
22900 signing checks under this chapter. The cost of these bonds must  
22901 be paid from the Employment Security Administration Trust Fund.

22902 (4) EMPLOYMENT STABILIZATION.—The Department of Economic  
22903 Opportunity ~~The Agency for Workforce Innovation~~, under the  
22904 direction of Workforce Florida, Inc., shall take all appropriate  
22905 steps to reduce and prevent unemployment; to encourage and  
22906 assist in the adoption of practical methods of career training,  
22907 retraining, and career guidance; to investigate, recommend,  
22908 advise, and assist in the establishment and operation, by  
22909 municipalities, counties, school districts, and the state, of  
22910 reserves for public works to be used in times of business  
22911 depression and unemployment; to promote the reemployment of the  
22912 unemployed workers throughout the state in every other way that  
22913 may be feasible; to refer any claimant entitled to extended  
22914 benefits to suitable work which meets the criteria of this  
22915 chapter; and, to these ends, to carry on and publish the results  
22916 of investigations and research studies.

22917 (5) RECORDS AND REPORTS.—Each employing unit shall keep  
22918 true and accurate work records, containing the information  
22919 required by the Department of Economic Opportunity ~~the Agency~~  
22920 ~~for Workforce Innovation~~ or the Department of Revenue ~~its tax~~  
22921 ~~collection service provider~~. These records must be open to  
22922 inspection and are subject to being copied by the Department of  
22923 Economic Opportunity ~~the Agency for Workforce Innovation~~ or the  
22924 Department of Revenue ~~its tax collection service provider~~ at any  
22925 reasonable time and as often as necessary. The Department of

HB 7247

2011

22926 Economic Opportunity ~~The Agency for Workforce Innovation or the~~  
22927 Department of Revenue ~~its tax collection service provider~~ may  
22928 require from any employing unit any sworn or unsworn reports,  
22929 for persons employed by the employing unit, necessary for the  
22930 effective administration of this chapter. However, a state or  
22931 local governmental agency performing intelligence or  
22932 counterintelligence functions need not report an employee if the  
22933 head of that agency determines that reporting the employee could  
22934 endanger the safety of the employee or compromise an ongoing  
22935 investigation or intelligence mission. Information revealing the  
22936 employing unit's or individual's identity obtained from the  
22937 employing unit or from any individual through the administration  
22938 of this chapter, is, except to the extent necessary for the  
22939 proper presentation of a claim or upon written authorization of  
22940 the claimant who has a workers' compensation claim pending,  
22941 confidential and exempt from s. 119.07(1). This confidential  
22942 information is available only to public employees in the  
22943 performance of their public duties. Any claimant, or the  
22944 claimant's legal representative, at a hearing before an appeals  
22945 referee or the commission must be supplied with information from  
22946 these records to the extent necessary for the proper  
22947 presentation of her or his claim. Any employee or member of the  
22948 commission, any employee of the Department of Economic  
22949 Opportunity ~~the Agency for Workforce Innovation or the~~  
22950 Department of Revenue ~~its tax collection service provider~~, or  
22951 any other person receiving confidential information who violates  
22952 this subsection commits a misdemeanor of the second degree,  
22953 punishable as provided in s. 775.082 or s. 775.083. However, the

HB 7247

2011

22954 Department of Economic Opportunity ~~the Agency for Workforce~~  
22955 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
22956 ~~service provider~~ may furnish to any employer copies of any  
22957 report previously submitted by that employer, upon the request  
22958 of the employer. The Department of Economic Opportunity ~~The~~  
22959 ~~Agency for Workforce Innovation~~ or the Department of Revenue ~~its~~  
22960 ~~tax collection service provider~~ may charge a reasonable fee for  
22961 copies of reports, which may not exceed the actual reasonable  
22962 cost of the preparation of the copies as prescribed by rules  
22963 adopted by the Department of Economic Opportunity ~~the Agency for~~  
22964 ~~Workforce Innovation~~ or the Department of Revenue ~~state agency~~  
22965 ~~providing tax collection services~~. Fees received by the  
22966 Department of Economic Opportunity ~~the Agency for Workforce~~  
22967 ~~Innovation~~ or the Department of Revenue ~~its tax collection~~  
22968 ~~service provider~~ for copies furnished under this subsection must  
22969 be deposited in the Employment Security Administration Trust  
22970 Fund.

22971 (6) OATHS AND WITNESSES.—In the discharge of the duties  
22972 imposed by this chapter, the Department of Economic Opportunity  
22973 ~~the Agency for Workforce Innovation~~, the Department of Revenue  
22974 ~~its tax collection service provider~~, the members of the  
22975 commission, and any authorized representative of any of these  
22976 entities may administer oaths and affirmations, take  
22977 depositions, certify to official acts, and issue subpoenas to  
22978 compel the attendance of witnesses and the production of books,  
22979 papers, correspondence, memoranda, and other records deemed  
22980 necessary as evidence in connection with the administration of  
22981 this chapter.

HB 7247

2011

(7) SUBPOENAS.—If a person refuses to obey a subpoena issued to that person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person is found, resides, or transacts business, upon application by the Department of Economic Opportunity ~~the Agency for Workforce Innovation, the Department of Revenue~~ ~~its tax collection service provider~~, the commission, or any authorized representative of any of these entities has jurisdiction to order the person to appear before the entity to produce evidence or give testimony on the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt. Any person who fails or refuses without just cause to appear or testify; to answer any lawful inquiry; or to produce books, papers, correspondence, memoranda, and other records within her or his control as commanded in a subpoena of the Department of Economic Opportunity ~~the Agency for Workforce Innovation, the Department of Revenue~~ ~~its tax collection service provider~~, the commission, or any authorized representative of any of these entities commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day that a violation continues is a separate offense.

(8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not excused from appearing or testifying, or from producing books, papers, correspondence, memoranda, or other records, before the Department of Economic Opportunity ~~the Agency for Workforce Innovation, the Department of Revenue~~ ~~its tax collection service provider~~, the commission, or any authorized representative of

HB 7247

2011

any of these entities or as commanded in a subpoena of any of these entities in any proceeding before the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, the commission, an appeals referee, or a special deputy on the ground that the testimony or evidence, documentary or otherwise, required of the person may incriminate her or him or subject her or him to a penalty or forfeiture. That person may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which she or he is compelled, after having claimed her or his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the person testifying is not exempt from prosecution and punishment for perjury committed while testifying.

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ and the Department of Revenue ~~its tax collection service provider~~ shall cooperate with the United States Department of Labor to the fullest extent consistent with this chapter and shall take those actions, through the adoption of appropriate rules, administrative methods, and standards, necessary to secure for this state all advantages available under the provisions of federal law relating to unemployment compensation.

2. In the administration of the provisions in s. 443.1115, which are enacted to conform with the Federal-State Extended Unemployment Compensation Act of 1970, the Department of

HB 7247

2011

23038 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
23039 take those actions necessary to ensure that those provisions are  
23040 interpreted and applied to meet the requirements of the federal  
23041 act as interpreted by the United States Department of Labor and  
23042 to secure for this state the full reimbursement of the federal  
23043 share of extended benefits paid under this chapter which is  
23044 reimbursable under the federal act.

23045 3. The Department of Economic Opportunity ~~The Agency for~~  
23046 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
23047 ~~collection service provider~~ shall comply with the regulations of  
23048 the United States Department of Labor relating to the receipt or  
23049 expenditure by this state of funds granted under federal law;  
23050 shall submit the reports in the form and containing the  
23051 information the United States Department of Labor requires; and  
23052 shall comply with directions of the United States Department of  
23053 Labor necessary to assure the correctness and verification of  
23054 these reports.

23055 (b) The Department of Economic Opportunity ~~The Agency for~~  
23056 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
23057 ~~collection service provider~~ may cooperate with every agency of  
23058 the United States charged with administration of any  
23059 unemployment insurance law.

23060 (c) The Department of Economic Opportunity ~~The Agency for~~  
23061 ~~Workforce Innovation~~ and the Department of Revenue ~~its tax~~  
23062 ~~collection service provider~~ shall cooperate with the agencies of  
23063 other states, and shall make every proper effort within their  
23064 means, to oppose and prevent any further action leading to the  
23065 complete or substantial federalization of state unemployment



HB 7247

2011

23066 compensation funds or state employment security programs. The  
23067 Department of Economic Opportunity ~~The Agency for Workforce~~  
23068 ~~Innovation~~ and the Department of Revenue ~~its tax collection~~  
23069 ~~service provider~~ may make, and may cooperate with other  
23070 appropriate agencies in making, studies as to the practicability  
23071 and probable cost of possible new state-administered social  
23072 security programs and the relative desirability of state, rather  
23073 than federal, action in that field of study.

23074 Section 497. Subsections (1) and (2) of section 443.1715,  
23075 Florida Statutes, are amended to read:

23076 443.1715 Disclosure of information; confidentiality.—

23077 (1) RECORDS AND REPORTS.—Information revealing an  
23078 employing unit's or individual's identity obtained from the  
23079 employing unit or any individual under the administration of  
23080 this chapter, and any determination revealing that information,  
23081 except to the extent necessary for the proper presentation of a  
23082 claim or upon written authorization of the claimant who has a  
23083 workers' compensation claim pending or is receiving compensation  
23084 benefits, is confidential and exempt from s. 119.07(1) and s.  
23085 24(a), Art. I of the State Constitution. This confidential  
23086 information may be released only to public employees in the  
23087 performance of their public duties. Except as otherwise provided  
23088 by law, public employees receiving this confidential information  
23089 must maintain the confidentiality of the information. Any  
23090 claimant, or the claimant's legal representative, at a hearing  
23091 before an appeals referee or the commission is entitled to  
23092 information from these records to the extent necessary for the  
23093 proper presentation of her or his claim. A person receiving

HB 7247

2011

23094 confidential information who violates this subsection commits a  
23095 misdemeanor of the second degree, punishable as provided in s.  
23096 775.082 or s. 775.083. The Department of Economic Opportunity  
23097 ~~The Agency for Workforce Innovation or the Department of Revenue~~  
23098 ~~its tax collection service provider~~ may, however, furnish to any  
23099 employer copies of any report submitted by that employer upon  
23100 the request of the employer and may furnish to any claimant  
23101 copies of any report submitted by that claimant upon the request  
23102 of the claimant. The Department of Economic Opportunity ~~The~~  
23103 ~~Agency for Workforce Innovation or the Department of Revenue~~ ~~its~~  
23104 ~~tax collection service provider~~ may charge a reasonable fee for  
23105 copies of these reports as prescribed by rule, which may not  
23106 exceed the actual reasonable cost of the preparation of the  
23107 copies. Fees received for copies under this subsection must be  
23108 deposited in the Employment Security Administration Trust Fund.

23109 (2) DISCLOSURE OF INFORMATION.—

23110 (a) Subject to restrictions the Department of Economic  
23111 Opportunity ~~the Agency for Workforce Innovation or the~~  
23112 Department of Revenue ~~the state agency providing unemployment~~  
23113 ~~tax collection services~~ adopts by rule, information declared  
23114 confidential under this section is available to any agency of  
23115 this or any other state, or any federal agency, charged with the  
23116 administration of any unemployment compensation law or the  
23117 maintenance of the one-stop delivery system, or the Bureau of  
23118 Internal Revenue of the United States Department of the  
23119 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~  
23120 ~~Development,~~ or the Florida Department of Revenue. Information  
23121 obtained in connection with the administration of the one-stop

HB 7247

2011

23122 delivery system may be made available to persons or agencies for  
23123 purposes appropriate to the operation of a public employment  
23124 service or a job-preparatory or career education or training  
23125 program. The Department of Economic Opportunity ~~The Agency for~~  
23126 ~~Workforce Innovation~~ shall, on a quarterly basis, furnish the  
23127 National Directory of New Hires with information concerning the  
23128 wages and unemployment benefits paid to individuals, by the  
23129 dates, in the format, and containing the information specified  
23130 in the regulations of the United States Secretary of Health and  
23131 Human Services. Upon request, the Department of Economic  
23132 Opportunity ~~the Agency for Workforce Innovation~~ shall furnish  
23133 any agency of the United States charged with the administration  
23134 of public works or assistance through public employment, and may  
23135 furnish to any state agency similarly charged, the name,  
23136 address, ordinary occupation, and employment status of each  
23137 recipient of benefits and the recipient's rights to further  
23138 benefits under this chapter. Except as otherwise provided by  
23139 law, the receiving agency must retain the confidentiality of  
23140 this information as provided in this section. The Department of  
23141 Revenue ~~tax collection service provider~~ may request the  
23142 Comptroller of the Currency of the United States to examine the  
23143 correctness of any return or report of any national banking  
23144 association rendered under this chapter and may in connection  
23145 with that request transmit any report or return for examination  
23146 to the Comptroller of the Currency of the United States as  
23147 provided in s. 3305(c) of the federal Internal Revenue Code.

23148 (b) The employer or the employer's workers' compensation  
23149 carrier against whom a claim for benefits under chapter 440 has

HB 7247

2011

23150 been made, or a representative of either, may request from the  
23151 Department of Economic Opportunity ~~the Agency for Workforce~~  
23152 ~~Innovation~~ records of wages of the employee reported to the  
23153 Department of Economic Opportunity ~~the agency~~ by any employer  
23154 for the quarter that includes the date of the accident that is  
23155 the subject of such claim and for subsequent quarters.

23156 1. The request must be made with the authorization or  
23157 consent of the employee or any employer who paid wages to the  
23158 employee after the date of the accident.

23159 2. The employer or carrier shall make the request on a  
23160 form prescribed by rule for such purpose by the Department of  
23161 Economic Opportunity ~~the agency~~. Such form shall contain a  
23162 certification by the requesting party that it is a party  
23163 entitled to the information requested.

23164 3. The Department of Economic Opportunity ~~The agency~~ shall  
23165 provide the most current information readily available within 15  
23166 days after receiving the request.

23167 Section 498. Section 443.181, Florida Statutes, is amended  
23168 to read:

23169 443.181 Public employment service.—

23170 (1) The one-stop delivery system established under s.  
23171 445.009 is this state's public employment service as part of the  
23172 national system of public employment offices under 29 U.S.C. s.  
23173 49. The Department of Economic Opportunity ~~The Agency for~~  
23174 ~~Workforce Innovation~~, under policy direction from Workforce  
23175 Florida, Inc., shall cooperate with any official or agency of  
23176 the United States having power or duties under 29 U.S.C. ss. 49-  
23177 491-1 and shall perform those duties necessary to secure to this

HB 7247

2011

23178 state the funds provided under federal law for the promotion and  
23179 maintenance of the state's public employment service. In  
23180 accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C.  
23181 ss. 49-491-1. The Department of Economic Opportunity ~~The Agency~~  
23182 ~~for Workforce Innovation~~ is designated the state agency  
23183 responsible for cooperating with the United States Secretary of  
23184 Labor under 29 U.S.C. s. 49c. The Department of Economic  
23185 Opportunity ~~The Agency for Workforce Innovation~~ shall appoint  
23186 sufficient employees to administer this section. The Department  
23187 of Economic Opportunity ~~The Agency for Workforce Innovation~~ may  
23188 cooperate with or enter into agreements with the Railroad  
23189 Retirement Board for the establishment, maintenance, and use of  
23190 one-stop career centers.

