

20111346er

1
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. 252.85,
14 F.S.; updating a reference to the Department of Labor
15 and Employment Security; amending s. 252.87, F.S.;
16 removing a reference to the Department of Labor and
17 Employment Security; amending s. 252.937, F.S.;
18 removing a reference to the Department of Labor and
19 Employment Security; amending s. 287.09431, F.S.;
20 updating references to the Department of Labor and
21 Employment Security; amending s. 287.09451, F.S.;
22 removing references to the Department of Labor and
23 Employment Security; amending s. 287.0947, F.S.;
24 removing a reference to the Department of Labor and
25 Employment Security; correcting a cross-reference;
26 amending s. 288.021, F.S.; updating a reference to the
27 Department of Labor and Employment Security; amending
28 s. 288.035, F.S.; removing a reference to the
29 Department of Commerce; repealing s. 288.038, F.S.,

20111346er

relating to agreements of the Department of Labor and
Employment Security with county tax collectors;
amending s. 288.1168, F.S.; updating obsolete
references to the Department of Commerce; 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
obsolete provisions; repealing s. 446.60, F.S.,
relating to assistance for displaced local exchange
telecommunications company workers; amending s.

20111346er

450.161, F.S.; updating a reference to the Division of
Jobs and Benefits; amending s. 464.203, F.S.; updating
a reference to the Enterprise Florida Jobs and
Education Partnership Grant; amending s. 489.1455,
F.S.; updating a reference to the Department of Labor
and Employment Security; amending s. 489.5335, F.S.;
updating a reference to the Department of Labor and
Employment Security; amending s. 553.62, F.S.;
removing a reference to the Department of Labor and
Employment Security; amending s. 597.006, F.S.;
removing a reference to the Department of Labor and
Employment Security; amending s. 944.012, F.S.;
updating a reference to the Florida State Employment
Service; amending s. 944.708, F.S.; removing a
reference to the Agency for Workforce Innovation;
repealing ss. 255.551, 255.552, 255.553, 255.5535,
255.555, 255.556, 255.557, 255.558, 255.559, 255.56,
255.561, 255.562, and 255.563, F.S., relating to the
asbestos management program; amending s. 469.002,
F.S.; conforming a cross-reference to changes made by
the act; repealing s. 469.003(2)(b), F.S., relating to
obsolete provisions governing the licensure of
asbestos surveyors; repealing s. 39.0015, F.S.,
relating to child abuse prevention training in the
district school system; repealing s. 39.305, F.S.,
relating to the development by the Department of
Children and Family Services of a model plan for
community intervention and treatment in intrafamily
sexual abuse cases; repealing ss. 39.311, 39.312,

20111346er

39.313, 39.314, 39.315, 39.316, 39.317, and 39.318,
F.S., relating to the Family Builders Program;
repealing s. 39.816, F.S., relating to authorization
for pilot and demonstration projects; repealing s.
39.817, F.S., relating to a foster care privatization
demonstration project; repealing s. 383.0115, F.S.,
relating to the Commission on Marriage and Family
Support Initiatives; repealing s. 393.22, F.S.,
relating to financial commitment to community services
programs; repealing s. 393.503, F.S., relating to
respite and family care subsidy expenditures and
funding recommendations; repealing s. 394.922, F.S.,
relating to constitutional requirements regarding
long-term control, care, and treatment of sexually
violent predators; repealing s. 402.3045, F.S.,
relating to a requirement that the Department of
Children and Family Services adopt distinguishable
definitions of child care programs by rule; repealing
s. 402.50, F.S., relating to the development of
administrative infrastructure standards by the
Department of Children and Family Services; repealing
s. 402.55, F.S., relating to the management fellows
program; repealing s. 409.1672, F.S., relating to
performance incentives for department employees with
respect to the child welfare system; repealing s.
409.1673, F.S., relating to legislative findings
regarding the foster care system and the development
of alternate care plans; repealing s. 409.1685, F.S.,
relating to an annual report to the Legislature by the

