

By the Committee on Commerce and Tourism

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1 A bill to be entitled
2 An act relating to obsolete references and programs;
3 amending s. 14.2015, F.S.; removing an obsolete
4 reference to the Department of Commerce; amending s.
5 20.18, F.S.; updating a reference to the Department of
6 Commerce to refer instead to the Office of Tourism,
7 Trade, and Economic Development; amending s. 45.031,
8 F.S.; removing an obsolete reference to the Department
9 of Labor and Employment Security; amending s. 69.041,
10 F.S.; removing an obsolete reference to the Department
11 of Labor and Employment Security; amending s. 112.044,
12 F.S.; removing obsolete references to the Department
13 of Labor and Employment Security; amending s. 212.20,
14 F.S.; conforming cross-references to changes made by
15 the act; amending s. 252.85, F.S.; updating a
16 reference to the Department of Labor and Employment
17 Security; amending s. 252.87, F.S.; removing a
18 reference to the Department of Labor and Employment
19 Security; amending s. 252.937, F.S.; removing a
20 reference to the Department of Labor and Employment
21 Security; amending s. 287.09431, F.S.; updating
22 references to the Department of Labor and Employment
23 Security; amending s. 287.09451, F.S.; removing
24 references to the Department of Labor and Employment
25 Security; amending s. 287.0947, F.S.; removing a
26 reference to the Department of Labor and Employment
27 Security; correcting a cross-reference; amending s.
28 288.021, F.S.; updating a reference to the Department
29 of Labor and Employment Security; amending s. 288.035,

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F.S.; removing a reference to the Department of
Commerce; repealing s. 288.038, F.S., relating to
agreements of the Department of Labor and Employment
Security with county tax collectors; repealing s.
288.1162, F.S., relating to professional sports
franchises; repealing s. 288.1168, F.S., relating to
the professional golf hall of fame facility; amending
s. 288.1229, F.S.; removing a reference to the
Department of Commerce; amending s. 288.1169, F.S.;
updating references to the Department of Commerce;
amending s. 331.369, F.S.; updating references to the
Workforce Development Board of Enterprise Florida,
Inc.; amending s. 377.711, F.S.; removing a reference
to the Department of Commerce; providing for standard
compact provisions regarding recommendations by the
Southern States Energy Board; amending s. 377.712,
F.S.; clarifying provisions governing participation in
the compact by the state and its agencies; amending s.
409.2576, F.S.; removing references to the Department
of Labor and Employment Security; amending s. 414.24,
F.S.; updating references to the Department of Labor
and Employment Security; amending s. 414.40, F.S.;
updating provisions governing the Stop Inmate Fraud
Program; updating a reference to the Department of
Labor and Employment Security; amending s. 440.385,
F.S.; updating a reference to the Department of Labor
and Employment Security; removing obsolete provisions;
amending s. 440.49, F.S.; removing a reference to the
Department of Labor and Employment Security; removing

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59 obsolete provisions; repealing s. 446.60, F.S.,
60 relating to assistance for displaced local exchange
61 telecommunications company workers; amending s.
62 450.161, F.S.; updating a reference to the Division of
63 Jobs and Benefits; amending s. 464.203, F.S.; updating
64 a reference to the Enterprise Florida Jobs and
65 Education Partnership Grant; amending s. 489.1455,
66 F.S.; updating a reference to the Department of Labor
67 and Employment Security; amending s. 489.5335, F.S.;
68 updating a reference to the Department of Labor and
69 Employment Security; amending s. 553.62, F.S.;
70 removing a reference to the Department of Labor and
71 Employment Security; amending s. 597.006, F.S.;
72 removing a reference to the Department of Labor and
73 Employment Security; amending s. 944.012, F.S.;
74 updating a reference to the Florida State Employment
75 Service; amending s. 944.708, F.S.; removing a
76 reference to the Agency for Workforce Innovation;
77 repealing ss. 255.551-255.563, F.S., relating to the
78 asbestos management program; repealing s.
79 469.003(2)(b), F.S., relating to obsolete provisions
80 governing the licensure of asbestos surveyors;
81 providing an effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Subsection (8) of section 14.2015, Florida
86 Statutes, is amended to read:

87 14.2015 Office of Tourism, Trade, and Economic Development;

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creation; powers and duties.—

(8) The Office of Tourism, Trade, and Economic Development shall ensure that the contract between the Florida Commission on Tourism and the commission's direct-support organization contains a provision to provide the data on the visitor counts and visitor profiles used in revenue estimating, ~~employing the same methodology used in fiscal year 1995-1996 by the Department of Commerce.~~ The Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism must advise and consult with the Consensus Estimating Conference principals before making any changes in methodology used or information gathered.

Section 2. Subsection (4) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(4) In addition to its other powers, duties, and functions, the department shall, under the general supervision of the secretary and the Interdepartmental Coordinating Council on Community Services, assist and encourage the development of state programs by the various departments for the productive use of human resources, and the department shall work with other state agencies in order that together they might:

(a) Effect the coordination, by the responsible agencies of the state, of the career and adult educational programs of the state in order to provide the maximum use and meaningful employment of persons completing courses of study from such programs;

(b) Assist the Office of Tourism, Trade, and Economic

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117 Development ~~Department of Commerce~~ in the development of
118 employment opportunities; and

119 (c) Improve the enforcement of special district reporting
120 requirements and the communication among state agencies that
121 receive mandatory reports from special districts.

