

ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Thursday, January 19, 2012
8:30 a.m.
Reed Hall (102 HOB)**

REVISED

**Dean Cannon
Speaker**

**Dorothy L. Hukill
Chair**



The Florida House of Representatives

Economic Affairs Committee
Dorothy L. Hukill, Chair

AGENDA

Thursday, January 19, 2012
Reed Hall (102 HOB)
8:30 am

- I. **CALL TO ORDER AND WELCOME REMARKS**
- II. **CONSIDERATION OF THE FOLLOWING BILL(S):**
 - CS/HB 59 SPACEPORT TERRITORY BY BUSINESS & CONSUMER AFFAIRS SUBCOMMITTEE, RAY
 - HB 517 REDUCING AND STREAMLINING REGULATIONS BY GRANT
 - HB 693 BUSINESS AND PROFESSIONAL REGULATION BY INGRAM
 - HB 975 PASCO COUNTY HOUSING AUTHORITY, PASCO COUNTY BY NEHR
 - HB 999 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS BY DORWORTH, COLEY
 - HB 4101 DEPARTMENT OF TRANSPORTATION BY BRANDES
 - HB 4141 STRATEGIC INTERMODAL SYSTEM BY EISNAUGLE
 - HB 4143 TRANSPORTATION CORRIDORS BY EISNAUGLE
 - HB 4145 CONTINUING EDUCATION ADVISORY BOARD BY FRISHE
 - HB 4149 PREFERRED WORKER PROGRAM BY BOYD
 - HB 7027 UNEMPLOYMENT COMPENSATION BY BUSINESS & CONSUMER AFFAIRS SUBCOMMITTEE, HOLDER
- III. **CONSIDERATION OF THE FOLLOWING PROPOSED COMMITTEE BILL(S):**
 - PCB EAC 12-02 -- DEO GLITCH
- IV. **ADJOURNMENT**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 59 Spaceport Territory
SPONSOR(S): Business & Consumer Affairs Subcommittee, Ray and others
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 110

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	10 Y, 0 N, As CS	Tecler	Creamer
2) Transportation & Economic Development Appropriations Subcommittee	14 Y, 0 N	Proctor	Davis
3) Economic Affairs Committee		Tecler <i>AT</i>	Tinker <i>TST</i>

SUMMARY ANALYSIS

The bill amends s. 331.304, F.S., to designate Cecil Airport and Cecil Commerce Center in Jacksonville as a spaceport territory. The bill also permits the board of directors of Space Florida to designate real property within the state as a spaceport territory if the property is licensed as a spaceport by the Federal Aviation Administration (FAA).

As a result of the bill, new and expanding businesses engaged in spaceport activities located at Cecil Airport and Cecil Commerce Center, or on property licensed as a FAA spaceport and designated by the board of directors of Space Florida, may be eligible for a tax exemption on machinery and equipment pursuant to s. 212.08, F.S. The Revenue Estimating Conference adopted a negative recurring fiscal impact of \$100,000 on state funds related to this tax exemption.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Commercial Space Industry

With the retirement of the Space Shuttle Program in July of 2010, the Obama Administration has charted a new course that will increasingly rely on the private sector for the transportation of cargo and passengers to the International Space Station, low Earth orbit, and beyond. Historically, the commercial space industry has focused primarily on putting payloads, such as satellites, into orbit using expendable launch systems. As the industry shifts its focus toward space tourism, expendable launch systems are slowly being replaced by reusable systems capable of transporting humans and general cargo into space. In response, several states have developed or proposed commercial spaceports in order to capture a greater share of what is anticipated to be a growing market in the near future.¹

Federal Regulations

The Office of Commercial Space Transportation within the Federal Aviation Administration (FAA) is the federal agency responsible for regulating and facilitating the safe operations of the U.S. commercial space transportation industry. The Commercial Space Launch Act of 1984, as amended, authorizes the FAA to establish licensing and regulatory requirements for launch vehicles, launch sites, and reusable suborbital rockets.² The FAA's launch regulations and licensing procedures apply to all commercial launches taking place within U.S. territory, and for launches being conducted abroad by U.S. companies. In general, the FAA does not license launch sites owned or operated by agencies of the U.S. government.³ Since 1984, the FAA has licensed the operation of eight FAA-approved launch sites, including the Cape Canaveral Spaceport and the proposed spaceport at Cecil Field.⁴

Spaceports in Florida

Currently, Florida has two federally owned spaceports and two FAA licensed commercial spaceports. The Cape Canaveral Air Force Station and the National Aeronautics and Space Administration's Kennedy Space Center are owned and operated by the federal government. The two FAA licensed commercial spaceports in Florida include the Cape Canaveral Spaceport, operated by Space Florida, and the Cecil Field Spaceport⁵, operated by the Jacksonville Aviation Authority (JAA). The Space Launch Site Operator license for the Cape Canaveral Spaceport was issued in 1999.

Cecil Field Spaceport

In January of 2010, the FAA licensed the JAA as a Space Launch Site Operator. The license authorized Cecil Field Spaceport as the state's first spaceport cleared for horizontal take off and landings of suborbital launch vehicles.⁶ Prior to its current use, Cecil Field served as a principal Naval Air Station from 1941 until 1993. The base was decommissioned and transferred to the City of Jacksonville in 1999.

Cecil Field Spaceport is located about 15 miles from Jacksonville and features a 12,500 foot runway and three shorter runways. The spaceport shares assets with Cecil Airport, which services military and civil aircraft and general aviation customers. The FAA awarded \$105,000 to JAA, as part of the FAA's

¹ Florida, Alaska, California, New Mexico, Oklahoma, Texas, and Virginia currently have FAA approved launch sites. Wyoming has proposed a FAA licensed launch site near Chugwater.

² 51 U.S.C. Ch. 509, §§ 50901-23.

³ The FAA also exempts certain classes of small rockets from licensure.

⁴ California Spaceport, Kodiak Launch Complex (AK), Mid-Atlantic Regional Spaceport (VA), Mojave Air and Space Port (CA), Oklahoma Spaceport, and Spaceport America (NM).

⁵ Cecil Field Spaceport is comprised of the real property, aeronautical facilities, administrative facilities, auto access/egress routes and FAA managed facilities located within the boundaries of Cecil Airport.

⁶ 2011 U.S. Commercial Space Transportation Developments and Concepts: Vehicles, Technologies, and Spaceports. Federal Aviation Administration. http://www.faa.gov/about/office_org/headquarters_offices/ast/media/2011%20DevCon%20Report.pdf (last visited September 21, 2011).

Space Transportation Infrastructure Matching Grants program in 2010.⁷ JAA will use the money to develop a Spaceport Master Plan for Cecil Field.

Spaceport Territories Designated in the Florida Statutes

Section 331.304, F.S., provides that certain real property in the following areas constitute a spaceport territory:

- Brevard County and within the 1998 boundaries of Patrick Air Force Base, Cape Canaveral Air Force Station, or John F. Kennedy Space Center, and
- Santa Rosa, Okaloosa, Gulf, and Walton Counties and within the 1997 boundaries of Eglin Air Force Base.

Currently, Cecil Airport and Cecil Commerce Center are not designated as a “spaceport territory” in the Florida Statutes.

Effect of Proposed Changes

The bill substantially amends s. 331.304, F.S., to designate certain real property within the boundaries of Cecil Airport and the Cecil Commerce Center as spaceport territory. The bill also provides that the board of directors for Space Florida may designate real property within the state as spaceport territory, if such property is a spaceport as licensed by the FAA.

Section 212.08, F.S., provides a tax exemption for machinery and equipment purchased for a new or expanding business in a spaceport territory. This bill will allow new and expanding businesses located at Cecil Airport and Cecil Commerce Center, or on property licensed as a FAA spaceport, to be eligible for this exemption. In order to qualify, a business must be engaged in spaceport activities, as defined by s. 212.02(22), F.S.⁸

The bill provides for an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1: Amends s. 331.304, F.S., designating certain real property as spaceport territory.

Section 2: Provides for an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

With respect to the Cecil Airport and Cecil Commerce Center, the Revenue Estimating Conference adopted a negative recurring fiscal impact of \$100,000 on state funds related to the tax exemption on machinery and equipment purchased for a new or expanding business in a spaceport territory.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Insignificant.

⁷ Jacksonville Aviation Authority. <http://www.jia.aero/content.aspx?id=155> (last visited September 21, 2011).

⁸ The term “Spaceport Activities” means activities directed or sponsored by Space Florida on spaceport territory pursuant to its powers and responsibilities under the Space Florida Act.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may encourage the development of the commercial space industry in Florida. As the industry shifts its focus toward space tourism, the Cecil Field Spaceport could become a hub for reusable systems capable of transporting humans and general cargo into space.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS / COMMITTEE SUBSTITUTE CHANGES

On November 6, 2011, the Business & Consumer Affairs Subcommittee adopted one amendment, which clarifies the types of property that may be designated as spaceport territory under s. 331.304, F.S. The bill was reported favorably as a committee substitute and the analysis has been updated to reflect the adopted amendment.

1 A bill to be entitled
2 An act relating to spaceport territory; amending s.
3 331.304, F.S.; revising spaceport territory to include
4 certain properties; providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. Subsections (3) and (4) are added to section
9 331.304, Florida Statutes, to read:

10 331.304 Spaceport territory.—The following property shall
11 constitute spaceport territory:

12 (3) Certain real property located in Duval County which is
13 included within the boundaries of Cecil Airport and Cecil
14 Commerce Center.

15 (4) Real property within the state which is a spaceport
16 licensed by the Federal Aviation Administration, as designated
17 by the board of directors of Space Florida.

18 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 517 Reducing and Streamlining Regulations

SPONSOR(S): Grant

TIED BILLS: IDEN./SIM. BILLS: SB 762

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	11 Y, 0 N	Livingston	Creamer
2) Rulemaking & Regulation Subcommittee	15 Y, 0 N	Miller	Rubottom
3) Economic Affairs Committee		Livingston <i>[Signature]</i>	Tinker <i>TBT</i>

SUMMARY ANALYSIS

In addition to administering numerous professional boards, the Department of Business and Professional Regulation (department) processes applications for licensure and license renewal. The department also receives and investigates complaints made against licensees and, if necessary, brings administrative charges.

Chapter 455, F.S., provides the general powers of the department and sets forth the procedural and administrative frame work for professional boards housed under the department, as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation. Section 455.213, F.S., establishes general licensing provisions for the department, including the authority to charge licensing fees. Section 455.271(4), F.S., provides an inactive licensee may change his or her status to active provided the licensee meets all requirements for active status, pays the appropriate fees, and meets all continuing education requirements.

The bill reduces regulatory requirements for professions and businesses, and streamlines regulatory functions primarily for programs under the department.

Specifically, the bill:

- reduces the required continuing education requirements to reactivate an inactive license to only one cycle of hours required, instead of the hours required for the years the license was inactive;
- decriminalizes specified violations of several professional boards' rules and administrative requirements that currently carry second-degree misdemeanor fines and penalties; and
- amends appraisal regulations and deletes references to Uniform Standards of Professional Appraisal Practice and provides that the professional standards be adopted by board rule.

The bill may have an insignificant negative fiscal impact on state funds related to the reduction in fees, fines, and penalties.

The effective date of the bill is July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Continuing Education

A licensee may practice a profession only if the licensee has an active status license.¹ At the time of license renewal, a licensee may choose an active or inactive status.² An inactive status licensee may change to active status provided the licensee meets requirements for active status, pays applicable fees and meets continuing education requirements.

Generally, a licensee with an inactive license may choose at any time to change to an active status but must meet all the requirements for an active license, pay any additional fees including applicable reactivation fees, and must complete enough continuing education to fulfill the continuing education requirement for each licensure cycle during which the license was inactive.³ For example, a community association manager on inactive status for two biennial license cycles must complete 40 hours of continuing education to activate his or her inactive license.⁴

Proposed Changes

The bill amends ss. 455.271(10),⁵ 468.4338,⁶ 468.8317,⁷ 468.8417,⁸ 477.0212,⁹ 481.217,¹⁰ 481.315,¹¹ 489.116,¹² and 489.519,¹³ F.S., reducing the amount of continuing education a licensee must complete to the equivalent of one renewal cycle¹⁴ before reactivating an inactive licensee.

Current Situation

Decriminalization of Rule Violations

Currently, Florida Statutes criminalize violations of rules and orders of several professions under the oversight of the department, including auctioneers, real estate professionals, real property appraisers, barbers, and cosmetologists.¹⁵

As a result, a licensee is subject to criminal sanctions for specified violations, including minor rule infractions.¹⁶ In addition, violations are subject to imposition of administrative fines that can range from

¹ Section 455.271(1), F.S.

² Section 455.271(2), F.S.

³ Section 455.271(4), F.S.

⁴ The continuing education requirement for biennial renewal of an active community association manager license is 20 hours. Section 468.4338, F.S.; Rule 61E14-4.001(1), F.A.C.

⁵ General requirements for reactivating an inactive or delinquent license.

⁶ Reactivation requirements for a community association manager license.

⁷ Reactivation requirements for a home inspector license.

⁸ Reactivation requirements for a mold assessor or remediator license.

⁹ Reactivation requirements for a cosmetologist license.

¹⁰ Reactivation requirements for an architect or interior designer license.

¹¹ Reactivation requirements for a landscape architect license.

¹² Reactivation requirements for a contractor license.

¹³ Reactivation requirements for an electrical contractor license.

¹⁴ "Renewal cycle" is not defined in the bill. The statutes use the term "licensure cycle" or "license cycle" when referring to the biennial period for license renewal.

¹⁵ Sections 468.391, 475.42, 475.626, 476.194, and 477.0265, F.S., respectively.

\$500-\$5,000 per occurrence, depending on which practice act is violated, as well as the suspension or revocation of the license.

Proposed changes

The bill decriminalizes violations of administrative rules and certain statutes by amending the criminal penalty provisions of specific practice acts. State attorneys may still file criminal charges against a licensee for more serious violations. The applicable regulatory board will still be able to impose administrative discipline against a licensee for violating administrative rules, under the following statutes:

- Florida Board of Auctioneers, under s. 468.389(1)(j), F.S.
- Florida Real Estate Commission, under s. 475.25(1)(e), F.S.
- Florida Real Estate Appraisal Board, under s. 475.624(4), F.S.
- Barbers' Board, under s. 476.204(1)(i), F.S.
- Board of Cosmetology, under s. 477.029(1)(i), F.S.

Current Situation

Appraisal regulations

State-licensed or state-certified appraisers must be used in the performance of an appraisal for any federally-related transaction, and those appraisals must comply with the Uniform Standards of Professional Appraisal Practice (USPAP). A federally-related transaction is defined as any real estate related financial transaction which:

- involves the transfer of an interest in real property, the financing or refinancing of a transfer of an interest in real property, or the use of an interest in real property as security for a loan or for mortgage-backed securities, or
- involves a federal financial regulatory agency or one of the specific agencies named in Title XI of the U.S.C. that require the services of a state-licensed or state-certified appraiser.

Chapter 475, Part II, F.S., (the Real Estate Appraisal Act), specifically incorporates, references, and requires compliance with the USPAP standards by all registered, licensed, or certified Florida real estate appraisers.¹⁷ These standards apply to all real estate appraisal connected with all federally-related financial transactions (as defined above). Although the federal authorities have changed the USPAP guidelines several times since Florida first adopted the Act in 1991,¹⁸ the Florida Statutes have not reincorporated the USPAP since 1998.¹⁹ Under the doctrine of recent appellate and DOAH rulings, the 1998 version of USPAP is applicable in Florida as the last version specifically incorporated into Florida law.^{20 21} The current USPAP is version 2010-2011.

Proposed changes

The bill amends various references to appraisal regulations and deletes certain references to the Uniform Standards of Professional Appraisal Practice. The bill provides that the professional standards

¹⁶ Under the criminal penalty statutes listed in note 15, a conviction for violating a rule of the Florida Board of Auctioneers is sentenced as a third degree felony but a conviction for violating a rule of the Florida Real Estate Commission, Florida Real Estate Appraisal Board, Barbers' Board, or Board of Cosmetology would be sentenced as a second degree misdemeanor.

¹⁷ Section 475.628, F.S.

¹⁸ Chapter 91-89, F.S.

¹⁹ Section 35, Chapter 98-250, Laws of Florida, amended and readopted s. 475.628, F.S.

²⁰ *Abbott Laboratories v. Mylan Pharmaceuticals, Inc.*, 15 So. 3d 642, 655 (Fla. 1st DCA 2009); *Department of Business and Professional Regulation v. Lester*, Agency Case No. 2008001566, Final Order dated May 17, 2010, adopting *in toto* Recommended Final Order rendered by DOAH in Case No. 09-0642PL, 2009 WL 4099146 (November 24, 2009).

²¹ By rule the Florida Real Estate Appraisal Board presently applies the 2008-2009 version of the USPAP. Rule 61J-1.9001, Florida Administrative Code. The doctrine stated in *Abbott Laboratories* calls into question whether the Board has authority to adopt such a rule.

be adopted by applicable board rule. These sections of part II of chapter 475, F.S., include: 475.615, 475.617, 475.6175, 475.6235, 475.25, 475.624, 475.6245, 475.628, and 373.461 (relating to the restoration of water resources in the Lake Apopka Basin), F.S.

B. SECTION DIRECTORY:

Section 1 amends s. 455.271, F.S., to require only one renewal cycle of continuing education to reactivate a license.

Section 2 amends s. 468.4338, F.S., to reduce the required continuing education requirements to reactivate an inactive Community Association Manager license to only one cycle of hours required, instead of the hours required for the years the license was inactive.

Sections 3 and 4 amend ss. 468.8317 and 468.8417, F.S., to reduce the required continuing education requirements to reactivate an inactive home inspector license and a mold assessor or mold remediator license to only one cycle of hours required, instead of the hours required for the years the license was inactive.

Section 5 amends s. 475.615, F.S., to remove references to the Uniform Standards of Professional Appraisal Practice and provides the standards of professional practice will be established by board rule.

Sections 6 and 7 amend ss. 475.617 and 475.6175(1), F.S., to conform with other changes in the bill relating to the equivalency of board-adopted rules to the Uniform Standards of Professional Appraisal Practice.

Section 8 amends s. 477.0212(2), F.S., to provide the Board of Cosmetology shall require a licensee to complete one renewal cycle of continuing education requirements prior to renewing an inactive license.

Sections 9 - 12 amend ss. 481.217, 481.315, 489.116, and 489.519, F.S., to provide architects, interior designers, landscape architects, construction contractors, electrical contractors, and alarm system contractor licensees shall only be required to complete one renewal cycle of continuing education to reactivate a license.

Section 13 amends s. 475.6235(4), F.S., to remove references to the Uniform Standards of Professional Appraisal Practice and provides the standards of professional practice will be established by board rule. In addition, this section clarifies an application for registration of an appraisal management company shall expire one year after the date received "by the department".

Section 14 amends s. 468.391, F.S., to limit the application of criminal penalties relating to auctioneering.

Section 15 amends s. 475.25, F.S., to remove references to the Uniform Standards of Professional Appraisal Practice and provides the standards of professional practice will be established by board rule.

Section 16 amends s. 475.42, F.S., to eliminate rule violations of the Florida Real Estate Commission from the list of violations which may result in criminal penalties.

Section 17 amends subsection (14) of s. 475.624, F.S., to remove references to the Uniform Standards of Professional Appraisal Practice, to provide the standards of professional practice will be established by board rule.

Section 18 amends s. 475.6245(1), F.S., to provide the standards of professional practice will be established by board rule.

Sections 19 amends s. 475.626, F.S., to delete criminal penalties for persons who violate orders or rules of the Florida Real Estate Appraisal Board or related grounds for disciplinary action.

Sections 20 and 21 amend ss. 476.194 and 477.0265, F.S., to delete criminal penalties for persons who commit certain violations relating to barbering and cosmetology.

Sections 22 amends s. 475.628, F.S., to remove references to the Uniform Standards of Professional Appraisal Practice, to provide the standards of professional practice will be established by board rule.

Section 23 amends s. 373.461(5)(c), F.S., to remove references to the Uniform Standards of Professional Appraisal Practice as it relates to water resources and provides the standards of professional practice will be established by rule of the Florida Real Estate Appraisal Board.

Section 24. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have an insignificant negative fiscal impact on DBPR's Regulatory Trust Fund related to the reduction in fees, fines, and penalties.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides a reduction in the continuing education requirements for activating an inactive license. The reduction in requirements and potential for fee waivers would decrease costs to licensees.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill reduces the required continuing education requirements to reactivate an inactive license to only one cycle of hours required, instead of the hours required for the years the license was inactive. Section 11 of the bill requires licensed contractors who activate an inactive or delinquent license to "...meet all continuing education requirements prescribed by the board." The Construction Industry Licensing Board has adequate existing rulemaking authority under ss. 489.108 and 489.115(4)(b), F.S.

Section 22 of the bill provides the standards of professional practice for real estate appraisers will be established by board rule and creates adequate rulemaking authority in the amendment to s. 475.628, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

HB 517

2012

28 appraisals involving the restoration of the Lake
 29 Apopka Basin; providing an effective date.

30
 31 Be It Enacted by the Legislature of the State of Florida:

32
 33 Section 1. Subsection (10) of section 455.271, Florida
 34 Statutes, is amended to read:

35 455.271 Inactive and delinquent status.—

36 (10) The board, or the department when there is no board,
 37 may not require ~~Before reactivation,~~ an inactive or delinquent
 38 licensee, except for a licensee under chapter 473 or chapter
 39 475, to complete more than one renewal cycle of ~~shall meet the~~
 40 ~~same continuing education to reactivate a license. requirements,~~
 41 ~~if any, imposed on an active status licensee for all biennial~~
 42 ~~licensure periods in which the licensee was inactive or~~
 43 ~~delinquent. This subsection does not apply to persons regulated~~
 44 ~~under chapter 473.~~

45 Section 2. Section 468.4338, Florida Statutes, is amended
 46 to read:

47 468.4338 Reactivation; continuing education.—The council
 48 shall prescribe by rule continuing education requirements for
 49 reactivating a license. The continuing education requirements
 50 for reactivating a license may not exceed more than one renewal
 51 cycle of continuing education ~~exceed 10 classroom hours for each~~
 52 ~~year the license was inactive.~~

53 Section 3. Subsection (2) of section 468.8317, Florida
 54 Statutes, is amended to read:

55 468.8317 Inactive license.—

56 (2) A license that becomes ~~has become~~ inactive may be
 57 reactivated upon application to the department. The department
 58 may prescribe by rule continuing education requirements as a
 59 condition of reactivating a license. The rules may not require
 60 more than one renewal cycle of continuing education to
 61 reactivate requirements for reactivating a license may not
 62 ~~exceed 14 hours for each year the license was inactive.~~

63 Section 4. Subsection (2) of section 468.8417, Florida
 64 Statutes, is amended to read:

65 468.8417 Inactive license.—

66 (2) A license that becomes ~~has become~~ inactive may be
 67 reactivated upon application to the department. The department
 68 may prescribe by rule continuing education requirements as a
 69 condition of reactivating a license. The rules may not require
 70 more than one renewal cycle of continuing education to
 71 reactivate requirements for reactivating a license may not
 72 ~~exceed 14 hours for each year the license was inactive.~~

73 Section 5. Subsection (5) of section 475.615, Florida
 74 Statutes, is amended to read:

75 475.615 Qualifications for registration or certification.—

76 (5) At the time of filing an application for registration
 77 or certification, the applicant must sign a pledge indicating
 78 that upon becoming registered or certified, she or he will
 79 comply with the standards of professional practice established
 80 by rule of the board, including standards for the development or
 81 communication of a real estate appraisal, to comply with the
 82 ~~Uniform Standards of Professional Appraisal Practice upon~~
 83 ~~registration or certification~~ and must indicate in writing that

84 she or he understands the types of misconduct for which
 85 disciplinary proceedings may be initiated. The application shall
 86 expire 1 year after the date received by the department.

87 Section 6. Subsection (1), paragraph (b) of subsection
 88 (2), and paragraph (b) of subsection (3) of section 475.617,
 89 Florida Statutes, are amended to read:

90 475.617 Education and experience requirements.—

91 (1) To be registered as a trainee appraiser, an applicant
 92 must present evidence satisfactory to the board that she or he
 93 has successfully completed at least 100 hours of approved
 94 academic courses in subjects related to real estate appraisal,
 95 which shall include coverage of the Uniform Standards of
 96 Professional Appraisal Practice, or its equivalent, as
 97 established by rule of the board, from a nationally recognized
 98 or state-recognized appraisal organization, career center,
 99 accredited community college, college, or university, state or
 100 federal agency or commission, or proprietary real estate school
 101 that holds a permit pursuant to s. 475.451. The board may
 102 increase the required number of hours to not more than 125
 103 hours. A classroom hour is defined as 50 minutes out of each 60-
 104 minute segment. Past courses may be approved on an hour-for-hour
 105 basis.

106 (2) To be certified as a residential appraiser, an
 107 applicant must present satisfactory evidence to the board that
 108 she or he has met the minimum education and experience
 109 requirements prescribed by rule of the board. The board shall
 110 prescribe by rule education and experience requirements that
 111 meet or exceed the following real property appraiser

112 qualification criteria adopted on February 20, 2004, by the
 113 Appraisal Qualifications Board of the Appraisal Foundation:

114 (b) Has successfully completed at least 200 classroom
 115 hours, inclusive of examination, of approved academic courses in
 116 subjects related to real estate appraisal, which shall include a
 117 15-hour National Uniform Standards of Professional Appraisal
 118 Practice course, or its equivalent, as established by rule of
 119 the board, from a nationally recognized or state-recognized
 120 appraisal organization, career center, accredited community
 121 college, college, or university, state or federal agency or
 122 commission, or proprietary real estate school that holds a
 123 permit pursuant to s. 475.451. A classroom hour is defined as 50
 124 minutes out of each 60-minute segment. Past courses may be
 125 approved by the board and substituted on an hour-for-hour basis.

126 (3) To be certified as a general appraiser, an applicant
 127 must present evidence satisfactory to the board that she or he
 128 has met the minimum education and experience requirements
 129 prescribed by rule of the board. The board shall prescribe
 130 education and experience requirements that meet or exceed the
 131 following real property appraiser qualification criteria adopted
 132 on February 20, 2004, by the Appraisal Qualifications Board of
 133 the Appraisal Foundation:

134 (b) Has successfully completed at least 300 classroom
 135 hours, inclusive of examination, of approved academic courses in
 136 subjects related to real estate appraisal, which shall include a
 137 15-hour National Uniform Standards of Professional Appraisal
 138 Practice course, or its equivalent, as established by rule of
 139 the board, from a nationally recognized or state-recognized

140 appraisal organization, career center, accredited community
 141 college, college, or university, state or federal agency or
 142 commission, or proprietary real estate school that holds a
 143 permit pursuant to s. 475.451. A classroom hour is defined as 50
 144 minutes out of each 60-minute segment. Past courses may be
 145 approved by the board and substituted on an hour-for-hour basis.

146 Section 7. Subsection (1) of section 475.6175, Florida
 147 Statutes, is amended to read:

148 475.6175 Registered trainee appraiser; postlicensure
 149 education required.—

150 (1) The board shall prescribe postlicensure educational
 151 requirements in order for a person to maintain a valid
 152 registration as a registered trainee appraiser. If prescribed,
 153 the postlicensure educational requirements consist of one or
 154 more courses which total no more than the total educational
 155 hours required to qualify as a state certified residential
 156 appraiser. Such courses must be in subjects related to real
 157 estate appraisal and shall include coverage of the Uniform
 158 Standards of Professional Appraisal Practice or its equivalent,
 159 as established by rule of the board. Such courses are provided
 160 by a nationally or state-recognized appraisal organization,
 161 career center, accredited community college, college, or
 162 university, state or federal agency or commission, or
 163 proprietary real estate school that holds a permit pursuant to
 164 s. 475.451.

165 Section 8. Subsection (2) of section 477.0212, Florida
 166 Statutes, is amended to read:

167 477.0212 Inactive status.—

HB 517

2012

168 (2) The board shall adopt ~~promulgate~~ rules relating to
 169 licenses that ~~which have~~ become inactive and for the renewal of
 170 inactive licenses. The rules may not require more than one
 171 renewal cycle of continuing education to reactivate a license.
 172 The board shall prescribe by rule a fee not to exceed \$50 for
 173 the reactivation of an inactive license and a fee not to exceed
 174 \$50 for the renewal of an inactive license.

175 Section 9. Subsection (1) of section 481.217, Florida
 176 Statutes, is amended to read:

177 481.217 Inactive status.—

178 (1) The board may prescribe by rule continuing education
 179 requirements as a condition of reactivating a license. The rules
 180 may not require more than one renewal cycle of continuing
 181 education to reactivate ~~requirements for reactivating~~ a license
 182 for a registered architect or interior designer ~~may not exceed~~
 183 ~~12 contact hours for each year the license was inactive. The~~
 184 ~~minimum continuing education requirement for reactivating a~~
 185 ~~license for a registered interior designer shall be those of the~~
 186 ~~most recent biennium plus one-half of the requirements in s.~~
 187 ~~481.215 for each year or part thereof during which the license~~
 188 ~~was inactive. The board may shall~~ only approve continuing
 189 education for an interior designer which ~~that~~ builds upon the
 190 basic knowledge of interior design.

191 Section 10. Subsection (1) of section 481.315, Florida
 192 Statutes, is amended to read:

193 481.315 Inactive status.—

194 (1) A license that has become inactive or delinquent may
 195 be reactivated under this section upon application to the

HB 517

2012

196 department and payment of any applicable biennial renewal or
 197 delinquency fee, or both, and a reactivation fee. The board may
 198 not require a licensee to complete more than one renewal cycle
 199 of continuing education requirements ~~The board may prescribe by~~
 200 ~~rule continuing education requirements as a condition of~~
 201 ~~reactivating the license. The continuing education requirements~~
 202 ~~for reactivating a license may not exceed 12 classroom hours for~~
 203 ~~each year the license was inactive.~~

204 Section 11. Subsections (3) and (6) of section 489.116,
 205 Florida Statutes, are amended to read:

206 489.116 Inactive and delinquent status; renewal and
 207 cancellation notices.—

208 (3) An inactive status certificateholder or registrant may
 209 change to active status at any time, if provided the
 210 certificateholder or registrant meets all requirements for
 211 active status, pays any additional licensure fees necessary to
 212 equal those imposed on an active status certificateholder or
 213 registrant, ~~and~~ pays any applicable late fees, and meets all
 214 continuing education requirements prescribed by the board.

215 (6) The board may not require an inactive
 216 certificateholder or registrant to complete more than one
 217 renewal cycle of shall comply with the same continuing education
 218 for reactivating a certificate or registration requirements, if
 219 ~~any, that are imposed on an active status certificateholder or~~
 220 ~~registrant.~~

221 Section 12. Subsection (1) of section 489.519, Florida
 222 Statutes, is amended to read:

223 489.519 Inactive status.—

224 (1) A certificate or registration that becomes ~~has become~~
 225 inactive may be reactivated under s. 489.517 upon application to
 226 the department. The board may not require a licensee to complete
 227 more than one renewal cycle of ~~prescribe, by rule,~~ continuing
 228 education to reactivate requirements ~~as a condition of~~
 229 ~~reactivating~~ a certificate or registration. ~~The continuing~~
 230 ~~education requirements for reactivating a certificate or~~
 231 ~~registration may not exceed 12 classroom hours for each year the~~
 232 ~~certificate or registration was inactive.~~

233 Section 13. Subsection (4) of section 475.6235, Florida
 234 Statutes, is amended to read:

235 475.6235 Registration of appraisal management companies
 236 required.—

237 (4) At the time of filing an application for registration
 238 of an appraisal management company, each person listed in
 239 paragraph (2)(f) must sign a pledge to comply with the standards
 240 of professional practice established by rule of the board,
 241 including standards for the development or communication of a
 242 real estate appraisal, ~~Uniform Standards of Professional~~
 243 ~~Appraisal Practice upon registration~~ and must indicate in
 244 writing that she or he understands the types of misconduct for
 245 which disciplinary proceedings may be initiated. The application
 246 shall expire 1 year after the date received by the department.