23191 (2) All funds received by this state under 29 U.S.C. ss.  
23192 49-491-1 must be paid into the Employment Security  
23193 Administration Trust Fund, and these funds are available to the  
23194 Department of Economic Opportunity ~~the Agency for Workforce~~  
23195 ~~Innovation~~ for expenditure as provided by this chapter or by  
23196 federal law. For the purpose of establishing and maintaining  
23197 one-stop career centers, the Department of Economic Opportunity  
23198 ~~the Agency for Workforce Innovation~~ may enter into agreements  
23199 with the Railroad Retirement Board or any other agency of the  
23200 United States charged with the administration of an unemployment  
23201 compensation law, with any political subdivision of this state,  
23202 or with any private, nonprofit organization. As a part of any  
23203 such agreement, the Department of Economic Opportunity ~~the~~  
23204 ~~Agency for Workforce Innovation~~ may accept moneys, services, or  
23205 quarters as a contribution to the Employment Security

HB 7247

2011

23206 Administration Trust Fund.

23207       Section 499. Subsections (1) through (4) of section  
23208 443.191, Florida Statutes, are amended to read:

23209       443.191 Unemployment Compensation Trust Fund;  
23210 establishment and control.—

23211       (1) There is established, as a separate trust fund apart  
23212 from all other public funds of this state, an Unemployment  
23213 Compensation Trust Fund, which shall be administered by the  
23214 Department of Economic Opportunity ~~the Agency for Workforce~~  
23215 ~~Innovation~~ exclusively for the purposes of this chapter. The  
23216 fund shall consist of:

23217       (a) All contributions and reimbursements collected under  
23218 this chapter;

23219       (b) Interest earned on any moneys in the fund;

23220       (c) Any property or securities acquired through the use of  
23221 moneys belonging to the fund;

23222       (d) All earnings of these properties or securities;

23223       (e) All money credited to this state's account in the  
23224 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.  
23225 1103; and

23226       (f) Advances on the amount in the federal Unemployment  
23227 Compensation Trust Fund credited to the state under 42 U.S.C. s.  
23228 1321, as requested by the Governor or the Governor's designee.

23229  
23230 Except as otherwise provided in s. 443.1313(4), all moneys in  
23231 the fund shall be mingled and undivided.

23232       (2) The Chief Financial Officer shall serve ~~is the~~ ex  
23233 officio as treasurer and custodian of the fund and shall

HB 7247

2011

23234 administer the fund in accordance with the directions of the  
23235 Department of Economic Opportunity ~~the Agency for Workforce~~  
23236 ~~Innovation~~. All payments from the fund must be approved by the  
23237 Department of Economic Opportunity ~~the Agency for Workforce~~  
23238 ~~Innovation~~ or by an authorized agent. The Chief Financial  
23239 Officer shall maintain within the fund three separate accounts:  
23240 (a) A clearing account;  
23241 (b) An Unemployment Compensation Trust Fund account; and  
23242 (c) A benefit account.  
23243  
23244 All moneys payable to the fund, including moneys received from  
23245 the United States as reimbursement for extended benefits paid by  
23246 the Department of Economic Opportunity ~~the Agency for Workforce~~  
23247 ~~Innovation~~, must be forwarded to the Chief Financial Officer,  
23248 who shall immediately deposit them in the clearing account.  
23249 Refunds payable under s. 443.141 may be paid from the clearing  
23250 account. After clearance, all other moneys in the clearing  
23251 account must be immediately deposited with the Secretary of the  
23252 Treasury of the United States to the credit of this state's  
23253 account in the federal Unemployment Compensation Trust Fund  
23254 notwithstanding any state law relating to the deposit,  
23255 administration, release, or disbursement of moneys in the  
23256 possession or custody of this state. The benefit account  
23257 consists of all moneys requisitioned from this state's account  
23258 in the federal Unemployment Compensation Trust Fund. Except as  
23259 otherwise provided by law, moneys in the clearing and benefit  
23260 accounts may be deposited by the Chief Financial Officer, under  
23261 the direction of the Department of Economic Opportunity ~~the~~

HB 7247

2011

23262 ~~Agency for Workforce Innovation~~, in any bank or public  
23263 depository in which general funds of the state are deposited,  
23264 but a public deposit insurance charge or premium may not be paid  
23265 out of the fund. If any warrant issued against the clearing  
23266 account or the benefit account is not presented for payment  
23267 within 1 year after issuance, the Chief Financial Officer must  
23268 cancel the warrant and credit without restriction the amount of  
23269 the warrant to the account upon which it is drawn. When the  
23270 payee or person entitled to a canceled warrant requests payment  
23271 of the warrant, the Chief Financial Officer, upon direction of  
23272 the Department of Economic Opportunity ~~the Agency for Workforce~~  
23273 ~~Innovation~~, must issue a new warrant, payable from the account  
23274 against which the canceled warrant was drawn.

23275 (3) Moneys may only be requisitioned from the state's  
23276 account in the federal Unemployment Compensation Trust Fund  
23277 solely for the payment of benefits and extended benefits and for  
23278 payment in accordance with rules prescribed by the Department of  
23279 Economic Opportunity ~~the Agency for Workforce Innovation~~, or for  
23280 the repayment of advances made pursuant to 42 U.S.C. s. 1321, as  
23281 authorized by the Governor or the Governor's designee, except  
23282 that money credited to this state's account under 42 U.S.C. s.  
23283 1103 may only be used exclusively as provided in subsection (5).  
23284 The Department of Economic Opportunity ~~The Agency for Workforce~~  
23285 ~~Innovation~~, through the Chief Financial Officer, shall  
23286 requisition from the federal Unemployment Compensation Trust  
23287 Fund amounts, not exceeding the amounts credited to this state's  
23288 account in the fund, as necessary for the payment of benefits  
23289 and extended benefits for a reasonable future period. Upon



HB 7247

2011

23290 receipt of these amounts, the Chief Financial Officer shall  
23291 deposit the moneys in the benefit account in the State Treasury  
23292 and warrants for the payment of benefits and extended benefits  
23293 shall be drawn upon the order of the Department of Economic  
23294 Opportunity ~~the Agency for Workforce Innovation~~ against the  
23295 account. All warrants for benefits and extended benefits are  
23296 payable directly to the ultimate beneficiary. Expenditures of  
23297 these moneys in the benefit account and refunds from the  
23298 clearing account are not subject to any law requiring specific  
23299 appropriations or other formal release by state officers of  
23300 money in their custody. All warrants issued for the payment of  
23301 benefits and refunds must bear the signature of the Chief  
23302 Financial Officer. Any balance of moneys requisitioned from this  
23303 state's account in the federal Unemployment Compensation Trust  
23304 Fund which remains unclaimed or unpaid in the benefit account  
23305 after the period for which the moneys were requisitioned shall  
23306 be deducted from estimates for, and may be used for the payment  
23307 of, benefits and extended benefits during succeeding periods,  
23308 or, in the discretion of the Department of Economic Opportunity  
23309 ~~the Agency for Workforce Innovation~~, shall be redeposited with  
23310 the Secretary of the Treasury of the United States, to the  
23311 credit of this state's account in the federal Unemployment  
23312 Compensation Trust Fund, as provided in subsection (2).

23313 (4) Subsections (1), (2), and (3), to the extent they  
23314 relate to the federal Unemployment Compensation Trust Fund,  
23315 apply only while the fund continues to exist and while the  
23316 Secretary of the Treasury of the United States continues to  
23317 maintain for this state a separate account of all funds

HB 7247

2011

23318 deposited by this state for the payment of benefits, together  
23319 with this state's proportionate share of the earnings of the  
23320 federal Unemployment Compensation Trust Fund, from which no  
23321 other state is permitted to make withdrawals. If the federal  
23322 Unemployment Compensation Trust Fund ceases to exist, or the  
23323 separate account is no longer maintained, all moneys,  
23324 properties, or securities belonging to this state's account in  
23325 the federal Unemployment Compensation Trust Fund must be  
23326 transferred to the treasurer of the Unemployment Compensation  
23327 Trust Fund, who must hold, invest, transfer, sell, deposit, and  
23328 release those moneys, properties, or securities in a manner  
23329 approved by the Department of Economic Opportunity ~~the Agency~~  
23330 ~~for Workforce Innovation~~ in accordance with this chapter. These  
23331 moneys must, however, be invested in the following readily  
23332 marketable classes of securities: bonds or other interest-  
23333 bearing obligations of the United States or of the state.  
23334 Further, the investment must at all times be made in a manner  
23335 that allows all the assets of the fund to always be readily  
23336 convertible into cash when needed for the payment of benefits.  
23337 The treasurer may only dispose of securities or other properties  
23338 belonging to the Unemployment Compensation Trust Fund under the  
23339 direction of the Department of Economic Opportunity ~~the Agency~~  
23340 ~~for Workforce Innovation~~.

23341 Section 500. Section 443.211, Florida Statutes, is amended  
23342 to read:

23343 443.211 Employment Security Administration Trust Fund;  
23344 appropriation; reimbursement.—

23345 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There

HB 7247

2011

23346 is created in the State Treasury the "Employment Security  
 23347 Administration Trust Fund." All moneys deposited into this fund  
 23348 remain continuously available to the Department of Economic  
 23349 Opportunity ~~the Agency for Workforce Innovation~~ for expenditure  
 23350 in accordance with this chapter and do not revert at any time  
 23351 and may not be transferred to any other fund. All moneys in this  
 23352 fund which are received from the Federal Government or any  
 23353 federal agency or which are appropriated by this state under ss.  
 23354 443.171 and 443.181, except money received under s.  
 23355 443.191(5)(c), must be expended solely for the purposes and in  
 23356 the amounts found necessary by the authorized cooperating  
 23357 federal agencies for the proper and efficient administration of  
 23358 this chapter. The fund consists of: all moneys appropriated by  
 23359 this state; all moneys received from the United States or any  
 23360 federal agency; all moneys received from any other source for  
 23361 the administration of this chapter; any funds collected for  
 23362 enhanced, specialized, or value-added labor market information  
 23363 services; any moneys received from any agency of the United  
 23364 States or any other state as compensation for services or  
 23365 facilities supplied to that agency; any amounts received from  
 23366 any surety bond or insurance policy or from other sources for  
 23367 losses sustained by the Employment Security Administration Trust  
 23368 Fund or by reason of damage to equipment or supplies purchased  
 23369 from moneys in the fund; and any proceeds from the sale or  
 23370 disposition of such equipment or supplies. All money  
 23371 requisitioned and deposited in this fund under s. 443.191(5)(c)  
 23372 remains part of the Unemployment Compensation Trust Fund and  
 23373 must be used only in accordance with s. 443.191(5). All moneys

HB 7247

2011

23374 in this fund must be deposited, administered, and disbursed in  
23375 the same manner and under the same conditions and requirements  
23376 as provided by law for other trust funds in the State Treasury.  
23377 These moneys must be secured by the depository in which they are  
23378 held to the same extent and in the same manner as required by  
23379 the general depository law of the state, and collateral pledged  
23380 must be maintained in a separate custody account. All payments  
23381 from the Employment Security Administration Trust Fund must be  
23382 approved by the Department of Economic Opportunity ~~the Agency~~  
23383 ~~for Workforce Innovation~~ or by an authorized agent and must be  
23384 made by the Chief Financial Officer. Any balances in this fund  
23385 do not revert at any time and must remain continuously available  
23386 to the Department of Economic Opportunity ~~the Agency for~~  
23387 ~~Workforce Innovation~~ for expenditure consistent with this  
23388 chapter.

23389 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST  
23390 FUND.—There is created in the State Treasury the "Special  
23391 Employment Security Administration Trust Fund," into which shall  
23392 be deposited or transferred all interest on contributions and  
23393 reimbursements, penalties, and fines or fees collected under  
23394 this chapter. Interest on contributions and reimbursements,  
23395 penalties, and fines or fees deposited during any calendar  
23396 quarter in the clearing account in the Unemployment Compensation  
23397 Trust Fund shall, as soon as practicable after the close of that  
23398 calendar quarter and upon certification of the Department of  
23399 Economic Opportunity ~~the Agency for Workforce Innovation~~, be  
23400 transferred to the Special Employment Security Administration  
23401 Trust Fund. The amount certified by the Department of Economic

HB 7247

2011

23402 Opportunity ~~the Agency for Workforce Innovation~~ as required  
23403 under this chapter to pay refunds of interest on contributions  
23404 and reimbursements, penalties, and fines or fees collected and  
23405 erroneously deposited into the clearing account in the  
23406 Unemployment Compensation Trust Fund shall, however, be withheld  
23407 from this transfer. The interest and penalties certified for  
23408 transfer are deemed as being erroneously deposited in the  
23409 clearing account, and their transfer to the Special Employment  
23410 Security Administration Trust Fund is deemed to be a refund of  
23411 the erroneous deposits. All moneys in this fund shall be  
23412 deposited, administered, and disbursed in the same manner and  
23413 under the same requirements as provided by law for other trust  
23414 funds in the State Treasury. These moneys may not be expended or  
23415 be available for expenditure in any manner that would permit  
23416 their substitution for, or permit a corresponding reduction in,  
23417 federal funds that would, in the absence of these moneys, be  
23418 available to finance expenditures for the administration of this  
23419 chapter. This section does not prevent these moneys from being  
23420 used as a revolving fund to cover lawful expenditures for which  
23421 federal funds are requested but not yet received, subject to the  
23422 charging of the expenditures against the funds when received.  
23423 The moneys in this fund, with the approval of the Executive  
23424 Office of the Governor, shall be used by the Department of  
23425 Economic Opportunity ~~the Agency for Workforce Innovation~~ for  
23426 paying administrative costs that are not chargeable against  
23427 funds obtained from federal sources. All moneys in the Special  
23428 Employment Security Administration Trust Fund shall be  
23429 continuously available to the Department of Economic Opportunity

HB 7247

2011

23430 ~~the Agency for Workforce Innovation~~ for expenditure in  
 23431 accordance with this chapter and do not revert at any time. All  
 23432 payments from the Special Employment Security Administration  
 23433 Trust Fund must be approved by the Department of Economic  
 23434 Opportunity ~~the Agency for Workforce Innovation~~ or by an  
 23435 authorized agent and shall be made by the Chief Financial  
 23436 Officer. The moneys in this fund are available to replace, as  
 23437 contemplated by subsection (3), expenditures from the Employment  
 23438 Security Administration Trust Fund which the United States  
 23439 Secretary of Labor, or other authorized federal agency or  
 23440 authority, finds are lost or improperly expended because of any  
 23441 action or contingency. The Chief Financial Officer is liable on  
 23442 her or his official bond for the faithful performance of her or  
 23443 his duties in connection with the Special Employment Security  
 23444 Administration Trust Fund.