122 Section 3. Paragraph (a) of subsection (7) of section
123 45.031, Florida Statutes, is amended to read:

124 45.031 Judicial sales procedure.—In any sale of real or
125 personal property under an order or judgment, the procedures
126 provided in this section and ss. 45.0315-45.035 may be followed
127 as an alternative to any other sale procedure if so ordered by
128 the court.

129 (7) DISBURSEMENTS OF PROCEEDS.—

130 (a) On filing a certificate of title, the clerk shall
131 disburse the proceeds of the sale in accordance with the order
132 or final judgment and shall file a report of such disbursements
133 and serve a copy of it on each party, and on the Department of
134 Revenue if the department was named as a defendant in the action
135 or if the Agency for Workforce Innovation ~~or the former~~
136 ~~Department of Labor and Employment Security~~ was named as a
137 defendant while the Department of Revenue was providing
138 unemployment tax collection services under contract with the
139 Agency for Workforce Innovation through an interagency agreement
140 pursuant to s. 443.1316.

141 Section 4. Paragraph (a) of subsection (4) of section
142 69.041, Florida Statutes, is amended to read:

143 69.041 State named party; lien foreclosure, suit to quiet
144 title.—

145 (4) (a) The Department of Revenue has the right to

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146 participate in the disbursement of funds remaining in the
147 registry of the court after distribution pursuant to s.
148 45.031(7). The department shall participate in accordance with
149 applicable procedures in any mortgage foreclosure action in
150 which the department has a duly filed tax warrant, or interests
151 under a lien arising from a judgment, order, or decree for
152 support, as defined in s. 409.2554, or interest in an
153 unemployment compensation tax lien under contract with the
154 Agency for Workforce Innovation through an interagency agreement
155 pursuant to s. 443.1316, against the subject property and with
156 the same priority, regardless of whether a default against the
157 department or the Agency for Workforce Innovation, ~~or the~~
158 ~~former Department of Labor and Employment Security~~ has been
159 entered for failure to file an answer or other responsive
160 pleading.

161 Section 5. Paragraph (d) of subsection (2) and subsection
162 (5) of section 112.044, Florida Statutes, are amended to read:

163 112.044 Public employers, employment agencies, labor
164 organizations; discrimination based on age prohibited;
165 exceptions; remedy.—

166 (2) DEFINITIONS.—For the purpose of this act:

167 ~~(d) "Department" means the Department of Labor and~~
168 ~~Employment Security.~~

169 (5) NOTICE TO BE POSTED.—Each employer, employment agency,
170 and labor organization shall post and keep posted in conspicuous
171 places upon its premises notices required by the United States
172 Department of Labor and the Equal Employment Opportunity
173 Commission ~~a notice to be prepared or approved by the department~~
174 ~~setting forth such information as the department deems~~

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~~appropriate to effectuate the purposes of this act.~~

Section 6. 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 Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-

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cent Sales Tax Clearing Trust Fund and distributed pursuant to
s. 218.65.

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

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

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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 chapter 88-226, Laws of Florida, ~~s. 288.1162~~ to each applicant certified as a facility for a new or retained professional sports franchise pursuant to chapter 88-226, Laws of Florida ~~s. 288.1162~~. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified

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applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in chapter 88-226, Laws of Florida, ~~s. 288.1162(5)~~ or s. 288.11621(3).

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to chapter 93-233, Laws of Florida, ~~s. 288.1168~~ and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

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

Section 7. Subsection (1) of section 252.85, Florida Statutes, is amended to read:

252.85 Fees.—

(1) Any owner or operator of a facility required under s. 302 or s. 312 of EPCRA, or by s. 252.87, to submit a notification or an annual inventory form to the commission shall be required to pay an annual registration fee. The fee for any company, including all facilities under common ownership or

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control, shall not be less than \$25 nor more than \$2,000. The department shall establish a reduced fee, of not less than \$25 nor more than \$500, applicable to any owner or operator regulated under part I of chapter 368, chapter 527, or s. 376.303, which does not have present any extremely hazardous substance, as defined by EPCRA, in excess of a threshold planning quantity, as established by EPCRA. The department shall establish a reduced fee of not less than \$25 nor more than \$1,000, applicable to any owner or operator of a facility with a Standard Industrial Classification Code of 01, 02, or 07, which is eligible for the "routine agricultural use" exemption provided in ss. 311 and 312 of EPCRA. The fee under this subsection shall be based on the number of employees employed within the state at facilities under the common ownership or control of such owner or operator, which number shall be determined, to the extent possible, in accordance with data supplied by the Agency for Workforce Innovation or its tax collection service provider ~~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 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 department may require owners

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or operators of multiple facilities to demonstrate common ownership or control for purposes of this subsection.