20111346er

Department of Children and Family Services with respect to children in foster care; repealing ss. 409.801 and 409.802, F.S., relating to the Family Policy Act; repealing s. 409.803, F.S., relating to pilot programs to provide shelter and foster care services to dependent children; amending ss. 20.195, 39.00145, 39.0121, 39.301, 39.3031, 49.011, 381.006, 381.0072, 390.01114, 409.1685, 411.01013, 753.03, and 877.22, F.S.; conforming references to changes made by the act; repealing s. 288.386, F.S., relating to the Florida-Caribbean Basin Trade Initiative; repealing s. 288.9618, F.S., which relates to an economic development program for microenterprises; repealing s. 288.982, F.S., which relates to a public records requirement for certain records relating to the United States Department of Defense Base Realignment and Closure 2005 process; repealing s. 409.946, F.S., which relates to the Inner City Redevelopment Review Panel; amending ss. 288.012 and 311.07, F.S.; revising requirements for the operating plans of the state's foreign offices and the use of program funds of the Florida Seaport Transportation and Economic Development Program, to delete provisions relating to the Florida Trade Data Center; amending s. 402.35, F.S.; removing a provision prohibiting a federal, state, county, or municipal officer from serving as an employee of the Department of Children and Family Services; providing an effective date.

20111346er

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

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

14.2015 Office of Tourism, Trade, and Economic Development; 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

20111346er

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

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

Section 3. 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 Revenue if the department was named as a defendant in the action or if the Agency for Workforce Innovation ~~or the former~~ ~~Department of Labor and Employment Security~~ was named as a defendant while the Department of Revenue was providing unemployment tax collection services under contract with the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

20111346er

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

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

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

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

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

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

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

(5) NOTICE TO BE POSTED.—Each employer, employment agency,

20111346er

and labor organization shall post and keep posted in conspicuous places upon its premises notices required by the United States Department of Labor and the Equal Employment Opportunity Commission ~~a notice to be prepared or approved by the department setting forth such information as the department deems appropriate to effectuate the purposes of this act.~~

Section 6. 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 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

20111346er

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

Section 7. 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

20111346er

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

Section 8. Subsection (2) of section 252.937, Florida Statutes, is amended to read:

252.937 Department powers and duties.—

(2) To ensure that this program is self-supporting, the department shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and shall provide necessary funding to local emergency planning

20111346er

committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a memorandum of understanding with the department which specifically outlines how each agency's staff, facilities, materials, and services will be utilized to support implementation. At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Resource Management, ~~and the Department of Labor and Employment Security's Division of Safety~~. It is the Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

Section 9. 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

20111346er

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

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

20111346er

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

(2) "Department" means the Department of Management

20111346er

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 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

20111346er

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

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

(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

20111346er

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
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

20111346er

494 construed to prevent or inhibit other arrangements or practices
495 of any party in order to comply with federal law.

497 ARTICLE VIII

499 EFFECT AND WITHDRAWAL.—

500 (1) This agreement shall become effective when properly
501 executed by a legal representative of the participating
502 organization, when enacted into the law of the state and after
503 an ordinance or other legislation is enacted into law by the
504 governing body of each participating organization. Thereafter it
505 shall become effective as to any participating organization upon
506 the enactment of this agreement by the governing body of that
507 organization.

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

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

516 ARTICLE IX

518 FINANCIAL RESPONSIBILITY.—

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

522 (2) The provisions of this agreement shall constitute

20111346er

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

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

20111346er

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 10. 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 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.

20111346er

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 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

20111346er

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 11. 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 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

20111346er

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, 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) 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

20111346er

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.

Section 12. 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 Agency for Workforce Innovation ~~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. This person shall report to the agency head and have general knowledge both of the state's

20111346er

697 permitting and other regulatory functions and of the state's
698 economic goals, policies, and programs. This person shall also
699 be the primary point of contact for the agency with the Office
700 of Tourism, Trade, and Economic Development on issues and
701 projects important to the economic development of Florida,
702 including its rural areas, to expedite project review, to ensure
703 a prompt, effective response to problems arising with regard to
704 permitting and regulatory functions, and to work closely with
705 the other economic development liaisons to resolve interagency
706 conflicts.