23445       (3) REIMBURSEMENT OF FUND.—If any moneys received from the  
 23446 United States Secretary of Labor under 42 U.S.C. ss. 501-504,  
 23447 any unencumbered balances in the Employment Security  
 23448 Administration Trust Fund, any moneys granted to this state  
 23449 under the Wagner-Peyser Act, or any moneys made available by  
 23450 this state or its political subdivisions and matched by the  
 23451 moneys granted to this state under the Wagner-Peyser Act, are  
 23452 after reasonable notice and opportunity for hearing, found by  
 23453 the United States Secretary of Labor, because of any action or  
 23454 contingency, to be lost or expended for purposes other than, or  
 23455 in amounts in excess of, those allowed by the United States  
 23456 Secretary of Labor for the administration of this chapter, these  
 23457 moneys shall be replaced by moneys appropriated for that purpose

HB 7247

2011

from the General Revenue Fund to the Employment Security Administration Trust Fund for expenditure as provided in subsection (1). Upon receipt of notice of such a finding by the United States Secretary of Labor, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ shall promptly report the amount required for replacement to the Governor. The Governor shall, at the earliest opportunity, submit to the Legislature a request for the appropriation of the replacement funds.

(4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its duties under s. 443.181, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ is responsible for the deposit, requisition, expenditure, approval of payment, reimbursement, and reporting in regard to the trust funds established by this section.

Section 501. Section 443.221, Florida Statutes, is amended to read:

443.221 Reciprocal arrangements.—

(1) (a) The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ may enter into reciprocal arrangements with other states or with the Federal Government, or both, for considering services performed by an individual for a single employing unit for which services are performed by the individual in more than one state as services performed entirely within any one of the states:

1. In which any part of the individual's service is performed;

HB 7247

2011

23486           2. In which the individual has her or his residence; or

23487           3. In which the employing unit maintains a place of  
23488 business.

23489           (b) For services to be considered as performed within a  
23490 state under a reciprocal agreement, the employing unit must have  
23491 an election in effect for those services, which is approved by  
23492 the agency charged with the administration of such state's  
23493 unemployment compensation law, under which all the services  
23494 performed by the individual for the employing unit are deemed to  
23495 be performed entirely within that state.

23496           (c) The Department of Economic Opportunity ~~The Agency for~~  
23497 ~~Workforce Innovation~~ shall participate in any arrangements for  
23498 the payment of compensation on the basis of combining an  
23499 individual's wages and employment covered under this chapter  
23500 with her or his wages and employment covered under the  
23501 unemployment compensation laws of other states, which are  
23502 approved by the United States Secretary of Labor, in  
23503 consultation with the state unemployment compensation agencies,  
23504 as reasonably calculated to assure the prompt and full payment  
23505 of compensation in those situations and which include provisions  
23506 for:

23507           1. Applying the base period of a single state law to a  
23508 claim involving the combining of an individual's wages and  
23509 employment covered under two or more state unemployment  
23510 compensation laws; and

23511           2. Avoiding the duplicate use of wages and employment  
23512 because of the combination.

23513           (d) Contributions or reimbursements due under this chapter



HB 7247

2011

with respect to wages for insured work are, for the purposes of ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid to the fund as of the date payment was made as contributions or reimbursements therefor under another state or federal unemployment compensation law, but an arrangement may not be entered into unless it contains provisions for reimbursement to the fund of the contributions or reimbursements and the actual earnings thereon as the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ finds are fair and reasonable as to all affected interests.

(2) The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ may make to other state or federal agencies and receive from these other state or federal agencies reimbursements from or to the fund, in accordance with arrangements entered into under subsection (1).

(3) The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ may enter into reciprocal arrangements with other states or the Federal Government, or both, for exchanging services, determining and enforcing payment obligations, and making available facilities and information. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ or the Department of Revenue ~~its tax collection service provider~~ may conduct investigations, secure and transmit information, make available services and facilities, and exercise other powers provided under this chapter to facilitate

HB 7247

2011

the administration of any unemployment compensation or public employment service law and, in a similar manner, accept and use information, services, and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.

(4) To the extent permissible under federal law, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ may enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation law of any foreign government may be used for the taking of claims and the payment of benefits under the employment security law of the state or under a similar law of that government.

Section 502. Section 445.002, Florida Statutes, is amended to read:

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

(1) "Department" means the Department of Economic Opportunity.

~~(1) "Agency" means the Agency for Workforce Innovation.~~

(2) "Services and one-time payments" or "services," when used in reference to individuals who are not receiving temporary cash assistance, means nonrecurrent, short-term benefits designed to deal with a specific crisis situation or episode of need and other services; work subsidies; supportive services such as child care and transportation; services such as counseling, case management, peer support, and child care information and referral; transitional services, job retention,

HB 7247

2011

23570 job advancement, and other employment-related services;  
23571 nonmedical treatment for substance abuse or mental health  
23572 problems; teen pregnancy prevention; two-parent family support,  
23573 including noncustodial parent employment; court-ordered  
23574 supervised visitation, and responsible fatherhood services; and  
23575 any other services that are reasonably calculated to further the  
23576 purposes of the welfare transition program. Such terms do not  
23577 include assistance as defined in federal regulations at 45  
23578 C.F.R. s. 260.31(a).

23579 (3) "Welfare transition services" means those workforce  
23580 services provided to current or former recipients of temporary  
23581 cash assistance under chapter 414.

23582 Section 503. Paragraphs (a) and (b) of subsection (3) of  
23583 section 445.003, Florida Statutes, are amended to read:

23584 445.003 Implementation of the federal Workforce Investment  
23585 Act of 1998.—

23586 (3) FUNDING.—

23587 (a) Title I, Workforce Investment Act of 1998 funds;  
23588 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended  
23589 based on the 5-year plan of Workforce Florida, Inc. The plan  
23590 shall outline and direct the method used to administer and  
23591 coordinate various funds and programs that are operated by  
23592 various agencies. The following provisions shall also apply to  
23593 these funds:

23594 1. At least 50 percent of the Title I funds for Adults and  
23595 Dislocated Workers that are passed through to regional workforce  
23596 boards shall be allocated to Individual Training Accounts unless  
23597 a regional workforce board obtains a waiver from Workforce

HB 7247

2011

23598 Florida, Inc. Tuition and fees qualify as an Individual Training  
23599 Account expenditure, as do other programs developed by regional  
23600 workforce boards in compliance with policies of Workforce  
23601 Florida, Inc.

23602       2. Fifteen percent of Title I funding shall be retained at  
23603 the state level and shall be dedicated to state administration  
23604 and used to design, develop, induce, and fund innovative  
23605 Individual Training Account pilots, demonstrations, and  
23606 programs. Of such funds retained at the state level, \$2 million  
23607 shall be reserved for the Incumbent Worker Training Program,  
23608 created under subparagraph 3. Eligible state administration  
23609 costs include the costs of: funding for the board and staff of  
23610 Workforce Florida, Inc.; operating fiscal, compliance, and  
23611 management accountability systems through Workforce Florida,  
23612 Inc.; conducting evaluation and research on workforce  
23613 development activities; and providing technical and capacity  
23614 building assistance to regions at the direction of Workforce  
23615 Florida, Inc. Notwithstanding s. 445.004, such administrative  
23616 costs shall not exceed 25 percent of these funds. An amount not  
23617 to exceed 75 percent of these funds shall be allocated to  
23618 Individual Training Accounts and other workforce development  
23619 strategies for other training designed and tailored by Workforce  
23620 Florida, Inc., including, but not limited to, programs for  
23621 incumbent workers, displaced homemakers, nontraditional  
23622 employment, and enterprise zones. Workforce Florida, Inc., shall  
23623 design, adopt, and fund Individual Training Accounts for  
23624 distressed urban and rural communities.

23625       3. The Incumbent Worker Training Program is created for

HB 7247

2011

23626 the purpose of providing grant funding for continuing education  
23627 and training of incumbent employees at existing Florida  
23628 businesses. The program will provide reimbursement grants to  
23629 businesses that pay for preapproved, direct, training-related  
23630 costs.

23631 a. The Incumbent Worker Training Program shall ~~will~~ be  
23632 administered by Workforce Florida, Inc. Workforce Florida, Inc.,  
23633 at its discretion, may contract with a private business  
23634 organization to serve as grant administrator.

23635 b. To be eligible for the program's grant funding, a  
23636 business must be ~~have been~~ in operation in the state ~~Florida~~ for  
23637 at least a minimum of 1 year before ~~prior to~~ the application for  
23638 grant funding; have at least one full-time employee; demonstrate  
23639 financial viability; and be current on all state tax  
23640 obligations. Priority for funding shall be given to businesses  
23641 with 25 employees or fewer, businesses in rural areas,  
23642 businesses in distressed inner-city areas, businesses in a  
23643 qualified targeted industry, businesses whose grant proposals  
23644 represent a significant upgrade in employee skills, or  
23645 businesses whose grant proposals represent a significant layoff  
23646 avoidance strategy.

23647 c. All costs reimbursed by the program must be preapproved  
23648 by Workforce Florida, Inc., or the grant administrator. The  
23649 program may ~~will~~ not reimburse businesses for trainee wages, the  
23650 purchase of capital equipment, or the purchase of any item or  
23651 service that may possibly be used outside the training project.  
23652 A business approved for a grant may be reimbursed for  
23653 preapproved, direct, training-related costs including tuition;

HB 7247

2011

fees; books and training materials; and overhead or indirect costs not to exceed 5 percent of the grant amount.

d. A business that is selected to receive grant funding must provide a matching contribution to the training project, including, but not limited to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement with Workforce Florida, Inc., or the grant administrator to complete the training project as proposed in the application; must keep accurate records of the project's implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

e. All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention. Workforce Florida, Inc., or the grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved.

f. Workforce Florida, Inc., may establish guidelines necessary to implement the Incumbent Worker Training Program.

g. No more than 10 percent of the Incumbent Worker Training Program's total appropriation may be used for overhead or indirect purposes.

4. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. Workforce Florida, Inc., shall also maintain an Emergency Preparedness Fund from Rapid Response

HB 7247

2011

23682 funds which will immediately issue Intensive Service Accounts  
23683 and Individual Training Accounts as well as other federally  
23684 authorized assistance to eligible victims of natural or other  
23685 disasters. At the direction of the Governor, for events that  
23686 qualify under federal law, these Rapid Response funds shall be  
23687 released to regional workforce boards for immediate use. Funding  
23688 shall also be dedicated to maintain a unit at the state level to  
23689 respond to Rapid Response emergencies around the state, to work  
23690 with state emergency management officials, and to work with  
23691 regional workforce boards. All Rapid Response funds must be  
23692 expended based on a plan developed by Workforce Florida, Inc.,  
23693 and approved by the Governor.

23694 (b) The administrative entity for Title I, Workforce  
23695 Investment Act of 1998 funds, and Rapid Response activities,  
23696 shall be the department ~~the Agency for Workforce Innovation~~,  
23697 which shall provide direction to regional workforce boards  
23698 regarding Title I programs and Rapid Response activities  
23699 pursuant to the direction of Workforce Florida, Inc.

23700 Section 504. Subsection (1), paragraph (a) of subsection  
23701 (3), and paragraphs (b), (c), (d), (e), and (g) of subsection  
23702 (5) of section 445.004, Florida Statutes, are amended to read:

23703 445.004 Workforce Florida, Inc.; creation; purpose;  
23704 membership; duties and powers.—

23705 (1) There is created a not-for-profit corporation, to be  
23706 known as "Workforce Florida, Inc.," which shall be registered,  
23707 incorporated, organized, and operated in compliance with chapter  
23708 617, and which shall not be a unit or entity of state government  
23709 and shall be exempt from chapters 120 and 287. Workforce

HB 7247

2011

23710 Florida, Inc., shall apply the procurement and expenditure  
23711 procedures required by federal law for the expenditure of  
23712 federal funds. Workforce Florida, Inc., shall be  
23713 administratively housed within the department ~~the Agency for~~  
23714 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall  
23715 not be subject to control, supervision, or direction by the  
23716 department ~~the Agency for Workforce Innovation~~ in any manner.  
23717 The Legislature determines, however, that public policy dictates  
23718 that Workforce Florida, Inc., operate in the most open and  
23719 accessible manner consistent with its public purpose. To this  
23720 end, the Legislature specifically declares that Workforce  
23721 Florida, Inc., its board, councils, and any advisory committees  
23722 or similar groups created by Workforce Florida, Inc., are  
23723 subject to the provisions of chapter 119 relating to public  
23724 records, and those provisions of chapter 286 relating to public  
23725 meetings.

23726 (3)(a) Workforce Florida, Inc., shall be governed by a  
23727 board of directors, the number of directors to be determined by  
23728 the Governor, whose membership and appointment must be  
23729 consistent with Pub. L. No. 105-220, Title I, s. 111(b), ~~and~~  
23730 ~~contain one member representing the licensed nonpublic~~  
23731 ~~postsecondary educational institutions authorized as individual~~  
23732 ~~training account providers, one member from the staffing service~~  
23733 ~~industry, at least one member who is a current or former~~  
23734 ~~recipient of welfare transition services as defined in s.~~  
23735 ~~445.002(3) or workforce services as provided in s. 445.009(1),~~  
23736 ~~and five representatives of organized labor who shall be~~  
23737 ~~appointed by the Governor.~~ Members described in Pub. L. No. 105-



HB 7247

2011

23738 220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members.  
23739 The importance of minority, gender, and geographic  
23740 representation shall be considered when making appointments to  
23741 the board. The Governor, when in attendance, shall preside at  
23742 all meetings of the board of directors.

23743 (5) Workforce Florida, Inc., shall have all the powers and  
23744 authority, not explicitly prohibited by statute, necessary or  
23745 convenient to carry out and effectuate the purposes as  
23746 determined by statute, Pub. L. No. 105-220, and the Governor, as  
23747 well as its functions, duties, and responsibilities, including,  
23748 but not limited to, the following:

23749 (b) Providing oversight and policy direction to ensure  
23750 that the following programs are administered by the department  
23751 ~~the Agency for Workforce Innovation~~ in compliance with approved  
23752 plans and under contract with Workforce Florida, Inc.:

23753 1. Programs authorized under Title I of the Workforce  
23754 Investment Act of 1998, Pub. L. No. 105-220, with the exception  
23755 of programs funded directly by the United States Department of  
23756 Labor under Title I, s. 167.

23757 2. Programs authorized under the Wagner-Peyser Act of  
23758 1933, as amended, 29 U.S.C. ss. 49 et seq.

23759 3. Activities authorized under Title II of the Trade Act  
23760 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
23761 Adjustment Assistance Program.

23762 4. Activities authorized under 38 U.S.C., chapter 41,  
23763 including job counseling, training, and placement for veterans.

23764 5. Employment and training activities carried out under  
23765 funds awarded to this state by the United States Department of

HB 7247

2011

23766 Housing and Urban Development.

23767       6. Welfare transition services funded by the Temporary  
23768 Assistance for Needy Families Program, created under the  
23769 Personal Responsibility and Work Opportunity Reconciliation Act  
23770 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
23771 of the Social Security Act, as amended.

23772       7. Displaced homemaker programs, provided under s. 446.50.

23773       8. The Florida Bonding Program, provided under Pub. L. No.  
23774 97-300, s. 164(a)(1).

23775       9. The Food Assistance Employment and Training Program,  
23776 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
23777 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
23778 and the Hunger Prevention Act, Pub. L. No. 100-435.

23779       10. The Quick-Response Training Program, as provided under  
23780 s. 288.047 ~~ss. 288.046-288.047. Matching funds and in-kind~~  
23781 ~~contributions that are provided by clients of the Quick-Response~~  
23782 ~~Training Program shall count toward the requirements of s.~~  
23783 ~~288.90151(5)(d), pertaining to the return on investment from~~  
23784 ~~activities of Enterprise Florida, Inc.~~

23785       11. The Work Opportunity Tax Credit, provided under the  
23786 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
23787 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

23788       12. Offender placement services, provided under ss.  
23789 944.707-944.708.