247 Section 14. Section 468.391, Florida Statutes, is amended
 248 to read:

249 468.391 Penalty.—Any auctioneer, apprentice, or auction
 250 business or any owner or manager thereof, or, in the case of
 251 corporate ownership, any substantial stockholder of the

HB 517

2012

252 corporation owning the auction business, who operates without an
253 active license or violates any of the provisions ~~provision~~ of
254 the prohibited acts listed under s. 468.389(1)(c), (e), (f),
255 (h), and (i) commits a felony of the third degree, punishable as
256 provided in s. 775.082 or s. 775.083.

257 Section 15. Paragraph (t) of subsection (1) of section
258 475.25, Florida Statutes, is amended to read:

259 475.25 Discipline.-

260 (1) The commission may deny an application for licensure,
261 registration, or permit, or renewal thereof; may place a
262 licensee, registrant, or permittee on probation; may suspend a
263 license, registration, or permit for a period not exceeding 10
264 years; may revoke a license, registration, or permit; may impose
265 an administrative fine not to exceed \$5,000 for each count or
266 separate offense; and may issue a reprimand, and any or all of
267 the foregoing, if it finds that the licensee, registrant,
268 permittee, or applicant:

269 (t) Has violated any standard of professional practice
270 established by rule of the Florida Real Estate Appraisal Board,
271 including standards for the development or communication of a
272 real estate appraisal ~~or other provision of the Uniform~~
273 ~~Standards of Professional Appraisal Practice, as defined in s.~~
274 ~~475.611,~~ as approved and adopted by the Appraisal Standards
275 Board of the Appraisal Foundation, as defined in s. 475.611.

276 This paragraph does not apply to a real estate broker or sales
277 associate who, in the ordinary course of business, performs a
278 comparative market analysis, gives a broker price opinion, or
279 gives an opinion of value of real estate. However, in no event

HB 517

2012

280 may this comparative market analysis, broker price opinion, or
 281 opinion of value of real estate be referred to as an appraisal,
 282 as defined in s. 475.611.

283 Section 16. Paragraphs (f) through (o) of subsection (1)
 284 of section 475.42, Florida Statutes, are redesignated as
 285 paragraphs (e) through (n), respectively, and present paragraph
 286 (e) of that subsection is amended to read:

287 475.42 Violations and penalties.-

288 (1) VIOLATIONS.-

289 ~~(e) A person may not violate any lawful order or rule of~~
 290 ~~the commission which is binding upon her or him.~~

291 Section 17. Subsection (14) of section 475.624, Florida
 292 Statutes, is amended to read:

293 475.624 Discipline of appraisers.-

294 The board may deny an application for registration or
 295 certification of an appraiser; may investigate the actions of
 296 any appraiser registered, licensed, or certified under this
 297 part; may reprimand or impose an administrative fine not to
 298 exceed \$5,000 for each count or separate offense against any
 299 such appraiser; and may revoke or suspend, for a period not to
 300 exceed 10 years, the registration, license, or certification of
 301 any such appraiser, or place any such appraiser on probation, if
 302 the board finds that the registered trainee, licensee, or
 303 certificateholder:

304 (14) Has violated any standard of professional practice,
 305 including standards for the development or communication of a
 306 real estate appraisal, as established by rule of the board or
 307 ~~other provision of the Uniform Standards of Professional~~

HB 517

2012

308 ~~Appraisal Practice.~~

309 Section 18. Paragraph (n) of subsection (1) of section
310 475.6245, Florida Statutes, is amended to read:

311 475.6245 Discipline of appraisal management companies.—

312 (1) The board may deny an application for registration of
313 an appraisal management company; may investigate the actions of
314 any appraisal management company registered under this part; may
315 reprimand or impose an administrative fine not to exceed \$5,000
316 for each count or separate offense against any such appraisal
317 management company; and may revoke or suspend, for a period not
318 to exceed 10 years, the registration of any such appraisal
319 management company, or place any such appraisal management
320 company on probation, if the board finds that the appraisal
321 management company or any person listed in s. 475.6235(2)(f):

322 (n) Has instructed an appraiser to violate any standard of
323 professional practice established by rule of the board,
324 including standards for the development or communication of a
325 real estate appraisal or other provision of the Uniform
326 Standards of Professional Appraisal Practice.

327 Section 19. Paragraphs (d) through (h) of subsection (1)
328 of section 475.626, Florida Statutes, are redesignated as
329 paragraphs (b) through (f), respectively, and present paragraphs
330 (b) and (c) of that subsection are amended to read:

331 475.626 Violations and penalties.—

332 (1) A person may not:

333 ~~(b) Violate any lawful order or rule of the board which is~~
334 ~~binding upon her or him.~~

335 ~~(c) If a registered trainee appraiser or a licensed or~~

336 ~~certified appraiser, commit any conduct or practice set forth in~~
 337 ~~s. 475.624.~~

338 Section 20. Paragraphs (c) through (f) of subsection (1)
 339 of section 476.194, Florida Statutes, are redesignated as
 340 paragraphs (b) through (e), respectively, and present paragraph
 341 (b) of that subsection is amended to read:

342 476.194 Prohibited acts.—

343 (1) It is unlawful for any person to:

344 ~~(b) Engage in willful or repeated violations of this act~~
 345 ~~or of any of the rules adopted by the board.~~

346 Section 21. Paragraphs (d) through (h) of subsection (1)
 347 of section 477.0265, Florida Statutes, are redesignated as
 348 paragraphs (c) through (g), respectively, and present paragraph
 349 (c) of that subsection is amended to read:

350 477.0265 Prohibited acts.—

351 (1) It is unlawful for any person to:

352 ~~(c) Engage in willful or repeated violations of this~~
 353 ~~chapter or of any rule adopted by the board.~~

354 Section 22. Section 475.628, Florida Statutes, is amended
 355 to read:

356 475.628 Professional standards for appraisers registered,
 357 licensed, or certified under this part.—The board shall adopt
 358 rules establishing standards of professional practice that meet
 359 or exceed nationally recognized standards of appraisal practice,
 360 including standards adopted by the Appraisal Standards Board of
 361 the Appraisal Foundation. Each appraiser registered, licensed,
 362 or certified under this part must ~~shall~~ comply with the rules
 363 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements

HB 517

2012

364 on appraisal standards which may be issued for the purpose of
 365 clarification, interpretation, explanation, or elaboration
 366 through the Appraisal Foundation shall also be binding on any
 367 appraiser registered, licensed, or certified under this part,
 368 upon adoption by rule of the board.

369 Section 23. Paragraph (c) of subsection (5) of section
 370 373.461, Florida Statutes, is amended to read:

371 373.461 Lake Apopka improvement and management.—

372 (5) PURCHASE OF AGRICULTURAL LANDS.—

373 (c) The district shall explore the availability of funding
 374 from all sources, including any federal, state, regional, and
 375 local land acquisition funding programs, to purchase the
 376 agricultural lands described in paragraph (a). It is the
 377 Legislature's intent that, if such funding sources can be
 378 identified, acquisition of the lands described in paragraph (a)
 379 may be undertaken by the district to purchase these properties
 380 from willing sellers. However, the purchase price paid for
 381 acquisition of such lands that were in active cultivation during
 382 1996 may ~~shall~~ not exceed the highest appraisal obtained by the
 383 district for these lands from a state-certified general
 384 appraiser following the standards of professional practice
 385 established by rule of the Florida Real Estate Appraisal Board,
 386 including standards for the development or communication of a
 387 real estate appraisal ~~Uniform Standards of Professional~~
 388 ~~Appraisal Practice~~. This maximum purchase price limitation may
 389 ~~shall~~ not include, nor be applicable to, that portion of the
 390 purchase price attributable to consideration of income described
 391 in paragraph (b), or that portion attributable to related

HB 517

2012

392 facilities, or closing costs.

393 Section 24. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 693 Business and Professional Regulation

SPONSOR(S): Ingram

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	13 Y, 0 N	Livingston	Creamer
2) Economic Affairs Committee		Livingston <i>affel</i>	Tinker

SUMMARY ANALYSIS

Current statutory provisions provide that a person who is regulated by a professional board or by the Department of Business and Professional Regulation when there is no board who changes from inactive license status to active status during renewal of his/her license is ineligible to return to inactive status until the licensee completes a licensure cycle on active status.

The bill eliminates the provision that a licensee who changes from inactive to active status during license renewal is ineligible to return to inactive status until the licensee completes a licensure cycle on active status. This will allow a licensee to change licensure status at any time during the next license renewal cycle.

The bill does not have a fiscal impact on state funds.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current situation

Chapter 455, F.S., provides the general powers of the Department of Business and Professional Regulation (department) and sets forth the procedural and administrative frame work for professional boards housed under the department or under the department when there is no oversight of the activity by a professional board. This chapter applies to the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation. Licensee is defined to mean "any person issued a permit, registration, certificate, or license by the department."

Section 455.271(4), F.S., provides that a licensee may practice a profession only if the licensee has an active status license. An inactive status licensee may change to active status provided the licensee meets requirements for active status, pays applicable fees and meets continuing education requirements.

Proposed changes

The bill amends section 455.271(2), F.S., to eliminate the provision that a licensee who changes from inactive to active status during renewal of his/her license is ineligible to return to inactive status until the licensee completes a licensure cycle on active status. This will allow a licensee to change licensure status, active/inactive, at any time during the next license renewal cycle.

B. SECTION DIRECTORY:

Section 1 amends s. 455.271, F.S., to remove the restriction that an inactive license may not be placed in active status until after the license holder completes a normal license cycle while on active status.

Section 2 provides for an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Not anticipated to be significant, though a practitioner would be able to return to inactive nonoperational status earlier than under current law.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to business and professional
3 regulation; amending s. 455.271, F.S.; deleting a
4 provision requiring business and nonmedical
5 professional licensees of the Department of Business
6 and Professional Regulation to complete a licensure
7 cycle on active status before returning to inactive
8 status; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (2) of section 455.271, Florida
13 Statutes, is amended to read:

14 455.271 Inactive and delinquent status.—

15 (2) Each board, or the department when there is no board,
16 shall permit a licensee to choose, at the time of licensure
17 renewal, an active or inactive status. ~~However, a licensee who~~
18 ~~changes from inactive to active status is not eligible to return~~
19 ~~to inactive status until the licensee thereafter completes a~~
20 ~~licensure cycle on active status.~~

21 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 975 Pasco County Housing Authority, Pasco County

SPONSOR(S): Nehr

TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 0 N	Duncan	Hoagland
2) Economic Affairs Committee		Duncan <i>pdd</i>	Tinker <i>TBT</i>

SUMMARY ANALYSIS

Florida law creates a housing authority in each Florida County. The area of operation of a housing authority created for a county includes all of the county for which it is created except that portion of the county which lies within the territorial boundaries of any city as defined in the Housing Authorities Law, as amended. These housing authorities may not transact business or exercise their powers until or unless the governing body of the county declares by resolution that there is need for a housing authority in such county. Upon notification of the adoption of such resolution, the commissioners of the housing authority are appointed by the Governor in the same manner as appointments are made by a mayor for a municipal housing authority.

The bill requires the commissioners of the Pasco County Housing Authority to be appointed by the Pasco County Board of County Commissioners rather than the Governor.

According to the Economic Impact Statement, this bill has no fiscal impact.

This bill has an effective date of upon becoming law.

Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration of local bills. This bill appears to provide an exemption from s. 421.27, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

County Housing Authorities

Florida law creates a housing authority in each Florida county.¹ The area of operation of a housing authority created for a county includes all of the county for which it is created except that portion of the county which lies within the territorial boundaries of any city as defined in the Housing Authorities Law,² as amended.³ As of January 4, 2012, there are 22 county housing authorities in Florida.⁴

These housing authorities may not transact business or exercise their powers until or unless the governing body of the county declares by resolution that there is need for a housing authority in such county. Upon notification of the adoption of such resolution, the commissioners of the housing authority are appointed by the Governor. These appointments are to be made "in the same manner as the commissioners of a housing authority created for a city may be appointed by the mayor...."⁵

Florida law requires the mayor to appoint no fewer than five persons, and no more than seven persons, as commissioners of the authority. Three of the commissioners who are first appointed are designated to serve for terms of one, two and three years, respectively; the remaining commissioners are designated to serve for terms of four years each, from the date of their appointment. Thereafter, each commissioner is appointed for a four-year term, except that a vacancy is filled for the unexpired term.⁶

Each housing authority is required to have at least one commissioner who is a resident who is current in rent in a housing project or a person of low or very low income who resides within the housing authority's jurisdiction and is receiving rent subsidy through a program administered by the authority or public housing agency that has jurisdiction for the same locality served by the housing authority. In the case of an authority, which does not have a completed project, no tenant-commissioner may be appointed until 10 percent of the units in the first project of the authority have been occupied. The cessation of a tenant-commissioner's tenancy in a housing project or the cessation of rent subsidy removes the tenant-commissioner from office, and another person meeting the qualifications required for the office is appointed for the unexpired portion of the term.⁷

If the commissioners find that no housing project resident or rent subsidy recipient is available to serve as a tenant-commissioner, after all reasonable efforts have been made and documented, the existing vacancy then is filled through the normal appointment procedures. However, such normal appointment does not preclude the requirement to exercise diligence in all succeeding vacancies to attempt to first appoint a tenant-commissioner until at least one tenant-commissioner has been appointed.⁸

No commissioner of an authority may be an officer or employee of the city for which the authority is created. A commissioner holds office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner is filed with the clerk, and such certificate is conclusive evidence of the due and proper appointment of such commissioner. A commissioner receives no compensation for his or her services but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of his or her duties. The requirements of

¹ Section 421.27(1), F.S.

² Part I of ch. 421, F.S.

³ Section 421.27(3), F.S.

⁴ Florida Department of Economic Opportunity, Division of Community Planning and Development, Special District Information Program, Official List of Special Districts Online, *Special District Statewide Totals*, <http://www.floridajobs.org/community-planning-and-development> (last visited January 4, 2012).

⁵ Section 421.27(2), F.S.

⁶ Section 421.05(1), F.S.

⁷ *Id.*

⁸ *Id.*

this provision with respect to the number of commissioners of a housing authority apply without regard to the date on which the housing authority was created.⁹

Pasco County Housing Authority

The Pasco County Housing Authority is an independent special district created by a resolution of the Pasco County Board of County Commissioners dated March 27, 1973. The commissioners of the authority are appointed by the Governor.¹⁰ On September 23, 2011, the Governor announced the appointment of four commissioners to the housing authority's board.¹¹ The Governor's Appointment Office is seeking a tenant-commissioner for appointment to the housing authority board.¹²

The housing authority owns and manages 12 developments in Pasco County and has over 2000 units under management through various housing programs.¹³ The housing authority has been the subject of news articles regarding its poor management since August 2011. The U.S. Department of Housing and Urban Development's Office of the Inspector General and the Pasco County State Attorney's Office have launched investigations into the operations of the housing authority.¹⁴

Effect of Proposed Changes

The bill requires the commissioners of the Pasco County Housing Authority to be appointed by the Pasco County Board of County Commissioners rather than the Governor.

B. SECTION DIRECTORY:

Section 1: Requires the commissioners of the Pasco County Housing Authority to be appointed by the Pasco County Board of County Commissioners rather than the Governor.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 16, 2011

WHERE? *The Tampa Tribune*, a daily newspaper published in Hillsborough County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, this bill has no fiscal impact.

⁹ *Id.*

¹⁰ Florida Department of Economic Opportunity, Division of Community Development, Special District Information Program, available at <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited December 16, 2011).

¹¹ Executive Office of the Governor, *Governor Rick Scott Appoints Four to the Pasco County Housing Authority*, September 23, 2011 available at <http://www.flgov.com/2011/09/23/governor-rick-scott-appoints-four-to-the-pasco-county-housing-authority/> (last visited December 16, 2011).

¹² Telephone interview with staff in the Governor's Appointment Office (December 20, 2011).

¹³ Pasco County Housing Authority, Home Page and Developments, available at <http://www.pascocountyhousing.org/housing/developments.htm> (last visited December 19, 2011).

¹⁴ WTSP.com, CBS News Affiliate, *10 News Investigators: New Board at Pasco Housing Authority Vows to Look into Problems*, available at <http://www.wtsp.com/news/article/216589/34/New-board-at-Pasco-Housing-Authority-vows-to-look-into-problems> (last visited December 19, 2011).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A.

HB 975

2012

1 A bill to be entitled
2 An act relating to the Pasco County Housing Authority,
3 Pasco County; providing for the appointment of
4 commissioners of the Pasco County Housing Authority by
5 the Board of County Commissioners of Pasco County;
6 providing an exception to general law; providing an
7 effective date.

8

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

10

11 Section 1. The commissioners of the Pasco County Housing
12 Authority shall be appointed by the Board of County
13 Commissioners of Pasco County in lieu of the method of
14 appointment provided for in section 421.27(2), Florida Statutes.

15

Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 999 Onsite Sewage Treatment and Disposal Systems

SPONSOR(S): Dorworth and others

TIED BILLS: IDEN./SIM. BILLS: CS/SB 820

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee		Rojas <i>GR</i>	Tinker <i>TBT</i>
2) Appropriations Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

HB 999 repeals the state wide onsite sewage treatment and disposal system evaluation program, including legislative intent, program requirements, and the Department of Health's (DOH) rulemaking authority to implement the program.

The bill also:

- Creates a definition of bedroom for purposes of establishing thresholds for required treatment capacity.
- Provides that a permit issued by the DOH for the installation, modification, or repair of a septic system transfers with title to the property. Title is not encumbered when the title is transferred if new permit requirements are in place at the time of transfer.
- Provides for the reconnection of properly functioning septic systems, and clarifies that such systems are not considered abandoned.
- Clarifies that the rules applicable and in effect at the time of approval for construction apply at the time of final approval of the system under certain circumstances.
- Clarifies that a modification, replacement, or upgrade of a septic system is not required for a remodeling addition to a single-family home if a bedroom is not added.
- Reduces the annual operating permit fee for waterless, incinerating, or organic waste composting toilets to \$15-30 from \$30-150.
- Repeals the grant program for low-income residents to repair and replace septic systems.
- Authorizes counties and municipalities to establish local evaluation and assessment programs.

If an evaluation program is adopted by a county or municipality by ordinance, the bill sets the framework and allowable criteria, which includes:

- a pump out and evaluation of a septic system to be performed every five years;
- only persons authorized in the bill may perform the pump out and evaluation;
- notice to be given to septic system owners at least 60 days before the septic system is due for an evaluation;
- that a local ordinance may authorize the assessment of a reasonable fee to cover the costs of administering the evaluation program;
- penalties for qualified contractors and septic system owners who do not comply with the requirements of the evaluation program;
- a county or municipality to develop a database based on evaluation reports submitted;
- a county or municipality to notify the Secretary of Environmental Protection, DOH and the local health department upon the adoption of the ordinance establishing the program; and
- the Department of Environmental Protection (DEP), within existing resources, to notify a county or municipality of potential funding under the Clean Water Act or Clean Water State Revolving Fund and assist such counties or municipalities to model and establish low-interest loan programs.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Health's Regulation of Septic Tanks

The DOH oversees an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. One component of the program is administration of septic systems.¹

An "onsite sewage treatment and disposal system" is a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solid or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. The term does not include package sewage treatment facilities and other treatment works regulated under ch. 403, F.S.²

The DOH estimates there are approximately 2.67 million septic tanks in use statewide.³ The DOH's Bureau of Onsite Sewage (bureau) develops statewide rules and provides training and standardization for county health department employees responsible for permitting the installation and repair of septic systems within the state. The bureau also licenses septic system contractors, approves continuing education courses and courses provided for septic system contractors, funds a hands-on training center, and mediates septic system contracting complaints. The bureau manages a state-funded research program, prepares research grants, and reviews and approves innovative products and septic system designs.⁴

In 2008, the Legislature directed the DOH to submit a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by no later than October 1, 2008, which identifies the range of costs to implement a mandatory statewide five-year septic tank inspection program to be phased in over 10 years pursuant to the DOH's procedure for voluntary inspection, including use of fees to offset costs.⁵ This resulted in the "Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program" (report).⁶ According to the report, three Florida counties, Charlotte, Escambia and Santa Rosa, have implemented mandatory septic tank inspections at a cost of \$83 to \$215 per inspection.

The report stated that 99 percent of septic tanks in Florida are not under any management or maintenance requirements. Also, the report found that while these systems were designed and installed in accordance with the regulations at the time of construction and installation, many are aging and may be under-designed by today's standards. The DOH's statistics indicate that approximately 2 million septic systems are 20 years or older, which is the average lifespan of a septic system in

¹ See s. 381.006, F.S.

² Section 381.0065(2)(j), F.S.

³ Florida Dep't of Health, Bureau of Onsite Sewage, *Home*, <http://www.myfloridaeh.com/ostds/index.html> (last visited Jan. 13, 2012).

⁴ Florida Dep't of Health, Bureau of Onsite Sewage, *OSTDS Description*, <http://www.myfloridaeh.com/ostds/OSTDSdescription.html> (last visited Jan. 13, 2012).

⁵ See ch. 2008-152, Laws of Fla.

⁶ Florida Dep't of Health, Bureau of Onsite Sewage, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, October 1, 2008, available at <http://www.doh.state.fl.us/environment/ostds/pdfs/forms/MSIP.pdf> (last visited Jan. 13, 2012).

Florida.⁷ Because repairs of septic systems were not regulated or permitted by the DOH until March 1992, some septic systems may have been unlawfully repaired, modified or replaced. Furthermore, 1.3 million septic systems were installed prior to 1983. Pre-1983 septic systems were required to have a six inch separation from the bottom of the drainfield to the estimated seasonal high water table. The standard since 1983 for drainfield separation is 24 inches and is based on the 1982 Water Quality Assurance Act and on research findings compiled by the DOH that indicate for septic tank effluent, the presence of at least 24 inches of unsaturated fine sandy soil is needed to provide a relatively high degree of treatment for pathogens and most other septic system effluent constituents.⁸ Therefore, Florida's pre-1983 septic systems and any illegally repaired, modified or installed septic systems may not provide the same level of protection expected from systems permitted and installed under current construction standards.⁹

Flow and Septic System Design Determinations

For residences, domestic sewage flows are calculated using the number of bedrooms and the building area as criteria for consideration, including existing structures and any proposed additions.¹⁰ Depending on the estimated sewage flow, the septic system may or may not be approved by the DOH. For example, a current three bedroom, 1,300 square foot home is able to add building area to have a total of 2,250 square feet of building area with no change in their approved system, provided no additional bedrooms are added.¹¹

Minimum design flows for septic systems serving any structure, building or group of buildings are based on the estimated daily sewage flow. For residences, the flows are based on the number of bedrooms and square footage of building area. For a single or multiple family dwelling unit, the estimated sewage flows are: for one bedroom with 750 square feet or less building area, 100 gallons; for two bedrooms with 751-1,200 square feet, 200 gallons; for three bedrooms with 1,201-2,250 square feet, 300 gallons; and for four bedrooms with 2,251-3,300 square feet, 400 gallons. For each additional bedroom or each additional 750 square feet of building area or fraction thereof in a dwelling unit, system sizing is to be increased by 100 gallons.¹²

Current Status of Evaluation Program

In 2010, SB 550 was signed into law, which became ch. 2010-205, L.O.F. This law provides for additional legislative intent on the importance of properly managing septic tanks and creates a septic system evaluation program. The DOH was to implement the evaluation program beginning January 1, 2011, with full implementation by January 1, 2016.¹³ The evaluation program:

- requires all septic tanks to be evaluated for functionality at least once every five years;
- directs the DOH to provide proper notice to septic owners that their evaluations are due;
- ensures proper separations from the wettest-season water table; and
- specifies the professional qualifications necessary to carry out an evaluation.

The law also establishes a grant program under s. 381.00656, F.S., for owners of septic systems earning less than or equal to 133 percent of the federal poverty level. The grant program is to provide funding for inspections, pump-outs, repairs, or replacements. The DOH is authorized under the law to adopt rules to establish the application and award process for grants.

⁷ Florida Dep't of Health, Bureau of Onsite Sewage, *Onsite Sewage Treatment and Disposal Systems in Florida (2010)*, available at <http://www.doh.state.fl.us/Environment/ostds/statistics/newInstallations.pdf> (last visited Dec. 22, 2011). See also Florida Dep't of Health, Bureau of Onsite Sewage, *What's New?*, available at <http://www.doh.state.fl.us/environment/ostds/New.htm> (last visited on Dec. 22, 2011).

⁸ Florida Dep't of Health, Bureau of Onsite Sewage, *Bureau of Onsite Sewage Programs Introduction*, available at <http://www.doh.state.fl.us/Environment/learning/hses-intro-transcript.htm> (last visited Jan. 15, 2012).

⁹ *Id.*

¹⁰ Rule 64E-6.001, F.A.C.

¹¹ *Id.*

¹² Rule 64E-6.008, F.A.C.

¹³ However, implementation was delayed until July 1, 2011, by the Legislature's enactment of SB 2-A (2010). See also ch. 2010-283, L.O.F.

Finally, ch. 2010-205, L.O.F., amended s. 381.0066, F.S., establishing a minimum and maximum evaluation fee that the DOH can collect. No more than \$5 of each evaluation fee may be used to fund the grant program. The State's Surgeon General, in consultation with the Revenue Estimating Conference, must determine a revenue neutral evaluation fee.

Several bills were introduced during the 2011 Regular Session aimed at either eliminating the inspection program or scaling it back. Although none passed, language was inserted into a budget implementing bill that prohibited the DOH from expending funds to implement the inspection program until it submitted a plan to the Legislative Budget Commission (LBC).¹⁴ If approved, the DOH would then be able to expend funds to begin implementation. Currently, the DOH has not submitted a plan to the LBC for approval.

Local Government Powers and Legislative Preemption

The Florida Constitution grants counties or municipalities broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹⁵ Those counties operating under a county charter have all powers of self-government not inconsistent with general law, or special law approved by the vote of the electors.¹⁶ Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.¹⁷ Section 125.01, F.S., enumerates the powers and duties of all county governments, unless preempted on a particular subject by general or special law.

Under its broad home rule powers, a municipality or a charter county may legislate concurrently with the Legislature on any subject which has not been expressly preempted to the State.¹⁸ Express preemption of a municipality's power to legislate requires a specific statement; preemption cannot be made by implication or by inference.¹⁹ A county or municipality cannot forbid what the legislature has expressly licensed, authorized or required, nor may it authorize what the legislature has expressly forbidden.²⁰ The Legislature can preempt a county's broad authority to enact ordinances and may do so either expressly or by implication.²¹

Effect of the Bill

The bill repeals the state-wide septic system evaluation program, including program requirements, and the DOH's rulemaking authority to implement the program. It repeals legislative intent regarding the DOH's administration of a state wide septic system evaluation program and an obsolete reporting requirement regarding the land application of septage.

The bill also repeals s. 381.00656, F.S., related to a low-income grant program to assist residents with costs associated from a septic system evaluation program and any necessary repairs or replacements.

The bill defines "bedroom" as a room that can be used for sleeping that, for site-built dwellings, has a minimum 70 square feet of conditioned space; or for manufactured homes, constructed to HUD standards having a minimum of 50 square feet of floor area. The room must be located along an exterior wall, have a closet and a door or an entrance where a door could be reasonably installed. It

¹⁴ See ch. 2011-047, s. 13, Laws of Fla.

¹⁵ FLA. CONST. art. VIII, s. 1(f).

¹⁶ FLA. CONST. art. VIII, s. 1(g).

¹⁷ FLA. CONST. art. VIII, s. 2(b); see also s. 166.021, F.S.

¹⁸ See, e.g., *City of Hollywood v. Mulligan*, 934 So. 2d 1238 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005).

¹⁹ *Id.*

²⁰ *Rinzler v. Carson*, 262 So. 2d 661 (Fla. 1972); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005).

²¹ *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005).

also must have an emergency means of escape and rescue opening to the outside. A room may not be considered a bedroom if it is used to access another room, unless the room that is accessed is a bathroom or closet. The term does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room. The bill also corrects two cross references. One is related to research fees collected to fund hands-on training centers for septic systems. The other relates to determining the mean annual flood line.

The bill provides that a permit issued and approved by the DOH for the installation, modification, or repair of a septic system transfers with the title to the property. A title is not encumbered when transferred by new permit requirements that differ from the original permit requirements in effect when the septic system was permitted, modified or repaired. It also prohibits a government entity from requiring a septic system inspection at the point of sale in a real estate transaction.

The bill specifies a septic system serving a foreclosed property is not considered abandoned. It also specifies a septic system is not considered abandoned if it was properly functioning when disconnected from a structure made unusable or destroyed following a disaster, and the septic system was not adversely affected by the disaster. The septic system may be reconnected to a rebuilt structure if:

- reconnection of the septic system is to the same type of structure that existed prior to the disaster;
- the septic system is not a sanitary nuisance; and
- the septic system has not been altered without prior authorization.

The bill provides that the rules applicable and in effect at the time of approval for construction apply at the time of the final approval of the septic system if fundamental site conditions have not changed between the time of construction approval and final approval. The bill also provides that a modification, replacement, or upgrade of a septic system is not required for a remodeling addition to a single-family home if a bedroom is not added.

A county or municipality may adopt an ordinance imposing a septic system evaluation and assessment program if the program meets the requirements provided for in the bill. HB 999 preempts counties' and municipalities' authority to adopt more stringent requirements for a septic system evaluation program than those contained in the bill.

Local ordinances must provide for the following:

- An evaluation of a septic system, including drainfield, every five years to assess the fundamental operational condition of the system and to identify system failures.
- The ordinance may not mandate an evaluation or a soil examination at the point of sale in a real estate transaction.
- Each evaluation must be performed by:
 - a septic tank contractor or master septic tank contractor registered under part III of ch. 489, F.S.;
 - a professional engineer having wastewater treatment system experience and licensed pursuant to ch. 471, F.S.;
 - an environmental health professional certified under ch 381, F.S., in the area of septic system evaluation; or
 - an authorized employee working under the supervision of any of the above four listed individuals. Soil samples may only be conducted by certified individuals.

Evaluation forms must be written or electronically signed by a qualified contractor.

The local ordinance may not require a repair, modification or replacement of a septic system as a result of an evaluation unless the evaluation identifies a failure. The term "system failure" is defined as:

- a condition existing within a septic system that results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water; or

- results in a sanitary nuisance caused by the failure of building plumbing to discharge properly.

A system is not a failure if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield. The bill specifies that a drainfield not achieving the minimum separation distance from the bottom of the drainfield to the wettest season water table contained in current law is not a system failure.

The local ordinance may not require more than the least costly remedial measure to resolve the system failure. The homeowner may choose the remedial measure to fix the system. There may be instances in which a pump out is sufficient to resolve a system failure. Remedial measures to resolve a system failure must meet, to the extent possible, the requirements in effect at the time the repair is made, subject to the exceptions specified in s. 381.0065(4)(g), F.S. This allows certain older septic systems to be repaired instead of replaced if they cannot be repaired to operate to current code. An ordinance may not require an engineer-designed performance-based system as an alternative septic system to remediate a failure of a conventional septic system.