Section 8. Subsection (7) of section 252.87, Florida Statutes, is amended to read:

252.87 Supplemental state reporting requirements.—

(7) The department shall avoid duplicative reporting requirements by utilizing the reporting requirements of other state agencies that regulate hazardous materials to the extent feasible and shall request the information authorized under EPCRA. With the advice and consent of the State Emergency Response Commission for Hazardous Materials, the department may require by rule that the maximum daily amount entry on the chemical inventory report required under s. 312 of EPCRA provide for reporting in estimated actual amounts. The department may also require by rule an entry for the Federal Employer Identification Number on this report. To the extent feasible, the department shall encourage and accept required information in a form initiated through electronic data interchange and shall describe by rule the format, manner of execution, and method of electronic transmission necessary for using such form. To the extent feasible, the Department of Financial Services, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Public Service Commission, the Department of Revenue, ~~the Department of Labor and Employment Security,~~ and other state agencies which regulate hazardous materials shall coordinate with the department in order to avoid duplicative requirements contained in each agency's respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous

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349 materials and suppliers and distributors of covered substances
350 shall assist the department in informing the facility owner or
351 operator of the requirements of this part. The department shall
352 provide the other state agencies with the necessary information
353 and materials to inform the owners and operators of the
354 requirements of this part to ensure that the budgets of these
355 agencies are not adversely affected.

356 Section 9. Subsection (2) of section 252.937, Florida
357 Statutes, is amended to read:

358 252.937 Department powers and duties.—

359 (2) To ensure that this program is self-supporting, the
360 department shall provide administrative support, including
361 staff, facilities, materials, and services to implement this
362 part for specified stationary sources subject to s. 252.939 and
363 shall provide necessary funding to local emergency planning
364 committees and county emergency management agencies for work
365 performed to implement this part. Each state agency with
366 regulatory, inspection, or technical assistance programs for
367 specified stationary sources subject to this part shall enter
368 into a memorandum of understanding with the department which
369 specifically outlines how each agency's staff, facilities,
370 materials, and services will be utilized to support
371 implementation. At a minimum, these agencies and programs
372 include: the Department of Environmental Protection's Division
373 of Air Resources Management and Division of Water Resource
374 Management, ~~and the Department of Labor and Employment~~
375 ~~Security's Division of Safety~~. It is the Legislature's intent to
376 implement this part as efficiently and economically as possible,
377 using existing expertise and resources, if available and

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appropriate.

Section 10. 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 assistance program on the effective date of this act, then the Legislature shall review this agreement. It is the intent of the Legislature that if the agreement is not executed by a majority of the requisite governing bodies, then a statewide uniform certification process should be adopted, and that said agreement should be repealed and replaced by a mandatory state government certification process.

ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for minority business

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407 assistance, declare that it is the policy of each of them, on
408 the basis of cooperation with one another, to remedy social and
409 economic disadvantage suffered by certain groups, resulting in
410 their being historically underutilized in ownership and control
411 of commercial enterprises. Thus, the parties seek to address
412 this history by increasing the participation of the identified
413 groups in opportunities afforded by government procurement.

414 (2) The parties find that the State of Florida presently
415 certifies firms for participation in the minority business
416 assistance programs of the state. The parties find further that
417 some counties, municipalities, school boards, special districts,
418 and other divisions of local government require a separate, yet
419 similar, and in most cases redundant certification in order for
420 businesses to participate in the programs sponsored by each
421 government entity.

422 (3) The parties find further that this redundant
423 certification has proven to be unduly burdensome to the
424 minority-owned firms intended to benefit from the underlying
425 purchasing incentives.

426 (4) The parties agree that:

427 (a) They will facilitate integrity, stability, and
428 cooperation in the statewide and interlocal certification
429 process, and in other elements of programs established to assist
430 minority-owned businesses.

431 (b) They shall cooperate with agencies, organizations, and
432 associations interested in certification and other elements of
433 minority business assistance.

434 (c) It is the purpose of this agreement to provide for a
435 uniform process whereby the status of a business concern may be

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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 agreement to enter into contracts and for which the governing body has entered into this agreement.

(2) "Department" means the Department of Management Services ~~Department of Labor and Employment Security~~.

(3) "Minority" means a person who is a lawful, permanent resident of the state, having origins in one of the minority groups as described and adopted by the Department of Management Services ~~Department of Labor and Employment Security~~, hereby incorporated by reference.

(4) "Minority business enterprise" means any small business concern as defined in subsection (6) that meets all of the criteria described and adopted by the Department of Management Services ~~Department of Labor and Employment Security~~, hereby incorporated by reference.

(5) "Participating state or local organization" means any political subdivision of the state or organization designated by such that elects to participate in the certification process

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pursuant to this agreement, which has been approved according to s. 287.0943(3) and has legally entered into this agreement.

(6) "Small business concern" means an independently owned and operated business concern which is of a size and type as described and adopted by vote related to this agreement of the commission, hereby incorporated by reference.

ARTICLE III

STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

(1) All awarding organizations shall accept a certification granted by any participating organization which has been approved according to s. 287.0943(3) and has entered into this agreement, as valid status of minority business enterprise.

(2) A participating organization shall certify a business concern that meets the definition of minority business enterprise in this agreement, in accordance with the duly adopted eligibility criteria.

(3) All participating organizations shall issue notice of certification decisions granting or denying certification to all other participating organizations within 14 days of the decision. Such notice may be made through electronic media.

(4) No certification will be granted without an onsite visit to verify ownership and control of the prospective minority business enterprise, unless verification can be accomplished by other methods of adequate verification or assessment of ownership and control.

(5) The certification of a minority business enterprise pursuant to the terms of this agreement shall not be suspended,

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494 revoked, or otherwise impaired except on any grounds which would
495 be sufficient for revocation or suspension of a certification in
496 the jurisdiction of the participating organization.

497 (6) The certification determination of a party may be
498 challenged by any other participating organization by the
499 issuance of a timely written notice by the challenging
500 organization to the certifying organization's determination
501 within 10 days of receiving notice of the certification
502 decision, stating the grounds therefor.