23790       (c) The department ~~The agency~~ may adopt rules necessary to  
23791 administer the provisions of this chapter which relate to  
23792 implementing and administering the programs listed in paragraph  
23793 (b) as well as rules related to eligible training providers and

HB 7247

2011

23794 auditing and monitoring subrecipients of the workforce system  
23795 grant funds.

23796 (d) Contracting with public and private entities as  
23797 necessary to further the directives of this section. All  
23798 contracts executed by Workforce Florida, Inc., must include  
23799 specific performance expectations and deliverables. All  
23800 Workforce Florida, Inc., contracts, including those solicited,  
23801 managed, or paid by the department ~~the Agency for Workforce~~  
23802 ~~Innovation~~ pursuant to s. 20.60(5)(c), ~~20.50(2)~~ are exempt from  
23803 s. 112.061, but shall be governed by subsection (1).

23804 (e) Notifying the Governor, the President of the Senate,  
23805 and the Speaker of the House of Representatives of noncompliance  
23806 by the department ~~the Agency for Workforce Innovation~~ or other  
23807 agencies or obstruction of the board's efforts by the department  
23808 or such agencies. Upon such notification, the Executive Office  
23809 of the Governor shall assist the department or agencies to bring  
23810 them into compliance with board objectives.

23811 (g) Establish a dispute resolution process for all  
23812 memoranda of understanding or other contracts or agreements  
23813 entered into between the department ~~the agency~~ and regional  
23814 workforce boards.

23815 Section 505. Subsection (1) of section 445.007, Florida  
23816 Statutes, is amended to read:

23817 445.007 Regional workforce boards.—

23818 (1) One regional workforce board shall be appointed in  
23819 each designated service delivery area and shall serve as the  
23820 local workforce investment board pursuant to Pub. L. No. 105-  
23821 220. The membership of the board shall be consistent with Pub.

HB 7247

2011

23822 L. No. 105-220, Title I, s. 117(b), ~~and contain one~~  
23823 ~~representative from a nonpublic postsecondary educational~~  
23824 ~~institution that is an authorized individual training account~~  
23825 ~~provider within the region and confers certificates and~~  
23826 ~~diplomas, one representative from a nonpublic postsecondary~~  
23827 ~~educational institution that is an authorized individual~~  
23828 ~~training account provider within the region and confers degrees,~~  
23829 ~~and three representatives of organized labor.~~ The board shall  
23830 include one nonvoting representative from a military  
23831 installation if a military installation is located within the  
23832 region and the appropriate military command or organization  
23833 authorizes such representation. It is the intent of the  
23834 Legislature that membership of a regional workforce board  
23835 include persons who are current or former recipients of welfare  
23836 transition assistance as defined in s. 445.002(3) or workforce  
23837 services as provided in s. 445.009(1) or that such persons be  
23838 included as ex officio members of the board or of committees  
23839 organized by the board. The importance of minority and gender  
23840 representation shall be considered when making appointments to  
23841 the board. The board, its committees, subcommittees, and  
23842 subdivisions, and other units of the workforce system, including  
23843 units that may consist in whole or in part of local governmental  
23844 units, may use any method of telecommunications to conduct  
23845 meetings, including establishing a quorum through  
23846 telecommunications, provided that the public is given proper  
23847 notice of the telecommunications meeting and reasonable access  
23848 to observe and, when appropriate, participate. Regional  
23849 workforce boards are subject to chapters 119 and 286 and s. 24,

HB 7247

2011

Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the ~~entire~~ board, a quorum having been established, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 506. Subsections (3) and (9) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(3) ~~Beginning October 1, 2000,~~ Regional workforce boards shall enter into a memorandum of understanding with the department ~~the Agency for Workforce Innovation~~ for the delivery of employment services authorized by the federal Wagner-Peyser Act. This memorandum of understanding must be performance based.

(a) Unless otherwise required by federal law, at least 90 percent of the Wagner-Peyser funding must go into direct customer service costs.

(b) Employment services must be provided through the one-stop delivery system, under the guidance of one-stop delivery system operators. One-stop delivery system operators shall have overall authority for directing the staff of the workforce system. Personnel matters shall remain under the ultimate authority of the department ~~the Agency for Workforce Innovation~~. However, the one-stop delivery system operator shall submit to the department ~~the agency~~ information concerning the job

HB 7247

2011

23878 performance of ~~agency~~ employees of the department who deliver  
23879 employment services. The department ~~The agency~~ shall consider  
23880 any such information submitted by the one-stop delivery system  
23881 operator in conducting performance appraisals of the employees.

23882 (c) The department ~~The agency~~ shall retain fiscal  
23883 responsibility and accountability for the administration of  
23884 funds allocated to the state under the Wagner-Peyser Act. An  
23885 ~~agency~~ employee of the department who is providing services  
23886 authorized under the Wagner-Peyser Act shall be paid using  
23887 Wagner-Peyser Act funds.

23888 (9) (a) Workforce Florida, Inc., working with the  
23889 department ~~the Agency for Workforce Innovation~~, shall coordinate  
23890 among the agencies a plan for a One-Stop Electronic Network made  
23891 up of one-stop delivery system centers and other partner  
23892 agencies that are operated by authorized public or private for-  
23893 profit or not-for-profit agents. The plan shall identify  
23894 resources within existing revenues to establish and support this  
23895 electronic network for service delivery that includes Government  
23896 Services Direct. If necessary, the plan shall identify  
23897 additional funding needed to achieve the provisions of this  
23898 subsection.

23899 (b) The network shall assure that a uniform method is used  
23900 to determine eligibility for and management of services provided  
23901 by agencies that conduct workforce development activities. The  
23902 Department of Management Services shall develop strategies to  
23903 allow access to the databases and information management systems  
23904 of the following systems in order to link information in those  
23905 databases with the one-stop delivery system:

HB 7247

2011

23906 1. The Unemployment Compensation Program under chapter 443  
23907 ~~of the Agency for Workforce Innovation.~~

23908 2. The public employment service described in s. 443.181.

23909 3. The FLORIDA System and the components related to  
23910 temporary cash assistance, food assistance, and Medicaid  
23911 eligibility.

23912 4. The Student Financial Assistance System of the  
23913 Department of Education.

23914 5. Enrollment in the public postsecondary education  
23915 system.

23916 6. Other information systems determined appropriate by  
23917 Workforce Florida, Inc.

23918 Section 507. Subsection (5) of section 445.016, Florida  
23919 Statutes, is amended to read:

23920 445.016 Untried Worker Placement and Employment Incentive  
23921 Act.—

23922 (5) Incentives must be paid according to the incentive  
23923 schedule developed by Workforce Florida, Inc., the Department of  
23924 Economic Opportunity ~~the Agency for Workforce Development~~, and  
23925 the Department of Children and Family Services which costs the  
23926 state less per placement than the state's 12-month expenditure  
23927 on a welfare recipient.

23928 Section 508. Subsection (1) of section 445.024, Florida  
23929 Statutes, is amended to read:

23930 445.024 Work requirements.—

23931 (1) WORK ACTIVITIES.—The Department of Economic  
23932 Opportunity ~~The Agency for Workforce Innovation~~ may develop  
23933 activities under each of the following categories of work

HB 7247

2011

activities. The following categories of work activities, based on federal law and regulations, may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment.
- (c) Subsidized public sector employment.
- (d) On-the-job training.
- (e) Community service programs.
- (f) Work experience.
- (g) Job search and job readiness assistance.
- (h) Vocational educational training.
- (i) Job skills training directly related to employment.
- (j) Education directly related to employment.
- (k) Satisfactory attendance at a secondary school or in a course of study leading to a graduate equivalency diploma.
- (l) Providing child care services.

Section 509. Subsection (1) of section 445.0325, Florida Statutes, is amended to read:

445.0325 Welfare Transition Trust Fund.—

(1) The Welfare Transition Trust Fund is created in the State Treasury, to be administered by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~. Funds shall be credited to the trust fund to be used for the purposes of the welfare transition program set forth in ss. 445.017-445.032.

Section 510. Section 445.038, Florida Statutes, is amended to read:

445.038 Digital media; job training.—Workforce Florida,



HB 7247

2011

23962 Inc., through the Department of Economic Opportunity ~~the Agency~~  
23963 ~~for Workforce Innovation~~, may use funds dedicated for Incumbent  
23964 Worker Training for the digital media industry. Training may be  
23965 provided by public or private training providers for broadband  
23966 digital media jobs listed on the targeted occupations list  
23967 developed by the Workforce Estimating Conference or Workforce  
23968 Florida, Inc. Programs that operate outside the normal semester  
23969 time periods and coordinate the use of industry and public  
23970 resources should be given priority status for funding.

23971 Section 511. Subsection (2), paragraph (b) of subsection  
23972 (4), and subsections (5) and (6) of section 445.045, Florida  
23973 Statutes, are amended to read:

23974 445.045 Development of an Internet-based system for  
23975 information technology industry promotion and workforce  
23976 recruitment.—

23977 (2) Workforce Florida, Inc., shall coordinate with the  
23978 Agency for Enterprise Information Technology and the Department  
23979 of Economic Opportunity ~~the Agency for Workforce Innovation~~ to  
23980 ensure links, where feasible and appropriate, to existing job  
23981 information websites maintained by the state and state agencies  
23982 and to ensure that information technology positions offered by  
23983 the state and state agencies are posted on the information  
23984 technology website.

23985 (4)

23986 (b) Workforce Florida, Inc., may enter into an agreement  
23987 with the Agency for Enterprise Information Technology, the  
23988 Department of Economic Opportunity ~~the Agency for Workforce~~  
23989 ~~Innovation~~, or any other public agency with the requisite

HB 7247

2011

23990 information technology expertise for the provision of design,  
23991 operating, or other technological services necessary to develop  
23992 and maintain the website.

23993 (5) In furtherance of the requirements of this section  
23994 that the website promote and market the information technology  
23995 industry by communicating information on the scope of the  
23996 industry in this state, Workforce Florida, Inc., shall  
23997 coordinate its efforts with the high-technology industry  
23998 marketing efforts of Enterprise Florida, Inc., ~~under s. 288.911.~~  
23999 Through links or actual content, the website developed under  
24000 this section shall serve as a forum for distributing the  
24001 marketing campaign developed by Enterprise Florida, Inc., ~~under~~  
24002 ~~s. 288.911.~~ In addition, Workforce Florida, Inc., shall solicit  
24003 input from the not-for-profit corporation created to advocate on  
24004 behalf of the information technology industry as an outgrowth of  
24005 the Information Service Technology Development Task Force  
24006 created under chapter 99-354, Laws of Florida.

24007 (6) In fulfilling its responsibilities under this section,  
24008 Workforce Florida, Inc., may enlist the assistance of and act  
24009 through the department ~~Agency for Workforce Innovation. The~~  
24010 department ~~The agency~~ is authorized and directed to provide the  
24011 services that Workforce Florida, Inc., and the department ~~the~~  
24012 ~~agency~~ consider necessary to implement this section.

24013 Section 512. Subsection (1), paragraph (b) of subsection  
24014 (4), and subsection (5) of section 445.048, Florida Statutes,  
24015 are amended to read:

24016 445.048 Passport to Economic Progress program.—

24017 (1) AUTHORIZATION.—Notwithstanding any law to the

HB 7247

2011

24018 contrary, Workforce Florida, Inc., in conjunction with the  
24019 Department of Children and Family Services and the Department of  
24020 Economic Opportunity ~~the Agency for Workforce Innovation~~, shall  
24021 implement a Passport to Economic Progress program consistent  
24022 with the provisions of this section. Workforce Florida, Inc.,  
24023 may designate regional workforce boards to participate in the  
24024 program. Expenses for the program may come from appropriated  
24025 revenues or from funds otherwise available to a regional  
24026 workforce board which may be legally used for such purposes.  
24027 Workforce Florida, Inc., must consult with the applicable  
24028 regional workforce boards and the applicable local offices of  
24029 the Department of Children and Family Services which serve the  
24030 program areas and must encourage community input into the  
24031 implementation process.

24032 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

24033 (b) Workforce Florida, Inc., in cooperation with the  
24034 Department of Children and Family Services and the Department of  
24035 Economic Opportunity ~~the Agency for Workforce Innovation~~, shall  
24036 offer performance-based incentive bonuses as a component of the  
24037 Passport to Economic Progress program. The bonuses do not  
24038 represent a program entitlement and shall be contingent on  
24039 achieving specific benchmarks prescribed in the self-sufficiency  
24040 plan. If the funds appropriated for this purpose are  
24041 insufficient to provide this financial incentive, the board of  
24042 directors of Workforce Florida, Inc., may reduce or suspend the  
24043 bonuses in order not to exceed the appropriation or may direct  
24044 the regional boards to use resources otherwise given to the  
24045 regional workforce to pay such bonuses if such payments comply

HB 7247

2011

24046 with applicable state and federal laws.

24047 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,  
24048 Inc., in conjunction with the Department of Children and Family  
24049 Services, the Department of Economic Opportunity ~~the Agency for~~  
24050 ~~Workforce Innovation~~, and the regional workforce boards, shall  
24051 conduct a comprehensive evaluation of the effectiveness of the  
24052 program operated under this section. Evaluations and  
24053 recommendations for the program shall be submitted by Workforce  
24054 Florida, Inc., as part of its annual report to the Legislature.

24055 Section 513. Subsection (2) of section 445.049, Florida  
24056 Statutes, is amended to read:

24057 445.049 Digital Divide Council.—

24058 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is  
24059 created in the Department of Education. The council shall  
24060 consist of:

24061 (a) A representative from the information technology  
24062 industry in this state appointed by the Governor.

24063 (b) The Commissioner of Economic Opportunity, or his or  
24064 her designee ~~The director of the Office of Tourism, Trade, and~~  
24065 ~~Economic Development in the Executive Office of the Governor.~~

24066 (c) The president of Workforce Florida, Inc.

24067 ~~(d) The director of the Agency for Workforce Innovation.~~

24068 (d)(e) The chair of itflorida.com, Inc.

24069 (e)(f) The Commissioner of Education.

24070 (f)(g) A representative of the information technology  
24071 industry in this state appointed by the Speaker of the House of  
24072 Representatives.

24073 (g)(h) A representative of the information technology

HB 7247

2011

industry in this state appointed by the President of the Senate.

(h)~~(i)~~ Two members of the House of Representatives, who shall serve ~~be~~ ex officio as~~r~~ nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(i)~~(j)~~ Two members of the Senate, who shall serve ~~be~~ ex officio as~~r~~ nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

Section 514. Subsection (13) of section 445.051, Florida Statutes, is amended to read:

445.051 Individual development accounts.—

(13) Pursuant to policy direction by Workforce Florida, Inc., the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ shall adopt such rules as are necessary to implement this act.

Section 515. Section 446.41, Florida Statutes, is amended to read:

446.41 Legislative intent with respect to rural workforce training and development; establishment of Rural Workforce Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural workforce training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those

HB 7247

2011

24102 services needed to assist individuals and communities in rural  
24103 areas to improve their quality of life. It is with a great sense  
24104 of urgency that a Rural Workforce Services Program is  
24105 established within the Department of Economic Opportunity ~~the~~  
24106 ~~Agency for Workforce Innovation~~, under the direction of  
24107 Workforce Florida, Inc., to provide equal access to all manpower  
24108 training programs available to rural as well as urban areas.