707 Section 13. Subsection (1) of section 288.035, Florida
708 Statutes, is amended to read:

709 288.035 Economic development activities.—

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

718 Section 14. Section 288.038, Florida Statutes, is repealed.

719 Section 15. Subsections (1), (2), and (4) of section
720 288.1168, Florida Statutes, are amended to read:

721 288.1168 Professional golf hall of fame facility.—

722 (1) The Office of Tourism, Trade, and Economic Development
723 ~~Department of Commerce~~ shall serve as the state agency for
724 screening applicants for state funding pursuant to s. 212.20 and
725 for certifying one applicant as the professional golf hall of

20111346er

fame facility in the state.

(2) Prior to certifying the professional golf hall of fame facility, the Office of Tourism, Trade, and Economic Development ~~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 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 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 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,

20111346er

at the then-current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The 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 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 financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.

(4) Upon determining that an applicant is or is not certifiable, the director of the Office of Tourism, Trade, and Economic Development ~~Secretary of Commerce~~ shall notify the applicant of his or her status by means of an official letter. If certifiable, the director ~~secretary~~ 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 professional golf hall of fame facility to the public and notify the Office of Tourism,

20111346er

Trade, and Economic Development 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 that the professional golf hall of fame facility is open to the public.

Section 16. 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 17. Section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility.—

(1) The Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall serve as the state agency approving applicants for funding pursuant to s. 212.20 and for certifying the applicant as the 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

20111346er

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) Prior to certifying this facility, the office ~~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 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

20111346er

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, 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.

20111346er

(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 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

20111346er

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 18. 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 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

20111346er

Legislature, shall provide recommendations for policies, programs, and funding to enhance the workforce needs of the aerospace industry.

Section 19. 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 Commerce.~~

Section 20. Subsection (3) of section 377.712, Florida Statutes, is amended to read:

377.712 Florida participation.—

(3) Departments ~~The department~~, agencies, and officers of this state, and its subdivisions are authorized to cooperate with the board in the furtherance of any of its activities

20111346er

pursuant to the compact, provided such proposed activities have been made known to, and have the approval of, either the Governor or the Department of Health.

Section 21. Subsection (1), paragraph (b) of subsection (3), and subsection (8) of section 409.2576, Florida Statutes, are amended to read:

409.2576 State Directory of New Hires.—

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

(3) EMPLOYERS TO FURNISH REPORTS.—

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

20111346er

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 National Directory of New Hires information on wages and unemployment compensation taken from the quarterly report to the Secretary of Labor, now required by Title III of the Social Security Act, except that no report shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could

20111346er

endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

Section 22. Section 414.24, Florida Statutes, is amended to read:

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

Section 23. Section 414.40, Florida Statutes, is amended to 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

20111346er

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 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

20111346er

1074 identify persons wrongfully obtaining benefits. Data comparisons
1075 shall be accomplished during periods of low information demand
1076 by agency personnel to minimize inconvenience to the agency.

1077 (e) Results of data comparisons shall be furnished to the
1078 appropriate office for use in the county in which the data
1079 originated. The program may provide reports of the data it
1080 obtains to appropriate state, federal, and local government
1081 agencies or governmental entities, including, but not limited
1082 to:

1083 1. The Child Support Enforcement Program of the Department
1084 of Revenue, so that the data may be used as locator information
1085 on persons being sought for purposes of child support.

1086 2. The Social Security Administration, so that the data may
1087 be used to reduce federal entitlement fraud within the state.

1088 (f) Reports by the program to another agency or entity
1089 shall be generated bimonthly, or as otherwise directed, and
1090 shall be designed to accommodate that agency's or entity's
1091 particular needs for data.