503 (7) The sole accepted grounds for challenge shall be the
504 failure of the certifying organization to adhere to the adopted
505 criteria or the certifying organization's rules or procedures,
506 or the perpetuation of a misrepresentation or fraud by the firm.

507 (8) The certifying organization shall reexamine its
508 certification determination and submit written notice to the
509 applicant and the challenging organization of its findings
510 within 30 days after the receipt of the notice of challenge.

511 (9) If the certification determination is affirmed, the
512 challenging agency may subsequently submit timely written notice
513 to the firm of its intent to revoke certification of the firm.

514 515 ARTICLE IV

516
517 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement
518 shall be construed to repeal or otherwise modify any ordinance,
519 law, or regulation of a party relating to the existing minority
520 business assistance provisions and procedures by which minority
521 business enterprises participate therein.

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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 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.

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552 (2) Any party may withdraw from this agreement by enacting
553 legislation repealing the same, but no such withdrawal shall
554 take effect until one year after the governing body of the
555 withdrawing party has given notice in writing of the withdrawal
556 to the other parties.

557 (3) No withdrawal shall relieve the withdrawing party of
558 any obligations imposed upon it by law.

560 ARTICLE IX

562 FINANCIAL RESPONSIBILITY.—

563 (1) A participating organization shall not be financially
564 responsible or liable for the obligations of any other
565 participating organization related to this agreement.

566 (2) The provisions of this agreement shall constitute
567 neither a waiver of any governmental immunity under Florida law
568 nor a waiver of any defenses of the parties under Florida law.
569 The provisions of this agreement are solely for the benefit of
570 its executors and not intended to create or grant any rights,
571 contractual or otherwise, to any person or entity.

573 ARTICLE X

574
575 VENUE AND GOVERNING LAW.—The obligations of the parties to
576 this agreement are performable only within the county where the
577 participating organization is located, and statewide for the
578 Office of Supplier Diversity, and venue for any legal action in
579 connection with this agreement shall lie, for any participating
580 organization except the Office of Supplier Diversity,

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581 exclusively in the county where the participating organization
582 is located. This agreement shall be governed by and construed in
583 accordance with the laws and court decisions of the state.

584
585 ARTICLE XI

586
587 CONSTRUCTION AND SEVERABILITY.—This agreement shall be
588 liberally construed so as to effectuate the purposes thereof.
589 The provisions of this agreement shall be severable and if any
590 phrase, clause, sentence, or provision of this agreement is
591 declared to be contrary to the State Constitution or the United
592 States Constitution, or the application thereof to any
593 government, agency, person, or circumstance is held invalid, the
594 validity of the remainder of this agreement and the
595 applicability thereof to any government, agency, person, or
596 circumstance shall not be affected thereby. If this agreement
597 shall be held contrary to the State Constitution, the agreement
598 shall remain in full force and effect as to all severable
599 matters.

600 Section 11. Paragraphs (h) and (o) of subsection (4) of
601 section 287.09451, Florida Statutes, are amended to read:

602 287.09451 Office of Supplier Diversity; powers, duties, and
603 functions.—

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

606 (h) To develop procedures to investigate complaints against
607 minority business enterprises or contractors alleged to violate
608 any provision related to this section or s. 287.0943, that may
609 include visits to worksites or business premises, and to refer

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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 matter shall be referred to the office of the Attorney General, Department of Legal Affairs, for prosecution.

(o)1. To establish a system to record and measure the use of certified minority business enterprises in state contracting. This system shall maintain information and statistics on certified minority business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified minority business enterprises to state contracts and to monitor agency compliance with this section. Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of certified minority business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, minority status, industry, and any conditions or circumstances that significantly affected the performance of subcontractors. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the office. All agencies shall cooperate with the office in establishing this reporting system. Except in construction contracting, all agencies shall review contracts costing in excess of CATEGORY FOUR as defined in s. 287.017 to

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determine if such contracts could be divided into smaller contracts to be separately solicited and awarded, and shall, when economical, offer such smaller contracts to encourage minority participation.

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

287.0947 Florida Advisory Council on Small and Minority Business Development; creation; membership; duties.—

(1) ~~On or after October 1, 1996, The Secretary of Management Services the Department of Labor and Employment~~

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668 ~~Security~~ may create the Florida Advisory Council on Small and
669 Minority Business Development with the purpose of advising and
670 assisting the secretary in carrying out the secretary's duties
671 with respect to minority businesses and economic and business
672 development. It is the intent of the Legislature that the
673 membership of such council include practitioners, laypersons,
674 financiers, and others with business development experience who
675 can provide invaluable insight and expertise for this state in
676 the diversification of its markets and networking of business
677 opportunities. The council shall initially consist of 19
678 persons, each of whom is or has been actively engaged in small
679 and minority business development, either in private industry,
680 in governmental service, or as a scholar of recognized
681 achievement in the study of such matters. Initially, the council
682 shall consist of members representing all regions of the state
683 and shall include at least one member from each group identified
684 within the definition of "minority person" in s. 288.703(3),
685 considering also gender and nationality subgroups, and shall
686 consist of the following:

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

690 (b) Eight members composed of representatives of the
691 minority private business sector, including certified minority
692 business enterprises and minority supplier development councils,
693 among whom at least two shall be women and at least four shall
694 be minority persons.