24109 Section 516. Paragraph (b) of subsection (5) of section  
24110 446.44, Florida Statutes, is amended to read:

24111 446.44 Duties of Rural Workforce Services Program.—It  
24112 shall be the direct responsibility of the Rural Workforce  
24113 Services Program to promote and deliver employment and workforce  
24114 services and resources to the rural undeveloped and  
24115 underdeveloped counties of the state in an effort to:

24116 (5) Develop rural workforce programs that will be  
24117 evaluated, planned, and implemented through communications and  
24118 planning with appropriate:

24119 (b) Divisions ~~Units~~ of Enterprise Florida, Inc.

24120 Section 517. Section 446.50, Florida Statutes, is amended  
24121 to read:

24122 446.50 Displaced homemakers; multiservice programs; report  
24123 to the Legislature; Displaced Homemaker Trust Fund created.—

24124 (1) INTENT.—It is the intent of the Legislature to require  
24125 the Department of Economic Opportunity ~~the Agency for Workforce~~  
24126 ~~Innovation~~ to enter into contracts with, and make grants to,  
24127 public and nonprofit private entities for purposes of  
24128 establishing multipurpose service programs to provide necessary  
24129 training, counseling, and services for displaced homemakers so

HB 7247

2011

24130 that they may enjoy the independence and economic security vital  
24131 to a productive life.

24132 (2) DEFINITIONS.—For the purposes of this section, the  
24133 term:

24134 (a) "Displaced homemaker" means an individual who:

24135 1. Is 35 years of age or older;

24136 2. Has worked in the home, providing unpaid household  
24137 services for family members;

24138 3. Is not adequately employed, as defined by rule of the  
24139 agency;

24140 4. Has had, or would have, difficulty in securing adequate  
24141 employment; and

24142 5. Has been dependent on the income of another family  
24143 member but is no longer supported by such income, or has been  
24144 dependent on federal assistance.

24145 (b) "Department" means the Department of Economic  
24146 Opportunity.

24147 ~~(b) "Agency" means the Agency for Workforce Innovation.~~

24148 (3) ~~AGENCY~~ POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
24149 OPPORTUNITY.—

24150 (a) The department ~~The agency~~, under plans established by  
24151 Workforce Florida, Inc., shall establish, or contract for the  
24152 establishment of, programs for displaced homemakers which shall  
24153 include:

24154 1. Job counseling, by professionals and peers,  
24155 specifically designed for a person entering the job market after  
24156 a number of years as a homemaker.

24157 2. Job training and placement services, including:

HB 7247

2011

24158           a. Training programs for available jobs in the public and  
24159 private sectors, taking into account the skills and job  
24160 experiences of a homemaker and developed by working with public  
24161 and private employers.

24162           b. Assistance in locating available employment for  
24163 displaced homemakers, some of whom could be employed in existing  
24164 job training and placement programs.

24165           c. Utilization of the services of the state employment  
24166 service in locating employment opportunities.

24167           3. Financial management services providing information and  
24168 assistance with respect to insurance, including, but not limited  
24169 to, life, health, home, and automobile insurance, and taxes,  
24170 estate and probate problems, mortgages, loans, and other related  
24171 financial matters.

24172           4. Educational services, including high school equivalency  
24173 degree and such other courses as the department ~~the agency~~  
24174 determines would be of interest and benefit to displaced  
24175 homemakers.

24176           5. Outreach and information services with respect to  
24177 federal and state employment, education, health, and  
24178 unemployment assistance programs which the department ~~the agency~~  
24179 determines would be of interest and benefit to displaced  
24180 homemakers.

24181           (b)1. The department ~~The agency~~ shall enter into contracts  
24182 with, and make grants to, public and nonprofit private entities  
24183 for purposes of establishing multipurpose service programs for  
24184 displaced homemakers under this section. Such grants and  
24185 contracts shall be awarded pursuant to chapter 287 and based on



HB 7247

2011

criteria established in the state plan developed pursuant to this section. The department ~~The agency~~ shall designate catchment areas which together shall comprise the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the department ~~the agency~~ shall contract with, and make grants to, entities which will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas shall be coterminous with the state's workforce development regions. The department ~~The agency~~ may give priority to existing displaced homemaker programs when evaluating bid responses to the ~~agency's~~ request for proposals.

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

3. The department ~~The agency~~ shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the department ~~the agency~~. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and

HB 7247

2011

client followup information at specified intervals after the placement of a displaced homemaker in a job.

(c) The department ~~The agency~~ shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as the department ~~the agency~~ considers appropriate to facilitate the coordination of multipurpose service programs established under this section with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this section shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) The department ~~The agency~~ shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds ~~from the agency~~ and any other rules necessary to administer this section.

(4) STATE PLAN.—

(a) The department ~~The Agency for Workforce Innovation~~ shall develop a 3-year state plan for the displaced homemaker program which shall be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for

HB 7247

2011

24242 funds for program expansion must be based on the state plan.

24243 (b) Each annual update must address any changes in the  
24244 components of the 3-year state plan and a report which must  
24245 include, but need not be limited to, the following:

24246 1. The scope of the incidence of displaced homemakers;

24247 2. A compilation and report, by program, of data submitted  
24248 to the department ~~the agency~~ pursuant to subparagraph 3. by  
24249 funded displaced homemaker service programs;

24250 3. An identification and description of the programs in  
24251 the state that receive funding from the department ~~the agency~~,  
24252 including funding information; and

24253 4. An assessment of the effectiveness of each displaced  
24254 homemaker service program based on outcome criteria established  
24255 by rule of the department ~~the agency~~.

24256 (c) The 3-year state plan must be submitted to the  
24257 President of the Senate, the Speaker of the House of  
24258 Representatives, and the Governor on or before January 1, 2001,  
24259 and annual updates of the plan must be submitted by January 1 of  
24260 each subsequent year.

24261 (5) DISPLACED HOMEMAKER TRUST FUND.—

24262 (a) There is established within the State Treasury a  
24263 Displaced Homemaker Trust Fund to be used by the department ~~the~~  
24264 ~~agency~~ for its administration of the displaced homemaker program  
24265 and to fund displaced homemaker service programs according to  
24266 criteria established under this section.

24267 (b) The trust fund shall receive funds generated from an  
24268 additional fee on marriage license applications and dissolution  
24269 of marriage filings as specified in ss. 741.01(3) and 28.101,

HB 7247

2011

24270 respectively, and may receive funds from any other public or  
24271 private source.

24272 (c) Funds that are not expended by the department ~~the~~  
24273 ~~agency~~ at the end of the budget cycle or through a supplemental  
24274 budget approved by the department ~~the agency~~ shall revert to the  
24275 trust fund.

24276 Section 518. Section 446.52, Florida Statutes, is amended  
24277 to read:

24278 446.52 Confidentiality of information.—Information about  
24279 displaced homemakers who receive services under ss. 446.50 and  
24280 446.51 which is received through files, reports, inspections, or  
24281 otherwise, by the Department of Economic Opportunity ~~the~~  
24282 ~~division~~ or by its authorized employees ~~of the division~~, by  
24283 persons who volunteer services, or by persons who provide  
24284 services to displaced homemakers under ss. 446.50 and 446.51  
24285 through contracts with the department ~~division~~ is confidential  
24286 and exempt from ~~the provisions of~~ s. 119.07(1). Such information  
24287 may not be disclosed publicly in such a manner as to identify a  
24288 displaced homemaker, unless such person or the person's legal  
24289 guardian provides written consent.

24290 Section 519. Paragraph (a) of subsection (3) of section  
24291 448.109, Florida Statutes, is amended to read:

24292 448.109 Notification of the state minimum wage.—

24293 (3) (a) Each year the Department of Economic Opportunity  
24294 ~~Agency for Workforce Innovation~~ shall, on or before December 1,  
24295 create and make available to employers a poster in English and  
24296 in Spanish which reads substantially as follows:  
24297

HB 7247

2011

24298 NOTICE TO EMPLOYEES

24299

24300 The Florida minimum wage is \$ ...(amount)... per hour, with a  
24301 minimum wage of at least \$ ...(amount)... per hour for tipped  
24302 employees, in addition to tips, for January 1, ...(year)...,  
24303 through December 31, ...(year)....

24304

24305 The rate of the minimum wage is recalculated yearly on September  
24306 30, based on the Consumer Price Index. Every year on January 1  
24307 the new Florida minimum wage takes effect.

24308

24309 An employer may not retaliate against an employee for exercising  
24310 his or her right to receive the minimum wage. Rights protected  
24311 by the State Constitution include the right to:

24312 1. File a complaint about an employer's alleged  
24313 noncompliance with lawful minimum wage requirements.

24314 2. Inform any person about an employer's alleged  
24315 noncompliance with lawful minimum wage requirements.

24316 3. Inform any person of his or her potential rights under  
24317 Section 24, Article X of the State Constitution and to assist  
24318 him or her in asserting such rights.

24319

24320 An employee who has not received the lawful minimum wage after  
24321 notifying his or her employer and giving the employer 15 days to  
24322 resolve any claims for unpaid wages may bring a civil action in  
24323 a court of law against an employer to recover back wages plus  
24324 damages and attorney's fees.

24325

HB 7247

2011

24326 An employer found liable for intentionally violating minimum  
24327 wage requirements is subject to a fine of \$1,000 per violation,  
24328 payable to the state.

24329  
24330 The Attorney General or other official designated by the  
24331 Legislature may bring a civil action to enforce the minimum  
24332 wage.

24333  
24334 For details see Section 24, Article X of the State Constitution.  
24335 Section 520. Subsections (2), (4), and (11) of section  
24336 448.110, Florida Statutes, are amended to read:

24337 448.110 State minimum wage; annual wage adjustment;  
24338 enforcement.—

24339 (2) The purpose of this section is to provide measures  
24340 appropriate for the implementation of s. 24, Art. X of the State  
24341 Constitution, in accordance with authority granted to the  
24342 Legislature pursuant to s. 24(f), Art. X of the State  
24343 Constitution. To implement s. 24, Art. X of the State  
24344 Constitution, the Department of Economic Opportunity is  
24345 designated as the state Agency for Workforce Innovation.

24346 (4) (a) Beginning September 30, 2005, and annually on  
24347 September 30 thereafter, the Department of Economic Opportunity  
24348 ~~the Agency for Workforce Innovation~~ shall calculate an adjusted  
24349 state minimum wage rate by increasing the state minimum wage by  
24350 the rate of inflation for the 12 months prior to September 1. In  
24351 calculating the adjusted state minimum wage, the Department of  
24352 Economic Opportunity ~~the agency~~ shall use the Consumer Price  
24353 Index for Urban Wage Earners and Clerical Workers, not

HB 7247

2011

seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) ~~The Agency for Workforce Innovation and the~~ Department of Revenue and the Department of Economic Opportunity shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the Department of Economic Opportunity ~~the agency~~ and the Department of Revenue by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the Department of Economic Opportunity ~~the agency~~ shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current unemployment compensation database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the unemployment compensation database. The Department of Economic Opportunity is ~~The agency shall not be~~ responsible for failure to provide notice due to incorrect or incomplete address information in the database. The Department of Economic Opportunity ~~The agency~~ shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

(11) Except for calculating the adjusted state minimum

HB 7247

2011

24382 wage and publishing the initial state minimum wage and any  
24383 annual adjustments thereto, the authority of the Department of  
24384 Economic Opportunity ~~the Agency for Workforce Innovation~~ in  
24385 implementing s. 24, Art. X of the State Constitution, pursuant  
24386 to this section, shall be limited to that authority expressly  
24387 granted by the Legislature.

24388 Section 521. Section 450.161, Florida Statutes, is amended  
24389 to read:

24390 450.161 Chapter not to affect career education of  
24391 children; other exceptions.—Nothing in this chapter shall  
24392 prevent minors of any age from receiving career education  
24393 furnished by the United States, this state, or any county or  
24394 other political subdivision of this state and duly approved by  
24395 the Department of Education or other duly constituted authority,  
24396 nor any apprentice indentured under a plan approved by the  
24397 Department of Economic Opportunity ~~Division of Jobs and~~  
24398 ~~Benefits~~, or prevent the employment of any minor 14 years of age  
24399 or older when such employment is authorized as an integral part  
24400 of, or supplement to, such a course in career education and is  
24401 authorized by regulations of the district school board of the  
24402 district in which such minor is employed, provided the  
24403 employment is in compliance with the provisions of ss.  
24404 450.021(4) and 450.061. Exemptions for the employment of student  
24405 learners 16 to 18 years of age are provided in s. 450.061. Such  
24406 an exemption shall apply when:

24407 (1) The student learner is enrolled in a youth vocational  
24408 training program under a recognized state or local educational  
24409 authority.



HB 7247

2011

24410 (2) Such student learner is employed under a written  
24411 agreement which provides:

24412 (a) That the work of the student learner in the occupation  
24413 declared particularly hazardous shall be incidental to the  
24414 training.

24415 (b) That such work shall be intermittent and for short  
24416 periods of time and under the direct and close supervision of a  
24417 qualified and experienced person.

24418 (c) That safety instructions shall be given by the school  
24419 and correlated by the employer with on-the-job training.

24420 (d) That a schedule of organized and progressive work  
24421 processes to be performed on the job shall have been prepared.

24422

24423 Each such written agreement shall contain the name of the  
24424 student learner and shall be signed by the employer, the school  
24425 coordinator and principal, and the parent or legal guardian.  
24426 Copies of each agreement shall be kept on file by both the  
24427 school and the employer. This exemption for the employment of  
24428 student learners may be revoked in any individual situation when  
24429 it is found that reasonable precautions have not been observed  
24430 for the safety of minors employed thereunder. A high school  
24431 graduate may be employed in an occupation in which he or she has  
24432 completed training as a student learner, as provided in this  
24433 section, even though he or she is not yet 18 years of age.

24434 Section 522. Paragraph (j) of subsection (1) of section  
24435 450.191, Florida Statutes, is amended to read:

24436 450.191 Executive Office of the Governor; powers and  
24437 duties.—

HB 7247

2011

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 523. Paragraph (e) of subsection (2) of section 450.31, Florida Statutes, is amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:

(e) Failed to pay unemployment compensation taxes as determined by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~; or

Section 524. Paragraph (d) of subsection (1) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required background screening pursuant to s. 400.215 and meets one of the following requirements:

~~(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on~~

HB 7247

2011

24466 ~~the nursing assistant competency examination, which consists of~~  
24467 ~~a written portion and skills demonstration portion, approved by~~  
24468 ~~the board and administered at a site and by personnel approved~~  
24469 ~~by the department.~~

24470 Section 525. Subsection (3) of section 468.529, Florida  
24471 Statutes, is amended to read:

24472 468.529 Licensee's insurance; employment tax; benefit  
24473 plans.—

24474 (3) A licensed employee leasing company shall within 30  
24475 days after initiation or termination notify its workers'  
24476 compensation insurance carrier, the Division of Workers'  
24477 Compensation of the Department of Financial Services, and the  
24478 Department of Revenue as the state agency providing unemployment  
24479 tax collection services under an interagency agreement ~~contract~~  
24480 with the Department of Economic Opportunity ~~the Agency for~~  
24481 ~~Workforce Innovation through an interagency agreement~~ pursuant  
24482 to s. 443.1316 of both the initiation or the termination of the  
24483 company's relationship with any client company.