The bill specifies that a septic system that is required to obtain an operating permit or that is inspected by the department on an annual basis pursuant to ch. 513, F.S., related to mobile home and recreational vehicle parks is exempt from inclusion in a local septic system evaluation program.

The bill requires the owner of a septic system subject to an evaluation program to have it pumped out and evaluated at least once every five years. A pump out is not required if the owner can provide documentation to show a pump out has been performed or there has been a permitted new installation, repair or modification of the septic system within the previous five years. The documentation must show both the capacity and that the condition of the tank is structurally sound and watertight.

If a tank, in the opinion of the qualified contractor, is in danger of being damaged by leaving the tank empty after inspection, the tank must be refilled before concluding the inspection. Replacing broken or damaged lids or manholes does not require a repair permit.

In addition to a pump out, the evaluation procedures require an assessment of the apparent structural condition and watertightness of the tank and an estimation of its size. A visual inspection of a tank is required when the tank is empty to detect cracks, leaks or other defects. The baffles or tees must be checked to ensure that they are intact and secure. The evaluation must note the presence and condition of:

- outlet devices;
- effluent filters;
- compartment walls;
- any structural defect in the tank; and
- the condition and fit of the tank lid, including manholes.

The bill also requires a drainfield evaluation and requires certain assessments to be performed when a system contains pumps, siphons or alarms. The drainfield evaluation must include a determination of the approximate size and location of the drainfield. The evaluation must contain a statement noting whether there is any visible effluent on the ground or discharging to a ditch or water body and identifying the location of any downspout or other source of water near the drainfield..

If the septic system contains pumps, siphons or alarms, the following information must be provided:

- an assessment of dosing tank integrity, including the approximate volume and the type of material used in construction;
- whether the pump is elevated off of the bottom of the chamber and its operational status;
- whether the septic system has a check valve and purge hole; and
- whether there is a high-water alarm, including whether the type of alarm is audio, visual or both, the location of the alarm, its operational condition and whether the electrical connections appears satisfactory.

The reporting procedures provided for in the bill require:

- the qualified contractor to document all the evaluation procedures used;
- the qualified contractor to provide a copy of a written, signed evaluation report to the property owner and the county health department within 30 days after the evaluation;
- the name and license number of the company providing the report;
- the local county health department to retain a copy of the evaluation report for a minimum of five years and until a subsequent report is filed;
- the front cover of the report to identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation performed by a contractor other than the contractor performing the evaluation;
- the report to identify tank defects, improper fit or other defects in the tank, manhole or lid, and any other missing component of the septic system;
- noting if any sewage or effluent is present on the ground or discharging to a ditch or surface water body;
- stating if any downspout, stormwater or other source of water is directed onto or towards the septic system;
- identification of any maintenance need or condition that has the potential to interfere with or restrict any future repair or modification to the existing septic system; and
- conclude with an overall assessment of the fundamental operational condition of the septic system.

The county health department will be responsible for administering the program on behalf of a county or municipality. A county or municipality may develop a reasonable fee schedule in consultation with a county health department. The fee must only be used to pay for the costs of administering the program and must be revenue neutral. The fee schedule must be included in the adopted ordinance for a septic system evaluation program. The fee shall be assessed to the septic system owner, collected by the qualified contractor and remitted to the county health department.

The county health department in a jurisdiction where a septic system evaluation program is adopted must:

- provide a notice to a septic system owner at least 60 days before the septic system is due for an evaluation;
- in consultation with the DOH, provide for uniform disciplinary procedures and penalties for qualified contractors who do not comply with the requirements of the adopted ordinance;
- be the sole entity to assess penalties against a septic tank owner who fails to comply with the requirements of an adopted ordinance;
- develop a database and tracking system to encompass evaluation programs adopted by the county or municipalities within its jurisdiction.

The tracking system must include the description, addresses and locations of the septic systems within the jurisdiction, an inventory of the number of septic systems in each jurisdiction and the total number and types of failures. Data in the tracking system must be recorded and updated as they are received.

The tracking system may also:

- include the ability to collect and store other data trends resulting from an overall assessment of septic systems;
- be Internet-based; and
- be designed for use by qualified contractors to report service evaluations and county health departments to notify septic system owners their evaluations are due.

The bill requires a county or municipality that adopts a septic system evaluation and assessment program to notify the Secretary of Environmental Protection, the DOH and the requisite county health department. Once the DEP receives notice a county or municipality has adopted an evaluation program, it must, within existing resources, notify the county or municipality of the potential availability of Clean Water Act or Clean Water State Revolving Fund funds. If a county or municipality requests, the DEP must, within existing resources, provide guidance in the application process to access the

abovementioned funding sources and provide advice and technical assistance on how to establish a low-interest revolving loan program or how to model a revolving loan program after the low-interest loan program of the Clean Water State Revolving Fund. The DEP is not required to provide any money to fund such programs. The bill specifically prohibits the DOH from adopting any rule that alters the provisions contained within the bill.

The bill specifies that it does not derogate or limit county and municipal home rule authority to act outside the scope of the evaluation program created in this bill. The bill clarifies it does not repeal or affect any other law relating to the subject matter of this section. It does not prohibit a county or municipality that has adopted an evaluation program pursuant to this section from:

- enforcing existing ordinances or adopting new ordinances if such ordinances do not repeal, suspend or alter the requirements or limitations of this section; or
- exercising its independent and existing authority to use and meet the requirements of s. 381.00655, F.S. (relating to connection to central sewer systems).

B. SECTION DIRECTORY:

- Section 1:** Amends s. 381.0065, F.S., to repeal the state wide onsite sewage treatment and disposal system evaluation program, including legislative intent, program requirements, and the DOH rulemaking authority to implement the program.
- Section 2:** Creates s. 381.00651, F.S., authorizing evaluation programs to be adopted by a county or municipality by ordinance and sets the framework and allowable criteria.
- Section 3:** Repeals s. 381.00656, F.S., related to a low-income grant program to assist residents with costs associated from a septic system evaluation program and any necessary repairs or replacements.
- Section 4:** Amends s. 381.0066, F.S., related to septic system fees. Deletes the existing fees for the five-year evaluation report and reduces the annual operating permit fee for waterless, incinerating or organic waste composting.
- Section 5:** Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the 2011 DOH analysis of HB 13, the projected revenues would have been \$3.12 million for Fiscal Year 2011-2012, based on a July 1, 2011 implementation date. These projected revenues would have offset the costs to the DOH to administer the evaluation program, including providing assistance to low income families for septic systems needing repair. However, this bill eliminates the requirement to implement the statewide septic tank evaluation and grant programs, and therefore results in no fiscal impact to the DOH.

The bill also reduces the DOH fees for annual operating permits for waterless, incinerating, or organic waste composting toilets from a range of \$50 to \$150 to a range of \$15 to \$30.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill allows a county or municipality to assess a reasonable fee to cover the costs of administering the evaluation program. The fee will likely vary from jurisdiction to jurisdiction.

2. Expenditures:

The cost to counties or municipalities adopting evaluation programs is indeterminate as it depends on how large an area is covered by the evaluation program and how many septic systems are included.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Owners of septic systems subject to the evaluation program will have to pay for septic system evaluations, including pump outs, every five years.

The DOH estimates a cost savings to the public of \$2500 to \$7500 per system through preventive maintenance, thus eliminating the need for costly repairs associated with neglected, failing or improperly functioning systems.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

The bill specifically prohibits the DOH from adopting any rule that alters the provisions contained within the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to onsite sewage treatment and
 3 disposal systems; amending s. 381.0065, F.S.; deleting
 4 legislative intent; defining the term "bedroom";
 5 conforming cross-references; providing for any permit
 6 issued and approved by the Department of Health for
 7 the installation, modification, or repair of an onsite
 8 sewage treatment and disposal system to transfer with
 9 the title of the property; providing circumstances in
 10 which an onsite sewage treatment and disposal system
 11 is not considered abandoned; providing for the
 12 validity of an onsite sewage treatment and disposal
 13 system permit if rules change before final approval of
 14 the constructed system; providing that a system
 15 modification, replacement, or upgrade is not required
 16 unless a bedroom is added to a single-family home;
 17 deleting provisions requiring the department to
 18 administer an evaluation and assessment program of
 19 onsite sewage treatment and disposal systems and
 20 requiring property owners to have such systems
 21 evaluated at least once every 5 years; deleting
 22 obsolete provisions; creating s. 381.00651, F.S.;
 23 authorizing a county or municipality to adopt by
 24 ordinance a program for the periodic evaluation and
 25 assessment of onsite sewage treatment and disposal
 26 systems; requiring the county or municipality to
 27 notify the Secretary of State of the ordinance;
 28 authorizing a county or municipality to repeal an

29 ordinance creating an evaluation and assessment
 30 program, subject to notification of the Secretary of
 31 State; providing criteria for evaluations, qualified
 32 contractors, repair of systems, and exemptions;
 33 defining the term "system failure"; requiring that
 34 certain procedures be used for conducting tank and
 35 drainfield evaluations; providing for certain
 36 procedures in special circumstances; providing for
 37 assessment procedures; providing requirements for
 38 county health departments; requiring the county or
 39 municipality to develop a system for tracking the
 40 evaluations; providing criteria; requiring counties
 41 and municipalities to notify the Secretary of
 42 Environmental Protection and the Department of Health
 43 that an evaluation program ordinance is adopted;
 44 requiring the Department of Environmental Protection
 45 to notify those counties or municipalities of the use
 46 of, and access to, certain state and federal program
 47 funds and to provide certain guidance and technical
 48 assistance upon request; prohibiting the adoption of
 49 certain rules by the Department of Health; providing
 50 applicability; repealing s. 381.00656, F.S., relating
 51 to a grant program for the repair of onsite sewage
 52 treatment and disposal systems; amending s. 381.0066,
 53 F.S.; lowering the fees imposed by the department for
 54 certain permits; conforming cross-references;
 55 providing an effective date.

56

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

58

59 Section 1. Subsections (1), (5), (6), and (7) of section
 60 381.0065, Florida Statutes, are amended, paragraphs (b) through
 61 (p) of subsection (2) of that section are redesignated as
 62 paragraphs (c) through (q), respectively, a new paragraph (b) is
 63 added to that subsection, paragraph (j) of subsection (3) and
 64 paragraph (n) of subsection (4) of that section are amended, and
 65 paragraphs (w) through (z) are added to subsection (4) of that
 66 section, to read:

67 381.0065 Onsite sewage treatment and disposal systems;
 68 regulation.—

69 (1) LEGISLATIVE INTENT.—

70 ~~(a) It is the intent of the Legislature that proper~~
 71 ~~management of onsite sewage treatment and disposal systems is~~
 72 ~~paramount to the health, safety, and welfare of the public. It~~
 73 ~~is further the intent of the Legislature that the department~~
 74 ~~shall administer an evaluation program to ensure the operational~~
 75 ~~condition of the system and identify any failure with the~~
 76 ~~system.~~

77 ~~(b)~~ It is the intent of the Legislature that where a
 78 publicly owned or investor-owned sewerage system is not
 79 available, the department shall issue permits for the
 80 construction, installation, modification, abandonment, or repair
 81 of onsite sewage treatment and disposal systems under conditions
 82 as described in this section and rules adopted under this
 83 section. It is further the intent of the Legislature that the
 84 installation and use of onsite sewage treatment and disposal

85 | systems not adversely affect the public health or significantly
 86 | degrade the groundwater or surface water.

87 | (2) DEFINITIONS.—As used in ss. 381.0065–381.0067, the
 88 | term:

89 | (b)1. "Bedroom" means a room that can be used for sleeping
 90 | and that:

91 | a. For site-built dwellings, has a minimum of 70 square
 92 | feet of conditioned space;

93 | b. For manufactured homes, is constructed according to
 94 | standards of the United States Department of Housing and Urban
 95 | Development and has a minimum of 50 square feet of floor area;

96 | c. Is located along an exterior wall;

97 | d. Has a closet and a door or an entrance where a door
 98 | could be reasonably installed; and

99 | e. Has an emergency means of escape and rescue opening to
 100 | the outside.

101 | 2. A room may not be considered a bedroom if it is used to
 102 | access another room except a bathroom or closet.

103 | 3. "Bedroom" does not include a hallway, bathroom,
 104 | kitchen, living room, family room, dining room, den, breakfast
 105 | nook, pantry, laundry room, sunroom, recreation room,
 106 | media/video room, or exercise room.

107 | (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
 108 | department shall:

109 | (j) Supervise research on, demonstration of, and training
 110 | on the performance, environmental impact, and public health
 111 | impact of onsite sewage treatment and disposal systems within
 112 | this state. Research fees collected under s. 381.0066(2)(k)

113 ~~381.0066(2)(1)~~ must be used to develop and fund hands-on
 114 training centers designed to provide practical information about
 115 onsite sewage treatment and disposal systems to septic tank
 116 contractors, master septic tank contractors, contractors,
 117 inspectors, engineers, and the public and must also be used to
 118 fund research projects which focus on improvements of onsite
 119 sewage treatment and disposal systems, including use of
 120 performance-based standards and reduction of environmental
 121 impact. Research projects shall be initially approved by the
 122 technical review and advisory panel and shall be applicable to
 123 and reflect the soil conditions specific to Florida. Such
 124 projects shall be awarded through competitive negotiation, using
 125 the procedures provided in s. 287.055, to public or private
 126 entities that have experience in onsite sewage treatment and
 127 disposal systems in Florida and that are principally located in
 128 Florida. Research projects shall not be awarded to firms or
 129 entities that employ or are associated with persons who serve on
 130 either the technical review and advisory panel or the research
 131 review and advisory committee.

132 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 133 not construct, repair, modify, abandon, or operate an onsite
 134 sewage treatment and disposal system without first obtaining a
 135 permit approved by the department. The department may issue
 136 permits to carry out this section, but shall not make the
 137 issuance of such permits contingent upon prior approval by the
 138 Department of Environmental Protection, except that the issuance
 139 of a permit for work seaward of the coastal construction control
 140 line established under s. 161.053 shall be contingent upon

141 receipt of any required coastal construction control line permit
 142 from the Department of Environmental Protection. A construction
 143 permit is valid for 18 months from the issuance date and may be
 144 extended by the department for one 90-day period under rules
 145 adopted by the department. A repair permit is valid for 90 days
 146 from the date of issuance. An operating permit must be obtained
 147 prior to the use of any aerobic treatment unit or if the
 148 establishment generates commercial waste. Buildings or
 149 establishments that use an aerobic treatment unit or generate
 150 commercial waste shall be inspected by the department at least
 151 annually to assure compliance with the terms of the operating
 152 permit. The operating permit for a commercial wastewater system
 153 is valid for 1 year from the date of issuance and must be
 154 renewed annually. The operating permit for an aerobic treatment
 155 unit is valid for 2 years from the date of issuance and must be
 156 renewed every 2 years. If all information pertaining to the
 157 siting, location, and installation conditions or repair of an
 158 onsite sewage treatment and disposal system remains the same, a
 159 construction or repair permit for the onsite sewage treatment
 160 and disposal system may be transferred to another person, if the
 161 transferee files, within 60 days after the transfer of
 162 ownership, an amended application providing all corrected
 163 information and proof of ownership of the property. There is no
 164 fee associated with the processing of this supplemental
 165 information. A person may not contract to construct, modify,
 166 alter, repair, service, abandon, or maintain any portion of an
 167 onsite sewage treatment and disposal system without being
 168 registered under part III of chapter 489. A property owner who

169 personally performs construction, maintenance, or repairs to a
 170 system serving his or her own owner-occupied single-family
 171 residence is exempt from registration requirements for
 172 performing such construction, maintenance, or repairs on that
 173 residence, but is subject to all permitting requirements. A
 174 municipality or political subdivision of the state may not issue
 175 a building or plumbing permit for any building that requires the
 176 use of an onsite sewage treatment and disposal system unless the
 177 owner or builder has received a construction permit for such
 178 system from the department. A building or structure may not be
 179 occupied and a municipality, political subdivision, or any state
 180 or federal agency may not authorize occupancy until the
 181 department approves the final installation of the onsite sewage
 182 treatment and disposal system. A municipality or political
 183 subdivision of the state may not approve any change in occupancy
 184 or tenancy of a building that uses an onsite sewage treatment
 185 and disposal system until the department has reviewed the use of
 186 the system with the proposed change, approved the change, and
 187 amended the operating permit.

188 (n) Evaluations for determining the seasonal high-water
 189 table elevations or the suitability of soils for the use of a
 190 new onsite sewage treatment and disposal system shall be
 191 performed by department personnel, professional engineers
 192 registered in the state, or such other persons with expertise,
 193 as defined by rule, in making such evaluations. Evaluations for
 194 determining mean annual flood lines shall be performed by those
 195 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department
 196 shall accept evaluations submitted by professional engineers and

197 such other persons as meet the expertise established by this
 198 section or by rule unless the department has a reasonable
 199 scientific basis for questioning the accuracy or completeness of
 200 the evaluation.

201 (w) Any permit issued and approved by the department for
 202 the installation, modification, or repair of an onsite sewage
 203 treatment and disposal system shall transfer with the title to
 204 the property. A title is not encumbered at the time of transfer
 205 by new permit requirements by a governmental entity for an
 206 onsite sewage treatment and disposal system that differ from the
 207 permitting requirements in effect at the time the system was
 208 permitted, modified, or repaired.

209 (x)1. An onsite sewage treatment and disposal system is
 210 not considered abandoned if the system is disconnected from a
 211 structure that was made unusable or destroyed following a
 212 disaster and was properly functioning at the time of
 213 disconnection and not adversely affected by the disaster. The
 214 onsite sewage treatment and disposal system may be reconnected
 215 to a rebuilt structure if:

216 a. The reconnection of the system is to the same type and
 217 approximate size of structure that existed prior to the
 218 disaster;

219 b. The system is not a sanitary nuisance; and

220 c. The system has not been altered without prior
 221 authorization.

222 2. An onsite sewage treatment and disposal system that
 223 serves a property that is foreclosed upon is not considered
 224 abandoned.

225 (y) If an onsite sewage treatment and disposal system
 226 permittee receives, relies upon, and undertakes construction of
 227 a system based upon a validly issued construction permit under
 228 rules applicable at the time of construction but a change to a
 229 rule occurs after the approval of the system for construction
 230 but before the final approval of the system, the rules
 231 applicable and in effect at the time of construction approval
 232 apply at the time of final approval if fundamental site
 233 conditions have not changed between the time of construction
 234 approval and final approval.

235 (z) A modification, replacement, or upgrade of an onsite
 236 sewage treatment and disposal system is not required for a
 237 remodeling addition to a single-family home if a bedroom is not
 238 added.

239 ~~(5) EVALUATION AND ASSESSMENT.~~

240 ~~(a) Beginning July 1, 2011, the department shall~~
 241 ~~administer an onsite sewage treatment and disposal system~~
 242 ~~evaluation program for the purpose of assessing the fundamental~~
 243 ~~operational condition of systems and identifying any failures~~
 244 ~~within the systems. The department shall adopt rules~~
 245 ~~implementing the program standards, procedures, and~~
 246 ~~requirements, including, but not limited to, a schedule for a 5-~~
 247 ~~year evaluation cycle, requirements for the pump-out of a system~~
 248 ~~or repair of a failing system, enforcement procedures for~~
 249 ~~failure of a system owner to obtain an evaluation of the system,~~
 250 ~~and failure of a contractor to timely submit evaluation results~~
 251 ~~to the department and the system owner. The department shall~~
 252 ~~ensure statewide implementation of the evaluation and assessment~~

253 ~~program by January 1, 2016.~~

254 ~~(b) Owners of an onsite sewage treatment and disposal~~
 255 ~~system, excluding a system that is required to obtain an~~
 256 ~~operating permit, shall have the system evaluated at least once~~
 257 ~~every 5 years to assess the fundamental operational condition of~~
 258 ~~the system, and identify any failure within the system.~~

259 ~~(c) All evaluation procedures must be documented and~~
 260 ~~nothing in this subsection limits the amount of detail an~~
 261 ~~evaluator may provide at his or her professional discretion. The~~
 262 ~~evaluation must include a tank and drainfield evaluation, a~~
 263 ~~written assessment of the condition of the system, and, if~~
 264 ~~necessary, a disclosure statement pursuant to the department's~~
 265 ~~procedure.~~

266 ~~(d)1. Systems being evaluated that were installed prior to~~
 267 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
 268 ~~bottom of the drainfield to the wettest season water table~~
 269 ~~elevation as defined by department rule. All drainfield repairs,~~
 270 ~~replacements or modifications to systems installed prior to~~
 271 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
 272 ~~the bottom of the drainfield to the wettest season water table~~
 273 ~~elevation as defined by department rule.~~

274 ~~2. Systems being evaluated that were installed on or after~~
 275 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
 276 ~~the bottom of the drainfield to the wettest season water table~~
 277 ~~elevation as defined by department rule. All drainfield repairs,~~
 278 ~~replacements or modification to systems developed on or after~~
 279 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
 280 ~~the bottom of the drainfield to the wettest season water table~~

281 | ~~elevation.~~

282 | ~~(e) If documentation of a tank pump-out or a permitted new~~
 283 | ~~installation, repair, or modification of the system within the~~
 284 | ~~previous 5 years is provided, and states the capacity of the~~
 285 | ~~tank and indicates that the condition of the tank is not a~~
 286 | ~~sanitary or public health nuisance pursuant to department rule,~~
 287 | ~~a pump-out of the system is not required.~~

288 | ~~(f) Owners are responsible for paying the cost of any~~
 289 | ~~required pump-out, repair, or replacement pursuant to department~~
 290 | ~~rule, and may not request partial evaluation or the omission of~~
 291 | ~~portions of the evaluation.~~

292 | ~~(g) Each evaluation or pump-out required under this~~
 293 | ~~subsection must be performed by a septic tank contractor or~~
 294 | ~~master septic tank contractor registered under part III of~~
 295 | ~~chapter 489, a professional engineer with wastewater treatment~~
 296 | ~~system experience licensed pursuant to chapter 471, or an~~
 297 | ~~environmental health professional certified under chapter 381 in~~
 298 | ~~the area of onsite sewage treatment and disposal system~~
 299 | ~~evaluation.~~

300 | ~~(h) The evaluation report fee collected pursuant to s.~~
 301 | ~~381.0066(2)(b) shall be remitted to the department by the~~
 302 | ~~evaluator at the time the report is submitted.~~

303 | ~~(i) Prior to any evaluation deadline, the department must~~
 304 | ~~provide a minimum of 60 days' notice to owners that their~~
 305 | ~~systems must be evaluated by that deadline. The department may~~
 306 | ~~include a copy of any homeowner educational materials developed~~
 307 | ~~pursuant to this section which provides information on the~~
 308 | ~~proper maintenance of onsite sewage treatment and disposal~~

309 ~~systems.~~

310 (5)~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

311 (a) Department personnel who have reason to believe
 312 noncompliance exists, may at any reasonable time, enter the
 313 premises permitted under ss. 381.0065-381.0066, or the business
 314 premises of any septic tank contractor or master septic tank
 315 contractor registered under part III of chapter 489, or any
 316 premises that the department has reason to believe is being
 317 operated or maintained not in compliance, to determine
 318 compliance with the provisions of this section, part I of
 319 chapter 386, or part III of chapter 489 or rules or standards
 320 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
 321 part III of chapter 489. As used in this paragraph, the term
 322 "premises" does not include a residence or private building. To
 323 gain entry to a residence or private building, the department
 324 must obtain permission from the owner or occupant or secure an
 325 inspection warrant from a court of competent jurisdiction.

326 (b)1. The department may issue citations that may contain
 327 an order of correction or an order to pay a fine, or both, for
 328 violations of ss. 381.0065-381.0067, part I of chapter 386, or
 329 part III of chapter 489 or the rules adopted by the department,
 330 when a violation of these sections or rules is enforceable by an
 331 administrative or civil remedy, or when a violation of these
 332 sections or rules is a misdemeanor of the second degree. A
 333 citation issued under ss. 381.0065-381.0067, part I of chapter
 334 386, or part III of chapter 489 constitutes a notice of proposed
 335 agency action.

336 2. A citation must be in writing and must describe the

337 particular nature of the violation, including specific reference
 338 to the provisions of law or rule allegedly violated.

339 3. The fines imposed by a citation issued by the
 340 department may not exceed \$500 for each violation. Each day the
 341 violation exists constitutes a separate violation for which a
 342 citation may be issued.

343 4. The department shall inform the recipient, by written
 344 notice pursuant to ss. 120.569 and 120.57, of the right to an
 345 administrative hearing to contest the citation within 21 days
 346 after the date the citation is received. The citation must
 347 contain a conspicuous statement that if the recipient fails to
 348 pay the fine within the time allowed, or fails to appear to
 349 contest the citation after having requested a hearing, the
 350 recipient has waived the recipient's right to contest the
 351 citation and must pay an amount up to the maximum fine.

352 5. The department may reduce or waive the fine imposed by
 353 the citation. In determining whether to reduce or waive the
 354 fine, the department must consider the gravity of the violation,
 355 the person's attempts at correcting the violation, and the
 356 person's history of previous violations including violations for
 357 which enforcement actions were taken under ss. 381.0065-
 358 381.0067, part I of chapter 386, part III of chapter 489, or
 359 other provisions of law or rule.

360 6. Any person who willfully refuses to sign and accept a
 361 citation issued by the department commits a misdemeanor of the
 362 second degree, punishable as provided in s. 775.082 or s.
 363 775.083.

364 7. The department, pursuant to ss. 381.0065-381.0067, part

365 I of chapter 386, or part III of chapter 489, shall deposit any
 366 fines it collects in the county health department trust fund for
 367 use in providing services specified in those sections.

368 8. This section provides an alternative means of enforcing
 369 ss. 381.0065-381.0067, part I of chapter 386, and part III of
 370 chapter 489. This section does not prohibit the department from
 371 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
 372 III of chapter 489, or its rules, by any other means. However,
 373 the department must elect to use only a single method of
 374 enforcement for each violation.

375 (6)~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
 376 January 1, 2016, the land application of septage from onsite
 377 sewage treatment and disposal systems is prohibited. ~~By February~~
 378 ~~1, 2011, the department, in consultation with the Department of~~
 379 ~~Environmental Protection, shall provide a report to the~~
 380 ~~Governor, the President of the Senate, and the Speaker of the~~
 381 ~~House of Representatives, recommending alternative methods to~~
 382 ~~establish enhanced treatment levels for the land application of~~
 383 ~~septage from onsite sewage and disposal systems. The report~~
 384 ~~shall include, but is not limited to, a schedule for the~~
 385 ~~reduction in land application, appropriate treatment levels,~~
 386 ~~alternative methods for treatment and disposal, enhanced~~
 387 ~~application site permitting requirements including any~~
 388 ~~requirements for nutrient management plans, and the range of~~
 389 ~~costs to local governments, affected businesses, and individuals~~
 390 ~~for alternative treatment and disposal methods. The report shall~~
 391 ~~also include any recommendations for legislation or rule~~
 392 ~~authority needed to reduce land application of septage.~~

393 Section 2. Section 381.00651, Florida Statutes, is created
 394 to read:

395 381.00651 Periodic evaluation and assessment of onsite
 396 sewage treatment and disposal systems.-

397 (1) A county or municipality may adopt by ordinance a
 398 local onsite sewage treatment and disposal system evaluation and
 399 assessment program within all or part of its geographic area
 400 that meets the requirements of this section. The county or
 401 municipality shall notify the Secretary of State by letter of
 402 the adoption of the ordinance. A county or municipality may
 403 repeal an ordinance adopted pursuant to this section if the
 404 county or municipality notifies the Secretary of State by letter
 405 of the repeal. A local ordinance adopted pursuant to this
 406 section may not deviate from or exceed the substantive
 407 requirements of this section and shall provide for the
 408 following:

409 (a) Evaluations.-An evaluation of each onsite sewage
 410 treatment and disposal system within all or part of the county's
 411 or municipality's jurisdiction must take place once every 5
 412 years to assess the fundamental operational condition of the
 413 system and to identify system failures. The ordinance may not
 414 mandate an evaluation at the point of sale in a real estate
 415 transaction and may not require a soil examination. The location
 416 of the system shall be identified. A tank and drainfield
 417 evaluation and a written assessment of the overall condition of
 418 the system pursuant to the assessment procedure prescribed in
 419 paragraph (2) (d) are required.

420 (b) Qualified contractors.-Each evaluation required under

421 this subsection must be performed by a qualified contractor, who
 422 may be a septic tank contractor or master septic tank contractor
 423 registered under part III of chapter 489, a professional
 424 engineer having wastewater treatment system experience and
 425 licensed under chapter 471, or an environmental health
 426 professional certified under this chapter in the area of onsite
 427 sewage treatment and disposal system evaluation. Evaluations and
 428 pump-outs may also be performed by an authorized employee
 429 working under the supervision of an individual listed in this
 430 paragraph; however, all evaluation forms must be signed by a
 431 qualified contractor in writing or by electronic signature.

432 (c) Repair of systems.—The local ordinance may not require
 433 a repair, modification, or replacement of a system as a result
 434 of an evaluation unless the evaluation identifies a system
 435 failure. For purposes of this subsection, the term "system
 436 failure" means a condition existing within an onsite sewage
 437 treatment and disposal system that results in the discharge of
 438 untreated or partially treated wastewater onto the ground
 439 surface or into surface water or that results in the failure of
 440 building plumbing to discharge properly and presents a sanitary
 441 nuisance. A system is not in failure if the system does not have
 442 a minimum separation distance between the drainfield and the
 443 wettest season water table or if an obstruction in a sanitary
 444 line or an effluent screen or filter prevents effluent from
 445 flowing into a drainfield. If a system failure is identified and
 446 several allowable remedial measures are available to resolve the
 447 failure, the system owner may choose the least costly allowable
 448 remedial measure to fix the system. There may be instances in

449 which a pump-out is sufficient to resolve a system failure.
 450 Allowable remedial measures to resolve a system failure are
 451 limited to what is necessary to resolve the failure and must
 452 meet, to the maximum extent practicable, the requirements of the
 453 repair code in effect when the repair is made, subject to the
 454 exceptions specified in s. 381.0065(4)(g). An engineer-designed
 455 performance-based treatment system to reduce nutrients may not
 456 be required as an alternative remediation measure to resolve the
 457 failure of a conventional system.

458 (d) Exemptions.—The local ordinance shall exempt from the
 459 evaluation requirements any system that is required to obtain an
 460 operating permit pursuant to state law or that is inspected by
 461 the department pursuant to the annual permit inspection
 462 requirements of chapter 513. The local ordinance may provide for
 463 an exemption or an extension of time to obtain an evaluation and
 464 assessment if connection to a sewer system is available,
 465 connection to the sewer system is imminent, and written
 466 arrangements for payment of any utility assessments or
 467 connection fees have been made by the system owner.

468 (2) The following procedures shall be used for conducting
 469 evaluations:

470 (a) Tank evaluation.—The tank evaluation shall assess the
 471 apparent structural condition and watertightness of the tank and
 472 shall estimate the size of the tank. The evaluation must include
 473 a pump-out. However, an ordinance may not require a pump-out if
 474 there is documentation indicating that a tank pump-out or a
 475 permitted new installation, repair, or modification of the
 476 system has occurred within the previous 5 years, identifying the

477 capacity of the tank, and indicating that the condition of the
 478 tank is structurally sound and watertight. Visual inspection of
 479 the tank must be made when the tank is empty to detect cracks,
 480 leaks, or other defects. Baffles or tees must be checked to
 481 ensure that they are intact and secure. The evaluation shall
 482 note the presence and condition of outlet devices, effluent
 483 filters, and compartment walls; any structural defect in the
 484 tank; the condition and fit of the tank lid, including manholes;
 485 whether surface water can infiltrate the tank; and whether the
 486 tank was pumped out. If the tank, in the opinion of the
 487 qualified contractor, is in danger of being damaged by leaving
 488 the tank empty after inspection, the tank shall be refilled
 489 before concluding the inspection. Broken or damaged lids or
 490 manholes shall be replaced without obtaining a repair permit.