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

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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) 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 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.

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726 Section 13. Subsection (1) of section 288.021, Florida
727 Statutes, is amended to read:

728 288.021 Economic development liaison.—

729 (1) The heads of the Department of Transportation, the
730 Department of Environmental Protection and an additional member
731 appointed by the secretary of the department, the Agency for
732 Workforce Innovation ~~the Department of Labor and Employment~~
733 ~~Security~~, the Department of Education, the Department of
734 Community Affairs, the Department of Management Services, the
735 Department of Revenue, the Fish and Wildlife Conservation
736 Commission, each water management district, and each Department
737 of Transportation District office shall designate a high-level
738 staff member from within such agency to serve as the economic
739 development liaison for the agency. This person shall report to
740 the agency head and have general knowledge both of the state's
741 permitting and other regulatory functions and of the state's
742 economic goals, policies, and programs. This person shall also
743 be the primary point of contact for the agency with the Office
744 of Tourism, Trade, and Economic Development on issues and
745 projects important to the economic development of Florida,
746 including its rural areas, to expedite project review, to ensure
747 a prompt, effective response to problems arising with regard to
748 permitting and regulatory functions, and to work closely with
749 the other economic development liaisons to resolve interagency
750 conflicts.

751 Section 14. Subsection (1) of section 288.035, Florida
752 Statutes, is amended to read:

753 288.035 Economic development activities.—

754 (1) The Florida Public Service Commission may authorize

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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 15. Section 288.038, Florida Statutes, is repealed.

Section 16. Section 288.1162, Florida Statutes, is repealed.

Section 17. Section 288.1168, Florida Statutes, is repealed.

Section 18. Subsection (7) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(7) In exercising the power provided in this section, the Office of Tourism, Trade, and Economic Development may authorize and contract with the direct-support organization existing on June 30, 1996, ~~and authorized by the former Florida Department of Commerce to promote sports-related industries. An appointed member of the board of directors of such direct-support organization as of June 30, 1996, may serve the remainder of his or her unexpired term.~~

Section 19. Section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility.—

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784 (1) The Office of Tourism, Trade, and Economic Development
785 ~~Department of Commerce~~ shall serve as the state agency approving
786 applicants for funding pursuant to s. 212.20 and for certifying
787 the applicant as the International Game Fish Association World
788 Center facility. For purposes of this section, "facility" means
789 the International Game Fish Association World Center, and
790 "project" means the International Game Fish Association World
791 Center and new colocated improvements by private sector concerns
792 who have made cash or in-kind contributions to the facility of
793 \$1 million or more.

794 (2) Prior to certifying this facility, the office
795 ~~department~~ must determine that:

796 (a) The International Game Fish Association World Center is
797 the only fishing museum, Hall of Fame, and international
798 administrative headquarters in the United States recognized by
799 the International Game Fish Association, and that one or more
800 private sector concerns have committed to donate to the
801 International Game Fish Association land upon which the
802 International Game Fish Association World Center will operate.

803 (b) International Game Fish Association is a not-for-profit
804 Florida corporation that has contracted to construct and operate
805 the facility.

806 (c) The municipality in which the facility is located, or
807 the county if the facility is located in an unincorporated area,
808 has certified by resolution after a public hearing that the
809 facility serves a public purpose.

810 (d) There are existing projections that the International
811 Game Fish Association World Center facility and the colocated
812 facilities of private sector concerns will attract an attendance

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of more than 1.8 million annually.

(e) There is an independent analysis or study, using methodology approved by the office ~~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 project will exceed \$1 million annually.

(f) There are existing projections that the project will attract more than 300,000 persons annually who are not residents of the state.

(g) The applicant has submitted an agreement to provide \$500,000 annually in national and international media promotion of the facility, at the then-current commercial rates, during the period of time that the facility receives funds pursuant to s. 212.20. Failure on the part of the applicant to annually provide the advertising as provided in this paragraph shall result in the termination of the funding as provided in s. 212.20. The applicant can discharge its obligation under this paragraph by contracting with other persons, including private sector concerns who participate in the project.

(h) Documentation exists that demonstrates that the applicant has provided, and is capable of providing, or has financial or other commitments to provide, more than one-half of the cost incurred or related to the improvements and the development of the facility.

(i) The application is signed by senior officials of the International Game Fish Association and is notarized according to Florida law providing for penalties for falsification.

(3) The applicant may use funds provided pursuant to s. 212.20 for the purpose of paying for the construction,

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reconstruction, renovation, promotion, or operation of the facility, or to pay or pledge for payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of the facility or for the reimbursement of such costs or by refinancing of bonds issued for such purposes.

(4) Upon determining that an applicant is or is not certifiable, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall notify the applicant of its status by means of an official letter. If certifiable, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the facility to the public and notify the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ that the facility is open to the public.

(5) The Department of Revenue may audit as provided in s. 213.34 to verify that the contributions pursuant to this section have been expended as required by this section.

(6) The Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international

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administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish 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 20. Subsections (2), (4), and (5) of section 331.369, Florida Statutes, are amended to read:

331.369 Space Industry Workforce Initiative.—

(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 approved by the board. The purpose of the initiative is to use or revise existing programs and to develop innovative new programs to address the workforce needs of the aerospace industry.