24484 Section 526. Paragraph (b) of subsection (1) of section  
24485 489.1455, Florida Statutes, is amended to read:

24486 489.1455 Journeyman; reciprocity; standards.—

24487 (1) An individual who holds a valid, active journeyman  
24488 license in the plumbing/pipe fitting, mechanical, or HVAC trades  
24489 issued by any county or municipality in this state may work as a  
24490 journeyman in the trade in which he or she is licensed in any  
24491 county or municipality of this state without taking an  
24492 additional examination or paying an additional license fee, if  
24493 he or she:

HB 7247

2011

(b) Has completed an apprenticeship program registered with the Department of Economic Opportunity ~~Department of Labor and Employment Security~~ and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed;

Section 527. Paragraph (b) of subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) An individual who holds a valid, active journeyman license in the electrical trade issued by any county or municipality in this state may work as a journeyman in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(b) Has completed an apprenticeship program registered with the Department of Economic Opportunity ~~Department of Labor and Employment Security~~ and demonstrates 4 years' verifiable practical experience in the electrical trade, or demonstrates 6 years' verifiable practical experience in the electrical trade;

Section 528. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the division a written policy for:

HB 7247

2011

24522 1. Creating opportunities to purchase from vendors in this  
24523 state, including minority vendors.

24524 2. Creating opportunities for employment of residents of  
24525 this state, including minority residents.

24526 3. Ensuring opportunities for construction services from  
24527 minority contractors.

24528 4. Ensuring that opportunities for employment are offered  
24529 on an equal, nondiscriminatory basis.

24530 5. Training for employees on responsible gaming and  
24531 working with a compulsive or addictive gambling prevention  
24532 program to further its purposes as provided for in s. 551.118.

24533 6. The implementation of a drug-testing program that  
24534 includes, but is not limited to, requiring each employee to sign  
24535 an agreement that he or she understands that the slot machine  
24536 facility is a drug-free workplace.

24537  
24538 The slot machine licensee shall use the Internet-based job-  
24539 listing system of the Department of Economic Opportunity ~~the~~  
24540 ~~Agency for Workforce Innovation~~ in advertising employment  
24541 opportunities. Beginning in June 2007, each slot machine  
24542 licensee shall provide an annual report to the division  
24543 containing information indicating compliance with this paragraph  
24544 in regard to minority persons.

24545 Section 529. Section 553.62, Florida Statutes, is amended  
24546 to read:

24547 553.62 State standard.—The Occupational Safety and Health  
24548 Administration's excavation safety standards, 29 C.F.R. s.  
24549 1926.650 Subpart P, are hereby incorporated as the state

HB 7247

2011

24550 standard. ~~The Department of Labor and Employment Security may,~~  
24551 ~~by rule, adopt updated or revised versions of those standards,~~  
24552 ~~provided that the updated or revised versions are consistent~~  
24553 ~~with the intent expressed in this act and s. 553.72, and are not~~  
24554 ~~otherwise inconsistent with state law. Any rule adopted as~~  
24555 ~~provided in this section shall be complied with upon its~~  
24556 ~~effective date.~~

24557 Section 530. Section 944.708, Florida Statutes, is amended  
24558 to read:

24559 944.708 Rules.—The Department of Corrections ~~and the~~  
24560 ~~Agency for Workforce Innovation~~ shall adopt rules to implement  
24561 the provisions of ss. 944.701-944.707.

24562 Section 531. Paragraph (h) of subsection (3) of section  
24563 944.801, Florida Statutes, is amended to read:

24564 944.801 Education for state prisoners.—

24565 (3) The responsibilities of the Correctional Education  
24566 Program shall be to:

24567 (h) Develop a written procedure for selecting programs to  
24568 add to or delete from the vocational curriculum. The procedure  
24569 shall include labor market analyses which demonstrate the  
24570 projected demand for certain occupations and the projected  
24571 supply of potential employees. In conducting these analyses, the  
24572 department shall evaluate the feasibility of adding vocational  
24573 education programs which have been identified by the Department  
24574 of Economic Opportunity, the Department of Education, ~~the Agency~~  
24575 ~~for Workforce Innovation~~ or a regional coordinating council as  
24576 being in undersupply in this state. The department shall  
24577 periodically reevaluate the vocational education programs in

HB 7247

2011

major institutions to determine which of the programs support and provide relevant skills to inmates who could be assigned to a correctional work program that is operated as a Prison Industry Enhancement Program.

Section 532. Paragraph (d) of subsection (3) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department's records or to information contained in the department's records. However, except as to another inmate's or offender's records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department's records and the information is otherwise unavailable. Exceptional circumstances include, but are not limited to:

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, or any other similar application or claim with a state agency or federal agency.

Section 533. Subsection (4) of section 985.601, Florida Statutes, is amended to read:

HB 7247

2011

24606 985.601 Administering the juvenile justice continuum.—  
24607 (4) The department shall maintain continuing cooperation  
24608 with the Department of Education, the Department of Children and  
24609 Family Services, the Department of Economic Opportunity ~~the~~  
24610 ~~Agency for Workforce Innovation~~, and the Department of  
24611 Corrections for the purpose of participating in agreements with  
24612 respect to dropout prevention and the reduction of suspensions,  
24613 expulsions, and truancy; increased access to and participation  
24614 in GED, vocational, and alternative education programs; and  
24615 employment training and placement assistance. The cooperative  
24616 agreements between the departments shall include an  
24617 interdepartmental plan to cooperate in accomplishing the  
24618 reduction of inappropriate transfers of children into the adult  
24619 criminal justice and correctional systems.

24620 Section 534. Subsections (1) and (2) of section 1002.375,  
24621 Florida Statutes, are amended to read:

24622 1002.375 Alternative credit for high school courses; pilot  
24623 project.—

24624 (1) The Commissioner of Education shall implement a pilot  
24625 project in up to three school districts beginning in the 2008-  
24626 2009 school year which allows school districts to award  
24627 alternative course credit for students enrolled in nationally or  
24628 state-recognized industry certification programs, as defined by  
24629 the former Agency for Workforce Innovation or the Department of  
24630 Economic Opportunity, in accordance with the criteria described  
24631 in s. 1003.492(2). The Commissioner of Education shall establish  
24632 criteria for districts that participate in the pilot program.  
24633 School districts interested in participating in the program must



HB 7247

2011

submit a letter of interest by July 15, 2008, to the Commissioner of Education identifying up to five nationally or state-recognized industry certification programs, as defined by the former Agency for Workforce Innovation or the Department of Economic Opportunity, in accordance with the criteria described in s. 1003.492(2), under which the district would like to award alternative credit for the eligible courses identified in subsection (2). The Commissioner of Education shall select up to three participating school districts by July 30, 2008. The Commissioner of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives identifying the number of students choosing to earn alternative credit, the number of students that received alternative credit, and legislative recommendations for expanding the use of alternative credit for core academic courses required for high school graduation. The report shall be submitted by January 1, 2010.

(2) For purposes of designing and implementing a successful pilot project, eligible alternative credit courses include Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology. Alternative credits shall be awarded for courses in which a student is not enrolled, but for which the student may earn academic credit by enrolling in another course or sequence of courses required to earn a nationally or state-recognized industry certificate, as defined by the former Agency for Workforce Innovation or the Department of Economic Opportunity, in accordance with the criteria described in s. 1003.492(2), of which the majority of the standards-based content in the course

HB 7247

2011

24662 description is consistent with the alternative credit course  
24663 description approved by the Department of Education.

24664 Section 535. Paragraph (b) of subsection (4) and  
24665 subsection (5) of section 1002.53, Florida Statutes, are amended  
24666 to read:

24667 1002.53 Voluntary Prekindergarten Education Program;  
24668 eligibility and enrollment.—

24669 (4)

24670 (b) The application must be submitted on forms prescribed  
24671 by the Department of Economic Opportunity ~~the Agency for~~  
24672 ~~Workforce Innovation~~ and must be accompanied by a certified copy  
24673 of the child's birth certificate. The forms must include a  
24674 certification, in substantially the form provided in s.  
24675 1002.71(6)(b)2., that the parent chooses the private  
24676 prekindergarten provider or public school in accordance with  
24677 this section and directs that payments for the program be made  
24678 to the provider or school. The Department of Economic  
24679 Opportunity ~~The Agency for Workforce Innovation~~ may authorize  
24680 alternative methods for submitting proof of the child's age in  
24681 lieu of a certified copy of the child's birth certificate.

24682 (5) The early learning coalition shall provide each parent  
24683 enrolling a child in the Voluntary Prekindergarten Education  
24684 Program with a profile of every private prekindergarten provider  
24685 and public school delivering the program within the county where  
24686 the child is being enrolled. The profiles shall be provided to  
24687 parents in a format prescribed by the Department of Economic  
24688 Opportunity ~~the Agency for Workforce Innovation~~. The profiles  
24689 must include, at a minimum, the following information about each

HB 7247

2011

24690 provider and school:

24691 (a) The provider's or school's services, curriculum,  
24692 instructor credentials, and instructor-to-student ratio; and

24693 (b) The provider's or school's kindergarten readiness rate  
24694 calculated in accordance with s. 1002.69, based upon the most  
24695 recent available results of the statewide kindergarten  
24696 screening.

24697 Section 536. Paragraphs (e) and (h) of subsection (3) of  
24698 section 1002.55, Florida Statutes, are amended to read:

24699 1002.55 School-year prekindergarten program delivered by  
24700 private prekindergarten providers.—

24701 (3) To be eligible to deliver the prekindergarten program,  
24702 a private prekindergarten provider must meet each of the  
24703 following requirements:

24704 (e) A private prekindergarten provider may assign a  
24705 substitute instructor to temporarily replace a credentialed  
24706 instructor if the credentialed instructor assigned to a  
24707 prekindergarten class is absent, as long as the substitute  
24708 instructor is of good moral character and has been screened  
24709 before employment in accordance with level 2 background  
24710 screening requirements in chapter 435. The Department of  
24711 Economic Opportunity ~~The Agency for Workforce Innovation~~ shall  
24712 adopt rules to implement this paragraph which shall include  
24713 required qualifications of substitute instructors and the  
24714 circumstances and time limits for which a private  
24715 prekindergarten provider may assign a substitute instructor.

24716 (h) The private prekindergarten provider must register  
24717 with the early learning coalition on forms prescribed by the

HB 7247

2011

24718 Department of Economic Opportunity ~~the Agency for Workforce~~  
24719 ~~Innovation.~~

24720 Section 537. Subsections (6) and (8) of section 1002.61,  
24721 Florida Statutes, are amended to read:

24722 1002.61 Summer prekindergarten program delivered by public  
24723 schools and private prekindergarten providers.—

24724 (6) A public school or private prekindergarten provider  
24725 may assign a substitute instructor to temporarily replace a  
24726 credentialed instructor if the credentialed instructor assigned  
24727 to a prekindergarten class is absent, as long as the substitute  
24728 instructor is of good moral character and has been screened  
24729 before employment in accordance with level 2 background  
24730 screening requirements in chapter 435. This subsection does not  
24731 supersede employment requirements for instructional personnel in  
24732 public schools which are more stringent than the requirements of  
24733 this subsection. The Department of Economic Opportunity ~~The~~  
24734 ~~Agency for Workforce Innovation~~ shall adopt rules to implement  
24735 this subsection which shall include required qualifications of  
24736 substitute instructors and the circumstances and time limits for  
24737 which a public school or private prekindergarten provider may  
24738 assign a substitute instructor.

24739 (8) Each public school delivering the summer  
24740 prekindergarten program must also:

24741 (a) Register with the early learning coalition on forms  
24742 prescribed by the Department of Economic Opportunity ~~the Agency~~  
24743 ~~for Workforce Innovation~~; and

24744 (b) Deliver the Voluntary Prekindergarten Education  
24745 Program in accordance with this part.

HB 7247

2011

24746 Section 538. Subsections (6) and (8) of section 1002.63,  
24747 Florida Statutes, are amended to read:

24748 1002.63 School-year prekindergarten program delivered by  
24749 public schools.—

24750 (6) A public school prekindergarten provider may assign a  
24751 substitute instructor to temporarily replace a credentialed  
24752 instructor if the credentialed instructor assigned to a  
24753 prekindergarten class is absent, as long as the substitute  
24754 instructor is of good moral character and has been screened  
24755 before employment in accordance with level 2 background  
24756 screening requirements in chapter 435. This subsection does not  
24757 supersede employment requirements for instructional personnel in  
24758 public schools which are more stringent than the requirements of  
24759 this subsection. The Department of Economic Opportunity ~~The~~  
24760 ~~Agency for Workforce Innovation~~ shall adopt rules to implement  
24761 this subsection which shall include required qualifications of  
24762 substitute instructors and the circumstances and time limits for  
24763 which a public school prekindergarten provider may assign a  
24764 substitute instructor.

24765 (8) Each public school delivering the school-year  
24766 prekindergarten program must:

24767 (a) Register with the early learning coalition on forms  
24768 prescribed by the Department of Economic Opportunity ~~the Agency~~  
24769 ~~for Workforce Innovation~~; and

24770 (b) Deliver the Voluntary Prekindergarten Education  
24771 Program in accordance with this part.

24772 Section 539. Subsections (1) and (3) of section 1002.67,  
24773 Florida Statutes, are amended to read:

HB 7247

2011

24774 1002.67 Performance standards; curricula and  
24775 accountability.—

24776 (1) ~~By April 1, 2005,~~ The department shall develop and  
24777 adopt performance standards for students in the Voluntary  
24778 Prekindergarten Education Program. The performance standards  
24779 must address the age-appropriate progress of students in the  
24780 development of:

24781 (a) The capabilities, capacities, and skills required  
24782 under s. 1(b), Art. IX of the State Constitution; and

24783 (b) Emergent literacy skills, including oral  
24784 communication, knowledge of print and letters, phonemic and  
24785 phonological awareness, and vocabulary and comprehension  
24786 development.

24787 (3) (a) Each early learning coalition shall verify that  
24788 each private prekindergarten provider delivering the Voluntary  
24789 Prekindergarten Education Program within the coalition's county  
24790 or multicounty region complies with this part. Each district  
24791 school board shall verify that each public school delivering the  
24792 program within the school district complies with this part.

24793 (b) If a private prekindergarten provider or public school  
24794 fails or refuses to comply with this part, or if a provider or  
24795 school engages in misconduct, the Department of Economic  
24796 Opportunity ~~the Agency for Workforce Innovation~~ shall require  
24797 the early learning coalition to remove the provider, and the  
24798 Department of Education shall require the school district to  
24799 remove the school, from eligibility to deliver the Voluntary  
24800 Prekindergarten Education Program and receive state funds under  
24801 this part.

HB 7247

2011

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan.

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c).

3. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the department pursuant to s. 1002.69(7), the Department of Economic Opportunity ~~the Agency for Workforce~~

HB 7247

2011

24830 ~~Innovation~~ shall require the early learning coalition or the  
24831 Department of Education shall require the school district to  
24832 remove, as applicable, the provider or school from eligibility  
24833 to deliver the Voluntary Prekindergarten Education Program and  
24834 receive state funds for the program.