491 (b) Drainfield evaluation.—The drainfield evaluation must
 492 include a determination of the approximate size and location of
 493 the drainfield. The evaluation shall state whether there is any
 494 sewage or effluent visible on the ground or discharging to a
 495 ditch or other water body and the location of any downspout or
 496 other source of water near or in the vicinity of the drainfield.

497 (c) Special circumstances.—If the system contains pumps,
 498 siphons, or alarms, the following information may be provided at
 499 the request of the homeowner:

500 1. An assessment of dosing tank integrity, including the
 501 approximate volume and the type of material used in the tank's
 502 construction;

503 2. Whether the pump is elevated off the bottom of the
 504 chamber and its operational status;

505 3. Whether the system has a check valve and purge hole;
 506 and

507 4. Whether the system has a high-water alarm, and if so
 508 whether the alarm is audio or visual or both, the location and
 509 operational condition of the alarm, and whether the electrical
 510 connections to the alarm appear satisfactory.

511 (d) Assessment procedure.—All evaluation procedures used
 512 by a qualified contractor shall be documented. The qualified
 513 contractor shall provide a copy of a written, signed evaluation
 514 report to the property owner upon completion of the evaluation
 515 and to the county health department within 30 days after the
 516 evaluation. The report shall contain the name and license number
 517 of the company providing the report. A copy of the evaluation
 518 report shall be retained by the local county health department
 519 for a minimum of 5 years and until a subsequent inspection
 520 report is filed. The front cover of the report must identify any
 521 system failure and include a clear and conspicuous notice to the
 522 owner that the owner has a right to have any remediation of the
 523 failure performed by a qualified contractor other than the
 524 contractor performing the evaluation. The report must further
 525 identify any crack, leak, improper fit, or other defect in the
 526 tank, manhole, or lid, and any other damaged or missing
 527 component; any sewage or effluent visible on the ground or
 528 discharging to a ditch or other surface water body; any
 529 downspout, stormwater, or other source of water directed onto or
 530 toward the system; and any other maintenance need or condition
 531 of the system at the time of the evaluation that, in the opinion
 532 of the qualified contractor, would possibly interfere with or

533 restrict any future repair or modification to the existing
 534 system. The report shall conclude with an overall assessment of
 535 the fundamental operational condition of the system.

536 (3) The county health department shall administer any
 537 evaluation program on behalf of a county, or a municipality
 538 within the county, that has adopted an evaluation program
 539 pursuant to this section. In order to administer the evaluation
 540 program, the county or municipality, in consultation with the
 541 county health department, may develop a reasonable fee schedule
 542 to be used solely to pay for the costs of administering the
 543 evaluation program. Such a fee schedule shall be identified in
 544 the ordinance that adopts the evaluation program. When arriving
 545 at a reasonable fee schedule, the estimated annual revenues to
 546 be derived from fees may not exceed reasonable estimated annual
 547 costs of the program. Fees shall be assessed to the system owner
 548 during an inspection and separately identified on the invoice of
 549 the qualified contractor. Fees shall be remitted by the
 550 qualified contractor to the county health department. The county
 551 health department's administrative responsibilities include the
 552 following:

553 (a) Providing a notice to the system owner at least 60
 554 days before the system is due for an evaluation. The notice may
 555 include information on the proper maintenance of onsite sewage
 556 treatment and disposal systems.

557 (b) In consultation with the Department of Health,
 558 providing uniform disciplinary procedures and penalties for
 559 qualified contractors who do not comply with the requirements of
 560 the adopted ordinance, including, but not limited to, failure to

561 provide the evaluation report as required in this subsection to
 562 the system owner and the county health department. Only the
 563 county health department may assess penalties against system
 564 owners for failure to comply with the adopted ordinance,
 565 consistent with existing requirements of law.

566 (c) Developing its own database and tracking systems to
 567 encompass evaluation programs adopted by the county or
 568 municipalities within its jurisdiction. The database shall also
 569 be used to collect, store, and index information obtained from
 570 the evaluation reports filed by each qualified contractor with
 571 the county health department. The tracking system:

572 1. Must include the ability to collect and store the
 573 description, addresses, and locations of the onsite sewage
 574 treatment and disposal systems within each jurisdiction; an
 575 inventory of the number of onsite sewage treatment and disposal
 576 systems within each jurisdiction; and the total number and types
 577 of system failures within each jurisdiction.

578 2. May include the ability to collect and store other
 579 trends deemed relevant by the county health department resulting
 580 from an assessment and evaluation of the overall condition of
 581 onsite sewage treatment and disposal systems.

582 3. May be Internet-based.

583 4. May be designed to be used by contractors to report all
 584 service and evaluation events and by the county health
 585 department to notify owners of onsite sewage treatment and
 586 disposal systems when evaluations are due. Data and information
 587 shall be recorded and updated as service and evaluations are
 588 conducted and reported.

589 (4) (a) A county or municipality that adopts an onsite
 590 sewage treatment and disposal system evaluation and assessment
 591 program pursuant to this section shall notify the Secretary of
 592 Environmental Protection, the Department of Health, and the
 593 applicable county health department upon the adoption of its
 594 ordinance establishing the program.

595 (b) Upon receipt of the notice under paragraph (a), the
 596 Department of Environmental Protection shall, within existing
 597 resources, notify the county or municipality of the potential
 598 use of, and access to, program funds under the Clean Water State
 599 Revolving Fund or s. 319 of the Clean Water Act, provide
 600 guidance in the application process to receive such moneys, and
 601 provide advice and technical assistance to the county or
 602 municipality on how to establish a low-interest revolving loan
 603 program or how to model a revolving loan program after the low-
 604 interest loan program of the Clean Water State Revolving Fund.
 605 This paragraph does not obligate the Department of Environmental
 606 Protection to provide any county or municipality with money to
 607 fund such programs.

608 (c) The Department of Health may not adopt any rule that
 609 alters the provisions of this section.

610 (5) This section does not:

611 (a) Derogate or limit county and municipal home rule
 612 authority to act outside the scope of the evaluation and
 613 assessment program set forth in this section.

614 (b) Repeal or affect any other law relating to the subject
 615 matter of this section.

616 (c) Prohibit a county or municipality that has adopted an

617 evaluation and assessment program pursuant to this section from:

618 1. Enforcing existing ordinances or adopting new
 619 ordinances relating to onsite sewage treatment facilities to
 620 address public health and safety if such ordinances do not
 621 repeal, suspend, or alter the requirements or limitations of
 622 this section.

623 2. Adopting local environmental and pollution abatement
 624 measures for water quality improvement as provided for by law if
 625 such measures do not repeal, suspend, or alter the requirements
 626 or limitations of this section.

627 3. Exercising its independent and existing authority to
 628 use and meet the requirements of s. 381.00655.

629 Section 3. Section 381.00656, Florida Statutes, is
 630 repealed.

631 Section 4. Subsection (2) of section 381.0066, Florida
 632 Statutes, is amended to read:

633 381.0066 Onsite sewage treatment and disposal systems;
 634 fees.—

635 (2) The minimum fees in the following fee schedule apply
 636 until changed by rule by the department within the following
 637 limits:

638 (a) Application review, permit issuance, or system
 639 inspection, including repair of a subsurface, mound, filled, or
 640 other alternative system or permitting of an abandoned system: a
 641 fee of not less than \$25, or more than \$125.

642 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
 643 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
 644 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~

645 ~~shall be used to fund a grant program established under s.~~
 646 ~~381.00656.~~

647 (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a
 648 system previously in use, or a per annum septage disposal site
 649 evaluation: a fee of not less than \$40, or more than \$115.

650 (c)~~(d)~~ Biennial Operating permit for aerobic treatment
 651 units or performance-based treatment systems: a fee of not more
 652 than \$100.

653 (d)~~(e)~~ Annual operating permit for systems located in
 654 areas zoned for industrial manufacturing or equivalent uses or
 655 where the system is expected to receive wastewater which is not
 656 domestic in nature: a fee of not less than \$150, or more than
 657 \$300.

658 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

659 (f)~~(g)~~ Septage disposal service, septage stabilization
 660 facility, portable or temporary toilet service, tank
 661 manufacturer inspection: a fee of not less than \$25, or more
 662 than \$200, per year.

663 (g)~~(h)~~ Application for variance: a fee of not less than
 664 \$150, or more than \$300.

665 (h)~~(i)~~ Annual operating permit for waterless,
 666 incinerating, or organic waste composting toilets: a fee of not
 667 less than \$15 ~~\$50~~, or more than \$30 ~~\$150~~.

668 (i)~~(j)~~ Aerobic treatment unit or performance-based
 669 treatment system maintenance entity permit: a fee of not less
 670 than \$25, or more than \$150, per year.

671 (j)~~(k)~~ Reinspection fee per visit for site inspection
 672 after system construction approval or for noncompliant system

673 installation per site visit: a fee of not less than \$25, or more
 674 than \$100.

675 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
 676 each new system construction permit issued to be used to fund
 677 onsite sewage treatment and disposal system research,
 678 demonstration, and training projects. Five dollars from any
 679 repair permit fee collected under this section shall be used for
 680 funding the hands-on training centers described in s.
 681 381.0065(3)(j).

682 (l)~~(m)~~ Annual operating permit, including annual
 683 inspection and any required sampling and laboratory analysis of
 684 effluent, for an engineer-designed performance-based system: a
 685 fee of not less than \$150, or more than \$300.

686
 687 ~~On or before January 1, 2011, the Surgeon General, after~~
 688 ~~consultation with the Revenue Estimating Conference, shall~~
 689 ~~determine a revenue neutral fee schedule for services provided~~
 690 ~~pursuant to s. 381.0065(5) within the parameters set in~~
 691 ~~paragraph (b). Such determination is not subject to the~~
 692 ~~provisions of chapter 120.~~ The funds collected pursuant to this
 693 subsection must be deposited in a trust fund administered by the
 694 department, to be used for the purposes stated in this section
 695 and ss. 381.0065 and 381.00655.

696 Section 5. This act shall take effect upon becoming a law.

HB 4101

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4101 Department of Transportation

SPONSOR(S): Brandes

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	11 Y, 0 N	Johnson	Kruse
2) Economic Affairs Committee		Johnson <i>AS</i>	Tinker <i>TS</i>

SUMMARY ANALYSIS

The bill repeals a section of law that is currently not being used. Section 479.28, F.S., requires the Department of Transportation (DOT) to implement a rest area information panel or device program in rest areas along the interstate highway system and the federal-aid primary highway system to present information in the specific interest of the traveling public and to promote tourist-oriented businesses.

According to DOT, it has only received two letters of interest related to the program, and neither company participated past a trial period.

The bill repeals s. 479.28, F.S., relating to the rest area information panel or device program.

The bill does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 479.28, F.S., requires DOT to implement a rest area information panel or device program in rest areas along the interstate highway system and the federal-aid primary highway system to present information in the specific interest of the traveling public and to promote tourist-oriented businesses. The statute provides that the information panel be designed to accommodate the names, locations, and short messages regarding numerous businesses. It authorizes DOT to contract with private persons for the construction, erection, and maintenance of the devices, whose compensation would be from fees it charged participating businesses. DOT is required to receive from the contractors sufficient revenues to cover the cost of administering the program.

According to DOT, since the law was passed in 1984,¹ it has only received two letters of interest related to the program, and neither company participated past a trial period. DOT has not received any further requests for participation.

Proposed Changes

The bill repeals s. 479.28, F.S., relating to the rest area information panel or device program, which is not being used.

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1 Repeals s. 449.28, F.S., relating to the rest area information panel or device program.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

¹ Ch. 84-227, L.O.F. It was also readopted from a scheduled 1994 repeal in 1991 (ch. 91-429, L.O.F.).

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Repealing s. 479.28, F.S., will enable DOT to repeal ch. 14-99.001, F.A.C., its rule related to the rest area information panel or device program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 4101

2012

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 repealing s. 479.28, F.S., relating to the rest area
4 information panel or device program; providing an
5 effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 479.28, Florida Statutes, is repealed.

10 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4141 Strategic Intermodal System

SPONSOR(S): Eisnaugle

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	11 Y, 0 N	Johnson	Kruse
2) Economic Affairs Committee		Johnson <i>AS</i>	Tinker <i>TST</i>

SUMMARY ANALYSIS

In 2003, the Strategic Intermodal System was established to serve the state's mobility needs, help the state become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life and reflect responsible environmental stewardship. The 2003 law also created a Statewide Intermodal Transportation Advisory Council to advise and make recommendations to the Legislature and the Department of Transportation on the policies, planning, and funding of intermodal transportation projects. The members of the council are appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, and represent various interests involved in the Strategic Intermodal System.

The council is no longer active and held its last meeting in December 2004. The bill eliminates the Statewide Intermodal Transportation Advisory Council.

The bill does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2003, the Strategic Intermodal System was established to serve the state's mobility needs, help the state become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life and reflect responsible environmental stewardship.¹ The 2003 law also created a Statewide Intermodal Transportation Advisory Council to advise and make recommendations to the Legislature and DOT on the policies, planning, and funding of intermodal transportation projects. These responsibilities include:

- advising DOT on the policies, planning, and implementation strategies related to intermodal transportation; and
- providing advice and recommendations to the Legislature on funding for projects to move goods and people in the most efficient manner for the state.

The members of the council are appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, and represent various interests involved in the Strategic Intermodal System. The council is no longer active, and held its last meeting in December 2004.²

Proposed Changes

The bill repeals s. 339.63(5), F.S., to eliminate the Statewide Intermodal Transportation Advisory Council.

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1 Amends s. 339.34, F.S., removing provisions creating and providing duties of the Statewide Intermodal Transportation Advisory Council.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹ Department of Transportation Strategic Intermodal System Brochure, July 2008.

² April 16, 2009, e-mail from Department of Transportation to Roads, Bridges & Ports Policy Committee staff.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 4141

2012

1 A bill to be entitled
 2 An act relating to the Strategic Intermodal System;
 3 amending s. 339.64, F.S.; removing provisions creating
 4 and providing duties of the Statewide Intermodal
 5 Transportation Advisory Council; providing an
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsections (1), (2), and (5) of section
 11 339.64, Florida Statutes, are amended to read:

12 339.64 Strategic Intermodal System Plan.—

13 (1) The department shall develop, in cooperation with
 14 metropolitan planning organizations, regional planning councils,
 15 local governments, ~~the Statewide Intermodal Transportation~~
 16 ~~Advisory Council~~ and other transportation providers, a Strategic
 17 Intermodal System Plan. The plan shall be consistent with the
 18 Florida Transportation Plan developed pursuant to s. 339.155 and
 19 shall be updated at least once every 5 years, subsequent to
 20 updates of the Florida Transportation Plan.

21 (2) In association with the continued development of the
 22 Strategic Intermodal System Plan, the Florida Transportation
 23 Commission, as part of its work program review process, shall
 24 conduct an annual assessment of the progress that the department
 25 and its transportation partners have made in realizing the goals
 26 of economic development, improved mobility, and increased
 27 intermodal connectivity of the Strategic Intermodal System. The
 28 Florida Transportation Commission shall coordinate with the

29 department, ~~the Statewide Intermodal Transportation Advisory~~
 30 ~~Council~~, and other appropriate entities when developing this
 31 assessment. The Florida Transportation Commission shall deliver
 32 a report to the Governor and Legislature no later than 14 days
 33 after the regular session begins, with recommendations as
 34 necessary to fully implement the Strategic Intermodal System.

35 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

36 ~~(a) The Statewide Intermodal Transportation Advisory~~
 37 ~~Council is created to advise and make recommendations to the~~
 38 ~~Legislature and the department on policies, planning, and~~
 39 ~~funding of intermodal transportation projects. The council's~~
 40 ~~responsibilities shall include:~~

41 ~~1. Advising the department on the policies, planning, and~~
 42 ~~implementation of strategies related to intermodal~~
 43 ~~transportation.~~

44 ~~2. Providing advice and recommendations to the Legislature~~
 45 ~~on funding for projects to move goods and people in the most~~
 46 ~~efficient and effective manner for the State of Florida.~~

47 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
 48 ~~Transportation Advisory Council shall consist of the following:~~

49 ~~1. Six intermodal industry representatives selected by the~~
 50 ~~Governor as follows:~~

51 ~~a. One representative from an airport involved in the~~
 52 ~~movement of freight and people from their airport facility to~~
 53 ~~another transportation mode.~~

54 ~~b. One individual representing a fixed route, local~~
 55 ~~government transit system.~~

56 ~~c. One representative from an intercity bus company~~

57 ~~providing regularly scheduled bus travel as determined by~~
 58 ~~federal regulations.~~

59 ~~d. One representative from a spaceport.~~

60 ~~e. One representative from intermodal trucking companies.~~

61 ~~f. One representative having command responsibilities of a~~
 62 ~~major military installation.~~

63 ~~2. Three intermodal industry representatives selected by~~
 64 ~~the President of the Senate as follows:~~

65 ~~a. One representative from major line railroads.~~

66 ~~b. One representative from seaports listed in s. 311.09(1)~~
 67 ~~from the Atlantic Coast.~~

68 ~~e. One representative from an airport involved in the~~
 69 ~~movement of freight and people from their airport facility to~~
 70 ~~another transportation mode.~~

71 ~~3. Three intermodal industry representatives selected by~~
 72 ~~the Speaker of the House of Representatives as follows:~~

73 ~~a. One representative from short line railroads.~~

74 ~~b. One representative from seaports listed in s. 311.09(1)~~
 75 ~~from the Gulf Coast.~~

76 ~~e. One representative from intermodal trucking companies.~~

77 ~~In no event may this representative be employed by the same~~
 78 ~~company that employs the intermodal trucking company~~
 79 ~~representative selected by the Governor.~~

80 ~~(c) Initial appointments to the council must be made no~~
 81 ~~later than 30 days after the effective date of this section.~~

82 ~~1. The initial appointments made by the President of the~~
 83 ~~Senate and the Speaker of the House of Representatives shall~~
 84 ~~serve terms concurrent with those of the respective appointing~~

HB 4141

2012

85 ~~officer. Beginning January 15, 2005, and for all subsequent~~
 86 ~~appointments, council members appointed by the President of the~~
 87 ~~Senate and the Speaker of the House of Representatives shall~~
 88 ~~serve 2-year terms, concurrent with the term of the respective~~
 89 ~~appointing officer.~~

90 ~~2. The initial appointees, and all subsequent appointees,~~
 91 ~~made by the Governor shall serve 2-year terms.~~

92 ~~3. Vacancies on the council shall be filled in the same~~
 93 ~~manner as the initial appointments.~~

94 ~~(d) Each member of the council shall be allowed one vote.~~
 95 ~~The council shall select a chair from among its membership.~~
 96 ~~Meetings shall be held at the call of the chair, but not less~~
 97 ~~frequently than quarterly. The members of the council shall be~~
 98 ~~reimbursed for per diem and travel expenses as provided in s.~~
 99 ~~112.061.~~

100 ~~(e) The department shall provide administrative staff~~
 101 ~~support and shall ensure that council meetings are~~
 102 ~~electronically recorded. Such recordings and all documents~~
 103 ~~received, prepared for, or used by the council in conducting its~~
 104 ~~business shall be preserved pursuant to chapters 119 and 257.~~

105 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4143 Transportation Corridors

SPONSOR(S): Eisnaugle

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	11 Y, 0 N	Johnson	Kruse
2) Economic Affairs Committee		Johnson <i>AS</i>	Tinker <i>TST</i>

SUMMARY ANALYSIS

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors. Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

The bill repeals s. 341.0532, F.S., which created the statewide transportation corridors. The Department of Transportation has placed a majority of these transportation corridors on the state's Strategic Intermodal System (SIS).

The bill does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors. Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

With very limited exceptions these corridors are also in the Strategic Intermodal System (SIS)¹ which is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceport, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. These facilities carry more than 99 percent of all commercial air passengers, virtually all waterborne freight tonnage, almost all rail freight, and more than 68 percent of all truck traffic and 54 percent of total traffic on the State Highway System. The facilities on SIS are designated by the DOT based on criteria provided in ss. 339.61 through 339.64, F.S.²

Section 341.0532, F.S., is not linked to any other section of statute nor is it linked to any transportation funding and is not being used for any purpose.

Proposed Changes

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors. As mentioned above, most of the corridors are now on DOT's SIS.

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

- Section 1 Repeals s. 341.0532, F.S., relating to statewide transportation corridors; removing the definition of "statewide transportation corridors;" removing provisions that specify certain transportation facilities as transportation corridors.
- Section 2 Provides an effective date.

¹ The exceptions are limited portions of U.S. 98 and U.S. 301.

² A list of facilities on the SIS may be obtained at <http://www.dot.state.fl.us/planning/sis/atlas/> (Last viewed December 12, 2011).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 4143

2012

1 A bill to be entitled
2 An act relating to transportation corridors; repealing
3 s. 341.0532, F.S., relating to statewide
4 transportation corridors; removing the definition of
5 "statewide transportation corridors"; removing
6 provisions that specify certain transportation
7 facilities as statewide transportation corridors;
8 providing an effective date.

9

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

11

12 Section 1. Section 341.0532, Florida Statutes, is
13 repealed.

14 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4145 Continuing Education Advisory Board

SPONSOR(S): Frishe

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Insurance & Banking Subcommittee	15 Y, 0 N	Read	Cooper
2) Economic Affairs Committee		Read (HP)	Tinker <i>TST</i>

SUMMARY ANALYSIS

In 1989, the Florida Legislature enacted section 626.2815(6), F.S., creating the Continuing Education Advisory Board (Board) in order to establish a continuing education program for insurance agents. The purpose of the board was to advise the Department of Insurance (DOI) (DOI was subsequently replaced by the Office of Insurance Regulation and the Department of Financial Services) on the promulgation of administrative rules establishing standards for the continuing education of insurance agents. The Board was originally intended to be a temporary entity, as the original legislation creating the board had a sunset date of June 30, 1992.

In 1996, the Board was reestablished by the Florida Legislature in order to assist DOI in creating standards by which continuing education courses may be evaluated and categorized as basic, intermediate, or advanced. As a result, administrative rules were promulgated in 2001 setting new standards for continuing education courses. These rules are contained in chapter 69B-228, F.A.C. After DOI promulgated these administrative rules the insurance commissioner and the Chief Financial Officer (CFO) have not appointed any members to the Board.

This bill repeals the section of the Florida statutes creating the Board. Because the administrative rules finalized the standards for continuing education, the Board no longer serves any purpose. In addition, because the Board has not met in over 10 years, this bill simply repeals this section of the Florida Statutes to conform to current practice.

This bill is expected to have no fiscal impact.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

In 1989, the Florida Legislature created the Continuing Education Advisory Board (Board) in order to establish a continuing education program for insurance agents.¹ The purpose of the board was to advise the DOI (DOI was subsequently replaced by the Office of Insurance Regulation and the Department of Financial Services) on the promulgation of administrative rules establishing standards for the continuing education of insurance agents. The Board was originally intended to be a temporary entity, as the original legislation creating the board had a sunset date of June 30, 1992.²

In 1996, the Board was reestablished by the Florida Legislature in order to assist DOI in creating standards by which continuing education courses may be evaluated and categorized as basic, intermediate, or advanced.³ As a result, administrative rules were promulgated in 2001 setting new standards for continuing education courses. These rules are contained in chapter 69B-228, F.A.C. After DOI promulgated these administrative rules the insurance commissioner and the Chief Financial Officer (CFO) have not appointed any members to the Board.

Effect of Bill:

This bill repeals the section of the Florida statutes creating the Board. Because the administrative rules finalized the standards for continuing education, the Board no longer serves any purpose. In addition, because the Board has not met in over 10 years, this bill simply repeals this section of the Florida Statutes to conform to current practice.

B. SECTION DIRECTORY:

Section 1: Repeals section 626.2815(6), F.S.

Section 2: Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹ Chapter 89-210, § 1, L.O.F. (creating Section 626.2815(6), F.S.).

² Chapter 89-210, § 1, L.O.F.

³ Chapter 96-377, § 1, L.O.F.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or, reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

HB 4145

2012

1 A bill to be entitled
2 An act relating to the continuing education advisory
3 board; repealing s. 626.2815(6), F.S.; deleting
4 authority for the creation of the continuing education
5 advisory board whose purpose is to advise the
6 Department of Financial Services in determining
7 standards by which courses for certain persons
8 licensed to solicit or sell insurance may be evaluated
9 and categorized; deleting all requirements and
10 procedures with respect to the board; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (6) of section 626.2815, Florida
16 Statutes, is repealed.



17 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4149 Preferred Worker Program

SPONSOR(S): Boyd

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Insurance & Banking Subcommittee	15 Y, 0 N	Read	Cooper
2) Economic Affairs Committee		Read 	Tinker 

SUMMARY ANALYSIS

The Preferred Worker Program (PWP) is a program created by the Legislature that became effective January 1, 1994. The program provides financial incentives to employers to hire employees that are unable to return to their previous employment because of permanent physical disability resulting from a compensable, workplace injury. The financial incentive for hiring such workers was reimbursement of workers' compensation insurance premiums corresponding to the premium that the employer pays to cover the preferred worker. This reimbursement of insurance premiums was to be paid by the Chief Financial Officer from a special fund known as the Special Disability Trust Fund (SDTF). The PWP also provides that the Department of Financial Services and the Department of Education have rulemaking authority to implement the program.

In 1997 the Legislature amended section 440.49, F.S., to provide that the SDTF would not disperse funds for accidents that occurred after January 1, 1998. This limitation severely restricted the PWP because employers were only able to receive reimbursements if the accident giving rise to the claim occurred before January 1, 1998. In addition, because rule 69L-11.006, F.A.C., requires that an application for PWP benefits must be filed within two years of the employee's workplace accident, any possible claimants that did not file for inclusion in the PWP by January 1, 2000 are unable to be categorized as preferred workers. Lastly, section 440.49(8), F.S., permits employer reimbursement for only 3 years. The combined effect of these changes led to the final payments being made pursuant to the program in 2000.

The repeal of section 440.49(8), F.S., will remove a section from the Florida Statutes that is currently of no legal effect. This is because the legal mechanisms used to implement the program have been amended in such a way as to make the program an anachronism.

The bill is expected to have no fiscal impact.

The bill becomes effective July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

The PWP is a program created by the Legislature that provides financial incentives to employers to hire employees that are unable to return to their previous employment because of permanent physical disability resulting from a compensable, workplace injury.¹ The financial incentive for hiring such workers was reimbursement of workers' compensation insurance premiums corresponding to the premium that the employer pays to cover the preferred worker.² This reimbursement of insurance premiums was to be paid by the Chief Financial Officer from a special fund known as the Special Disability Trust Fund (SDTF).³ The PWP provides that the Department of Financial Services and the Department of Education have rulemaking authority to implement the program.

In 1997 the Legislature amended section 440.49, F.S., to provide that the SDTF would not disperse funds for accidents that occurred after January 1, 1998.⁴ This limitation severely restricted the PWP because employers were only able to receive reimbursements if the accident giving rise to the claim occurred before January 1, 1998.⁵ In addition, because rule 69L-11.006, F.A.C., requires that an application for PWP benefits must be filed within two years of the employee's workplace accident, any possible claimants that did not file for inclusion in the PWP by January 1, 2000 are unable to be categorized as preferred workers. Lastly, section 440.49(8), F.S., permits employer reimbursement for only 3 years. The combined effect of these changes led to the final payments being made pursuant to the PWP in 2000.⁶

Effect of Proposed Changes:

The repeal of Section 440.49(8), F.S., will remove a section from the Florida Statutes that is currently of no legal effect. This is because the legal mechanisms used to implement the program have been amended in such a way as to make the program an anachronism.⁷

B. SECTION DIRECTORY:

Section 1: Repeals section 440.49(8), F.S., and amends cross-references in section 440.49, F.S.

Section 2: Amends a cross-reference in section 440.50, F.S.

Section 3: Amends a cross-reference in section 440.50, F.S.

Section 4: Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹ The program became effective January 1, 1994.

² Section 440.49(8), F.S.

³ Section 440.49(8), F.S.

⁴ Department of Financial Services indicated in the agency analysis that only 9 reimbursement claims had ever been filed before the legislature stopped funding the program.

⁵ Section 440.49(11), F.S.

⁶ Department of Financial Services bill analysis.

⁷ See Section 440.49(11), F.S., and Rule 69L-11.006, F.A.C.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or, reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The section of the Florida Statutes to be repealed contains rulemaking authority for implementing the PWP. The rules created to implement this program were promulgated on November 29, 1994. The rules are currently contained in chapter 69L-11, F.A.C.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to the preferred worker program;
 3 amending s. 440.49, F.S.; deleting a preferred worker
 4 program for permanently impaired workers who are
 5 unable to return to work; conforming cross-references;
 6 amending ss. 440.50 and 624.4626, F.S.; conforming
 7 cross-references; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Present subsections (9) through (12) of section
 12 440.49, Florida Statutes, are renumbered as subsections (8)
 13 through (11), respectfully, and subsections (4) and (5),
 14 paragraphs (c) and (d) of subsection (7), and present
 15 subsections (8) and (11) of that section are amended to read:

16 440.49 Limitation of liability for subsequent injury
 17 through Special Disability Trust Fund.—

18 (4) PERMANENT IMPAIRMENT OR PERMANENT TOTAL DISABILITY,
 19 TEMPORARY BENEFITS, MEDICAL BENEFITS, OR ATTENDANT CARE AFTER
 20 OTHER PHYSICAL IMPAIRMENT.—

21 (a) Permanent impairment.—If an employee who has a
 22 preexisting permanent physical impairment incurs a subsequent
 23 permanent impairment from injury or occupational disease arising
 24 out of, and in the course of, her or his employment which merges
 25 with the preexisting permanent physical impairment to cause a
 26 permanent impairment, the employer shall, in the first instance,
 27 pay all benefits provided by this chapter; but, subject to the
 28 limitations specified in subsection (6), such employer shall be

29 reimbursed from the Special Disability Trust Fund ~~created by~~
 30 ~~subsection (9)~~ for 50 percent of all impairment benefits which
 31 the employer has been required to provide pursuant to s.
 32 440.15(3) as a result of the subsequent accident or occupational
 33 disease.

34 (b) Permanent total disability.—If an employee who has a
 35 preexisting permanent physical impairment incurs a subsequent
 36 permanent impairment from injury or occupational disease arising
 37 out of, and in the course of, her or his employment which merges
 38 with the preexisting permanent physical impairment to cause
 39 permanent total disability, the employer shall, in the first
 40 instance, pay all benefits provided by this chapter; but,
 41 subject to the limitations specified in subsection (6), such
 42 employer shall be reimbursed from the Special Disability Trust
 43 Fund ~~created by subsection (9)~~ for 50 percent of all
 44 compensation for permanent total disability.

45 (c) Temporary compensation and medical benefits;
 46 aggravation or acceleration of preexisting condition or
 47 circumstantial causation.—If an employee who has a preexisting
 48 permanent physical impairment experiences an aggravation or
 49 acceleration of the preexisting permanent physical impairment as
 50 a result of an injury or occupational disease arising out of and
 51 in the course of her or his employment, or suffers an injury as
 52 a result of a merger as defined in paragraph (2)(c), the
 53 employer shall provide all benefits provided by this chapter,
 54 but, subject to the limitations specified in subsection (7), the
 55 employer shall be reimbursed by the Special Disability Trust
 56 Fund ~~created by subsection (9)~~ for 50 percent of its payments

HB 4149

2012

57 for temporary, medical, and attendant care benefits.