1092 (g) Only those persons with active cases, or with cases
1093 that were active during the incarceration period, shall be
1094 reported, in order that the funding agency or entity, upon
1095 verification of the data, may take whatever action is deemed
1096 appropriate.

1097 (h) For purposes of program review and analysis, each
1098 agency or entity receiving data from the program shall submit
1099 reports to the program which indicate the results of how the
1100 data was used.

1101 Section 24. Subsection (5) of section 440.385, Florida
1102 Statutes, is amended to read:

20111346er

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 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.

20111346er

(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 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

20111346er

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

20111346er

assessment in the manner hereinafter provided.

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

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

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

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

20111346er

1219 compensation in this state and the net premium written
1220 applicable to the self-insurers in this state are the basis for
1221 computing the amount to be assessed as a percentage of net
1222 premiums. Such payments shall be made by each carrier and self-
1223 insurer to the department for the Special Disability Trust Fund
1224 in accordance with such regulations as the department
1225 prescribes.

1226 4. The Chief Financial Officer is authorized to receive and
1227 credit to such Special Disability Trust Fund any sum or sums
1228 that may at any time be contributed to the state by the United
1229 States under any Act of Congress, or otherwise, to which the
1230 state may be or become entitled by reason of any payments made
1231 out of such fund.

1232 Section 26. Section 446.60, Florida Statutes, is repealed.

1233 Section 27. Section 450.161, Florida Statutes, is amended
1234 to read:

1235 450.161 Chapter not to affect career education of children;
1236 other exceptions.—Nothing in this chapter shall prevent minors
1237 of any age from receiving career education furnished by the
1238 United States, this state, or any county or other political
1239 subdivision of this state and duly approved by the Department of
1240 Education or other duly constituted authority, nor any
1241 apprentice indentured under a plan approved by the Department of
1242 Education ~~Division of Jobs and Benefits~~, or prevent the
1243 employment of any minor 14 years of age or older when such
1244 employment is authorized as an integral part of, or supplement
1245 to, such a course in career education and is authorized by
1246 regulations of the district school board of the district in
1247 which such minor is employed, provided the employment is in

20111346er

1248 compliance with the provisions of ss. 450.021(4) and 450.061.
1249 Exemptions for the employment of student learners 16 to 18 years
1250 of age are provided in s. 450.061. Such an exemption shall apply
1251 when:

1252 (1) The student learner is enrolled in a youth vocational
1253 training program under a recognized state or local educational
1254 authority.

1255 (2) Such student learner is employed under a written
1256 agreement which provides:

1257 (a) That the work of the student learner in the occupation
1258 declared particularly hazardous shall be incidental to the
1259 training.

1260 (b) That such work shall be intermittent and for short
1261 periods of time and under the direct and close supervision of a
1262 qualified and experienced person.

1263 (c) That safety instructions shall be given by the school
1264 and correlated by the employer with on-the-job training.

1265 (d) That a schedule of organized and progressive work
1266 processes to be performed on the job shall have been prepared.

1267
1268 Each such written agreement shall contain the name of the
1269 student learner and shall be signed by the employer, the school
1270 coordinator and principal, and the parent or legal guardian.
1271 Copies of each agreement shall be kept on file by both the
1272 school and the employer. This exemption for the employment of
1273 student learners may be revoked in any individual situation when
1274 it is found that reasonable precautions have not been observed
1275 for the safety of minors employed thereunder. A high school
1276 graduate may be employed in an occupation in which he or she has

20111346er

completed training as a student learner, as provided in this section, even though he or she is not yet 18 years of age.

Section 28. 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 by the Department of Education ~~under the Enterprise Florida Jobs and Education Partnership Grant~~ and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

Section 29. Subsection (1) of section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(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:

20111346er

(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 30. 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:

(a) Has scored at least 70 percent, or after October 1,

20111346er

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 31. 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. 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~~

20111346er

~~effective date.~~

Section 32. 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 33. Subsection (5) of section 944.012, Florida Statutes, is amended to read:

944.012 Legislative intent.—The Legislature hereby finds 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~~

20111346er

~~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 34. 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 35. Sections 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, Florida Statutes, are repealed.