24835 (d) Each early learning coalition, the Department of  
24836 Economic Opportunity ~~Agency for Workforce Innovation~~, and the  
24837 department shall coordinate with the Child Care Services Program  
24838 Office of the Department of Children and Family Services to  
24839 minimize interagency duplication of activities for monitoring  
24840 private prekindergarten providers for compliance with  
24841 requirements of the Voluntary Prekindergarten Education Program  
24842 under this part, the school readiness programs under s. 411.01,  
24843 and the licensing of providers under ss. 402.301-402.319.

24844 Section 540. Paragraph (f) of subsection (7) of section  
24845 1002.69, Florida Statutes, is amended to read:

24846 1002.69 Statewide kindergarten screening; kindergarten  
24847 readiness rates.—

24848 (7)

24849 (f) The State Board of Education shall notify the  
24850 Department of Economic Opportunity ~~the Agency for Workforce~~  
24851 ~~Innovation~~ of any good cause exemption granted to a private  
24852 prekindergarten provider under this subsection. If a good cause  
24853 exemption is granted to a private prekindergarten provider who  
24854 remains on probation for 2 consecutive years, the Department of  
24855 Economic Opportunity ~~the Agency for Workforce Innovation~~ shall  
24856 notify the early learning coalition of the good cause exemption  
24857 and direct that the coalition, notwithstanding s.



HB 7247

2011

1002.67(3)(c)4., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 541. Paragraph (c) of subsection (3), subsection (4), paragraph (b) of subsection (5), and subsections (6) and (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the Department of Economic Opportunity's ~~the agency's~~ uniform attendance policy adopted pursuant to paragraph

HB 7247

2011

24886 (6) (d) .

24887 (b) A child who has not substantially completed any of the  
24888 prekindergarten programs listed in s. 1002.53(3) may withdraw  
24889 from the program due to an extreme hardship that is beyond the  
24890 child's or parent's control, reenroll in one of the summer  
24891 programs, and be reported for funding purposes as a full-time  
24892 equivalent student in the summer program for which the child is  
24893 reenrolled.

24894  
24895 A child may reenroll only once in a prekindergarten program  
24896 under this section. A child who reenrolls in a prekindergarten  
24897 program under this subsection may not subsequently withdraw from  
24898 the program and reenroll. The Department of Economic Opportunity  
24899 ~~The Agency for Workforce Innovation~~ shall establish criteria  
24900 specifying whether a good cause exists for a child to withdraw  
24901 from a program under paragraph (a), whether a child has  
24902 substantially completed a program under paragraph (b), and  
24903 whether an extreme hardship exists which is beyond the child's  
24904 or parent's control under paragraph (b) .

24905 (5)

24906 (b) The Department of Economic Opportunity ~~The Agency for~~  
24907 ~~Workforce Innovation~~ shall adopt procedures for the payment of  
24908 private prekindergarten providers and public schools delivering  
24909 the Voluntary Prekindergarten Education Program. The procedures  
24910 shall provide for the advance payment of providers and schools  
24911 based upon student enrollment in the program, the certification  
24912 of student attendance, and the reconciliation of advance  
24913 payments in accordance with the uniform attendance policy

HB 7247

2011

24914 adopted under paragraph (6)(d). The procedures shall provide for  
24915 the monthly distribution of funds by the Department of Economic  
24916 Opportunity ~~the Agency for Workforce Innovation~~ to the early  
24917 learning coalitions for payment by the coalitions to private  
24918 prekindergarten providers and public schools. The department  
24919 shall transfer to the Department of Economic Opportunity ~~Agency~~  
24920 ~~for Workforce Innovation~~ at least once each quarter the funds  
24921 available for payment to private prekindergarten providers and  
24922 public schools in accordance with this paragraph from the funds  
24923 appropriated for that purpose.

24924 (6)(a) Each parent enrolling his or her child in the  
24925 Voluntary Prekindergarten Education Program must agree to comply  
24926 with the attendance policy of the private prekindergarten  
24927 provider or district school board, as applicable. Upon  
24928 enrollment of the child, the private prekindergarten provider or  
24929 public school, as applicable, must provide the child's parent  
24930 with a copy of the provider's or school district's attendance  
24931 policy, as applicable.

24932 (b)1. Each private prekindergarten provider's and district  
24933 school board's attendance policy must require the parent of each  
24934 student in the Voluntary Prekindergarten Education Program to  
24935 verify, each month, the student's attendance on the prior  
24936 month's certified student attendance.

24937 2. The parent must submit the verification of the  
24938 student's attendance to the private prekindergarten provider or  
24939 public school on forms prescribed by the Department of Economic  
24940 Opportunity ~~the Agency for Workforce Innovation~~. The forms must  
24941 include, in addition to the verification of the student's

HB 7247

2011

attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE  
AND CERTIFICATION OF PARENTAL CHOICE

I, ...(Name of Parent)..., swear (or affirm) that my child, ...(Name of Student)..., attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose ...(Name of Provider or School)... to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

...(Signature of Parent)...

...(Date)...

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal business hours. The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall adopt procedures for early learning coalitions and school districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective

HB 7247

2011

inspection techniques, including, but not limited to, random sampling. Each early learning coalition and the school districts must comply with the review procedures.

(c) A private prekindergarten provider or school district, as applicable, may dismiss a student who does not comply with the provider's or district's attendance policy. A student dismissed under this paragraph is not removed from the Voluntary Prekindergarten Education Program and may continue in the program through reenrollment with another private prekindergarten provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

(d) The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~ shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must include at least the following provisions:

1. ~~Beginning with the 2009-2010 fiscal year for school-year programs,~~ A student's attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student.

2. At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent.

3. A private prekindergarten provider or public school may not receive payment for absences that occur before a student's

HB 7247

2011

24998 first day of attendance or after a student's last day of  
24999 attendance.

25000

25001 The uniform attendance policy shall be used only for funding  
25002 purposes and does not prohibit a private prekindergarten  
25003 provider or public school from adopting and enforcing its  
25004 attendance policy under paragraphs (a) and (c).

25005 (7) The Department of Economic Opportunity ~~The Agency for~~  
25006 ~~Workforce Innovation~~ shall require that administrative  
25007 expenditures be kept to the minimum necessary for efficient and  
25008 effective administration of the Voluntary Prekindergarten  
25009 Education Program. Administrative policies and procedures shall  
25010 be revised, to the maximum extent practicable, to incorporate  
25011 the use of automation and electronic submission of forms,  
25012 including those required for child eligibility and enrollment,  
25013 provider and class registration, and monthly certification of  
25014 attendance for payment. A school district may use its automated  
25015 daily attendance reporting system for the purpose of  
25016 transmitting attendance records to the early learning coalition  
25017 in a mutually agreed-upon format. In addition, actions shall be  
25018 taken to reduce paperwork, eliminate the duplication of reports,  
25019 and eliminate other duplicative activities. Beginning with the  
25020 2010-2011 fiscal year, each early learning coalition may retain  
25021 and expend no more than 4.5 percent of the funds paid by the  
25022 coalition to private prekindergarten providers and public  
25023 schools under paragraph (5) (b). Funds retained by an early  
25024 learning coalition under this subsection may be used only for  
25025 administering the Voluntary Prekindergarten Education Program

HB 7247

2011

and may not be used for the school readiness program or other programs.

Section 542. Subsection (1) of section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent.

(b) This exemption applies to the records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

Section 543. Section 1002.75, Florida Statutes, is amended to read:

1002.75 Department of Economic Opportunity ~~Agency for Workforce Innovation~~; powers and duties; operational requirements.—

(1) The Department of Economic Opportunity ~~Agency for Workforce Innovation~~ shall administer the operational

HB 7247

2011

25054 requirements of the Voluntary Prekindergarten Education Program  
25055 at the state level.

25056 (2) The Department of Economic Opportunity ~~Agency for~~  
25057 ~~Workforce Innovation~~ shall adopt procedures governing the  
25058 administration of the Voluntary Prekindergarten Education  
25059 Program by the early learning coalitions and school districts  
25060 for:

25061 (a) Enrolling children in and determining the eligibility  
25062 of children for the Voluntary Prekindergarten Education Program  
25063 under s. 1002.53.

25064 (b) Providing parents with profiles of private  
25065 prekindergarten providers and public schools under s. 1002.53.

25066 (c) Registering private prekindergarten providers and  
25067 public schools to deliver the program under ss. 1002.55,  
25068 1002.61, and 1002.63.

25069 (d) Determining the eligibility of private prekindergarten  
25070 providers to deliver the program under ss. 1002.55 and 1002.61.

25071 (e) Verifying the compliance of private prekindergarten  
25072 providers and public schools and removing providers or schools  
25073 from eligibility to deliver the program due to noncompliance or  
25074 misconduct as provided in s. 1002.67.

25075 (f) Paying private prekindergarten providers and public  
25076 schools under s. 1002.71.

25077 (g) Documenting and certifying student enrollment and  
25078 student attendance under s. 1002.71.

25079 (h) Reconciling advance payments in accordance with the  
25080 uniform attendance policy under s. 1002.71.

25081 (i) Reenrolling students dismissed by a private



HB 7247

2011

25082 prekindergarten provider or public school for noncompliance with  
25083 the provider's or school district's attendance policy under s.  
25084 1002.71.

25085 (3) The Department of Economic Opportunity ~~Agency for~~  
25086 ~~Workforce Innovation~~ shall adopt, in consultation with and  
25087 subject to approval by the department, procedures governing the  
25088 administration of the Voluntary Prekindergarten Education  
25089 Program by the early learning coalitions and school districts  
25090 for:

25091 (a) Approving improvement plans of private prekindergarten  
25092 providers and public schools under s. 1002.67.

25093 (b) Placing private prekindergarten providers and public  
25094 schools on probation and requiring corrective actions under s.  
25095 1002.67.

25096 (c) Removing a private prekindergarten provider or public  
25097 school from eligibility to deliver the program due to the  
25098 provider's or school's remaining on probation beyond the time  
25099 permitted under s. 1002.67.

25100 (d) Enrolling children in and determining the eligibility  
25101 of children for the Voluntary Prekindergarten Education Program  
25102 under s. 1002.66.

25103 (e) Paying specialized instructional services providers  
25104 under s. 1002.66.

25105 (4) The Department of Economic Opportunity ~~Agency for~~  
25106 ~~Workforce Innovation~~ shall also adopt procedures for the  
25107 agency's distribution of funds to early learning coalitions  
25108 under s. 1002.71.

25109 (5) Except as provided by law, the Department of Economic

HB 7247

2011

25110 Opportunity ~~Agency for Workforce Innovation~~ may not impose  
25111 requirements on a private prekindergarten provider or public  
25112 school that does not deliver the Voluntary Prekindergarten  
25113 Education Program or receive state funds under this part.

25114 Section 544. Subsections (1) and (5) of section 1002.77,  
25115 Florida Statutes, are amended to read:

25116 1002.77 Florida Early Learning Advisory Council.—

25117 (1) There is created the Florida Early Learning Advisory  
25118 Council within the Department of Economic Opportunity ~~the Agency~~  
25119 ~~for Workforce Innovation~~. The purpose of the advisory council is  
25120 to submit recommendations to the department and the Department  
25121 of Economic Opportunity ~~the Agency for Workforce Innovation~~ on  
25122 the early learning policy of this state, including  
25123 recommendations relating to administration of the Voluntary  
25124 Prekindergarten Education Program under this part and the school  
25125 readiness programs under s. 411.01.

25126 (5) The Department of Economic Opportunity ~~The Agency for~~  
25127 ~~Workforce Innovation~~ shall provide staff and administrative  
25128 support for the advisory council.

25129 Section 545. Subsection (2) of section 1002.79, Florida  
25130 Statutes, is amended to read:

25131 1002.79 Rulemaking authority.—

25132 (2) The Department of Economic Opportunity ~~Agency for~~  
25133 ~~Workforce Innovation~~ shall adopt rules under ss. 120.536(1) and  
25134 120.54 to administer the provisions of this part conferring  
25135 duties upon the department ~~agency~~.

25136 Section 546. Subsection (4) of section 1003.4285, Florida  
25137 Statutes, is amended to read:

HB 7247

2011

1003.4285 Standard high school diploma designations.—Each standard high school diploma shall include, as applicable:

(4) A designation reflecting a Florida Ready to Work Credential in accordance with s. 445.063 ~~1004.99~~.

Section 547. Subsection (2), paragraph (a) of subsection (3), paragraph (c) of subsection (4), and subsection (5) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(2) ~~Beginning with the 2007-2008 school year,~~ Each district school board shall develop, in collaboration with local workforce boards and postsecondary institutions approved to operate in the state, a strategic 5-year plan to address and meet local and regional workforce demands. If involvement of the local workforce board in the strategic plan development is not feasible, the local school board, with the approval of the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, shall collaborate with the most appropriate local business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer a career and professional academy as a joint venture. Such plans must describe in detail provisions for efficient transportation of students, maximum use of shared resources, and access to courses through the Florida Virtual School when appropriate.

HB 7247

2011

25166 Each strategic plan shall ~~be completed no later than June 30,~~  
25167 ~~2008, and shall~~ include provisions to have in place at least one  
25168 operational career and professional academy, pursuant to s.  
25169 1003.492, ~~no later than the beginning of the 2008-2009 school~~  
25170 ~~year.~~

25171 (3) The strategic 5-year plan developed jointly between  
25172 the local school district, local workforce boards, and state-  
25173 approved postsecondary institutions shall be constructed and  
25174 based on:

25175 (a) Research conducted to objectively determine local and  
25176 regional workforce needs for the ensuing 5 years, using labor  
25177 projections of the United States Department of Labor and the  
25178 Department of Economic Opportunity ~~the Agency for Workforce~~  
25179 ~~Innovation;~~

25180 (4) The State Board of Education shall establish a process  
25181 for the continual and uninterrupted review of newly proposed  
25182 core secondary courses and existing courses requested to be  
25183 considered as core courses to ensure that sufficient rigor and  
25184 relevance is provided for workforce skills and postsecondary  
25185 education and aligned to state curriculum standards. The review  
25186 of newly proposed core secondary courses shall be the  
25187 responsibility of a curriculum review committee whose membership  
25188 is approved by the Workforce Florida Board as described in s.  
25189 445.004, and shall include:

25190 (c) Three workforce representatives recommended by the  
25191 Department of Economic Opportunity ~~the Agency for Workforce~~  
25192 ~~Innovation.~~

25193 (5) The submission and review of newly proposed core

HB 7247

2011

25194 courses shall be conducted electronically, and each proposed  
25195 core course shall be approved or denied within 60 days. All  
25196 courses approved as core courses for high school graduation  
25197 purposes shall be immediately added to the Course Code  
25198 Directory. Approved core courses shall also be reviewed and  
25199 considered for approval for dual enrollment credit. The Board of  
25200 Governors and the Commissioner of Education shall jointly  
25201 recommend an annual deadline for approval of new core courses to  
25202 be included for purposes of postsecondary admissions and dual  
25203 enrollment credit the following academic year. The State Board  
25204 of Education shall establish an appeals process in the event  
25205 that a proposed course is denied which shall require a consensus  
25206 ruling by the Department of Economic Opportunity ~~the Agency for~~  
25207 ~~Workforce Innovation~~ and the Commissioner of Education within 15  
25208 days. ~~The curriculum review committee must be established and~~  
25209 ~~operational no later than September 1, 2007.~~

25210 Section 548. Subsections (2) and (3) of section 1003.492,  
25211 Florida Statutes, are amended to read:

25212 1003.492 Industry-certified career education programs.—

25213 (2) The State Board of Education shall use the expertise  
25214 of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to  
25215 develop and adopt rules pursuant to ss. 120.536(1) and 120.54  
25216 for implementing an industry certification process. Industry  
25217 certification shall be defined by the Department of Economic  
25218 Opportunity ~~the Agency for Workforce Innovation~~, based upon the  
25219 highest available national standards for specific industry  
25220 certification, to ensure student skill proficiency and to  
25221 address emerging labor market and industry trends. A regional

HB 7247

2011

workforce board or a career and professional academy may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and updated annually by a date certain, to be included in the adopted rule.