58 (5) WHEN DEATH RESULTS.—If death results from the
59 subsequent permanent impairment contemplated in subsection (4)
60 within 1 year after the subsequent injury, or within 5 years
61 after the subsequent injury when disability has been continuous
62 since the subsequent injury, and it is determined that the death
63 resulted from a merger, the employer shall, in the first
64 instance, pay the funeral expenses and the death benefits
65 prescribed by this chapter; but, subject to the limitations
66 specified in subsection (6), she or he shall be reimbursed from
67 the Special Disability Trust Fund ~~created by subsection (9)~~ for
68 the last 50 percent of all compensation allowable and paid for
69 such death and for 50 percent of the amount paid as funeral
70 expenses.

71 (7) REIMBURSEMENT OF EMPLOYER.—

72 (c) A proof of claim must be filed on each notice of claim
73 on file as of June 30, 1997, within 1 year after July 1, 1997,
74 or the right to reimbursement of the claim shall be barred. A
75 notice of claim on file on or before June 30, 1997, may be
76 withdrawn and refiled if, at the time refiled, the notice of
77 claim remains within the limitation period specified in
78 paragraph (a). Such refiling shall not toll, extend, or
79 otherwise alter in any way the limitation period applicable to
80 the withdrawn and subsequently refiled notice of claim. Each
81 proof of claim filed shall be accompanied by a proof-of-claim
82 fee as provided in paragraph (8) (d) ~~(9) (d)~~. The Special
83 Disability Trust Fund shall, within 120 days after receipt of
84 the proof of claim, serve notice of the acceptance of the claim

Page 3 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb4149-00

85 for reimbursement. This paragraph shall apply to all claims
 86 notwithstanding the provisions of subsection (11) ~~(12)~~.

87 (d) Each notice of claim filed or refiled on or after July
 88 1, 1997, must be accompanied by a notification fee as provided
 89 in paragraph (8)(d) ~~(9)(d)~~. A proof of claim must be filed
 90 within 1 year after the date the notice of claim is filed or
 91 refiled, accompanied by a proof-of-claim fee as provided in
 92 paragraph (8)(d) ~~(9)(d)~~, or the claim shall be barred. The
 93 notification fee shall be waived if both the notice of claim and
 94 proof of claim are submitted together as a single filing. The
 95 Special Disability Trust Fund shall, within 180 days after
 96 receipt of the proof of claim, serve notice of the acceptance of
 97 the claim for reimbursement. This paragraph shall apply to all
 98 claims notwithstanding the provisions of subsection (11) ~~(12)~~.

99 ~~(8) PREFERRED WORKER PROGRAM. The Department of Education~~
 100 ~~or administrator shall issue identity cards to preferred workers~~
 101 ~~upon request by qualified employees and the Department of~~
 102 ~~Financial Services shall reimburse an employer, from the Special~~
 103 ~~Disability Trust Fund, for the cost of workers' compensation~~
 104 ~~premium related to the preferred workers payroll for up to 3~~
 105 ~~years of continuous employment upon satisfactory evidence of~~
 106 ~~placement and issuance of payroll and classification records and~~
 107 ~~upon the employee's certification of employment. The Department~~
 108 ~~of Financial Services and the Department of Education may by~~
 109 ~~rule prescribe definitions, forms, and procedures for the~~
 110 ~~administration of the preferred worker program. The Department~~
 111 ~~of Education may by rule prescribe the schedule for submission~~
 112 ~~of forms for participation in the program.~~

113 (10)~~(11)~~ EFFECTIVE DATES.—This section does not apply to
 114 any case in which the accident causing the subsequent injury or
 115 death or the disablement or death from a subsequent occupational
 116 disease occurred prior to July 1, 1955, or on or after January
 117 1, 1998. In no event shall the Special Disability Trust Fund be
 118 liable for, or reimburse employers or carriers for, any case in
 119 which the accident causing the subsequent injury or death or the
 120 disablement or death from a subsequent occupational disease
 121 occurred on or after January 1, 1998. The Special Disability
 122 Trust Fund shall continue to reimburse employers or carriers for
 123 subsequent injuries occurring prior to January 1, 1998, and the
 124 department shall continue to assess for and the department or
 125 administrator shall fund reimbursements as provided in
 126 subsection (8) ~~(9)~~ for this purpose.

127 Section 2. Paragraph (b) of subsection (1) of section
 128 440.50, Florida Statutes, is amended to read:

129 440.50 Workers' Compensation Administration Trust Fund.—

130 (1)

131 (b) The department is authorized to transfer as a loan an
 132 amount not in excess of \$250,000 from such special fund to the
 133 Special Disability Trust Fund established by s. 440.49(8)
 134 ~~440.49(9)~~, which amount shall be repaid to said special fund in
 135 annual payments equal to not less than 10 percent of moneys
 136 received for such Special Disability Trust Fund.

137 Section 3. Subsection (2) of section 624.4626, Florida
 138 Statutes, is amended to read:

139 624.4626 Electric cooperative self-insurance fund.—

140 (2) A self-insurance fund that meets the requirements of

HB 4149

2012

141 | this section is subject to the assessments set forth in ss.
142 | 440.49(8) ~~440.49(9)~~, 440.51(1), and 624.4621(7), but is not
143 | subject to any other provision of s. 624.4621 and is not
144 | required to file any report with the department under s.
145 | 440.38(2)(b) which is uniquely required of group self-insurer
146 | funds qualified under s. 624.4621.

147 | Section 4. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7027 PCB BCAS 12-02 Unemployment Compensation

SPONSOR(S): Business & Consumer Affairs Subcommittee, Holder

TIED BILLS: **IDEN./SIM. BILLS:** SB 1416

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Business & Consumer Affairs Subcommittee		Tecler	Creamer
1) Economic Affairs Committee		Tecler <i>AD</i>	Tinker <i>TBT</i>

SUMMARY ANALYSIS

The bill rebrands the state's unemployment compensation (UC) system as a "Reemployment Assistance Program." The bill addresses aspects of the state's UC system related to the initial skills assessment test and the operational efficiency of the program.

Related to the initial skills assessment test, the bill:

- Requires the Department of Economic Opportunity (DEO) to establish a numeric score on the initial skills review which demonstrates a minimum proficiency in workforce skills.
- Provides a claimant with the option to undergo workforce skills training if he or she scores below this standard.
- Stipulates that workforce skills training will be provided at no cost to individuals in order to improve their minimum proficiency level.

Related to improving efficiency in the UC program, the bill:

- Reduces the number of weekly employer contacts from five to three for individuals that reside in a small county as defined by s. 120.52(19), F.S.
- Clarifies that a disqualification for making a fraudulent claim begins when the fraudulent claim was made. Further, this disqualification may continue up to one year from the date DEO discovers the fraudulent claim and until any fraudulent overpayments are repaid in full.
- Amends the statute of limitations related to the collection of overpayments by providing that the commencement of collections must be initiated within 7 years after the redetermination or decision.
- Authorizes the DEO to noncharge the accounts of employers that are forced to lay off workers due to a man-made disaster of national significance.
- Incorporates federal provisions relating to the release of confidential information.

The bill does not have a fiscal impact on state funds.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no-fault of their own (as determined under state law) and who meet the requirements of state law. The program is administered as a partnership of the federal government and the states.

The individual states collect UC payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).¹ States are permitted to set eligibility conditions for UC benefit recipients, the amount and duration of benefits, and the state tax structure so long as the state provisions are not in conflict with FUTA or Social Security Act requirements. Florida's UC system is funded solely by employers who pay federal and state UC taxes, and is provided at no cost to the workers who receive the benefits.

Program Administration

The Department of Economic Opportunity (DEO) is the agency responsible for administering Florida's UC laws.² DEO contracts with the Department of Revenue to provide unemployment tax collection services.

The United States Department of Labor (USDOL) provides DEO with administrative resource grants from the taxes collected from employers pursuant to FUTA. These funds finance the processing of claims for benefits by DEO, state unemployment tax collections performed by the Department of Revenue, appeals conducted by DEO and the Unemployment Appeals Commission, and related administrative functions.

DEO administers Florida's UC laws through its Office of Unemployment Compensation. The Office of Unemployment Compensation consists of the Unemployment Compensation Benefits Section, the Benefits Payment Control Section, and the Office of Appeals. The Unemployment Compensation Benefits Section handles initial claims, questions about unemployment benefits, and other related issues. The Benefits Payment Control Section monitors the payment of unemployment benefits in an effort to detect and deter overpayment and to prevent fraud. The Office of Appeals holds hearings and issues decisions to resolve disputed issues related to eligibility and claims for unemployment compensation and the payment and collection of unemployment compensation taxes.

Benefit Structure

State UC taxes are deposited into the UC Trust Fund to pay benefits. Qualified claimants may receive state UC benefits equal to 25 percent of their wages, not to exceed \$6,325 in a benefit year.³ Benefits range from a minimum of \$32 to a maximum weekly benefit amount of \$275 for up to 23 weeks, depending on the claimant's length of prior employment and wages earned.⁴

The number of benefit weeks and total benefit amount is subject to the "Florida average unemployment rate," which is calculated by looking at the most recent or previous year's third quarter and averaging the statewide unemployment rate for those three months. This unemployment rate calculation is then used to determine how many benefit weeks a claimant could receive, depending on the unemployment rate. If the Florida average unemployment rate is 10.5% or higher, a claimant is eligible for up to a maximum of 23 weeks. If the Florida average unemployment rate is 5% or below, the maximum

¹ FUTA is codified at 26 U.S.C. 3301-3311.

² Sections 20.50 and 443.171, F.S.

³ Section 443.111(5), F.S.

⁴ Section 443.111(3), F.S. A benefit week begins on Sunday and ends on Saturday.

number of available weeks is 12. Each 0.5% increment in the unemployment rate above 5% adds an additional week of benefits.

To receive UC benefits, claimants must meet certain monetary and non-monetary eligibility requirements.⁵ Key eligibility requirements involve a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment.

Monetary Eligibility

Pursuant to s. 443.111(2), F.S., in order to establish a benefit year from which UC benefits can be paid, an individual must:

- Have been paid wages in two or more calendar quarters in the base period; and
- Have minimum total base period wages equal to the high quarter wages multiplied by 1.5, but at least \$3,400 in the base period.

The base period is the first four of the last five completed calendar quarters immediately before the individual filed a valid claim for benefits.⁶ The most recent quarter of work (or fifth completed calendar quarter) is not used to determine monetary eligibility and cannot be credited toward the two-quarter requirement or the \$3,400 requirement.

Non-Monetary Determinations

The state's UC laws contemplate that a claimant was employed in the capacity of an employee, and not an independent contractor. A claimant must be unemployed due to layoffs or otherwise through no fault of their own to be eligible for benefit payments. An individual may be disqualified from receiving UC benefits for voluntarily leaving work without good cause, or being discharged by his or her employing unit for misconduct. The term "good cause" means only that cause attributable to the employer which would compel a reasonable employee to cease work or which consists of illness or disability of the individual requiring separation from work. An individual who voluntarily quits work for a good cause not related to any of the conditions specified in statute will be disqualified from receiving benefits.⁷

Other circumstances under which an individual would be disqualified from receiving unemployment compensation benefits include:⁸

- Failing to apply for available suitable work when directed by DEO, to accept suitable work when offered, or to return to suitable self-employment when directed to do so;
- Receiving remuneration in the form of wages, severance pay, or compensation for temporary total disability or permanent total disability under the workers' compensation law of any state with a limited exception;⁹
- Receiving benefits from a retirement, pension, or annuity program with certain exceptions;
- Receiving unemployment compensation from another state;
- Terminated for any crime committed in connection with work for which the employee was convicted or entered a plea of guilty or nolo contendere, or any dishonest act in connection with his or her work;
- Making false or fraudulent representations in filing for benefits;
- Discharge from employment due to drug use or rejected for offered employment due to a positive confirmed drug test;
- Involvement in an active labor dispute which is responsible for the individual's unemployment;
- Illegal immigration status; or
- Unavailable for work due to incarceration or imprisonment.

⁵ Section 443.091(1), F.S.,

⁶ Section 443.036(7), F.S.

⁷ Section 443.101, F.S.

⁸ Section 443.101, F.S. The statute specifies the duration of the disqualification depending on the reason for the disqualification.

⁹ Wages in lieu of notice is income deemed to have been earned in connection with employment. If the employee has received severance pay from an employer, an employee is disqualified from benefits in an amount based on the formula provided in s. 443.101(3)(b), F.S.

Determination of Eligibility

Based upon information provided with filed claims for benefits, DEO makes an initial determination on entitlement to benefits. A determination becomes final after 20 days have expired.

Collection of Overpayments

Current law provides several options for the state to recoup overpaid unemployment benefits, including, but not limited to, wage garnishment, deducting any outstanding balance from future unemployment benefits or lottery winnings, and forwarding any unpaid balance to a contracted debt collection agency. However, DEO must obtain a final judgment through the civil court system before it may utilize the wage garnishment process provided for in ch. 77, F.S.¹⁰ Any recovery or recoupment of benefits must be effected within five years of a redetermination or decision for cases involving fraud, and within three years for all other cases of overpayments.

Initial Skills Review

After UC benefits eligibility has been established, a claimant must complete an initial skills review as a reporting requirement under s. 443.091(1)(c), F.S. As established by the DEO, the online initial skills review assessment contains three required sections: applied mathematics, reading for information, and locating information. Test scores measure skill level by dividing each section into three proficiency levels, ranging from a minimum of 3 to a maximum of 5.¹¹

The initial skills review administrator reports the results of the review to DEO and the appropriate workforce board or one-stop career center. The workforce board must develop a plan for referring individuals to training and employment opportunities. However, current law does not require a claimant to meet a minimum proficiency standard nor does it obligate a claimant to complete the recommended course of training.

Reemployment

To maintain eligibility for benefits, an individual must also be ready, willing, and able to work and actively seeking work.¹² Claimants are required to contact at least 5 prospective employers for each week of unemployment claimed. DEO may require the claimant to provide proof of such efforts to the one-stop center and may conduct random audits of work search information provided by claimants. As an alternative to contacting at least 5 prospective employers each week, a claimant may report once-a-week in person to a one-stop center to meet with a representative and access reemployment services.

Claimants are automatically registered with their local One-Stop Career Center when their claims are filed. The One-Stop Career Centers provide job search counseling and workshops, occupational and labor market information, referral to potential employers, and job training assistance. Claimants may also receive an e-mail from the Employ Florida Marketplace with information about employment services or available jobs.¹³ Additionally, a claimant may be selected to participate in reemployment assistance services, such as Reemployment and Eligibility Assessments (REAs).¹⁴

¹⁰ Section 443.151(6)(e), F.S.

¹¹ Scoring a "5," indicates foundational career readiness skills for on average 90 percent of jobs. Conversely, scoring a "3," indicates foundational career readiness skills for on average 30 percent of jobs.

¹² Section 443.036(1) and (6), F.S., provide the meaning of the phrases "able to work" and "available for work" as:

- "Able to work" means physically and mentally capable of performing the duties of the occupation in which work is being sought.
- "Available for work" means actively seeking and being ready and willing to accept suitable employment.
- Additionally, DEO has adopted criteria, as directed in the statute, to determine an individual's ability to work and availability for work in Rule 60BB-3.021, F.A.C.

¹³ Employ Florida Marketplace is a partnership of Workforce Florida, Inc., and DEO. It provides job-matching and workforce resources. <https://www.employflorida.com>

¹⁴ REAs are in-person interviews with selected UC claimants to review the claimants' adherence to state UC eligibility criteria, determine if reemployment services are needed for the claimant to secure future employment, refer individuals to reemployment services, as appropriate, and provide labor market information which addresses the claimant's specific needs. Florida administers the REA Initiative through local One-Stop Career Centers. Rule 60BB-3.028, F.A.C., further sets forth information on reemployment services and requirements for participation.

Effect of Proposed Changes

The bill rebrands the state UC system as a “reemployment assistance program. In order to encourage reemployment, the bill requires a minimum proficiency standard for the initial skills review and provides a training program for claimants that fall short of this standard. The bill also takes additional steps to improve efficiency in the state UC system by revising provisions related to work search requirements, fraudulent claims, recoupment of overpayments, disaster relief, and confidential information.

Rebranding of Unemployment Compensation

The bill rebrands the Unemployment Compensation Law as the Reemployment Assistance Program and makes technical changes to conform ch. 443, F.S., to the new brand. The bill also renames the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission.

Initial Skills Review

The bill requires DEO to establish a numeric score on the initial skills review which demonstrates a minimum proficiency in workforce skills. If a claimant fails to meet this standard he or she will have the option to undergo skills training as directed by the regional workforce board or one-stop career center. Workforce skills training will be provided at no cost to the individual and will focus on improving a claimant’s workforce skills to the minimum proficiency level. This change may incentivize claimants to proactively improve their workforce skills. The bill also requires the department to submit a program evaluation to the Governor and the Legislature on January 1st, 2013.

Improved Efficiency

The bill makes the following changes to improve the efficiency of the state’s reemployment assistance program:

Work Search Requirements

The bill reduces the number of weekly employer contacts from five to three for individuals that reside in a small county as defined by s. 120.52(19), F.S.¹⁵

Fraudulent Claims

The bill clarifies that a disqualification for making a fraudulent claim begins when the fraudulent claim was made. Further, this disqualification may continue up to one year from the date DEO discovers the fraudulent claim and until any fraudulent overpayments are repaid in full. Under current law, a claimant may be disqualified for a fraudulent claim for up to one year from the date of discovery.

Collection of Overpayments

The bill amends the statute of limitations related to the collection of reemployment assistance overpayments by providing that the commencement of collections must be initiated within 7 years after the redetermination or decision. This change will impose a single limitations period for both fraudulent and non-fraudulent cases of overpayments.

Disaster Relief

Related to the charging of employers, the bill authorizes the DEO to noncharge the accounts of employers that are forced to lay off workers due to a disaster of national significance that is not a declared natural disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.¹⁶ Under current law, employer accounts are only noncharged for disasters declared under the Stafford Act. However, this provision does not apply retroactively to previous disasters.

Confidential Information

The bill provides that the release of confidential information, as it relates to ch. 443, F.S., must conform to certain federal regulations.¹⁷

¹⁵ “Small county” means any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

¹⁶ The Stafford Act is codified at 42 U.S.C. 5121-5207.

¹⁷ 20 C.F.R. 603

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1:

Amends s. 443.011, F.S., renaming the Unemployment Compensation Law as the Reemployment Assistance Program.

Section 2:

Amends s. 443.012, F.S., renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission.

Sections 3-5:

Amend ss. 443.036, 443.051 and 443.071, F.S., defining "reemployment assistance" and conforming references.

Section 6:

Revises s. 443.091, F.S., requiring a minimal proficiency standard for the initial skills review; providing workforce training to certain eligible claimants; revising work search requirements for claimants in small counties; providing for a report to the Governor and the Legislature.

Section 7:

Revises s. 443.101, F.S., clarifying how a disqualification for fraud is imposed.

Sections 8-12:

Amend ss. 443.111, 443.1113, 443.1116, 443.1215, 443.1216, F.S., to conform references.

Section 13:

Revises s. 443.131, F.S., authorizing the Unemployment Compensation Program to noncharge accounts of employers that are forced to lay off workers as a result of a man-made disaster of national significance.

Sections 14-18:

Amend ss. 443.1312, 443.1313, 443.1316, 443.1317, 443.141, F.S., to conform references.

Section 19:

Amends s. 443.151, F.S., revising the statute of limitations related to the collection of unemployment compensation benefits overpayments.

Section 20:

Amends s. 443.163, F.S., to conform references.

Sections 21-22:

Revise ss. 443.171 and 443.1715, F.S., incorporating federal provisions relating to the release of confidential information related to the unemployment compensation program.

Sections 23-83:

In order to update references, the following sections are amended: ss. 443.17161, 443.181, 443.221, 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292, 220.181, 220.191, 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381, 440.42, 445.009, 445.016, 446.50, 448.110, 450.31, 450.33, 468.529, 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101, 921.0022, 946.513, 946.523, 985.618, 1003.496, 1008.39, and 1008.41, F.S.

Section 84:

Provides for an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

29 act; amending s. 443.171, F.S.; deleting an exemption
30 from public records requirements for unemployment
31 compensation records and reports; revising references
32 to conform to changes made by this act; amending s.
33 443.1715, F.S.; revising an exemption from public
34 records requirements for unemployment compensation
35 records and reports; revising references to conform to
36 changes made by this act; amending ss. 20.60, 27.52,
37 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30,
38 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502,
39 212.096, 213.053, 216.292, 220.03, 220.181, 220.191,
40 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045,
41 288.106, 288.1081, 288.1089, 334.30, 408.809,
42 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15,
43 440.381, 440.42, 443.051, 443.071, 443.111, 443.1113,
44 443.1116, 443.1215, 443.1216, 443.1312, 443.1313,
45 443.1315, 443.1316, 443.1317, 443.141, 443.163,
46 443.17161, 443.181, 443.191, 443.221, 445.009,
47 445.016, 446.50, 448.110, 450.31, 450.33, 468.529,
48 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101,
49 921.0022, 946.513, 946.523, 985.618, 1003.496,
50 1008.39, and 1008.41, F.S.; revising references to
51 conform to changes made by the act; providing an
52 effective date.

53
54
55

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

56 Section 1. Section 443.011, Florida Statutes, is amended
 57 to read:

58 443.011 Short title.—This chapter may be cited as the
 59 "Reemployment Assistance Program ~~Unemployment Compensation~~ Law."

60 Section 2. Subsections (1), (3), (10), and (12) of section
 61 443.012, Florida Statutes, are amended to read:

62 443.012 Reemployment Assistance ~~Unemployment~~ Appeals
 63 Commission.—

64 (1) There is created within the Division of Workforce
 65 Services of the Department of Economic Opportunity a
 66 Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The
 67 commission is composed of a chair and two other members
 68 appointed by the Governor, subject to confirmation by the
 69 Senate. Only one appointee may be a representative of employers,
 70 as demonstrated by his or her previous vocation, employment, or
 71 affiliation; and only one appointee may be a representative of
 72 employees, as demonstrated by his or her previous vocation,
 73 employment, or affiliation.

74 (a) The chair shall devote his or her entire time to
 75 commission duties and is responsible for the administrative
 76 functions of the commission.

77 (b) The chair has authority to appoint a general counsel
 78 and other personnel to carry out the duties and responsibilities
 79 of the commission.

80 (c) The chair must have the qualifications required by law
 81 for a judge of the circuit court and may not engage in any other
 82 business vocation or employment. Notwithstanding any other law,
 83 the chair shall be paid a salary equal to that paid under state

84 law to a judge of the circuit court.

85 (d) The remaining members shall be paid a stipend of \$100
 86 for each day they are engaged in the work of the commission. The
 87 chair and other members are entitled to be reimbursed for travel
 88 expenses, as provided in s. 112.061.

89 (e) The total salary and travel expenses of each member of
 90 the commission shall be paid from the Employment Security
 91 Administration Trust Fund.

92 (3) The commission has all authority, powers, duties, and
 93 responsibilities relating to reemployment assistance
 94 ~~unemployment compensation~~ appeal proceedings under this chapter.

95 (10) The commission shall have a seal for authenticating
 96 its orders, awards, and proceedings, upon which shall be
 97 inscribed the words "State of Florida-Reemployment Assistance
 98 ~~Unemployment~~ Appeals Commission-Seal," and it shall be
 99 judicially noticed.

100 (12) Orders of the commission relating to reemployment
 101 assistance ~~unemployment compensation~~ under this chapter are
 102 subject to review only by notice of appeal to the district
 103 courts of appeal in the manner provided in s. 443.151(4)(e).

104 Section 3. Subsections (12), (14), and (26) of section
 105 443.036, Florida Statutes, are amended, present subsections (38)
 106 through (46) are renumbered as subsections (39) through (47),
 107 respectively, present subsections (38) and (42) are amended, and
 108 a new subsection (38) is added to that section, to read:

109 443.036 Definitions.—As used in this chapter, the term:

110 (12) "Commission" means the Reemployment Assistance
 111 ~~Unemployment~~ Appeals Commission.

112 (14) "Contribution" means a payment of payroll tax to the
 113 Unemployment Compensation Trust Fund which is required under
 114 this chapter to finance reemployment assistance ~~unemployment~~
 115 benefits.

116 (26) "Initial skills review" means an online education or
 117 training program, such as that established under s. 1004.99,
 118 that is approved by the Department of Economic Opportunity
 119 ~~Agency for Workforce Innovation~~ and designed to measure an
 120 individual's mastery level of workplace skills.

121 (38) "Reemployment assistance" means cash benefits payable
 122 to individuals with respect to their unemployment pursuant to
 123 the provisions of this chapter. Where the context requires,
 124 reemployment assistance also means cash benefits payable to
 125 individuals with respect to their unemployment pursuant to 5
 126 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.
 127 501-504, 1101-1110, and 1321-1324, or pursuant to state laws
 128 which have been certified pursuant to 26 U.S.C. s. 3304 and 42
 129 U.S.C. s. 503. Any reference to reemployment assistance shall
 130 mean compensation payable from an unemployment fund as defined
 131 in 26 U.S.C. s. 3306(f).

132 (39) ~~(38)~~ "Reimbursement" means a payment of money to the
 133 Unemployment Compensation Trust Fund in lieu of a contribution
 134 which is required under this chapter to finance reemployment
 135 assistance ~~unemployment~~ benefits.

136 (43) ~~(42)~~ "Tax collection service provider" or "service
 137 provider" means the state agency providing reemployment
 138 assistance ~~unemployment~~ tax collection services under contract
 139 with the Department of Economic Opportunity through an

140 interagency agreement pursuant to s. 443.1316.

141 Section 4. Paragraph (a) of subsection (1) and paragraphs
 142 (b) and (d) of subsection (3) of section 443.051, Florida
 143 Statutes, are amended to read:

144 443.051 Benefits not alienable; exception, child support
 145 intercept.—

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

147 (a) "Reemployment assistance" or "unemployment
 148 compensation" means any compensation payable under state law,
 149 including amounts payable pursuant to an agreement under any
 150 federal law providing for compensation, assistance, or
 151 allowances for unemployment.

152 (3) EXCEPTION, SUPPORT INTERCEPT.—

153 (b) For support obligations established on or after July
 154 1, 2006, and for support obligations established before July 1,
 155 2006, when the support order does not address the withholding of
 156 reemployment assistance or unemployment compensation, the
 157 department shall deduct and withhold 40 percent of the
 158 reemployment assistance or unemployment compensation otherwise
 159 payable to an individual disclosed under paragraph (a). If
 160 delinquencies, arrearages, or retroactive support are owed and
 161 repayment has not been ordered, the unpaid amounts are included
 162 in the support obligation and are subject to withholding. If the
 163 amount deducted exceeds the support obligation, the Department
 164 of Revenue shall promptly refund the amount of the excess
 165 deduction to the obligor. For support obligations in effect
 166 before July 1, 2006, if the support order addresses the
 167 withholding of reemployment assistance or unemployment

168 compensation, the department shall deduct and withhold the
 169 amount ordered by the court or administrative agency that issued
 170 the support order as disclosed by the Department of Revenue.

171 (d) Any amount deducted and withheld under this subsection
 172 shall for all purposes be treated as if it were paid to the
 173 individual as reemployment assistance or unemployment
 174 compensation and paid by the individual to the Department of
 175 Revenue for support obligations.

176 Section 5. Subsections (6), (7), and (8) of section
 177 443.071, Florida Statutes, are amended to read:

178 443.071 Penalties.—

179 (6) The entry into evidence of an application for
 180 reemployment assistance ~~unemployment~~ benefits initiated by the
 181 use of the Internet claims program or the interactive voice
 182 response system telephone claims program of the Department of
 183 Economic Opportunity constitutes prima facie evidence of the
 184 establishment of a personal benefit account by or for an
 185 individual if the following information is provided: the
 186 applicant's name, residence address, date of birth, social
 187 security number, and present or former place of work.

188 (7) The entry into evidence of a transaction history
 189 generated by a personal identification number establishing that
 190 a certification or claim for one or more weeks of benefits was
 191 made against the benefit account of the individual, together
 192 with documentation that payment was paid by a state warrant made
 193 to the order of the person or by direct deposit via electronic
 194 means, constitutes prima facie evidence that the person claimed
 195 and received reemployment assistance ~~unemployment~~ benefits from

196 the state.

197 (8) All records relating to investigations of reemployment
 198 assistance ~~unemployment compensation~~ fraud in the custody of the
 199 Department of Economic Opportunity or its tax collection service
 200 provider are available for examination by the Department of Law
 201 Enforcement, the state attorneys, or the Office of the Statewide
 202 Prosecutor in the prosecution of offenses under s. 817.568 or in
 203 proceedings brought under this chapter.

204 Section 6. Paragraphs (c), (d), and (f) of subsection (1)
 205 of section 443.091, Florida Statutes, are amended to read:

206 443.091 Benefit eligibility conditions.—

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

210 (c) To make continued claims for benefits, she or he is
 211 reporting to the department in accordance with this paragraph
 212 and department ~~agency~~ rules, and participating in an initial
 213 skills review, as directed by the department ~~agency~~. Department
 214 ~~Agency~~ rules may not conflict with s. 443.111(1)(b) , which
 215 requires that each claimant continue to report regardless of any
 216 pending appeal relating to her or his eligibility or
 217 disqualification for benefits.

218 1. For each week of unemployment claimed, each report
 219 must, at a minimum, include the name, address, and telephone
 220 number of each prospective employer contacted, or the date the
 221 claimant reported to a one-stop career center, pursuant to
 222 paragraph (d).

223 2. The administrator or operator of the initial skills

224 review shall notify the department ~~agency~~ when the individual
 225 completes the initial skills review and report the results of
 226 the review to the regional workforce board or the one-stop
 227 career center as directed by the workforce board. The department
 228 shall prescribe a numeric score on the initial skills review
 229 that demonstrates a minimal proficiency in workforce skills. The
 230 department, workforce board, or one-stop career center shall use
 231 the initial skills review to develop a plan for referring
 232 individuals to training and employment opportunities. Any
 233 individual that falls below the minimal proficiency score on the
 234 initial skills review shall be offered training opportunities
 235 and encouraged to participate in such training, at no cost to
 236 the individual, in order to improve her or his workforce skills
 237 to the minimal proficiency level. The failure of the individual
 238 to comply with this requirement will result in the individual
 239 being determined ineligible for benefits for the week in which
 240 the noncompliance occurred and for any subsequent week of
 241 unemployment until the requirement is satisfied. However, this
 242 requirement does not apply if the individual is able to
 243 affirmatively attest to being unable to complete such review due
 244 to illiteracy or a language impediment or is exempt from the
 245 work registration requirement pursuant to paragraph (b).

246 3. The department shall evaluate the use, effectiveness,
 247 and costs associated with the training prescribed in
 248 subparagraph 2. and report its findings and recommendations to
 249 the Governor, the President of the Senate, and the Speaker of
 250 the House of Representatives by January 1, 2013.

251 (d) She or he is able to work and is available for work.