(4) Workforce Florida, Inc., ~~The Workforce Development Board of Enterprise Florida, Inc., or its successor entity,~~ with

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the assistance of Space Florida, shall convene representatives from the aerospace industry to identify the priority training and education needs of the industry and to appoint a team to design programs to meet the priority needs.

(5) Workforce Florida, Inc., ~~The Workforce Development Board of Enterprise Florida, Inc., or its successor entity,~~ as part of its statutorily prescribed annual report to the Legislature, shall provide recommendations for policies, programs, and funding to enhance the workforce needs of the aerospace industry.

Section 21. 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 any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances that may justify variations to meet local conditions. ~~Any such recommendation shall be made, in the case of Florida, through the Department of~~

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929 ~~Commerce.~~

930 Section 22. Subsection (3) of section 377.712, Florida
931 Statutes, is amended to read:

932 377.712 Florida participation.—

933 (3) Departments ~~The department~~, agencies, and officers of
934 this state, and its subdivisions are authorized to cooperate
935 with the board in the furtherance of any of its activities
936 pursuant to the compact, provided such proposed activities have
937 been made known to, and have the approval of, either the
938 Governor or the Department of Health.

939 Section 23. Subsection (1), paragraph (b) of subsection
940 (3), and subsection (8) of section 409.2576, Florida Statutes,
941 are amended to read:

942 409.2576 State Directory of New Hires.—

943 (1) DIRECTORY CREATED.—The State Directory of New Hires is
944 hereby created and shall be administered by the Department of
945 Revenue or its agent. ~~The Department of Labor and Employment~~
946 ~~Security will act as the agent until a date not later than~~
947 ~~October 1, 1998.~~ All employers in the state shall furnish a
948 report consistent with subsection (3) for each newly hired or
949 rehired employee unless the employee is employed by a federal or
950 state agency performing intelligence or counterintelligence
951 functions and the head of such agency has determined that
952 reporting pursuant to this section could endanger the safety of
953 the employee or compromise an ongoing investigation or
954 intelligence mission.

955 (3) EMPLOYERS TO FURNISH REPORTS.—

956 (b) ~~Upon termination of the contract with the Department of~~
957 ~~Labor and Employment Security, but not later than October 1,~~

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1998, All employers shall furnish a report to the State Directory of New Hires of the state in which the newly hired or rehired employee works. The report required in this section shall be made on a W-4 form or, at the option of the employer, an equivalent form, and can be transmitted magnetically, electronically, by first-class mail, or other methods which may be prescribed by the State Directory. Each report shall include the name, address, date of hire, and social security number of every new and rehired employee and the name, address, and federal employer identification number of the reporting employer. If available, the employer may also include the employee's date of birth in the report. Multistate employers that report new hire information electronically or magnetically may designate a single state to which it will transmit the above noted report, provided the employer has employees in that state and the employer notifies the Secretary of Health and Human Services in writing to which state the information will be provided. Agencies of the United States Government shall report directly to the National Directory of New Hires.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later than October 1, 1997,~~ The State Directory of New Hires must furnish information regarding newly hired or rehired employees to the National Directory of New Hires for matching with the records of other state case registries within 3 business days of entering such information from the employer into the State Directory of New Hires. The State Directory of New Hires shall enter into an agreement with the Agency for Workforce Innovation or its tax collection service provider ~~Florida Department of Labor and Employment Security~~ for the quarterly reporting to the

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987 National Directory of New Hires information on wages and
988 unemployment compensation taken from the quarterly report to the
989 Secretary of Labor, now required by Title III of the Social
990 Security Act, except that no report shall be filed with respect
991 to an employee of a state or local agency performing
992 intelligence or counterintelligence functions, if the head of
993 such agency has determined that filing such a report could
994 endanger the safety of the employee or compromise an ongoing
995 investigation or intelligence mission.

996 Section 24. Section 414.24, Florida Statutes, is amended to
997 read:

998 414.24 Integrated welfare reform and child welfare
999 services.—The department shall develop integrated service
1000 delivery strategies to better meet the needs of families subject
1001 to work activity requirements who are involved in the child
1002 welfare system or are at high risk of involvement in the child
1003 welfare system. To the extent that resources are available, the
1004 department and the Agency for Workforce Innovation ~~Department of~~
1005 ~~Labor and Employment Security~~ shall provide funds to one or more
1006 service districts to promote development of integrated,
1007 nonduplicative case management within the department, the Agency
1008 for Workforce Innovation ~~Department of Labor and Employment~~
1009 ~~Security~~, other participating government agencies, and community
1010 partners. Alternative delivery systems shall be encouraged which
1011 include well-defined, pertinent outcome measures. Other factors
1012 to be considered shall include innovation regarding training,
1013 enhancement of existing resources, and increased private sector
1014 and business sector participation.

1015 Section 25. Section 414.40, Florida Statutes, is amended to

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read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(1) There is created within the Department of Financial Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud Program.

(2) The Department of Financial Services ~~Department of Law Enforcement~~ is directed to implement the Stop Inmate Fraud Program in accordance with the following guidelines:

(a) The program shall establish procedures for sharing public records not exempt from the public records law among social services agencies regarding the identities of persons incarcerated in state correctional institutions, as defined in s. 944.02, or in county, municipal, or regional jails or other detention facilities of local governments under chapter 950 or chapter 951 who are wrongfully receiving public assistance benefits or entitlement benefits.