(3) The Department of Education shall collect student achievement and performance data in industry-certified career education programs and shall work with Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data. The data collection and analyses shall examine the performance of participating students over time. Performance factors shall include, but not be limited to, graduation rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, and employer satisfaction. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives annually by December 31.

Section 549. Paragraphs (f), (j), and (k) of subsection (4) of section 1003.493, Florida Statutes, are amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(f) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~.

(j) Provide opportunities for students to obtain the

HB 7247

2011

25250 Florida Ready to Work Certification pursuant to s. 445.063  
25251 ~~1004.99~~.

25252 (k) Include an evaluation plan developed jointly with the  
25253 Department of Education and the local workforce board. The  
25254 evaluation plan must include an assessment tool based on  
25255 national industry standards, such as the Career Academy National  
25256 Standards of Practice, and outcome measures, including, but not  
25257 limited to, achievement of national industry certifications  
25258 identified in the Industry Certification Funding List, pursuant  
25259 to rules adopted by the State Board of Education, graduation  
25260 rates, enrollment in postsecondary education, business and  
25261 industry satisfaction, employment and earnings, awards of  
25262 postsecondary credit and scholarships, and student achievement  
25263 levels and learning gains on statewide assessments administered  
25264 under s. 1008.22(3)(c). The Department of Education shall use  
25265 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in  
25266 identifying industry experts to participate in developing and  
25267 implementing such assessments.

25268 Section 550. Subsection (3) of section 1003.575, Florida  
25269 Statutes, is amended to read:

25270 1003.575 Assistive technology devices; findings;  
25271 interagency agreements.—Accessibility, utilization, and  
25272 coordination of appropriate assistive technology devices and  
25273 services are essential as a young person with disabilities moves  
25274 from early intervention to preschool, from preschool to school,  
25275 from one school to another, and from school to employment or  
25276 independent living. To ensure that an assistive technology  
25277 device issued to a young person as part of his or her

HB 7247

2011

individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education and the Department of Economic Opportunity ~~Agency for Workforce Innovation~~.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

Section 551. Section 1004.99, Florida Statutes, is transferred, renumbered as section 445.063, Florida Statutes, and amended to read:

445.063 ~~1004.99~~ Florida Ready to Work Certification Program.—

(1) There is created the Florida Ready to Work Certification Program to enhance the workplace skills of Floridians ~~Florida's students~~ to better prepare them for successful employment in specific occupations.

(2) The Florida Ready to Work Certification Program may be



HB 7247

2011

25306 conducted in public middle and high schools, community colleges,  
25307 technical centers, one-stop career centers, vocational  
25308 rehabilitation centers, and Department of Juvenile Justice  
25309 educational facilities. The program may be made available to  
25310 other entities that provide job assistance or training. The  
25311 Department of Economic Opportunity, in coordination with the  
25312 Department of Education, shall establish institutional readiness  
25313 criteria for program implementation.

25314 (3) The Florida Ready to Work Certification Program shall  
25315 be composed of:

25316 (a) A comprehensive identification of workplace skills for  
25317 each occupation identified for inclusion in the program by the  
25318 Department of Economic Opportunity ~~the Agency for Workforce~~  
25319 ~~Innovation and the Department of Education.~~

25320 (b) A preinstructional assessment that delineates an  
25321 individual's ~~the student's~~ mastery level on the specific  
25322 workplace skills identified for that occupation.

25323 (c) A targeted instructional program limited to those  
25324 identified workplace skills in which the individual ~~student~~ is  
25325 not proficient as measured by the preinstructional assessment.  
25326 Instruction must utilize a web-based program and be customized  
25327 to meet identified specific needs of local employers.

25328 (d) A Florida Ready to Work Credential and portfolio  
25329 awarded to individuals ~~students~~ upon successful completion of  
25330 the instruction. Each portfolio must delineate the skills  
25331 demonstrated by the individual ~~student~~ as evidence of the  
25332 individual's ~~student's~~ preparation for employment.

25333 (4) A Florida Ready to Work Credential shall be awarded to

HB 7247

2011

25334 an individual ~~a student~~ who successfully passes assessments in  
25335 Reading for Information, Applied Mathematics, and Locating  
25336 Information or any other assessments of comparable rigor. Each  
25337 assessment shall be scored on a scale of 3 to 7. The level of  
25338 the credential each individual ~~student~~ receives is based on the  
25339 following:

25340 (a) A bronze-level credential requires a minimum score of  
25341 3 or above on each of the assessments.

25342 (b) A silver-level credential requires a minimum score of  
25343 4 or above on each of the assessments.

25344 (c) A gold-level credential requires a minimum score of 5  
25345 or above on each of the assessments.

25346 (5) The Department of Economic Opportunity ~~The State Board~~  
25347 ~~of Education, in consultation with the Agency for Workforce~~  
25348 ~~Innovation,~~ may adopt rules pursuant to ss. 120.536(1) and  
25349 120.54 to implement ~~the provisions of~~ this section.

25350 Section 552. Subsection (3) of section 1008.39, Florida  
25351 Statutes, is amended to read:

25352 1008.39 Florida Education and Training Placement  
25353 Information Program.—

25354 (3) The Florida Education and Training Placement  
25355 Information Program must not make public any information that  
25356 could identify an individual or the individual's employer. The  
25357 Department of Education must ensure that the purpose of  
25358 obtaining placement information is to evaluate and improve  
25359 public programs or to conduct research for the purpose of  
25360 improving services to the individuals whose social security  
25361 numbers are used to identify their placement. If an agreement

HB 7247

2011

assures that this purpose will be served and that privacy will be protected, the Department of Education shall have access to the unemployment insurance wage reports maintained by the Department of Economic Opportunity ~~the Agency for Workforce Innovation~~, the files of the Department of Children and Family Services that contain information about the distribution of public assistance, the files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.

Section 553. Subsection (3) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

(a) The Florida Occupational Information System;

(b) The Florida Education and Training Placement Information Program;

(c) The Department of Economic Opportunity ~~The Agency for Workforce Innovation~~;

(d) The United States Department of Labor; and

(e) Other sources of data developed using statistically valid procedures.

Section 554. Subsections (2) through (6) of section 1011.76, Florida Statutes, are amended to read:

HB 7247

2011

25390 1011.76 Small School District Stabilization Program.—

25391 (2) In order to participate in this program, a school  
25392 district must be located in a rural area of critical economic  
25393 concern designated by the Executive Office of the Governor, and  
25394 the district school board must submit a resolution to the  
25395 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
25396 ~~Economic Development~~ requesting participation in the program. A  
25397 rural area of critical economic concern must be a rural  
25398 community, or a region composed of such, that has been adversely  
25399 affected by an extraordinary economic event or a natural  
25400 disaster or that presents a unique economic development concern  
25401 or opportunity of regional impact. The resolution must be  
25402 accompanied with documentation of the economic conditions in the  
25403 community and, provide information indicating the negative  
25404 impact of these conditions on the school district's financial  
25405 stability, and the school district must participate in a best  
25406 financial management practices review to determine potential  
25407 efficiencies that could be implemented to reduce program costs  
25408 in the district.

25409 (3) The Department of Economic Opportunity ~~Office of~~  
25410 ~~Tourism, Trade, and Economic Development~~, in consultation with  
25411 the Department of Education, shall review the resolution and  
25412 other information required by subsection (2) and determine  
25413 whether the school district is eligible to participate in the  
25414 program. Factors influencing the ~~office's~~ determination of the  
25415 Department of Economic Opportunity may include, but are not  
25416 limited to, reductions in the county tax roll resulting from  
25417 business closures or other causes, or a reduction in student

HB 7247

2011

25418 enrollment due to business closures or impacts in the local  
25419 economy.

25420 (4) ~~Effective July 1, 2000, and thereafter,~~ When the  
25421 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~  
25422 ~~Economic Development~~ authorizes a school district to participate  
25423 in the program, the Legislature may give priority to that  
25424 district for a best financial management practices review in the  
25425 school district, subject to approval pursuant to s. 1008.35(7),  
25426 to the extent that funding is provided annually for such purpose  
25427 in the General Appropriations Act. The scope of the review shall  
25428 be as set forth in s. 1008.35.

25429 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department  
25430 of Education may award the school district a stabilization grant  
25431 intended to protect the district from continued financial  
25432 reductions. The amount of the grant will be determined by the  
25433 Department of Education and may be equivalent to the amount of  
25434 the decline in revenues projected for the next fiscal year. In  
25435 addition, the Department of Economic Opportunity ~~Office of~~  
25436 ~~Tourism, Trade, and Economic Development~~ may implement a rural  
25437 economic development initiative to identify the economic factors  
25438 that are negatively impacting the community and may consult with  
25439 Enterprise Florida, Inc., in developing a plan to assist the  
25440 county with its economic transition. The grant will be available  
25441 to the school district for a period of up to 5 years to the  
25442 extent that funding is provided for such purpose in the General  
25443 Appropriations Act.

25444 (6) Based on the availability of funds, the Department of  
25445 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~

HB 7247

2011

25446 ~~Development~~ or the Department of Education may enter into  
25447 contracts or issue grants necessary to implement the program.

25448 Section 555. Section 1012.2251, Florida Statutes, is  
25449 amended to read:

25450 1012.2251 End-of-course examinations for Merit Award  
25451 Program. ~~Beginning with the 2007-2008 school year,~~ School  
25452 districts that participate in the Merit Award Program under s.  
25453 1012.225 must be able to administer end-of-course examinations  
25454 based on the Sunshine State Standards in order to measure a  
25455 student's understanding and mastery of the entire course in all  
25456 grade groupings and subjects for any year in which the districts  
25457 participate in the program. The statewide standardized  
25458 assessment, College Board Advanced Placement Examination,  
25459 International Baccalaureate examination, Advanced International  
25460 Certificate of Education examination, or examinations resulting  
25461 in national or state industry certification recognized by the  
25462 Department of Economic Opportunity ~~the Agency for Workforce~~  
25463 ~~Innovation~~ satisfy the requirements of this section for the  
25464 respective grade groupings and subjects assessed by these  
25465 examinations and assessments.

25466 Section 556. Section 446.60, Florida Statutes, is  
25467 repealed.

25468 Section 557. Section 445.056, Florida Statutes, is  
25469 repealed.

25470 Section 558. (1) The Department of Economic Opportunity,  
25471 the Department of Education, and the Department of Children and  
25472 Family Services shall jointly evaluate the state and local  
25473 governance structure of the state's early learning programs and

HB 7247

2011

shall submit a report to the President of the Senate and the Speaker of the House of Representatives by November 30, 2011.

(2) The report shall consider:

(a) Alternative governance structures that would provide effective and efficient service delivery.

(b) Enhancing standardization and removing duplication in administration and implementation of the programs.

(c) Easing access and providing seamless services for families.

(d) Streamlining processes and removing unnecessary regulations on providers.

(e) Providing continued parental choice and multiple options for program participation.

(f) Other recommendations concerning the state's early learning programs that may improve service delivery for participants.

Section 559. Before November 1, 2011, the Auditor General shall conduct an operational audit and performance audit, as defined in s. 11.45, Florida Statutes, of the early learning coalitions created under s. 411.01, Florida Statutes.

Section 560. (1) The Legislature intends that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. The Legislature accordingly directs all applicable units of state government to contribute to the successful implementation of this act, and the Legislature believes that a transition period between the effective date of this act and October 1, 2011, is appropriate

HB 7247

2011

and warranted.

(2) The Department of Community Affairs, the Agency for Workforce Innovation, and the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor shall each coordinate the development and implementation of a transition plan that supports the implementation of this act. Any state agency identified by either the Department of Community Affairs, the Agency for Workforce Innovation, or the Office of Tourism, Trade, and Economic Development shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary to implement the plan.

(3) (a) The Secretary of Community Affairs, the director of Workforce Innovation, and the director of the Office of Tourism, Trade, and Economic Development shall each designate a transition coordinator, who shall serve as the department's, agency's, or office's primary representative on matters related to the implementation of this act and the transition plans developed pursuant to this section.

(b) The Governor shall also designate a transition coordinator who shall serve as the Governor's primary representative on matters related to the implementation of this act, implementation of the transition plans developed pursuant to this section, and coordination of the transition activities of the Department of Community Affairs, the Agency for Workforce Innovation, and the Office of Tourism, Trade, and Economic Development.

(4) The transition coordinators designated under



HB 7247

2011

25530 subsection (3) shall submit a joint progress report by August  
25531 15, 2011, to the Governor, the President of the Senate, and the  
25532 Speaker of the House of Representatives on the implementation of  
25533 this act and the transition plans, including, but not limited  
25534 to, any adverse impact or negative consequences on programs and  
25535 services; of meeting any deadline imposed by this act; or any  
25536 difficulties experienced by the Department of Community Affairs,  
25537 the Agency for Workforce Innovation, or the Office of Tourism,  
25538 Trade, and Economic Development in securing the full  
25539 participation and cooperation of applicable state agencies. Each  
25540 representative shall also coordinate the submission of any  
25541 budget amendments, in accordance with chapter 216, Florida  
25542 Statutes, that may be necessary to implement this act.

25543 (5) Notwithstanding ss. 216.292 and 216.351, Florida  
25544 Statutes, upon approval by the Legislative Budget Commission,  
25545 the Executive Office of the Governor may transfer funds and  
25546 positions between agencies to implement this act.

25547 (6) Upon the recommendation and guidance of the transition  
25548 coordinators designated under subsection (3), the Governor shall  
25549 submit in a timely manner to the applicable federal departments  
25550 or agencies any necessary amendments or supplemental information  
25551 concerning plans that the state is required to submit to the  
25552 Federal Government in connection with any federal or state  
25553 program. The Governor shall seek any waivers from the  
25554 requirements of federal law or regulations which may be  
25555 necessary to administer this act.

25556 (7) The transfer of any program, activity, duty, or  
25557 function under this act includes the transfer of any records and

HB 7247

2011

25558   unexpended balances of appropriations, allocations, or other  
25559   funds related to such program, activity, duty, or function.  
25560   Except as otherwise provided in this act, the successor  
25561   organization to any program, activity, duty, or function  
25562   transferred under this act shall become the custodian of any  
25563   property of the organization that was responsible for the  
25564   program, activity, duty, or function immediately before the  
25565   transfer.

25566           Section 561. Except as otherwise expressly provided in  
25567   this act, this act shall take effect July 1, 2011.