252 In order to assess eligibility for a claimed week of
 253 unemployment, the department shall develop criteria to determine
 254 a claimant's ability to work and availability for work. A
 255 claimant must be actively seeking work in order to be considered
 256 available for work. This means engaging in systematic and
 257 sustained efforts to find work, including contacting at least
 258 five prospective employers for each week of unemployment
 259 claimed. The department ~~agency~~ may require the claimant to
 260 provide proof of such efforts to the one-stop career center as
 261 part of reemployment services. The department ~~agency~~ shall
 262 conduct random reviews of work search information provided by
 263 claimants. As an alternative to contacting at least five
 264 prospective employers for any week of unemployment claimed, a
 265 claimant may, for that same week, report in person to a one-stop
 266 career center to meet with a representative of the center and
 267 access reemployment services of the center. The center shall
 268 keep a record of the services or information provided to the
 269 claimant and shall provide the records to the department ~~agency~~
 270 upon request by the department ~~agency~~. However:

271 1. Notwithstanding any other provision of this paragraph
 272 or paragraphs (b) and (e), an otherwise eligible individual may
 273 not be denied benefits for any week because she or he is in
 274 training with the approval of the department, or by reason of s.
 275 443.101(2) relating to failure to apply for, or refusal to
 276 accept, suitable work. Training may be approved by the
 277 department in accordance with criteria prescribed by rule. A
 278 claimant's eligibility during approved training is contingent
 279 upon satisfying eligibility conditions prescribed by rule.

280 2. Notwithstanding any other provision of this chapter, an
 281 otherwise eligible individual who is in training approved under
 282 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
 283 determined ineligible or disqualified for benefits due to
 284 enrollment in such training or because of leaving work that is
 285 not suitable employment to enter such training. As used in this
 286 subparagraph, the term "suitable employment" means work of a
 287 substantially equal or higher skill level than the worker's past
 288 adversely affected employment, as defined for purposes of the
 289 Trade Act of 1974, as amended, the wages for which are at least
 290 80 percent of the worker's average weekly wage as determined for
 291 purposes of the Trade Act of 1974, as amended.

292 3. Notwithstanding any other provision of this section, an
 293 otherwise eligible individual may not be denied benefits for any
 294 week because she or he is before any state or federal court
 295 pursuant to a lawfully issued summons to appear for jury duty.

296 4. Union members who customarily obtain employment through
 297 a union hiring hall may satisfy the work search requirements of
 298 this paragraph by reporting daily to their union hall.

299 5. The work search requirements of this paragraph do not
 300 apply to persons who are unemployed as a result of a temporary
 301 layoff or who are claiming benefits under an approved short-time
 302 compensation plan as provided in s. 443.1116.

303 6. In small counties as defined in s. 120.52(19), a
 304 claimant engaging in systematic and sustained efforts to find
 305 work must contact at least three prospective employers for each
 306 week of unemployment claimed.

307 (f) She or he has been unemployed for a waiting period of

HB 7027

2012

308 1 week. A week may ~~not~~ be counted as a waiting week ~~of~~
 309 ~~unemployment~~ under this subsection only if unless:

- 310 1. It occurs within the benefit year that includes the
- 311 week for which she or he claims payment of benefits;~~;~~
- 312 2. Benefits have not been paid for that week; ~~and~~;
- 313 3. The individual was eligible for benefits for that week
- 314 as provided in this section and s. 443.101, except for the
- 315 requirements of this subsection and s. 443.101(5).

316 Section 7. Subsections (5), (6), (9), and (11) and
 317 paragraph (b) of subsection (10) of section 443.101, Florida
 318 Statutes, are amended to read:

319 443.101 Disqualification for benefits.—An individual shall
 320 be disqualified for benefits:

321 (5) For any week with respect to which or a part of which
 322 he or she has received or is seeking reemployment assistance or
 323 unemployment benefits under a reemployment assistance or an
 324 unemployment compensation law of another state or of the United
 325 States. For the purposes of this subsection, a reemployment
 326 assistance or an unemployment compensation law of the United
 327 States is any law of the United States which provides for
 328 payment of any type and in any amounts for periods of
 329 unemployment due to lack of work. However, if the appropriate
 330 agency of the other state or of the United States finally
 331 determines that he or she is not entitled to reemployment
 332 assistance or unemployment benefits, this disqualification does
 333 not apply.

334 (6) ~~For a period not to exceed 1 year from the date of the~~
 335 ~~discovery by the Department of Economic Opportunity of the~~

336 making ~~of~~ any false or fraudulent representation for the purpose
 337 of obtaining benefits contrary to this chapter, constituting a
 338 violation under s. 443.071. The disqualification imposed under
 339 this subsection shall begin with the week in which the false or
 340 fraudulent representation is made and shall continue for a
 341 period not to exceed 1 year after the date the Department of
 342 Economic Opportunity discovers the false or fraudulent
 343 representation and until any overpayment of benefits resulting
 344 from such representation has been repaid in full. This
 345 disqualification may be appealed in the same manner as any other
 346 disqualification imposed under this section. A conviction by any
 347 court of competent jurisdiction in this state of the offense
 348 prohibited or punished by s. 443.071 is conclusive upon the
 349 appeals referee and the commission of the making of the false or
 350 fraudulent representation for which disqualification is imposed
 351 under this section.

352 (9) If the individual was terminated from his or her work
 353 as follows:

354 (a) If the Department of Economic Opportunity or the
 355 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
 356 that the individual was terminated from work for violation of
 357 any criminal law, under any jurisdiction, which was in
 358 connection with his or her work, and the individual was
 359 convicted, or entered a plea of guilty or nolo contendere, the
 360 individual is not entitled to reemployment assistance
 361 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
 362 adopted by the department, and until he or she has earned income
 363 of at least 17 times his or her weekly benefit amount. If,

364 before an adjudication of guilt, an admission of guilt, or a
 365 plea of nolo contendere, the employer proves by competent
 366 substantial evidence to the department that the arrest was due
 367 to a crime against the employer or the employer's business,
 368 customers, or invitees, the individual is not entitled to
 369 reemployment assistance ~~unemployment~~ benefits.

370 (b) If the department or the Reemployment Assistance
 371 ~~Unemployment~~ Appeals Commission finds that the individual was
 372 terminated from work for any dishonest act in connection with
 373 his or her work, the individual is not entitled to reemployment
 374 assistance ~~unemployment~~ benefits for up to 52 weeks, pursuant to
 375 rules adopted by the department, and until he or she has earned
 376 income of at least 17 times his or her weekly benefit amount. If
 377 the employer terminates an individual as a result of a dishonest
 378 act in connection with his or her work and the department finds
 379 misconduct in connection with his or her work, the individual is
 380 not entitled to reemployment assistance ~~unemployment~~ benefits.

381
 382 If an individual is disqualified for benefits, the account of
 383 the terminating employer, if the employer is in the base period,
 384 is noncharged at the time the disqualification is imposed.

385 (10) Subject to the requirements of this subsection, if
 386 the claim is made based on the loss of employment as a leased
 387 employee for an employee leasing company or as a temporary
 388 employee for a temporary help firm.

389 (b) A temporary or leased employee is deemed to have
 390 voluntarily quit employment and is disqualified for benefits
 391 under subparagraph (1)(a)1. if, upon conclusion of his or her

392 latest assignment, the temporary or leased employee, without
 393 good cause, failed to contact the temporary help or employee-
 394 leasing firm for reassignment, if the employer advised the
 395 temporary or leased employee at the time of hire and that the
 396 leased employee is notified also at the time of separation that
 397 he or she must report for reassignment upon conclusion of each
 398 assignment, regardless of the duration of the assignment, and
 399 that reemployment assistance ~~unemployment~~ benefits may be denied
 400 for failure to report. For purposes of this section, the time of
 401 hire for a day laborer is upon his or her acceptance of the
 402 first assignment following completion of an employment
 403 application with the labor pool. The labor pool as defined in s.
 404 448.22(1) must provide notice to the temporary employee upon
 405 conclusion of the latest assignment that work is available the
 406 next business day and that the temporary employee must report
 407 for reassignment the next business day. The notice must be given
 408 by means of a notice printed on the paycheck, written notice
 409 included in the pay envelope, or other written notification at
 410 the conclusion of the current assignment.

411 (11) If an individual is discharged from employment for
 412 drug use as evidenced by a positive, confirmed drug test as
 413 provided in paragraph (1)(d), or is rejected for offered
 414 employment because of a positive, confirmed drug test as
 415 provided in paragraph (2)(c), test results and chain of custody
 416 documentation provided to the employer by a licensed and
 417 approved drug-testing laboratory is self-authenticating and
 418 admissible in reemployment assistance ~~unemployment compensation~~
 419 hearings, and such evidence creates a rebuttable presumption

420 that the individual used, or was using, controlled substances,
 421 subject to the following conditions:

422 (a) To qualify for the presumption described in this
 423 subsection, an employer must have implemented a drug-free
 424 workplace program under ss. 440.101 and 440.102, and must submit
 425 proof that the employer has qualified for the insurance
 426 discounts provided under s. 627.0915, as certified by the
 427 insurance carrier or self-insurance unit. In lieu of these
 428 requirements, an employer who does not fit the definition of
 429 "employer" in s. 440.102 may qualify for the presumption if the
 430 employer is in compliance with equivalent or more stringent
 431 drug-testing standards established by federal law or regulation.

432 (b) Only laboratories licensed and approved as provided in
 433 s. 440.102(9), or as provided by equivalent or more stringent
 434 licensing requirements established by federal law or regulation
 435 may perform the drug tests.

436 (c) Disclosure of drug test results and other information
 437 pertaining to drug testing of individuals who claim or receive
 438 compensation under this chapter shall be governed by s.
 439 443.1715.

440 Section 8. Paragraph (b) of subsection (1), subsection
 441 (2), and paragraph (a) of subsection (5) of section 443.111,
 442 Florida Statutes, are amended to read:

443 443.111 Payment of benefits.—

444 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
 445 in accordance with rules adopted by the Department of Economic
 446 Opportunity, subject to the following requirements:

447 (b) As required under s. 443.091(1), each claimant must

448 report at least biweekly to receive reemployment assistance
 449 ~~unemployment~~ benefits and to attest to the fact that she or he
 450 is able and available for work, has not refused suitable work,
 451 is seeking work and has met the requirements of s. 443.091(d).
 452 ~~contacted at least five prospective employers or reported in~~
 453 ~~person to a one-stop career center for reemployment services for~~
 454 ~~each week of unemployment claimed,~~ and, if she or he has worked,
 455 to report earnings from that work. Each claimant must continue
 456 to report regardless of any appeal or pending appeal relating to
 457 her or his eligibility or disqualification for benefits.

458 (2) QUALIFYING REQUIREMENTS.—To establish a benefit year
 459 for reemployment assistance ~~unemployment~~ benefits, an individual
 460 must have:

461 (a) Wage credits in two or more calendar quarters of the
 462 individual's base period.

463 (b) Minimum total base period wage credits equal to the
 464 high quarter wages multiplied by 1.5, but at least \$3,400 in the
 465 base period.

466 (5) DURATION OF BENEFITS.—

467 (a) As used in this section, the term "Florida average
 468 unemployment rate" means the average of the 3 months for the
 469 most recent third calendar year quarter of the seasonally
 470 adjusted statewide unemployment rates as published by the
 471 Department of Economic Opportunity Agency for Workforce
 472 ~~Innovation.~~

473 Section 9. Section 443.1113, Florida Statutes, is amended
 474 to read:

475 443.1113 Reemployment Assistance ~~Unemployment Compensation~~

476 Claims and Benefits Information System.—

477 (1) To the extent that funds are appropriated for each
 478 phase of the Reemployment Assistance ~~Unemployment Compensation~~
 479 Claims and Benefits Information System by the Legislature, the
 480 Department of Economic Opportunity shall replace and enhance the
 481 functionality provided in the following systems with an
 482 integrated Internet-based system that is known as the
 483 "Reemployment Assistance ~~Unemployment Compensation~~ Claims and
 484 Benefits Information System":

- 485 (a) Claims and benefit mainframe system.
- 486 (b) Florida unemployment Internet direct.
- 487 (c) Florida continued claim Internet directory.
- 488 (d) Call center interactive voice response system.
- 489 (e) Benefit overpayment screening system.
- 490 (f) Internet and Intranet appeals system.

491 (2) The Reemployment Assistance ~~Unemployment Compensation~~
 492 Claims and Benefits System shall accomplish the following main
 493 business objectives:

- 494 (a) Wherever cost-effective and operationally feasible,
 495 eliminate or automate existing paper processes and enhance any
 496 existing automated workflows in order to expedite customer
 497 transactions and eliminate redundancy.
- 498 (b) Enable online, self-service access to claimant and
 499 employer information and federal and state reporting.
- 500 (c) Integrate benefit payment control with the
 501 adjudication program and collection system in order to improve
 502 the detection of fraud.
- 503 (d) Comply with all requirements established in federal

504 and state law for reemployment assistance ~~unemployment~~
 505 ~~compensation~~.

506 (e) Integrate with the Department of Revenue's statewide
 507 unified tax system that collects reemployment assistance
 508 ~~unemployment compensation~~ taxes.

509 (3) The scope of the Reemployment Assistance ~~Unemployment~~
 510 ~~Compensation~~ Claims and Benefits Information System does not
 511 include any of the following functionalities:

512 (a) Collection of reemployment assistance ~~unemployment~~
 513 ~~compensation~~ taxes.

514 (b) General ledger, financial management, or budgeting
 515 capabilities.

516 (c) Human resource planning or management capabilities.

517 (4) The project to implement the Reemployment Assistance
 518 ~~Unemployment Compensation~~ Claims and Benefits Information System
 519 shall be comprised of the following phases and corresponding
 520 implementation timeframes:

521 (a) No later than the end of fiscal year 2009-2010
 522 completion of the business re-engineering analysis and
 523 documentation of both the detailed system requirements and the
 524 overall system architecture.

525 (b) The Reemployment Assistance ~~Unemployment~~ Claims and
 526 Benefits Internet portal that replaces the Florida Unemployment
 527 Internet Direct and the Florida Continued Claims Internet
 528 Directory systems, the Call Center Interactive Voice Response
 529 System, the Benefit Overpayment Screening System, the Internet
 530 and Intranet Appeals System, and the Claims and Benefits
 531 Mainframe System shall be deployed to full operational status no

532 later than the end of fiscal year 2012-2013.

533 (5) The Department of Economic Opportunity shall implement
 534 the following project governance structure until such time as
 535 the project is completed, suspended, or terminated:

536 (a) The project sponsor for the Reemployment Assistance
 537 ~~Unemployment Compensation~~ Claims and Benefits Information System
 538 project is the department.

539 (b) The project shall be governed by an executive steering
 540 committee composed of the following voting members or their
 541 designees:

- 542 1. The executive director of the department.
- 543 2. The executive director of the Department of Revenue.
- 544 3. The director of the Division of Workforce Services
 545 within the department.
- 546 4. The program director of the General Tax Administration
 547 Program Office within the Department of Revenue.
- 548 5. The chief information officer of the department.

549 (c) The executive steering committee has the overall
 550 responsibility for ensuring that the project meets its primary
 551 objectives and is specifically responsible for:

- 552 1. Providing management direction and support to the
 553 project management team.
- 554 2. Assessing the project's alignment with the strategic
 555 goals of the department for administering the reemployment
 556 assistance ~~unemployment compensation~~ program.
- 557 3. Reviewing and approving or disapproving any changes to
 558 the project's scope, schedule, and costs.
- 559 4. Reviewing, approving or disapproving, and determining

560 whether to proceed with any major project deliverables.

561 5. Recommending suspension or termination of the project
 562 to the Governor, the President of the Senate, and the Speaker of
 563 the House of Representatives if it determines that the primary
 564 objectives cannot be achieved.

565 (d) The project management team shall work under the
 566 direction of the executive steering committee and shall be
 567 minimally comprised of senior managers and stakeholders from the
 568 department and the Department of Revenue. The project management
 569 team is responsible for:

570 1. Providing daily planning, management, and oversight of
 571 the project.

572 2. Submitting an operational work plan and providing
 573 quarterly updates to that plan to the executive steering
 574 committee. The plan must specify project milestones,
 575 deliverables, and expenditures.

576 3. Submitting written monthly project status reports to
 577 the executive steering committee which include:

578 a. Planned versus actual project costs;

579 b. An assessment of the status of major milestones and
 580 deliverables;

581 c. Identification of any issues requiring resolution, the
 582 proposed resolution for these issues, and information regarding
 583 the status of the resolution;

584 d. Identification of risks that must be managed; and

585 e. Identification of and recommendations regarding
 586 necessary changes in the project's scope, schedule, or costs.

587 All recommendations must be reviewed by project stakeholders

588 before submission to the executive steering committee in order
 589 to ensure that the recommendations meet required acceptance
 590 criteria.

591 Section 10. Paragraph (b) of subsection (8) of section
 592 443.1116, Florida Statutes, is amended to read:

593 443.1116 Short-time compensation.—

594 (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO
 595 THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—

596 (b) An individual who receives all of the short-time
 597 compensation or combined reemployment assistance or unemployment
 598 compensation and short-time compensation available in a benefit
 599 year is considered an exhaustee for purposes of the extended
 600 benefits program in s. 443.1115 and, if otherwise eligible under
 601 those provisions, is eligible to receive extended benefits.

602 Section 11. Subsection (3) of section 443.1215, Florida
 603 Statutes, is amended to read:

604 443.1215 Employers.—

605 (3) An employing unit that fails to keep the records of
 606 employment required by this chapter and by the rules of the
 607 Department of Economic Opportunity and the state agency
 608 providing reemployment assistance ~~unemployment~~ tax collection
 609 services is presumed to be an employer liable for the payment of
 610 contributions under this chapter, regardless of the number of
 611 individuals employed by the employing unit. However, the tax
 612 collection service provider shall make written demand that the
 613 employing unit keep and maintain required payroll records. The
 614 demand must be made at least 6 months before assessing
 615 contributions against an employing unit determined to be an

616 employer that is subject to this chapter solely by reason of
 617 this subsection.

618 Section 12. Paragraphs (a) and (d) of subsection (1),
 619 subsections (8) and (12), and paragraphs (f), (h), and (p) of
 620 subsection (13) of section 443.1216, Florida Statutes, are
 621 amended to read:

622 443.1216 Employment.—Employment, as defined in s. 443.036,
 623 is subject to this chapter under the following conditions:

624 (1)(a) The employment subject to this chapter includes a
 625 service performed, including a service performed in interstate
 626 commerce, by:

- 627 1. An officer of a corporation.
- 628 2. An individual who, under the usual common-law rules
 629 applicable in determining the employer-employee relationship, is
 630 an employee. However, whenever a client, as defined in s.
 631 443.036(18), which would otherwise be designated as an employing
 632 unit has contracted with an employee leasing company to supply
 633 it with workers, those workers are considered employees of the
 634 employee leasing company. An employee leasing company may lease
 635 corporate officers of the client to the client and other workers
 636 to the client, except as prohibited by regulations of the
 637 Internal Revenue Service. Employees of an employee leasing
 638 company must be reported under the employee leasing company's
 639 tax identification number and contribution rate for work
 640 performed for the employee leasing company.

641 a. In addition to any other report required to be filed by
 642 law, an employee leasing company shall submit a report to the
 643 Labor Market Statistics Center within the Department of Economic

644 Opportunity which includes each client establishment and each
 645 establishment of the employee leasing company, or as otherwise
 646 directed by the department. The report must include the
 647 following information for each establishment:
 648 (I) The trade or establishment name;
 649 (II) The former reemployment assistance ~~unemployment~~
 650 ~~compensation~~ account number, if available;
 651 (III) The former federal employer's identification number
 652 (FEIN), if available;
 653 (IV) The industry code recognized and published by the
 654 United States Office of Management and Budget, if available;
 655 (V) A description of the client's primary business
 656 activity in order to verify or assign an industry code;
 657 (VI) The address of the physical location;
 658 (VII) The number of full-time and part-time employees who
 659 worked during, or received pay that was subject to reemployment
 660 assistance ~~unemployment-compensation~~ taxes for, the pay period
 661 including the 12th of the month for each month of the quarter;
 662 (VIII) The total wages subject to reemployment assistance
 663 ~~unemployment-compensation~~ taxes paid during the calendar
 664 quarter;
 665 (IX) An internal identification code to uniquely identify
 666 each establishment of each client;
 667 (X) The month and year that the client entered into the
 668 contract for services; and
 669 (XI) The month and year that the client terminated the
 670 contract for services.
 671 b. The report shall be submitted electronically or in a

672 manner otherwise prescribed by the Department of Economic
 673 Opportunity in the format specified by the Bureau of Labor
 674 Statistics of the United States Department of Labor for its
 675 Multiple Worksite Report for Professional Employer
 676 Organizations. The report must be provided quarterly to the
 677 Labor Market Statistics Center within the department, or as
 678 otherwise directed by the department, and must be filed by the
 679 last day of the month immediately following the end of the
 680 calendar quarter. The information required in sub-sub-
 681 subparagraphs a. (X) and (XI) need be provided only in the
 682 quarter in which the contract to which it relates was entered
 683 into or terminated. The sum of the employment data and the sum
 684 of the wage data in this report must match the employment and
 685 wages reported in the reemployment assistance ~~unemployment~~
 686 ~~compensation~~ quarterly tax and wage report. A report is not
 687 required for any calendar quarter preceding the third calendar
 688 quarter of 2010.

689 c. The department shall adopt rules as necessary to
 690 administer this subparagraph, and may administer, collect,
 691 enforce, and waive the penalty imposed by s. 443.141(1)(b) for
 692 the report required by this subparagraph.

693 d. For the purposes of this subparagraph, the term
 694 "establishment" means any location where business is conducted
 695 or where services or industrial operations are performed.

696 3. An individual other than an individual who is an
 697 employee under subparagraph 1. or subparagraph 2., who performs
 698 services for remuneration for any person:

699 a. As an agent-driver or commission-driver engaged in

700 distributing meat products, vegetable products, fruit products,
 701 bakery products, beverages other than milk, or laundry or
 702 drycleaning services for his or her principal.

703 b. As a traveling or city salesperson engaged on a full-
 704 time basis in the solicitation on behalf of, and the
 705 transmission to, his or her principal of orders from
 706 wholesalers, retailers, contractors, or operators of hotels,
 707 restaurants, or other similar establishments for merchandise for
 708 resale or supplies for use in their business operations. This
 709 sub-subparagraph does not apply to an agent-driver or a
 710 commission-driver and does not apply to sideline sales
 711 activities performed on behalf of a person other than the
 712 salesperson's principal.

713 4. The services described in subparagraph 3. are
 714 employment subject to this chapter only if:

715 a. The contract of service contemplates that substantially
 716 all of the services are to be performed personally by the
 717 individual;

718 b. The individual does not have a substantial investment
 719 in facilities used in connection with the services, other than
 720 facilities used for transportation; and

721 c. The services are not in the nature of a single
 722 transaction that is not part of a continuing relationship with
 723 the person for whom the services are performed.

724 (d) If two or more related corporations concurrently
 725 employ the same individual and compensate the individual through
 726 a common paymaster, each related corporation is considered to
 727 have paid wages to the individual only in the amounts actually

728 disbursed by that corporation to the individual and is not
 729 considered to have paid the wages actually disbursed to the
 730 individual by another of the related corporations. The
 731 department and the state agency providing reemployment
 732 assistance ~~unemployment~~ tax collection services may adopt rules
 733 necessary to administer this paragraph.

734 1. As used in this paragraph, the term "common paymaster"
 735 means a member of a group of related corporations that disburses
 736 wages to concurrent employees on behalf of the related
 737 corporations and that is responsible for keeping payroll records
 738 for those concurrent employees. A common paymaster is not
 739 required to disburse wages to all the employees of the related
 740 corporations; however, this subparagraph does not apply to wages
 741 of concurrent employees which are not disbursed through a common
 742 paymaster. A common paymaster must pay concurrently employed
 743 individuals under this subparagraph by one combined paycheck.

744 2. As used in this paragraph, the term "concurrent
 745 employment" means the existence of simultaneous employment
 746 relationships between an individual and related corporations.
 747 Those relationships require the performance of services by the
 748 employee for the benefit of the related corporations, including
 749 the common paymaster, in exchange for wages that, if deductible
 750 for the purposes of federal income tax, are deductible by the
 751 related corporations.

752 3. Corporations are considered related corporations for an
 753 entire calendar quarter if they satisfy any one of the following
 754 tests at any time during the calendar quarter:

755 a. The corporations are members of a "controlled group of

756 corporations" as defined in s. 1563 of the Internal Revenue Code
 757 of 1986 or would be members if s. 1563(a)(4) and (b) did not
 758 apply.

759 b. In the case of a corporation that does not issue stock,
 760 at least 50 percent of the members of the board of directors or
 761 other governing body of one corporation are members of the board
 762 of directors or other governing body of the other corporation or
 763 the holders of at least 50 percent of the voting power to select
 764 those members are concurrently the holders of at least 50
 765 percent of the voting power to select those members of the other
 766 corporation.

767 c. At least 50 percent of the officers of one corporation
 768 are concurrently officers of the other corporation.

769 d. At least 30 percent of the employees of one corporation
 770 are concurrently employees of the other corporation.

771 4. The common paymaster must report to the tax collection
 772 service provider, as part of the reemployment assistance
 773 ~~unemployment compensation~~ quarterly tax and wage report, the
 774 state reemployment assistance ~~unemployment compensation~~ account
 775 number and name of each related corporation for which concurrent
 776 employees are being reported. Failure to timely report this
 777 information shall result in the related corporations being
 778 denied common paymaster status for that calendar quarter.

779 5. The common paymaster also has the primary
 780 responsibility for remitting contributions due under this
 781 chapter for the wages it disburses as the common paymaster. The
 782 common paymaster must compute these contributions as though it
 783 were the sole employer of the concurrently employed individuals.

784 If a common paymaster fails to timely remit these contributions
 785 or reports, in whole or in part, the common paymaster remains
 786 liable for the full amount of the unpaid portion of these
 787 contributions. In addition, each of the other related
 788 corporations using the common paymaster is jointly and severally
 789 liable for its appropriate share of these contributions. Each
 790 related corporation's share equals the greater of:

- 791 a. The liability of the common paymaster under this
- 792 chapter, after taking into account any contributions made.
- 793 b. The liability under this chapter which, notwithstanding
- 794 this section, would have existed for the wages from the other
- 795 related corporations, reduced by an allocable portion of any
- 796 contributions previously paid by the common paymaster for those
- 797 wages.

798 (8) Services not covered under paragraph (7)(b) which are
 799 performed entirely outside of this state, and for which
 800 contributions are not required or paid under a reemployment
 801 assistance or ~~an~~ unemployment compensation law of any other
 802 state or of the Federal Government, are deemed to be employment
 803 subject to this chapter if the individual performing the
 804 services is a resident of this state and the tax collection
 805 service provider approves the election of the employing unit for
 806 whom the services are performed, electing that the entire
 807 service of the individual is deemed to be employment subject to
 808 this chapter.

809 (12) The employment subject to this chapter includes
 810 services covered by a reciprocal arrangement under s. 443.221
 811 between the Department of Economic Opportunity or its tax

812 collection service provider and the agency charged with the
 813 administration of another state reemployment assistance or
 814 unemployment compensation law or a federal reemployment
 815 assistance or unemployment compensation law, under which all
 816 services performed by an individual for an employing unit are
 817 deemed to be performed entirely within this state, if the
 818 department or its tax collection service provider approved an
 819 election of the employing unit in which all of the services
 820 performed by the individual during the period covered by the
 821 election are deemed to be insured work.

822 (13) The following are exempt from coverage under this
 823 chapter:

824 (f) Service performed in the employ of a public employer
 825 as defined in s. 443.036, except as provided in subsection (2),
 826 and service performed in the employ of an instrumentality of a
 827 public employer as described in s. 443.036(36)(b) or (c)
 828 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
 829 immune under the United States Constitution from the tax imposed
 830 by s. 3301 of the Internal Revenue Code for that service.

831 (h) Service for which reemployment assistance ~~unemployment~~
 832 ~~compensation~~ is payable under a reemployment assistance or an
 833 unemployment compensation system established by the United
 834 States Congress, of which this chapter is not a part.

835 (p) Service covered by an arrangement between the
 836 Department of Economic Opportunity, or its tax collection
 837 service provider, and the agency charged with the administration
 838 of another state or federal reemployment assistance or
 839 unemployment compensation law under which all services performed

840 | by an individual for an employing unit during the period covered
 841 | by the employing unit's duly approved election is deemed to be
 842 | performed entirely within the other agency's state or under the
 843 | federal law.

844 | Section 13. Paragraph (a) and (f) of subsection (3) of
 845 | section 443.131, Florida Statutes, are amended to read:

846 | 443.131 Contributions.—

847 | (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 848 | EXPERIENCE.—

849 | (a) *Employment records.*—The regular and short-time
 850 | compensation benefits paid to an eligible individual shall be
 851 | charged to the employment record of each employer who paid the
 852 | individual wages of at least \$100 during the individual's base
 853 | period in proportion to the total wages paid by all employers
 854 | who paid the individual wages during the individual's base
 855 | period. Benefits may not be charged to the employment record of
 856 | an employer who furnishes part-time work to an individual who,
 857 | because of loss of employment with one or more other employers,
 858 | is eligible for partial benefits while being furnished part-time
 859 | work by the employer on substantially the same basis and in
 860 | substantially the same amount as the individual's employment
 861 | during his or her base period, regardless of whether this part-
 862 | time work is simultaneous or successive to the individual's lost
 863 | employment. Further, as provided in s. 443.151(3), benefits may
 864 | not be charged to the employment record of an employer who
 865 | furnishes the Department of Economic Opportunity with notice, as
 866 | prescribed in rules of the department, that any of the following
 867 | apply:

868 1. If an individual leaves his or her work without good
869 cause attributable to the employer or is discharged by the
870 employer for misconduct connected with his or her work, benefits
871 subsequently paid to the individual based on wages paid by the
872 employer before the separation may not be charged to the
873 employment record of the employer.

874 2. If an individual is discharged by the employer for
875 unsatisfactory performance during an initial employment
876 probationary period, benefits subsequently paid to the
877 individual based on wages paid during the probationary period by
878 the employer before the separation may not be charged to the
879 employer's employment record. As used in this subparagraph, the
880 term "initial employment probationary period" means an
881 established probationary plan that applies to all employees or a
882 specific group of employees and that does not exceed 90 calendar
883 days following the first day a new employee begins work. The
884 employee must be informed of the probationary period within the
885 first 7 days of work. The employer must demonstrate by
886 conclusive evidence that the individual was separated because of
887 unsatisfactory work performance and not because of lack of work
888 due to temporary, seasonal, casual, or other similar employment
889 that is not of a regular, permanent, and year-round nature.

890 3. Benefits subsequently paid to an individual after his
891 or her refusal without good cause to accept suitable work from
892 an employer may not be charged to the employment record of the
893 employer if any part of those benefits are based on wages paid
894 by the employer before the individual's refusal to accept
895 suitable work. As used in this subparagraph, the term "good

896 cause" does not include distance to employment caused by a
 897 change of residence by the individual. The department shall
 898 adopt rules prescribing for the payment of all benefits whether
 899 this subparagraph applies regardless of whether a
 900 disqualification under s. 443.101 applies to the claim.

901 4. If an individual is separated from work as a direct
 902 result of a natural disaster declared under the Robert T.
 903 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
 904 ss. 5121 et seq., benefits subsequently paid to the individual
 905 based on wages paid by the employer before the separation may
 906 not be charged to the employment record of the employer.

907 5. If an individual is separated from work as a direct
 908 result of an oil spill, terrorist attack, or other similar
 909 disaster of national significance not subject to a declaration
 910 under the Robert T. Stafford Disaster Relief and Emergency
 911 Assistance Act, benefits subsequently paid to the individual
 912 based on wages paid by the employer before the separation may
 913 not be charged to the employment record of the employer.