(b) Pursuant to these procedures, the program shall have access to records containing correctional information not exempt from the public records law on incarcerated persons which have been generated as criminal justice information. As used in this paragraph, the term "record" is defined as provided in s. 943.045(7), and the term "criminal justice information" is defined as provided in s. 943.045(3).

(c) Database searches shall be conducted of the inmate population at each correctional institution or other detention facility. A correctional institution or a detention facility shall provide the Stop Inmate Fraud Program with the information necessary to identify persons wrongfully receiving benefits in the medium requested by the Stop Inmate Fraud Program if the

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correctional institution or detention facility maintains the information in that medium.

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of Children and Family Services, the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~, and other state or local agencies as needed to identify persons wrongfully obtaining benefits. Data comparisons shall be accomplished during periods of low information demand by agency personnel to minimize inconvenience to the agency.

(e) Results of data comparisons shall be furnished to the appropriate office for use in the county in which the data originated. The program may provide reports of the data it obtains to appropriate state, federal, and local government agencies or governmental entities, including, but not limited to:

1. The Child Support Enforcement Program of the Department of Revenue, so that the data may be used as locator information on persons being sought for purposes of child support.

2. The Social Security Administration, so that the data may be used to reduce federal entitlement fraud within the state.

(f) Reports by the program to another agency or entity shall be generated bimonthly, or as otherwise directed, and shall be designed to accommodate that agency's or entity's particular needs for data.

(g) Only those persons with active cases, or with cases that were active during the incarceration period, shall be reported, in order that the funding agency or entity, upon verification of the data, may take whatever action is deemed

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appropriate.

(h) For purposes of program review and analysis, each agency or entity receiving data from the program shall submit reports to the program which indicate the results of how the data was used.

Section 26. Subsection (5) of section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(5) PLAN OF OPERATION.—The association shall operate pursuant to a plan of operation approved by the board of directors. The plan of operation must be in effect on January 1, 2002, and approved by the Department of Financial Services and ~~Department of Labor and Employment Security shall remain in effect. However,~~ any amendments to the plan shall not become effective until approved by the department ~~of Financial Services.~~

(a) The purpose of the plan of operation shall be to provide the association and the board of directors with the authority and responsibility to establish the necessary programs and to take the necessary actions to protect against the insolvency of a member of the association. In addition, the plan shall provide that the members of the association shall be responsible for maintaining an adequate Insolvency Fund to meet the obligations of insolvent members provided for under this act and shall authorize the board of directors to contract and employ those persons with the necessary expertise to carry out this stated purpose. ~~By January 1, 2003,~~ The board of directors shall submit to the department a proposed plan of operation for

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the administration of the association. The department shall approve the plan by order, consistent with this section. The department shall approve any amendments to the plan, consistent with this section, which are determined appropriate to carry out the duties and responsibilities of the association.

(b) All member employers shall comply with the plan of operation.

(c) The plan of operation shall:

1. Establish the procedures whereby all the powers and duties of the association under subsection (3) will be performed.

2. Establish procedures for handling assets of the association.

3. Establish the amount and method of reimbursing members of the board of directors under subsection (2).

4. Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent employer shall be deemed notice to the association or its agent, and a list of such claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.

5. Establish regular places and times for meetings of the board of directors.

6. Establish procedures for records to be kept of all financial transactions of the association and its agents and the board of directors.

7. Provide that any member employer aggrieved by any final action or decision of the association may appeal to the

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department within 30 days after the action or decision.

8. Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the department.

9. Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(d) The plan of operation may provide that any or all of the powers and duties of the association, except those specified under subparagraphs (c)1. and 2., be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation of powers or duties under this subsection shall take effect only with the approval of both the board of directors and the department and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this section.

Section 27. Paragraph (b) of subsection (9) of section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(9) SPECIAL DISABILITY TRUST FUND.—

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-

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1161 insurers under ss. 624.462 and 624.4621, the assessable mutuals
1162 as defined in s. 628.6011, and the self-insurers under this
1163 chapter, which assessments shall become due and be paid
1164 quarterly at the same time and in addition to the assessments
1165 provided in s. 440.51. The department shall estimate annually in
1166 advance the amount necessary for the administration of this
1167 subsection and the maintenance of this fund and shall make such
1168 assessment in the manner hereinafter provided.

1169 2. The annual assessment shall be calculated to produce
1170 during the ensuing fiscal year an amount which, when combined
1171 with that part of the balance in the fund on June 30 of the
1172 current fiscal year which is in excess of \$100,000, is equal to
1173 the average of:

1174 a. The sum of disbursements from the fund during the
1175 immediate past 3 calendar years, and

1176 b. Two times the disbursements of the most recent calendar
1177 year.

1178
1179 Such amount shall be prorated among the insurance companies
1180 writing compensation insurance in the state and the self-
1181 insurers. ~~Provided however, for those carriers that have~~
1182 ~~excluded ceded reinsurance premiums from their assessments on or~~
1183 ~~before January 1, 2000, no assessments on ceded reinsurance~~
1184 ~~premiums shall be paid by those carriers until such time as the~~
1185 ~~former Division of Workers' Compensation of the Department of~~
1186 ~~Labor and Employment Security or the department advises each of~~
1187 ~~those carriers of the impact that the inclusion of ceded~~
1188 ~~reinsurance premiums has on their assessment. The department may~~
1189 ~~not recover any past underpayments of assessments levied against~~

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~~any carrier that on or before January 1, 2000, excluded ceded reinsurance premiums from their assessment prior to the point that the former Division of Workers' Compensation of the Department of Labor and Employment Security or the department advises of the appropriate assessment that should have been paid.~~

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each carrier and self-insurer to the department for the Special Disability Trust Fund in accordance with such regulations as the department prescribes.