Section 36. Paragraph (e) of subsection (1) of section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(1) This chapter does not apply to:

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision who has completed all training required by NESHAP and OSHA or by ASHARA for the activities described in this paragraph, while engaged in ~~asbestos-related activities set forth in s. 255.5535~~ and asbestos-related activities involving the demolition of a building owned by that governmental unit, where such activities are within the scope of that employment and the employee does not hold out for hire or otherwise engage in asbestos abatement, contracting, or consulting.

Section 37. Paragraph (b) of subsection (2) of section 469.003, Florida Statutes, is repealed.

20111346er

Section 38. Sections 39.0015, 39.305, 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, 39.318, 39.816, 39.817, 383.0115, 393.22, 393.503, 394.922, 402.3045, 402.50, 402.55, 409.1672, 409.1673, 409.1685, 409.801, 409.802, and 409.803, Florida Statutes, are repealed.

Section 39. Paragraph (a) of subsection (4) of section 20.195, Florida Statutes, is amended to read:

20.195 Department of Children and Family Services; trust funds.—The following trust funds shall be administered by the Department of Children and Family Services:

(4) Domestic Violence Trust Fund.

(a) Funds to be credited to and uses of the trust fund shall be administered in accordance with the provisions of s. 28.101, part XII ~~XIII~~ of chapter 39, and chapter 741.

Section 40. Subsection (1) of section 39.00145, Florida Statutes, is amended to read:

39.00145 Records concerning children.—

(1) The case record of every child under the supervision of or in the custody of the department, the department's authorized agents, or providers contracting with the department, including community-based care lead agencies and their subcontracted providers, must be maintained in a complete and accurate manner. The case record must contain, at a minimum, the child's case plan required under part VII ~~VIII~~ of this chapter and the full name and street address of all shelters, foster parents, group homes, treatment facilities, or locations where the child has been placed.

Section 41. Subsection (10) of section 39.0121, Florida Statutes, is amended to read:

20111346er

39.0121 Specific rulemaking authority.—Pursuant to the requirements of s. 120.536, the department is specifically authorized to adopt, amend, and repeal administrative rules which implement or interpret law or policy, or describe the procedure and practice requirements necessary to implement this chapter, including, but not limited to, the following:

(10) The ~~Family Builders Program, the~~ Intensive Crisis Counseling Program, and any other early intervention programs and kinship care assistance programs.

Section 42. Paragraph (a) of subsection (15) of section 39.301, Florida Statutes, is amended to read:

39.301 Initiation of protective investigations.—

(15) (a) If the department or its agent determines that a child requires immediate or long-term protection through:

1. Medical or other health care; or

2. Homemaker care, day care, protective supervision, or other services to stabilize the home environment, including intensive family preservation services through ~~the Family Builders Program or~~ the Intensive Crisis Counseling Program, ~~or both,~~

such services shall first be offered for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents or legal custodians to exercise judgment. Such factors may include the parents' or legal custodians' young age or history of substance abuse or domestic violence.

Section 43. Section 39.3031, Florida Statutes, is amended to read:

39.3031 Rules for implementation of s. ss. 39.303 ~~and~~

20111346er

1480 ~~39.305.~~—The Department of Health, in consultation with the
1481 Department of Children and Family Services, shall adopt rules
1482 governing the child protection teams ~~and the sexual abuse~~
1483 ~~treatment program~~ pursuant to s. ss. 39.303 and ~~39.305~~,
1484 including definitions, organization, roles and responsibilities,
1485 eligibility, services and their availability, qualifications of
1486 staff, and a waiver-request process.