914 (f) Transfer of employment records.—

915 1. For the purposes of this subsection, two or more
 916 employers who are parties to a transfer of business or the
 917 subject of a merger, consolidation, or other form of
 918 reorganization, effecting a change in legal identity or form,
 919 are deemed a single employer and are considered to be one
 920 employer with a continuous employment record if the tax
 921 collection service provider finds that the successor employer
 922 continues to carry on the employing enterprises of all of the
 923 predecessor employers and that the successor employer has paid

924 | all contributions required of and due from all of the
 925 | predecessor employers and has assumed liability for all
 926 | contributions that may become due from all of the predecessor
 927 | employers. In addition, an employer may not be considered a
 928 | successor under this subparagraph if the employer purchases a
 929 | company with a lower rate into which employees with job
 930 | functions unrelated to the business endeavors of the predecessor
 931 | are transferred for the purpose of acquiring the low rate and
 932 | avoiding payment of contributions. As used in this paragraph,
 933 | notwithstanding s. 443.036(14), the term "contributions" means
 934 | all indebtedness to the tax collection service provider,
 935 | including, but not limited to, interest, penalty, collection
 936 | fee, and service fee. A successor employer must accept the
 937 | transfer of all of the predecessor employers' employment records
 938 | within 30 days after the date of the official notification of
 939 | liability by succession. If a predecessor employer has unpaid
 940 | contributions or outstanding quarterly reports, the successor
 941 | employer must pay the total amount with certified funds within
 942 | 30 days after the date of the notice listing the total amount
 943 | due. After the total indebtedness is paid, the tax collection
 944 | service provider shall transfer the employment records of all of
 945 | the predecessor employers to the successor employer's employment
 946 | record. The tax collection service provider shall determine the
 947 | contribution rate of the combined successor and predecessor
 948 | employers upon the transfer of the employment records, as
 949 | prescribed by rule, in order to calculate any change in the
 950 | contribution rate resulting from the transfer of the employment
 951 | records.

952 2. Regardless of whether a predecessor employer's
953 employment record is transferred to a successor employer under
954 this paragraph, the tax collection service provider shall treat
955 the predecessor employer, if he or she subsequently employs
956 individuals, as an employer without a previous employment record
957 or, if his or her coverage is terminated under s. 443.121, as a
958 new employing unit.

959 3. The state agency providing reemployment assistance
960 ~~unemployment~~ tax collection services may adopt rules governing
961 the partial transfer of experience rating when an employer
962 transfers an identifiable and segregable portion of his or her
963 payrolls and business to a successor employing unit. As a
964 condition of each partial transfer, these rules must require the
965 following to be filed with the tax collection service provider:
966 an application by the successor employing unit, an agreement by
967 the predecessor employer, and the evidence required by the tax
968 collection service provider to show the benefit experience and
969 payrolls attributable to the transferred portion through the
970 date of the transfer. These rules must provide that the
971 successor employing unit, if not an employer subject to this
972 chapter, becomes an employer as of the date of the transfer and
973 that the transferred portion of the predecessor employer's
974 employment record is removed from the employment record of the
975 predecessor employer. For each calendar year after the date of
976 the transfer of the employment record in the records of the tax
977 collection service provider, the service provider shall compute
978 the contribution rate payable by the successor employer or
979 employing unit based on his or her employment record, combined

980 with the transferred portion of the predecessor employer's
 981 employment record. These rules may also prescribe what
 982 contribution rates are payable by the predecessor and successor
 983 employers for the period between the date of the transfer of the
 984 transferred portion of the predecessor employer's employment
 985 record in the records of the tax collection service provider and
 986 the first day of the next calendar year.

987 4. This paragraph does not apply to an employee leasing
 988 company and client contractual agreement as defined in s.
 989 443.036. The tax collection service provider shall, if the
 990 contractual agreement is terminated or the employee leasing
 991 company fails to submit reports or pay contributions as required
 992 by the service provider, treat the client as a new employer
 993 without previous employment record unless the client is
 994 otherwise eligible for a variation from the standard rate.

995 Section 14. Paragraph (d) of subsection (2) of section
 996 443.1312, Florida Statutes, is amended to read:

997 443.1312 Reimbursements; nonprofit organizations.—Benefits
 998 paid to employees of nonprofit organizations shall be financed
 999 in accordance with this section.

1000 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
 1001 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
 1002 subject to this chapter under s. 443.1215(1)(c) or s.
 1003 443.121(3)(a) must pay contributions under s. 443.131 unless it
 1004 elects, in accordance with this subsection, to reimburse the
 1005 Unemployment Compensation Trust Fund for all of the regular
 1006 benefits, short-time compensation benefits, and one-half of the
 1007 extended benefits paid, which are attributable to service in the

1008 employ of the nonprofit organization, to individuals for weeks
1009 of unemployment which begin during the effective period of the
1010 election.

1011 (d) In accordance with rules adopted by the Department of
1012 Economic Opportunity or the state agency providing reemployment
1013 assistance ~~unemployment~~ tax collection services, the tax
1014 collection service provider shall notify each nonprofit
1015 organization of any determination of the organization's status
1016 as an employer, the effective date of any election the
1017 organization makes, and the effective date of any termination of
1018 the election. Each determination is subject to reconsideration,
1019 appeal, and review under s. 443.141(2)(c).

1020 Section 15. Subsection (3) and paragraph (a) of subsection
1021 (4) of section 443.1313, Florida Statutes, are amended to read:

1022 443.1313 Public employers; reimbursements; election to pay
1023 contributions.—Benefits paid to employees of a public employer,
1024 as defined in s. 443.036, based on service described in s.
1025 443.1216(2) shall be financed in accordance with this section.

1026 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
1027 or contributing employer under this section, a public employer
1028 may not change this election for at least 2 calendar years. This
1029 subsection does not prevent a public employer subject to this
1030 subsection from changing its election after completing 2
1031 calendar years under another financing method if the new
1032 election is timely filed. The state agency providing
1033 reemployment assistance ~~unemployment~~ tax collection services may
1034 adopt rules prescribing procedures for changing methods of
1035 reporting.

1036 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
 1037 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1038 (a) There is established within the Unemployment
 1039 Compensation Trust Fund a Public Employers Reemployment
 1040 Assistance ~~Unemployment Compensation~~ Benefit Account, which must
 1041 be maintained as a separate account within the trust fund. All
 1042 benefits paid to the employees of a public employer that elects
 1043 to become a contributing employer under paragraph (b) must be
 1044 charged to the Public Employers Unemployment Compensation
 1045 Benefit Account.

1046 Section 16. Subsection (7) of section 443.1315, Florida
 1047 Statutes, is amended to read:

1048 443.1315 Treatment of Indian tribes.—

1049 (7) The Department of Economic Opportunity and the state
 1050 agency providing reemployment assistance ~~unemployment~~ tax
 1051 collection services shall adopt rules necessary to administer
 1052 this section.

1053 Section 17. Section 443.1316, Florida Statutes, is amended
 1054 to read:

1055 443.1316 Reemployment assistance ~~Unemployment~~ tax
 1056 collection services; interagency agreement.—

1057 (1) The Department of Economic Opportunity shall contract
 1058 with the Department of Revenue, through an interagency
 1059 agreement, to perform the duties of the tax collection service
 1060 provider and provide other reemployment assistance ~~unemployment~~
 1061 tax collection services under this chapter. Under the
 1062 interagency agreement, the tax collection service provider may
 1063 only implement:

HB 7027

2012

1064 (a) The provisions of this chapter conferring duties upon
1065 the tax collection service provider.

1066 (b) The provisions of law conferring duties upon the
1067 department which are specifically delegated to the tax
1068 collection service provider in the interagency agreement.

1069 (2)(a) The Department of Revenue is considered to be
1070 administering a revenue law of this state when the department
1071 implements this chapter, or otherwise provides reemployment
1072 assistance ~~unemployment~~ tax collection services, under contract
1073 with the department through the interagency agreement.

1074 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
1075 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
1076 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
1077 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
1078 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
1079 213.757 apply to the collection of reemployment assistance
1080 ~~unemployment~~ contributions and reimbursements by the Department
1081 of Revenue unless prohibited by federal law.

1082 Section 18. Paragraph (a) of subsection (1) and
1083 subsections (2) and (3) of section 443.1317, Florida Statutes,
1084 are amended to read:

1085 443.1317 Rulemaking authority; enforcement of rules.—

1086 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1087 (a) Except as otherwise provided in s. 443.012, the
1088 Department of Economic Opportunity has ultimate authority over
1089 the administration of the Reemployment Assistance ~~Unemployment~~
1090 ~~Compensation~~ Program.

1091 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency

1092 providing reemployment assistance ~~unemployment~~ tax collection
 1093 services under contract with the Department of Economic
 1094 Opportunity through an interagency agreement pursuant to s.
 1095 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
 1096 subject to approval by the department, to administer the
 1097 provisions of law described in s. 443.1316(1) (a) and (b) which
 1098 are within this chapter. These rules must not conflict with the
 1099 rules adopted by the department or with the interagency
 1100 agreement.

1101 (3) ENFORCEMENT OF RULES.—The Department of Economic
 1102 Opportunity may enforce any rule adopted by the state agency
 1103 providing reemployment assistance ~~unemployment~~ tax collection
 1104 services to administer this chapter. The tax collection service
 1105 provider may enforce any rule adopted by the department to
 1106 administer the provisions of law described in s. 443.1316(1) (a)
 1107 and (b).

1108 Section 19. Paragraphs (b) and (g) of subsection (1),
 1109 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
 1110 subsection (4) of section 443.141, Florida Statutes, are amended
 1111 to read:

1112 443.141 Collection of contributions and reimbursements.—

1113 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
 1114 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1115 (b) *Penalty for delinquent, erroneous, incomplete, or*
 1116 *insufficient reports.—*

1117 1. An employing unit that fails to file any report
 1118 required by the Department of Economic Opportunity or its tax
 1119 collection service provider, in accordance with rules for

HB 7027

2012

1120 administering this chapter, shall pay to the service provider
 1121 for each delinquent report the sum of \$25 for each 30 days or
 1122 fraction thereof that the employing unit is delinquent, unless
 1123 the department ~~agency~~ or its service provider, whichever
 1124 required the report, finds that the employing unit has good
 1125 reason for failing to file the report. The department or its
 1126 service provider may assess penalties only through the date of
 1127 the issuance of the final assessment notice. However, additional
 1128 penalties accrue if the delinquent report is subsequently filed.

1129 2.a. An employing unit that files an erroneous,
 1130 incomplete, or insufficient report with the department or its
 1131 tax collection service provider shall pay a penalty. The amount
 1132 of the penalty is \$50 or 10 percent of any tax due, whichever is
 1133 greater, but no more than \$300 per report. The penalty shall be
 1134 added to any tax, penalty, or interest otherwise due.

1135 b. The department or its tax collection service provider
 1136 shall waive the penalty if the employing unit files an accurate,
 1137 complete, and sufficient report within 30 days after a penalty
 1138 notice is issued to the employing unit. The penalty may not be
 1139 waived pursuant to this subparagraph more than one time during a
 1140 12-month period.

1141 c. As used in this subsection, the term "erroneous,
 1142 incomplete, or insufficient report" means a report so lacking in
 1143 information, completeness, or arrangement that the report cannot
 1144 be readily understood, verified, or reviewed. Such reports
 1145 include, but are not limited to, reports having missing wage or
 1146 employee information, missing or incorrect social security
 1147 numbers, or illegible entries; reports submitted in a format

1148 that is not approved by the department or its tax collection
 1149 service provider; and reports showing gross wages that do not
 1150 equal the total of the wages of each employee. However, the term
 1151 does not include a report that merely contains inaccurate data
 1152 that was supplied to the employer by the employee, if the
 1153 employer was unaware of the inaccuracy.

1154 3. Penalties imposed pursuant to this paragraph shall be
 1155 deposited in the Special Employment Security Administration
 1156 Trust Fund.

1157 4. The penalty and interest for a delinquent, erroneous,
 1158 incomplete, or insufficient report may be waived if the penalty
 1159 or interest is inequitable. The provisions of s. 213.24(1) apply
 1160 to any penalty or interest that is imposed under this section.

1161 (g) *Adoption of rules.*—The department and the state agency
 1162 providing reemployment assistance ~~unemployment~~ tax collection
 1163 services may adopt rules to administer this subsection.

1164 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1165 (c) *Appeals.*—The department and the state agency providing
 1166 reemployment assistance ~~unemployment~~ tax collection services
 1167 shall adopt rules prescribing the procedures for an employing
 1168 unit determined to be an employer to file an appeal and be
 1169 afforded an opportunity for a hearing on the determination.
 1170 Pending a hearing, the employing unit must file reports and pay
 1171 contributions in accordance with s. 443.131.

1172 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
 1173 CONTRIBUTIONS AND REIMBURSEMENTS.—

1174 (c) Any agent or employee designated by the Department of
 1175 Economic Opportunity or its tax collection service provider may

HB 7027

2012

1176 administer an oath to any person for any return or report
 1177 required by this chapter or by the rules of the department or
 1178 the state agency providing reemployment assistance ~~unemployment~~
 1179 tax collection services, and an oath made before the department
 1180 or its service provider or any authorized agent or employee has
 1181 the same effect as an oath made before any judicial officer or
 1182 notary public of the state.

1183 (e) The tax collection service provider may commence an
 1184 action in any other state to collect reemployment assistance
 1185 ~~unemployment compensation~~ contributions, reimbursements,
 1186 penalties, and interest legally due this state. The officials of
 1187 other states that extend a like comity to this state may sue for
 1188 the collection of contributions, reimbursements, interest, and
 1189 penalties in the courts of this state. The courts of this state
 1190 shall recognize and enforce liability for contributions,
 1191 reimbursements, interest, and penalties imposed by other states
 1192 that extend a like comity to this state.

1193 Section 20. Paragraph (b) of subsection (1), paragraph (b)
 1194 of subsection (2), paragraph (c) of subsection (3), and
 1195 paragraphs (a) and (b) of subsection (6) of section 443.151,
 1196 Florida Statutes, are amended to read:

1197 443.151 Procedure concerning claims.—

1198 (1) POSTING OF INFORMATION.—

1199 (b)1. The department shall advise each individual filing a
 1200 new claim for reemployment assistance ~~unemployment compensation~~,
 1201 at the time of filing the claim, that:

1202 a. Reemployment assistance ~~unemployment compensation~~ is
 1203 subject to federal income tax.

1204 b. Requirements exist pertaining to estimated tax
1205 payments.

1206 c. The individual may elect to have federal income tax
1207 deducted and withheld from the individual's payment of
1208 reemployment assistance ~~unemployment compensation~~ at the amount
1209 specified in the federal Internal Revenue Code.

1210 d. The individual is not permitted to change a previously
1211 elected withholding status more than twice per calendar year.

1212 2. Amounts deducted and withheld from reemployment
1213 assistance ~~unemployment compensation~~ must remain in the
1214 Unemployment Compensation Trust Fund until transferred to the
1215 federal taxing authority as payment of income tax.

1216 3. The department shall follow all procedures specified by
1217 the United States Department of Labor and the federal Internal
1218 Revenue Service pertaining to the deducting and withholding of
1219 income tax.

1220 4. If more than one authorized request for deduction and
1221 withholding is made, amounts must be deducted and withheld in
1222 accordance with the following priorities:

1223 a. Reemployment assistance ~~Unemployment~~ overpayments have
1224 first priority;

1225 b. Child support payments have second priority; and

1226 c. Withholding under this subsection has third priority.

1227 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1228 CLAIMANTS AND EMPLOYERS.—

1229 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~
1230 ~~Compensation~~ Claims and Benefits Information System described in
1231 s. 443.1113 is fully operational, the process for filing claims

HB 7027

2012

1232 must incorporate the process for registering for work with the
 1233 workforce information systems established pursuant to s.
 1234 445.011. A claim for benefits may not be processed until the
 1235 work registration requirement is satisfied. The department may
 1236 adopt rules as necessary to administer the work registration
 1237 requirement set forth in this paragraph.

1238 (3) DETERMINATION OF ELIGIBILITY.—

1239 (c) Nonmonetary determinations.—If the department receives
 1240 information that may result in a denial of benefits, the
 1241 department must complete an investigation of the claim required
 1242 by subsection (2) and provide notice of a nonmonetary
 1243 determination to the claimant and the employer from whom the
 1244 claimant's reason for separation affects his or her entitlement
 1245 to benefits. The determination must state the reason for the
 1246 determination and whether the reemployment assistance
 1247 ~~unemployment~~ tax account of the contributing employer is charged
 1248 for benefits paid on the claim. The nonmonetary determination is
 1249 final unless within 20 days after the mailing of the notices to
 1250 the parties' last known addresses, or in lieu of mailing, within
 1251 20 days after the delivery of the notices, an appeal or written
 1252 request for reconsideration is filed by the claimant or other
 1253 party entitled to notice. The department may adopt rules as
 1254 necessary to implement the processes described in this paragraph
 1255 relating to notices of nonmonetary determination and the appeals
 1256 or reconsideration requests filed in response to such notices,
 1257 and may adopt rules prescribing the manner and procedure by
 1258 which employers within the base period of a claimant become
 1259 entitled to notice of nonmonetary determination.

1260 (6) RECOVERY AND RECOUPMENT.—

1261 (a) Any person who, by reason of her or his fraud,
 1262 receives benefits under this chapter to which she or he is not
 1263 entitled is liable for repaying those benefits to the Department
 1264 of Economic Opportunity on behalf of the trust fund or, in the
 1265 discretion of the department, to have those benefits deducted
 1266 from future benefits payable to her or him under this chapter.
 1267 To enforce this paragraph, the department must find the
 1268 existence of fraud through a redetermination or decision under
 1269 this section within 2 years after the fraud was committed. Any
 1270 recovery or recoupment of benefits must be commenced ~~effected~~
 1271 within 7 ~~5~~ years after the redetermination or decision.

1272 (b) Any person who, by reason other than her or his fraud,
 1273 receives benefits under this chapter to which, under a
 1274 redetermination or decision pursuant to this section, she or he
 1275 is not entitled, is liable for repaying those benefits to the
 1276 department on behalf of the trust fund or, in the discretion of
 1277 the department, to have those benefits deducted from any future
 1278 benefits payable to her or him under this chapter. Any recovery
 1279 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~
 1280 years after the redetermination or decision.

1281 Section 21. Subsection (1) and paragraph (c) of subsection
 1282 (3) of section 443.163, Florida Statutes, are amended to read:

1283 443.163 Electronic reporting and remitting of
 1284 contributions and reimbursements.—

1285 (1) An employer may file any report and remit any
 1286 contributions or reimbursements required under this chapter by
 1287 electronic means. The Department of Economic Opportunity or the

HB 7027

2012

1288 state agency providing reemployment assistance ~~unemployment~~ tax
 1289 collection services shall adopt rules prescribing the format and
 1290 instructions necessary for electronically filing reports and
 1291 remitting contributions and reimbursements to ensure a full
 1292 collection of contributions and reimbursements due. The
 1293 acceptable method of transfer, the method, form, and content of
 1294 the electronic means, and the method, if any, by which the
 1295 employer will be provided with an acknowledgment shall be
 1296 prescribed by the department or its tax collection service
 1297 provider. However, any employer who employed 10 or more
 1298 employees in any quarter during the preceding state fiscal year
 1299 must file the Employers Quarterly Reports (UCT-6) for the
 1300 current calendar year and remit the contributions and
 1301 reimbursements due by electronic means approved by the tax
 1302 collection service provider. A person who prepared and reported
 1303 for 100 or more employers in any quarter during the preceding
 1304 state fiscal year must file the Employers Quarterly Reports
 1305 (UCT-6) for each calendar quarter in the current calendar year,
 1306 beginning with reports due for the second calendar quarter of
 1307 2003, by electronic means approved by the tax collection service
 1308 provider.

1309 (3) The tax collection service provider may waive the
 1310 requirement to file an Employers Quarterly Report (UCT-6) by
 1311 electronic means for employers that are unable to comply despite
 1312 good faith efforts or due to circumstances beyond the employer's
 1313 reasonable control.

1314 (c) The department or the state agency providing
 1315 reemployment assistance ~~unemployment~~ tax collection services may

HB 7027

2012

1316 establish by rule the length of time a waiver is valid and may
 1317 determine whether subsequent waivers will be authorized, based
 1318 on this subsection.

1319 Section 22. Subsections (2) and (5) and paragraphs (a) and
 1320 (c) of subsection (9) of section 443.171, Florida Statutes, are
 1321 amended to read:

1322 443.171 Department of Economic Opportunity and commission;
 1323 powers and duties; records and reports; proceedings; state-
 1324 federal cooperation.—

1325 (2) PUBLICATION OF ACTS AND RULES.—The Department of
 1326 Economic Opportunity shall cause to be printed and distributed
 1327 to the public, or otherwise distributed to the public through
 1328 the Internet or similar electronic means, the text of this
 1329 chapter and of the rules for administering this chapter adopted
 1330 by the department or the state agency providing reemployment
 1331 assistance ~~unemployment~~ tax collection services and any other
 1332 matter relevant and suitable. The department shall furnish this
 1333 information to any person upon request. However, any pamphlet,
 1334 rules, circulars, or reports required by this chapter may not
 1335 contain any matter except the actual data necessary to complete
 1336 them or the actual language of the rule, together with the
 1337 proper notices.

1338 (5) RECORDS AND REPORTS.—Each employing unit shall keep
 1339 true and accurate work records, containing the information
 1340 required by the Department of Economic Opportunity or its tax
 1341 collection service provider. These records must be open to
 1342 inspection and are subject to being copied by the department or
 1343 its tax collection service provider at any reasonable time and

HB 7027

2012

1344 as often as necessary. The department or its tax collection
 1345 service provider may require from any employing unit any sworn
 1346 or unsworn reports, for persons employed by the employing unit,
 1347 necessary for the effective administration of this chapter.
 1348 However, a state or local governmental agency performing
 1349 intelligence or counterintelligence functions need not report an
 1350 employee if the head of that agency determines that reporting
 1351 the employee could endanger the safety of the employee or
 1352 compromise an ongoing investigation or intelligence mission.
 1353 ~~Information revealing the employing unit's or individual's~~
 1354 ~~identity obtained from the employing unit or from any individual~~
 1355 ~~through the administration of this chapter, is, except to the~~
 1356 ~~extent necessary for the proper presentation of a claim or upon~~
 1357 ~~written authorization of the claimant who has a workers'~~
 1358 ~~compensation claim pending, confidential and exempt from s.~~
 1359 ~~119.07(1). This confidential information is available only to~~
 1360 ~~public employees in the performance of their public duties. Any~~
 1361 ~~claimant, or the claimant's legal representative, at a hearing~~
 1362 ~~before an appeals referee or the commission must be supplied~~
 1363 ~~with information from these records to the extent necessary for~~
 1364 ~~the proper presentation of her or his claim. Any employee or~~
 1365 ~~member of the commission, any employee of the department or its~~
 1366 ~~tax collection service provider, or any other person receiving~~
 1367 ~~confidential information who violates this subsection commits a~~
 1368 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1369 ~~775.082 or s. 775.083. However, the department or its tax~~
 1370 ~~collection service provider may furnish to any employer copies~~
 1371 ~~of any report previously submitted by that employer, upon the~~

1372 ~~request of the employer. The department or its tax collection~~
 1373 ~~service provider may charge a reasonable fee for copies of~~
 1374 ~~reports, which may not exceed the actual reasonable cost of the~~
 1375 ~~preparation of the copies as prescribed by rules adopted by the~~
 1376 ~~department or the state agency providing tax collection~~
 1377 ~~services. Fees received by the department or its tax collection~~
 1378 ~~service provider for copies furnished under this subsection must~~
 1379 ~~be deposited in the Employment Security Administration Trust~~
 1380 ~~Fund.~~

1381 (9) STATE-FEDERAL COOPERATION.—

1382 (a)1. In the administration of this chapter, the
 1383 Department of Economic Opportunity and its tax collection
 1384 service provider shall cooperate with the United States
 1385 Department of Labor to the fullest extent consistent with this
 1386 chapter and shall take those actions, through the adoption of
 1387 appropriate rules, administrative methods, and standards,
 1388 necessary to secure for this state all advantages available
 1389 under the provisions of federal law relating to reemployment
 1390 assistance ~~unemployment compensation.~~

1391 2. In the administration of the provisions in s. 443.1115,
 1392 which are enacted to conform with the Federal-State Extended
 1393 Unemployment Compensation Act of 1970, the department shall take
 1394 those actions necessary to ensure that those provisions are
 1395 interpreted and applied to meet the requirements of the federal
 1396 act as interpreted by the United States Department of Labor and
 1397 to secure for this state the full reimbursement of the federal
 1398 share of extended benefits paid under this chapter which is
 1399 reimbursable under the federal act.

HB 7027

2012

1400 3. The department and its tax collection service provider
 1401 shall comply with the regulations of the United States
 1402 Department of Labor relating to the receipt or expenditure by
 1403 this state of funds granted under federal law; shall submit the
 1404 reports in the form and containing the information the United
 1405 States Department of Labor requires; and shall comply with
 1406 directions of the United States Department of Labor necessary to
 1407 assure the correctness and verification of these reports.

1408 (c) The department and its tax collection service provider
 1409 shall cooperate with the agencies of other states, and shall
 1410 make every proper effort within their means, to oppose and
 1411 prevent any further action leading to the complete or
 1412 substantial federalization of state reemployment assistance
 1413 ~~unemployment compensation~~ funds or state employment security
 1414 programs. The department and its tax collection service provider
 1415 may make, and may cooperate with other appropriate agencies in
 1416 making, studies as to the practicability and probable cost of
 1417 possible new state-administered social security programs and the
 1418 relative desirability of state, rather than federal, action in
 1419 that field of study.

1420 Section 23. Subsections (1) and (2) of section 443.1715,
 1421 Florida Statutes, are amended to read:

1422 443.1715 Disclosure of information; confidentiality.—

1423 (1) RECORDS AND REPORTS.—Information revealing an
 1424 employing unit's or individual's identity obtained from the
 1425 employing unit or any individual under the administration of
 1426 this chapter, and any determination revealing that information,
 1427 ~~except to the extent necessary for the proper presentation of a~~

1428 ~~claim or upon written authorization of the claimant who has a~~
 1429 ~~workers' compensation claim pending or is receiving compensation~~
 1430 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
 1431 24(a), Art. I of the State Constitution. This confidential
 1432 information may be released in accordance with the provisions in
 1433 20 C.F.R. part 603 ~~only to public employees in the performance~~
 1434 ~~of their public duties. Except as otherwise provided by law,~~
 1435 ~~public employees receiving this confidential information must~~
 1436 ~~maintain the confidentiality of the information. Any claimant,~~
 1437 ~~or the claimant's legal representative, at a hearing before an~~
 1438 ~~appeals referee or the commission is entitled to information~~
 1439 ~~from these records to the extent necessary for the proper~~
 1440 ~~presentation of her or his claim. A person receiving~~
 1441 ~~confidential information who violates this subsection commits a~~
 1442 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1443 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or
 1444 its tax collection service provider may, however, furnish to any
 1445 employer copies of any report submitted by that employer upon
 1446 the request of the employer and may furnish to any claimant
 1447 copies of any report submitted by that claimant upon the request
 1448 of the claimant. The department or its tax collection service
 1449 provider may charge a reasonable fee for copies of these reports
 1450 as prescribed by rule, which may not exceed the actual
 1451 reasonable cost of the preparation of the copies. Fees received
 1452 for copies under this subsection must be deposited in the
 1453 Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions the Department of Economic

1456 Opportunity or the state agency providing reemployment
 1457 assistance ~~unemployment~~ tax collection services adopts by rule,
 1458 information declared confidential under this section is
 1459 available to any agency of this or any other state, or any
 1460 federal agency, charged with the administration of any
 1461 reemployment assistance or unemployment compensation law or the
 1462 maintenance of the one-stop delivery system, or the Bureau of
 1463 Internal Revenue of the United States Department of the
 1464 Treasury, or the Florida Department of Revenue. Information
 1465 obtained in connection with the administration of the one-stop
 1466 delivery system may be made available to persons or agencies for
 1467 purposes appropriate to the operation of a public employment
 1468 service or a job-preparatory or career education or training
 1469 program. The department shall, on a quarterly basis, furnish the
 1470 National Directory of New Hires with information concerning the
 1471 wages and reemployment assistance ~~unemployment~~ benefits paid to
 1472 individuals, by the dates, in the format, and containing the
 1473 information specified in the regulations of the United States
 1474 Secretary of Health and Human Services. Upon request, the
 1475 department shall furnish any agency of the United States charged
 1476 with the administration of public works or assistance through
 1477 public employment, and may furnish to any state agency similarly
 1478 charged, the name, address, ordinary occupation, and employment
 1479 status of each recipient of benefits and the recipient's rights
 1480 to further benefits under this chapter. Except as otherwise
 1481 provided by law, the receiving agency must retain the
 1482 confidentiality of this information as provided in this section.
 1483 The tax collection service provider may request the Comptroller

1484 of the Currency of the United States to examine the correctness
 1485 of any return or report of any national banking association
 1486 rendered under this chapter and may in connection with that
 1487 request transmit any report or return for examination to the
 1488 Comptroller of the Currency of the United States as provided in
 1489 s. 3305(c) of the federal Internal Revenue Code.

1490 (b) The employer or the employer's workers' compensation
 1491 carrier against whom a claim for benefits under chapter 440 has
 1492 been made, or a representative of either, may request from the
 1493 department records of wages of the employee reported to the
 1494 department by any employer for the quarter that includes the
 1495 date of the accident that is the subject of such claim and for
 1496 subsequent quarters.

1497 1. The request must be made with the authorization or
 1498 consent of the employee or any employer who paid wages to the
 1499 employee after the date of the accident.

1500 2. The employer or carrier shall make the request on a
 1501 form prescribed by rule for such purpose by the department
 1502 ~~agency~~. Such form shall contain a certification by the
 1503 requesting party that it is a party entitled to the information
 1504 requested.

1505 3. The department shall provide the most current
 1506 information readily available within 15 days after receiving the
 1507 request.

1508 Section 24. Subsections (1), (4), (5), (6), and (7) and
 1509 paragraph (c) of subsection (2) of section 443.17161, Florida
 1510 Statutes, are amended to read:

1511 443.17161 Authorized electronic access to employer

1512 information.—

1513 (1) Notwithstanding any other provision of this chapter,
 1514 the Department of Economic Opportunity ~~Agency for Workforce~~
 1515 ~~Innovation~~ shall contract with one or more consumer reporting
 1516 agencies to provide users with secured electronic access to
 1517 employer-provided information relating to the quarterly wages
 1518 report submitted in accordance with the state's reemployment
 1519 assistance ~~unemployment compensation~~ law. The access is limited
 1520 to the wage reports for the appropriate amount of time for the
 1521 purpose the information is requested.

1522 (2) Users must obtain consent in writing or by electronic
 1523 signature from an applicant for credit, employment, or other
 1524 permitted purposes. Any written or electronic signature consent
 1525 from an applicant must be signed and must include the following:

1526 (c) Notice that the files of the Department of Economic
 1527 Opportunity ~~Agency for Workforce Innovation~~ or its tax
 1528 collection service provider containing information concerning
 1529 wage and employment history which is submitted by the applicant
 1530 or his or her employers may be accessed; and

1531 (4) If a consumer reporting agency or user violates this
 1532 section, the Department of Economic Opportunity ~~Agency for~~
 1533 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the
 1534 consumer reporting agency, terminate the contract established
 1535 between the department ~~Agency for Workforce Innovation~~ and the
 1536 consumer reporting agency or require the consumer reporting
 1537 agency to terminate the contract established between the
 1538 consumer reporting agency and the user under this section.

1539 (5) The Department of Economic Opportunity ~~Agency for~~

1540 ~~Workforce Innovation~~ shall establish minimum audit, security,
 1541 net worth, and liability insurance standards, technical
 1542 requirements, and any other terms and conditions considered
 1543 necessary in the discretion of the state agency to safeguard the
 1544 confidentiality of the information released under this section
 1545 and to otherwise serve the public interest. The department
 1546 ~~Agency for Workforce Innovation~~ shall also include, in
 1547 coordination with any necessary state agencies, necessary audit
 1548 procedures to ensure that these rules are followed.