4. The Chief Financial Officer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

Section 28. Section 446.60, Florida Statutes, is repealed.

Section 29. Section 450.161, Florida Statutes, is amended to read:

450.161 Chapter not to affect career education of children; other exceptions.—Nothing in this chapter shall prevent minors of any age from receiving career education furnished by the United States, this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any

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1219 apprentice indentured under a plan approved by the Department of
1220 Education ~~Division of Jobs and Benefits~~, or prevent the
1221 employment of any minor 14 years of age or older when such
1222 employment is authorized as an integral part of, or supplement
1223 to, such a course in career education and is authorized by
1224 regulations of the district school board of the district in
1225 which such minor is employed, provided the employment is in
1226 compliance with the provisions of ss. 450.021(4) and 450.061.
1227 Exemptions for the employment of student learners 16 to 18 years
1228 of age are provided in s. 450.061. Such an exemption shall apply
1229 when:

1230 (1) The student learner is enrolled in a youth vocational
1231 training program under a recognized state or local educational
1232 authority.

1233 (2) Such student learner is employed under a written
1234 agreement which provides:

1235 (a) That the work of the student learner in the occupation
1236 declared particularly hazardous shall be incidental to the
1237 training.

1238 (b) That such work shall be intermittent and for short
1239 periods of time and under the direct and close supervision of a
1240 qualified and experienced person.

1241 (c) That safety instructions shall be given by the school
1242 and correlated by the employer with on-the-job training.

1243 (d) That a schedule of organized and progressive work
1244 processes to be performed on the job shall have been prepared.

1245
1246 Each such written agreement shall contain the name of the
1247 student learner and shall be signed by the employer, the school

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1248 coordinator and principal, and the parent or legal guardian.
1249 Copies of each agreement shall be kept on file by both the
1250 school and the employer. This exemption for the employment of
1251 student learners may be revoked in any individual situation when
1252 it is found that reasonable precautions have not been observed
1253 for the safety of minors employed thereunder. A high school
1254 graduate may be employed in an occupation in which he or she has
1255 completed training as a student learner, as provided in this
1256 section, even though he or she is not yet 18 years of age.

1257 Section 30. Paragraph (d) of subsection (1) of section
1258 464.203, Florida Statutes, is amended to read:

1259 464.203 Certified nursing assistants; certification
1260 requirement.—

1261 (1) The board shall issue a certificate to practice as a
1262 certified nursing assistant to any person who demonstrates a
1263 minimum competency to read and write and successfully passes the
1264 required background screening pursuant to s. 400.215 and meets
1265 one of the following requirements:

1266 (d) Has completed the curriculum developed by the
1267 Department of Education ~~under the Enterprise Florida Jobs and~~
1268 ~~Education Partnership Grant~~ and achieved a minimum score,
1269 established by rule of the board, on the nursing assistant
1270 competency examination, which consists of a written portion and
1271 skills-demonstration portion, approved by the board and
1272 administered at a site and by personnel approved by the
1273 department.

1274 Section 31. Subsection (1) of section 489.1455, Florida
1275 Statutes, is amended to read:

1276 489.1455 Journeyman; reciprocity; standards.—

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(1) An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. 29.2 ~~the 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;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline or, pursuant to authorization by the certifying authority, provides proof of completion of such coursework within 6 months after such certification; and

(d) Has not had a license suspended or revoked within the last 5 years.

Section 32. Subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

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(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:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the electrical trade;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. 29.2 ~~the 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;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline, or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and

(d) Has not had a license suspended or revoked within the last 5 years.

Section 33. Section 553.62, Florida Statutes, is amended to read:

553.62 State standard.—The Occupational Safety and Health Administration's excavation safety standards, 29 C.F.R. s.

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1926.650 Subpart P, are hereby incorporated as the state standard. ~~The Department of Labor and Employment Security may, by rule, adopt updated or revised versions of those standards, provided that the updated or revised versions are consistent with the intent expressed in this act and s. 553.72, and are not otherwise inconsistent with state law. Any rule adopted as provided in this section shall be complied with upon its effective date.~~

Section 34. 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 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 35. Subsection (5) of section 944.012, Florida Statutes, is amended to read:

944.012 Legislative intent.—The Legislature hereby finds

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and declares that:

(5) In order to make the correctional system an efficient and effective mechanism, the various agencies involved in the correctional process must coordinate their efforts. Where possible, interagency offices should be physically located within major institutions and should include representatives of the public employment service ~~the Florida State Employment Service~~, the vocational rehabilitation programs of the Department of Education, and the Parole Commission. Duplicative and unnecessary methods of evaluating offenders must be eliminated and areas of responsibility consolidated in order to more economically utilize present scarce resources.

Section 36. Section 944.708, Florida Statutes, is amended to read:

944.708 Rules.—The Department of Corrections ~~and the Agency for Workforce Innovation~~ shall adopt rules to implement the provisions of ss. 944.701-944.707.

Section 37. Sections 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, Florida Statutes, are repealed.

Section 38. Paragraph (b) of subsection (2) of section 469.003, Florida Statutes, is repealed.

Section 39. This act shall take effect July 1, 2011.