1487 Section 44. Subsection (13) of section 49.011, Florida
1488 Statutes, is amended to read:

1489 49.011 Service of process by publication; cases in which
1490 allowed.—Service of process by publication may be made in any
1491 court on any party identified in s. 49.021 in any action or
1492 proceeding:

1493 (13) For termination of parental rights pursuant to part
1494 VIII ~~IX~~ of chapter 39 or chapter 63.

1495 Section 45. Subsection (18) of section 381.006, Florida
1496 Statutes, is amended to read:

1497 381.006 Environmental health.—The department shall conduct
1498 an environmental health program as part of fulfilling the
1499 state's public health mission. The purpose of this program is to
1500 detect and prevent disease caused by natural and manmade factors
1501 in the environment. The environmental health program shall
1502 include, but not be limited to:

1503 (18) A food service inspection function for domestic
1504 violence centers that are certified and monitored by the
1505 Department of Children and Family Services under part XII ~~XIII~~
1506 of chapter 39 and group care homes as described in subsection
1507 (16), which shall be conducted annually and be limited to the
1508 requirements in department rule applicable to community-based

20111346er

residential facilities with five or fewer residents.

The department may adopt rules to carry out the provisions of this section.

Section 46. Paragraph (b) of subsection (1) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

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

(b) "Food service establishment" means detention facilities, public or private schools, migrant labor camps, assisted living facilities, adult family-care homes, adult day care centers, short-term residential treatment centers, residential treatment facilities, homes for special services, transitional living facilities, crisis stabilization units, hospices, prescribed pediatric extended care centers, intermediate care facilities for persons with developmental disabilities, boarding schools, civic or fraternal organizations, bars and lounges, vending machines that dispense potentially hazardous foods at facilities expressly named in this paragraph, and facilities used as temporary food events or mobile food units at any facility expressly named in this paragraph, where food is prepared and intended for individual

20111346er

portion service, including the site at which individual portions are provided, regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term does not include any entity not expressly named in this paragraph; nor does the term include a domestic violence center certified and monitored by the Department of Children and Family Services under part XII ~~XIII~~ of chapter 39 if the center does not prepare and serve food to its residents and does not advertise food or drink for public consumption.

Section 47. Paragraph (b) of subsection (2) of section 390.01114, Florida Statutes, is amended to read:

390.01114 Parental Notice of Abortion Act.—

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

(b) "Child abuse" means abandonment, abuse, harm, mental injury, neglect, physical injury, or sexual abuse of a child as those terms are defined in ss. 39.01, 827.04, and 984.03 ~~has the same meaning as s. 39.0015(3).~~

Section 48. Section 409.1685, Florida Statutes, is amended to read:

409.1685 Children in foster care; annual report to Legislature.—The Department of Children and Family Services shall submit a written report to the Governor and the Legislature concerning the status of children in foster care and the judicial review mandated by part IX ~~X~~ of chapter 39. The report shall be submitted by May 1 of each year and must include the following information for the prior calendar year:

(1) The number of 6-month and annual judicial reviews completed during that period.

(2) The number of children in foster care returned to a

20111346er

parent, guardian, or relative as a result of a 6-month or annual judicial review hearing during that period.

(3) The number of termination of parental rights proceedings instituted during that period, including:

(a) The number of termination of parental rights proceedings initiated pursuant to former s. 39.703; and

(b) The total number of terminations of parental rights ordered.

(4) The number of foster care children placed for adoption.

Section 49. Paragraph (a) of subsection (3) of section 411.01013, Florida Statutes, is amended to read:

411.01013 Prevailing market rate schedule.—

(3) The prevailing market rate schedule, at a minimum, must:

(a) Differentiate rates by type, including, but not limited to, a child care provider that holds a Gold Seal Quality Care designation under s. 402.281, a child care facility licensed under s. 402.305, a public or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care facility exempt from licensure under s. 402.316 that does not hold a Gold Seal Quality Care designation, a large family child care home licensed under s. 402.3131, or a family day care home licensed or registered under s. 402.313, ~~or an after-school program that is not defined as child care under rules adopted pursuant to s. 402.3045.~~

Section 50. Paragraph (j) of subsection (2) of section 753.03, Florida Statutes, is redesignated as paragraph (i), and present paragraph (i) of that subsection is amended to read:

753.03 Standards for supervised visitation and supervised

20111346er

exchange programs.—

(2) The clearinghouse shall use an advisory board to assist in developing the standards. The advisory board must include:

~~(i) A representative of the Commission on Marriage and Family Support Initiatives.~~

Section 51. Subsection (4) of section 877.22, Florida Statutes, is amended to read:

877.22 Minors prohibited in public places and establishments during certain hours; penalty; procedure.—

(4) If a minor violates a curfew and is taken into custody, the minor shall be transported immediately to a police station or to a facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency. After recording pertinent information about the minor, the law enforcement agency shall attempt to contact the parent of the minor and, if successful, shall request that the parent take custody of the minor and shall release the minor to the parent. If the law enforcement agency is not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency may transport the minor to her or his residence or proceed as authorized under part IV ~~▼~~ of chapter 39.

Section 52. Section 288.386, Florida Statutes, is repealed.

Section 53. Section 288.9618, Florida Statutes, is repealed.

Section 54. Section 288.982, Florida Statutes, is repealed.

Section 55. Section 409.946, Florida Statute, is repealed.

Section 56. Paragraphs (c), (d), and (e) of subsection (2)

20111346er

of section 288.012, Florida Statutes, are amended to read:

288.012 State of Florida foreign offices.—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 State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

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

(c) Provisions for access to information for Florida businesses related to ~~through the Florida Trade Data Center.~~ Each 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 foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to Enterprise Florida,~~

20111346er

1654 ~~Inc., the Florida Commission on Tourism, the Florida Ports~~
1655 ~~Council, the Department of State, the Department of Citrus, and~~
1656 ~~the Department of Agriculture and Consumer Services, trade~~
1657 ~~industry, commodity, and opportunity information. This~~
1658 ~~information shall be provided to such offices and entities~~
1659 ~~either free of charge or on a fee basis with fees set only to~~
1660 ~~recover the costs of providing the information.~~

1661 (e) Provision of access for Florida businesses to ~~the~~
1662 ~~services of the Florida Trade Data Center,~~ international trade
1663 assistance services provided by state and local entities,
1664 seaport and airport information, and other services identified
1665 by the Office of Tourism, Trade, and Economic Development.

1666 Section 57. Paragraph (a) of subsection (3) of section
1667 311.07, Florida Statutes, is amended to read:

1668 311.07 Florida seaport transportation and economic
1669 development funding.—

1670 (3) (a) Program funds shall be used to fund approved
1671 projects on a 50-50 matching basis with any of the deepwater
1672 ports, as listed in s. 403.021(9)(b), which is governed by a
1673 public body or any other deepwater port which is governed by a
1674 public body and which complies with the water quality provisions
1675 of s. 403.061, the comprehensive master plan requirements of s.
1676 163.3178(2)(k), and the local financial management and reporting
1677 provisions of part III of chapter 218. However, program funds
1678 used to fund projects that involve the rehabilitation of
1679 wharves, docks, berths, bulkheads, or similar structures shall
1680 require a 25-percent match of funds. Program funds also may be
1681 used by the Seaport Transportation and Economic Development
1682 Council to develop ~~with the Florida Trade Data Center such~~ trade

20111346er

data information products which will assist Florida's seaports and international trade.

Section 58. Section 402.35, Florida Statutes, is amended to read:

402.35 Employees.—All personnel of the Department of Children and Family Services shall be governed by rules and regulations adopted and promulgated by the Department of Management Services relative thereto except the director and persons paid on a fee basis. The Department of Children and Family Services may participate with other state departments and agencies in a joint merit system. ~~No federal, state, county, or municipal officer shall be eligible to serve as an employee of the Department of Children and Family Services.~~

Section 59. This act shall take effect July 1, 2011.