1549 (6) In contracting with one or more consumer reporting
 1550 agencies under this section, any revenues generated by the
 1551 contract must be used to pay the entire cost of providing access
 1552 to the information. Further, in accordance with federal
 1553 regulations, any additional revenues generated by the Department
 1554 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the
 1555 state under this section must be paid into the Administrative
 1556 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
 1557 the administration of the unemployment compensation system or be
 1558 used as program income.

1559 (7) The Department of Economic Opportunity ~~Agency for~~
 1560 ~~Workforce Innovation~~ may not provide wage and employment history
 1561 information to any consumer reporting agency before the consumer
 1562 reporting agency or agencies under contract with the department
 1563 ~~Agency for Workforce Innovation~~ pay all development and other
 1564 startup costs incurred by the state in connection with the
 1565 design, installation, and administration of technological
 1566 systems and procedures for the electronic access program.

1567 Section 25. Subsection (2) of section 443.181, Florida

HB 7027

2012

1568 Statutes, is amended to read:

1569 443.181 Public employment service.—

1570 (2) All funds received by this state under 29 U.S.C. ss.
 1571 49-491-1 must be paid into the Employment Security
 1572 Administration Trust Fund, and these funds are available to the
 1573 Department of Economic Opportunity for expenditure as provided
 1574 by this chapter or by federal law. For the purpose of
 1575 establishing and maintaining one-stop career centers, the
 1576 department may enter into agreements with the Railroad
 1577 Retirement Board or any other agency of the United States
 1578 charged with the administration of a reemployment assistance or
 1579 ~~an~~ unemployment compensation law, with any political subdivision
 1580 of this state, or with any private, nonprofit organization. As a
 1581 part of any such agreement, the department may accept moneys,
 1582 services, or quarters as a contribution to the Employment
 1583 Security Administration Trust Fund.

1584 Section 26. Subsection (6) of section 443.191, Florida
 1585 Statutes, is amended to read:

1586 443.191 Unemployment Compensation Trust Fund;
 1587 establishment and control.—

1588 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
 1589 Compensation Trust Fund is the sole and exclusive source for
 1590 paying reemployment assistance ~~unemployment~~ benefits, and these
 1591 benefits are due and payable only to the extent that
 1592 contributions or reimbursements, with increments thereon,
 1593 actually collected and credited to the fund and not otherwise
 1594 appropriated or allocated, are available for payment. The state
 1595 shall administer the fund without any liability on the part of

1596 the state beyond the amount of moneys received from the United
 1597 States Department of Labor or other federal agency.

1598 Section 27. Paragraphs (b), (c), and (d) of subsection (1)
 1599 and subsections (3) and (4) of section 443.221, Florida
 1600 Statutes, are amended to read:

1601 443.221 Reciprocal arrangements.—

1602 (1)

1603 (b) For services to be considered as performed within a
 1604 state under a reciprocal agreement, the employing unit must have
 1605 an election in effect for those services, which is approved by
 1606 the agency charged with the administration of such state's
 1607 reemployment assistance or unemployment compensation law, under
 1608 which all the services performed by the individual for the
 1609 employing unit are deemed to be performed entirely within that
 1610 state.

1611 (c) The department shall participate in any arrangements
 1612 for the payment of compensation on the basis of combining an
 1613 individual's wages and employment covered under this chapter
 1614 with her or his wages and employment covered under the
 1615 reemployment assistance or unemployment compensation laws of
 1616 other states, which are approved by the United States Secretary
 1617 of Labor, in consultation with the state reemployment assistance
 1618 or unemployment compensation agencies, as reasonably calculated
 1619 to assure the prompt and full payment of compensation in those
 1620 situations and which include provisions for:

1621 1. Applying the base period of a single state law to a
 1622 claim involving the combining of an individual's wages and
 1623 employment covered under two or more state reemployment

1624 assistance or unemployment compensation laws; and

1625 2. Avoiding the duplicate use of wages and employment
1626 because of the combination.

1627 (d) Contributions or reimbursements due under this chapter
1628 with respect to wages for insured work are, for the purposes of
1629 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
1630 to the fund as of the date payment was made as contributions or
1631 reimbursements therefor under another state or federal
1632 reemployment assistance or unemployment compensation law, but an
1633 arrangement may not be entered into unless it contains
1634 provisions for reimbursement to the fund of the contributions or
1635 reimbursements and the actual earnings thereon as the department
1636 or its tax collection service provider finds are fair and
1637 reasonable as to all affected interests.

1638 (3) The Department of Economic Opportunity or its tax
1639 collection service provider may enter into reciprocal
1640 arrangements with other states or the Federal Government, or
1641 both, for exchanging services, determining and enforcing payment
1642 obligations, and making available facilities and information.
1643 The department or its tax collection service provider may
1644 conduct investigations, secure and transmit information, make
1645 available services and facilities, and exercise other powers
1646 provided under this chapter to facilitate the administration of
1647 any reemployment assistance or unemployment compensation or
1648 public employment service law and, in a similar manner, accept
1649 and use information, services, and facilities made available to
1650 this state by the agency charged with the administration of any
1651 other unemployment compensation or public employment service

1652 law.

1653 (4) To the extent permissible under federal law, the
 1654 Department of Economic Opportunity may enter into or cooperate
 1655 in arrangements whereby facilities and services provided under
 1656 this chapter and facilities and services provided under the
 1657 reemployment assistance or unemployment compensation law of any
 1658 foreign government may be used for the taking of claims and the
 1659 payment of benefits under the employment security law of the
 1660 state or under a similar law of that government.

1661 Section 28. Paragraph (c) of subsection (5) and subsection
 1662 (8) of section 20.60, Florida Statutes, are amended to read:

1663 20.60 Department of Economic Opportunity; creation; powers
 1664 and duties.—

1665 (5) The divisions within the department have specific
 1666 responsibilities to achieve the duties, responsibilities, and
 1667 goals of the department. Specifically:

1668 (c) The Division of Workforce Services shall:

1669 1. Prepare and submit a unified budget request for
 1670 workforce in accordance with chapter 216 for, and in conjunction
 1671 with, Workforce Florida, Inc., and its board.

1672 2. Ensure that the state appropriately administers federal
 1673 and state workforce funding by administering plans and policies
 1674 of Workforce Florida, Inc., under contract with Workforce
 1675 Florida, Inc. The operating budget and midyear amendments
 1676 thereto must be part of such contract.

1677 a. All program and fiscal instructions to regional
 1678 workforce boards shall emanate from the Department of Economic
 1679 Opportunity pursuant to plans and policies of Workforce Florida,

HB 7027

2012

1680 Inc., which shall be responsible for all policy directions to
 1681 the regional workforce boards.

1682 b. Unless otherwise provided by agreement with Workforce
 1683 Florida, Inc., administrative and personnel policies of the
 1684 Department of Economic Opportunity shall apply.

1685 3. Implement the state's reemployment assistance
 1686 ~~unemployment compensation~~ program. The Department of Economic
 1687 Opportunity shall ensure that the state appropriately
 1688 administers the reemployment assistance ~~unemployment~~
 1689 ~~compensation~~ program pursuant to state and federal law.

1690 4. Assist in developing the 5-year statewide strategic
 1691 plan required by this section.

1692 (8) The Reemployment Assistance ~~Unemployment~~ Appeals
 1693 Commission, authorized by s. 443.012, is not subject to control,
 1694 supervision, or direction by the department in the performance
 1695 of its powers and duties but shall receive any and all support
 1696 and assistance from the department which is required for the
 1697 performance of its duties.

1698 Section 29. Paragraph (a) of subsection (1) of section
 1699 27.52, Florida Statutes, is amended to read:

1700 27.52 Determination of indigent status.—

1701 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 1702 of a public defender under s. 27.51 based upon an inability to
 1703 pay must apply to the clerk of the court for a determination of
 1704 indigent status using an application form developed by the
 1705 Florida Clerks of Court Operations Corporation with final
 1706 approval by the Supreme Court.

1707 (a) The application must include, at a minimum, the

1708 following financial information:

1709 1. Net income, consisting of total salary and wages, minus
 1710 deductions required by law, including court-ordered support
 1711 payments.

1712 2. Other income, including, but not limited to, social
 1713 security benefits, union funds, veterans' benefits, workers'
 1714 compensation, other regular support from absent family members,
 1715 public or private employee pensions, reemployment assistance or
 1716 unemployment compensation, dividends, interest, rent, trusts,
 1717 and gifts.

1718 3. Assets, including, but not limited to, cash, savings
 1719 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1720 equity in real estate, and equity in a boat or a motor vehicle
 1721 or in other tangible property.

1722 4. All liabilities and debts.

1723 5. If applicable, the amount of any bail paid for the
 1724 applicant's release from incarceration and the source of the
 1725 funds.

1726

1727 The application must include a signature by the applicant which
 1728 attests to the truthfulness of the information provided. The
 1729 application form developed by the corporation must include
 1730 notice that the applicant may seek court review of a clerk's
 1731 determination that the applicant is not indigent, as provided in
 1732 this section.

1733 Section 30. Subsection (6) of section 40.24, Florida
 1734 Statutes, is amended to read:

1735 40.24 Compensation and reimbursement policy.-

1736 (6) A juror who receives reemployment assistance
 1737 ~~unemployment~~ benefits does not lose such benefits because he or
 1738 she receives compensation for juror service.

1739 Section 31. Paragraph (a) of subsection (7) of section
 1740 45.031, Florida Statutes, is amended to read:

1741 45.031 Judicial sales procedure.—In any sale of real or
 1742 personal property under an order or judgment, the procedures
 1743 provided in this section and ss. 45.0315-45.035 may be followed
 1744 as an alternative to any other sale procedure if so ordered by
 1745 the court.

1746 (7) DISBURSEMENTS OF PROCEEDS.—

1747 (a) On filing a certificate of title, the clerk shall
 1748 disburse the proceeds of the sale in accordance with the order
 1749 or final judgment and shall file a report of such disbursements
 1750 and serve a copy of it on each party, and on the Department of
 1751 Revenue if the department was named as a defendant in the action
 1752 or if the Department of Economic Opportunity or the former
 1753 Agency for Workforce Innovation was named as a defendant while
 1754 the Department of Revenue was providing reemployment assistance
 1755 ~~unemployment~~ tax collection services under contract with the
 1756 Department of Economic Opportunity or the former Agency for
 1757 Workforce Innovation through an interagency agreement pursuant
 1758 to s. 443.1316.

1759 Section 32. Subsection (2) of section 55.204, Florida
 1760 Statutes, is amended to read:

1761 55.204 Duration and continuation of judgment lien;
 1762 destruction of records.—

1763 (2) Liens securing the payment of child support or tax

HB 7027

2012

1764 obligations under s. 95.091(1)(b) lapse 20 years after the date
 1765 of the original filing of the warrant or other document required
 1766 by law to establish a lien. Liens securing the payment of
 1767 reemployment assistance ~~unemployment~~ tax obligations lapse 10
 1768 years after the date of the original filing of the notice of
 1769 lien. A second lien based on the original filing may not be
 1770 obtained.

1771 Section 33. Paragraph (a) of subsection (1) of section
 1772 57.082, Florida Statutes, is amended to read:

1773 57.082 Determination of civil indigent status.—

1774 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 1775 of an attorney in a civil case eligible for court-appointed
 1776 counsel, or seeking relief from payment of filing fees and
 1777 prepayment of costs under s. 57.081, based upon an inability to
 1778 pay must apply to the clerk of the court for a determination of
 1779 civil indigent status using an application form developed by the
 1780 Florida Clerks of Court Operations Corporation with final
 1781 approval by the Supreme Court.

1782 (a) The application must include, at a minimum, the
 1783 following financial information:

1784 1. Net income, consisting of total salary and wages, minus
 1785 deductions required by law, including court-ordered support
 1786 payments.

1787 2. Other income, including, but not limited to, social
 1788 security benefits, union funds, veterans' benefits, workers'
 1789 compensation, other regular support from absent family members,
 1790 public or private employee pensions, reemployment assistance or
 1791 unemployment compensation, dividends, interest, rent, trusts,

1792 and gifts.

1793 3. Assets, including, but not limited to, cash, savings
 1794 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1795 equity in real estate, and equity in a boat or a motor vehicle
 1796 or in other tangible property.

1797 4. All liabilities and debts.

1798

1799 The application must include a signature by the applicant which
 1800 attests to the truthfulness of the information provided. The
 1801 application form developed by the corporation must include
 1802 notice that the applicant may seek court review of a clerk's
 1803 determination that the applicant is not indigent, as provided in
 1804 this section.

1805 Section 34. Subsection (8) of section 61.046, Florida
 1806 Statutes, is amended to read:

1807 61.046 Definitions.—As used in this chapter, the term:

1808 (8) "Income" means any form of payment to an individual,
 1809 regardless of source, including, but not limited to: wages,
 1810 salary, commissions and bonuses, compensation as an independent
 1811 contractor, worker's compensation, disability benefits, annuity
 1812 and retirement benefits, pensions, dividends, interest,
 1813 royalties, trusts, and any other payments, made by any person,
 1814 private entity, federal or state government, or any unit of
 1815 local government. United States Department of Veterans Affairs
 1816 disability benefits and reemployment assistance or unemployment
 1817 compensation, as defined in chapter 443, are excluded from this
 1818 definition of income except for purposes of establishing an
 1819 amount of support.

1820 Section 35. Paragraph (a) of subsection (3) of section
 1821 61.1824, Florida Statutes, is amended to read:

1822 61.1824 State Disbursement Unit.—

1823 (3) The State Disbursement Unit shall perform the
 1824 following functions:

1825 (a) Disburse all receipts from intercepts, including, but
 1826 not limited to, United States Internal Revenue Service,
 1827 reemployment assistance or unemployment compensation, lottery,
 1828 and administrative offset intercepts.

1829 Section 36. Paragraph (a) of subsection (2) of section
 1830 61.30, Florida Statutes, is amended to read:

1831 61.30 Child support guidelines; retroactive child
 1832 support.—

1833 (2) Income shall be determined on a monthly basis for each
 1834 parent as follows:

1835 (a) Gross income shall include, but is not limited to, the
 1836 following:

- 1837 1. Salary or wages.
- 1838 2. Bonuses, commissions, allowances, overtime, tips, and
 1839 other similar payments.
- 1840 3. Business income from sources such as self-employment,
 1841 partnership, close corporations, and independent contracts.
 1842 "Business income" means gross receipts minus ordinary and
 1843 necessary expenses required to produce income.
- 1844 4. Disability benefits.
- 1845 5. All workers' compensation benefits and settlements.
- 1846 6. Reemployment assistance or unemployment compensation.
- 1847 7. Pension, retirement, or annuity payments.

HB 7027

2012

- 1848 8. Social security benefits.
- 1849 9. Spousal support received from a previous marriage or
- 1850 court ordered in the marriage before the court.
- 1851 10. Interest and dividends.
- 1852 11. Rental income, which is gross receipts minus ordinary
- 1853 and necessary expenses required to produce the income.
- 1854 12. Income from royalties, trusts, or estates.
- 1855 13. Reimbursed expenses or in kind payments to the extent
- 1856 that they reduce living expenses.
- 1857 14. Gains derived from dealings in property, unless the
- 1858 gain is nonrecurring.

1859 Section 37. Paragraph (a) of subsection (4) of section
 1860 69.041, Florida Statutes, is amended to read:

1861 69.041 State named party; lien foreclosure, suit to quiet
 1862 title.—

1863 (4) (a) The Department of Revenue has the right to
 1864 participate in the disbursement of funds remaining in the
 1865 registry of the court after distribution pursuant to s.
 1866 45.031(7). The department shall participate in accordance with
 1867 applicable procedures in any mortgage foreclosure action in
 1868 which the department has a duly filed tax warrant, or interests
 1869 under a lien arising from a judgment, order, or decree for
 1870 support, as defined in s. 409.2554, or interest in an
 1871 reemployment assistance ~~unemployment compensation~~ tax lien under
 1872 contract with the Department of Economic Opportunity through an
 1873 interagency agreement pursuant to s. 443.1316, against the
 1874 subject property and with the same priority, regardless of
 1875 whether a default against the department, the Department of

1876 Economic Opportunity, or the former Agency for Workforce
 1877 Innovation has been entered for failure to file an answer or
 1878 other responsive pleading.

1879 Section 38. Subsection (1) of section 77.041, Florida
 1880 Statutes, is amended to read:

1881 77.041 Notice to individual defendant for claim of
 1882 exemption from garnishment; procedure for hearing.—

1883 (1) Upon application for a writ of garnishment by a
 1884 plaintiff, if the defendant is an individual, the clerk of the
 1885 court shall attach to the writ the following "Notice to
 1886 Defendant":

1887 NOTICE TO DEFENDANT OF RIGHT AGAINST
 1888 GARNISHMENT OF WAGES, MONEY,
 1889 AND OTHER PROPERTY

1890 The Writ of Garnishment delivered to you with this Notice
 1891 means that wages, money, and other property belonging to you
 1892 have been garnished to pay a court judgment against you.
 1893 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
 1894 OR PROPERTY. READ THIS NOTICE CAREFULLY.

1895 State and federal laws provide that certain wages, money,
 1896 and property, even if deposited in a bank, savings and loan, or
 1897 credit union, may not be taken to pay certain types of court
 1898 judgments. Such wages, money, and property are exempt from
 1899 garnishment. The major exemptions are listed below on the form
 1900 for Claim of Exemption and Request for Hearing. This list does
 1901 not include all possible exemptions. You should consult a lawyer
 1902 for specific advice.

1903 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING

HB 7027

2012

1904 GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST
 1905 COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING
 1906 AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE
 1907 THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE
 1908 YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU
 1909 MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF
 1910 AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF
 1911 GARNISHMENT.

1912 If you request a hearing, it will be held as soon as
 1913 possible after your request is received by the court. The
 1914 plaintiff must file any objection within 3 business days if you
 1915 hand delivered to the plaintiff a copy of the form for Claim of
 1916 Exemption and Request for Hearing or, alternatively, 8 business
 1917 days if you mailed a copy of the form for claim and request to
 1918 the plaintiff. If the plaintiff files an objection to your Claim
 1919 of Exemption and Request for Hearing, the clerk will notify you
 1920 and the other parties of the time and date of the hearing. You
 1921 may attend the hearing with or without an attorney. If the
 1922 plaintiff fails to file an objection, no hearing is required,
 1923 the writ of garnishment will be dissolved and your wages, money,
 1924 or property will be released.

1925 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO
 1926 KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE
 1927 COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU
 1928 NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT
 1929 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE.
 1930 CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE
 1931 ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

HB 7027

2012

1932

CLAIM OF EXEMPTION AND

1933

REQUEST FOR HEARING

1934

I claim exemptions from garnishment under the following categories as checked:

1936

.... 1. Head of family wages. (You must check a. or b. below.)

1937

.... a. I provide more than one-half of the support for a child or other dependent and have net earnings of \$750 or less per week.

1938

.... b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than \$750 per week, but have not agreed in writing to have my wages garnished.

1939

.... 2. Social Security benefits.

1940

.... 3. Supplemental Security Income benefits.

1941

.... 4. Public assistance (welfare).

1942

.... 5. Workers' Compensation.

1943

.... 6. Reemployment assistance or unemployment

1944 compensation.

1945 7. Veterans' benefits.

1946 8. Retirement or profit-sharing benefits or pension money.

1947 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.

1948 10. Disability income benefits.

1949 11. Prepaid College Trust Fund or Medical Savings Account.

1950 12. Other exemptions as provided by law.
.....(explain)

1951 I request a hearing to decide the validity of my claim. Notice

1952 of the hearing should be given to me at:

1953 Address:

1954 Telephone number:.....

1955 The statements made in this request are true to the best of my

1956 knowledge and belief.

1957

1958 Defendant's signature

1959 Date.....

HB 7027

2012

1960 STATE OF FLORIDA
 1961 COUNTY OF
 1962 Sworn and subscribed to before me this day of ... (month
 1963 and year)...., by ... (name of person making statement) ...
 1964 Notary Public/Deputy Clerk
 1965 Personally KnownOR Produced Identification....
 1966 Type of Identification Produced.....
 1967 Section 39. Paragraph (n) of subsection (2) of section
 1968 110.205, Florida Statutes, is amended to read:
 1969 110.205 Career service; exemptions.—
 1970 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1971 covered by this part include the following:
 1972 (n)1.a. In addition to those positions exempted by other
 1973 paragraphs of this subsection, each department head may
 1974 designate a maximum of 20 policymaking or managerial positions,
 1975 as defined by the department and approved by the Administration
 1976 Commission, as being exempt from the Career Service System.
 1977 Career service employees who occupy a position designated as a
 1978 position in the Selected Exempt Service under this paragraph
 1979 shall have the right to remain in the Career Service System by
 1980 opting to serve in a position not exempted by the employing
 1981 agency. Unless otherwise fixed by law, the department shall set
 1982 the salary and benefits of these positions in accordance with
 1983 the rules of the Selected Exempt Service; provided, however,
 1984 that if the agency head determines that the general counsel,
 1985 chief Cabinet aide, public information administrator or
 1986 comparable position for a Cabinet officer, inspector general, or
 1987 legislative affairs director has both policymaking and

HB 7027

2012

1988 managerial responsibilities and if the department determines
 1989 that any such position has both policymaking and managerial
 1990 responsibilities, the salary and benefits for each such position
 1991 shall be established by the department in accordance with the
 1992 rules of the Senior Management Service.

1993 b. In addition, each department may designate one
 1994 additional position in the Senior Management Service if that
 1995 position reports directly to the agency head or to a position in
 1996 the Senior Management Service and if any additional costs are
 1997 absorbed from the existing budget of that department.

1998 2. If otherwise exempt, employees of the Public Employees
 1999 Relations Commission, the Commission on Human Relations, and the
 2000 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
 2001 the certification of their respective commission heads, may be
 2002 provided for under this paragraph as members of the Senior
 2003 Management Service, if otherwise qualified. However, the deputy
 2004 general counsel of the Public Employees Relations Commission
 2005 shall be compensated as members of the Selected Exempt Service.

2006 Section 40. Subsection (4) of section 110.502, Florida
 2007 Statutes, is amended to read:

2008 110.502 Scope of act; status of volunteers.-

2009 (4) Persons working with state agencies pursuant to this
 2010 part shall be considered as unpaid independent volunteers and
 2011 shall not be entitled to reemployment assistance ~~unemployment~~
 2012 ~~compensation~~.

2013 Section 41. Subsection (10) of section 120.80, Florida
 2014 Statutes, is amended to read:

2015 120.80 Exceptions and special requirements; agencies.-

2016 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2017 (a) Notwithstanding s. 120.54, the rulemaking provisions
 2018 of this chapter do not apply to reemployment assistance
 2019 ~~unemployment~~ appeals referees.

2020 (b) Notwithstanding s. 120.54(5), the uniform rules of
 2021 procedure do not apply to appeal proceedings conducted under
 2022 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
 2023 Commission, special deputies, or reemployment assistance
 2024 ~~unemployment~~ appeals referees.

2025 (c) Notwithstanding s. 120.57(1)(a), hearings under
 2026 chapter 443 may not be conducted by an administrative law judge
 2027 assigned by the division, but instead shall be conducted by the
 2028 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
 2029 reemployment assistance ~~unemployment compensation~~ appeals,
 2030 reemployment assistance ~~unemployment~~ appeals referees, and the
 2031 Department of Economic Opportunity or its special deputies under
 2032 s. 443.141.

2033 Section 42. Subsection (4) of section 125.9502, Florida
 2034 Statutes, is amended to read:

2035 125.9502 Scope of ss. 125.9501-125.9506; status of
 2036 volunteers.—

2037 (4) Persons working with a unit of county government or a
 2038 constitutional county officer pursuant to ss. 125.9501-125.9506
 2039 are considered unpaid independent volunteers and are not
 2040 entitled to reemployment assistance ~~unemployment compensation~~.

2041 Section 43. Paragraph (d) of subsection (1) and paragraph
 2042 (b) of subsection (2) of section 212.096, Florida Statutes, are
 2043 amended to read:

HB 7027

2012

2044 212.096 Sales, rental, storage, use tax; enterprise zone
 2045 jobs credit against sales tax.-

2046 (1) For the purposes of the credit provided in this
 2047 section:

2048 (d) "Job" means a full-time position, as consistent with
 2049 terms used by the Department of Economic Opportunity ~~Agency for~~
 2050 ~~Workforce Innovation~~ and the United States Department of Labor
 2051 for purposes of reemployment assistance ~~unemployment~~
 2052 ~~compensation~~ tax administration and employment estimation
 2053 resulting directly from a business operation in this state. This
 2054 term may not include a temporary construction job involved with
 2055 the construction of facilities or any job that has previously
 2056 been included in any application for tax credits under s.
 2057 220.181(1). The term also includes employment of an employee
 2058 leased from an employee leasing company licensed under chapter
 2059 468 if such employee has been continuously leased to the
 2060 employer for an average of at least 36 hours per week for more
 2061 than 6 months.

2062
 2063 A person shall be deemed to be employed if the person performs
 2064 duties in connection with the operations of the business on a
 2065 regular, full-time basis, provided the person is performing such
 2066 duties for an average of at least 36 hours per week each month.
 2067 The person must be performing such duties at a business site
 2068 located in the enterprise zone.

2069 (2)

2070 (b) The credit shall be computed as 20 percent of the
 2071 actual monthly wages paid in this state to each new employee

HB 7027

2012

2072 hired when a new job has been created, unless the business is
 2073 located within a rural enterprise zone pursuant to s. 290.004,
 2074 in which case the credit shall be 30 percent of the actual
 2075 monthly wages paid. If no less than 20 percent of the employees
 2076 of the business are residents of an enterprise zone, excluding
 2077 temporary and part-time employees, the credit shall be computed
 2078 as 30 percent of the actual monthly wages paid in this state to
 2079 each new employee hired when a new job has been created, unless
 2080 the business is located within a rural enterprise zone, in which
 2081 case the credit shall be 45 percent of the actual monthly wages
 2082 paid. If the new employee hired when a new job is created is a
 2083 participant in the welfare transition program, the following
 2084 credit shall be a percent of the actual monthly wages paid: 40
 2085 percent for \$4 above the hourly federal minimum wage rate; 41
 2086 percent for \$5 above the hourly federal minimum wage rate; 42
 2087 percent for \$6 above the hourly federal minimum wage rate; 43
 2088 percent for \$7 above the hourly federal minimum wage rate; and
 2089 44 percent for \$8 above the hourly federal minimum wage rate.
 2090 For purposes of this paragraph, monthly wages shall be computed
 2091 as one-twelfth of the expected annual wages paid to such
 2092 employee. The amount paid as wages to a new employee is the
 2093 compensation paid to such employee that is subject to
 2094 reemployment assistance ~~unemployment~~ tax. The credit shall be
 2095 allowed for up to 24 consecutive months, beginning with the
 2096 first tax return due pursuant to s. 212.11 after approval by the
 2097 department.

2098 Section 44. Subsection (4) of section 213.053, Florida
 2099 Statutes, is amended to read:

HB 7027

2012

2100 213.053 Confidentiality and information sharing.—
 2101 (4) The department, while providing reemployment
 2102 assistance ~~unemployment~~ tax collection services under contract
 2103 with the Department of Economic Opportunity through an
 2104 interagency agreement pursuant to s. 443.1316, may release
 2105 reemployment assistance ~~unemployment~~ tax rate information to the
 2106 agent of an employer who provides payroll services for more than
 2107 100 employers, pursuant to the terms of a memorandum of
 2108 understanding. The memorandum of understanding must state that
 2109 the agent affirms, subject to the criminal penalties contained
 2110 in ss. 443.171 and 443.1715, that the agent will retain the
 2111 confidentiality of the information, that the agent has in effect
 2112 a power of attorney from the employer which permits the agent to
 2113 obtain reemployment assistance ~~unemployment~~ tax rate
 2114 information, and that the agent shall provide the department
 2115 with a copy of the employer's power of attorney upon request.
 2116 Section 45. Paragraph (a) of subsection (6) of section
 2117 216.292, Florida Statutes, is amended to read:
 2118 216.292 Appropriations nontransferable; exceptions.—
 2119 (6) The Chief Financial Officer shall transfer from any
 2120 available funds of an agency or the judicial branch the
 2121 following amounts and shall report all such transfers and the
 2122 reasons therefor to the legislative appropriations committees
 2123 and the Executive Office of the Governor:
 2124 (a) The amount due to the Unemployment Compensation Trust
 2125 Fund which is more than 90 days delinquent on reimbursements due
 2126 to the Unemployment Compensation Trust Fund. The amount
 2127 transferred shall be that certified by the state agency

HB 7027

2012

2128 providing reemployment assistance ~~unemployment~~ tax collection
 2129 services under contract with the Department of Economic
 2130 Opportunity through an interagency agreement pursuant to s.
 2131 443.1316.

2132 Section 46. Paragraph (ff) of subsection (1) of section
 2133 220.03, Florida Statutes, is amended to read:

2134 220.03 Definitions.—

2135 (1) SPECIFIC TERMS.—When used in this code, and when not
 2136 otherwise distinctly expressed or manifestly incompatible with
 2137 the intent thereof, the following terms shall have the following
 2138 meanings:

2139 (ff) "Job" means a full-time position, as consistent with
 2140 terms used by the Department of Economic Opportunity and the
 2141 United States Department of Labor for purposes of reemployment
 2142 assistance ~~unemployment compensation~~ tax administration and
 2143 employment estimation resulting directly from business
 2144 operations in this state. The term may not include a temporary
 2145 construction job involved with the construction of facilities or
 2146 any job that has previously been included in any application for
 2147 tax credits under s. 212.096. The term also includes employment
 2148 of an employee leased from an employee leasing company licensed
 2149 under chapter 468 if the employee has been continuously leased
 2150 to the employer for an average of at least 36 hours per week for
 2151 more than 6 months.

2152 Section 47. Paragraph (b) of subsection (1) of section
 2153 220.181, Florida Statutes, is amended to read:

2154 220.181 Enterprise zone jobs credit.—

2155 (1)

HB 7027

2012

2156 (b) This credit applies only with respect to wages subject
 2157 to reemployment assistance ~~unemployment~~ tax. The credit provided
 2158 in this section does not apply:

2159 1. For any employee who is an owner, partner, or majority
 2160 stockholder of an eligible business.

2161 2. For any new employee who is employed for any period
 2162 less than 3 months.

2163 Section 48. Paragraph (e) of subsection (1) of section
 2164 220.191, Florida Statutes, is amended to read:

2165 220.191 Capital investment tax credit.—

2166 (1) DEFINITIONS.—For purposes of this section:

2167 (e) "Jobs" means full-time equivalent positions, as that
 2168 term is consistent with terms used by the Department of Economic
 2169 Opportunity and the United States Department of Labor for
 2170 purposes of reemployment assistance ~~unemployment~~ tax
 2171 administration and employment estimation, resulting directly
 2172 from a project in this state. The term does not include
 2173 temporary construction jobs involved in the construction of the
 2174 project facility.

2175 Section 49. Paragraph (d) of subsection (3) of section
 2176 220.194, Florida Statutes, is amended to read:

2177 220.194 Corporate income tax credits for spaceflight
 2178 projects.—

2179 (3) DEFINITIONS.—As used in this section, the term:

2180 (d) "New job" means the full-time employment of an
 2181 employee in a manner that is consistent with terms used by the
 2182 Department of Economic Opportunity Agency for Workforce
 2183 ~~Innovation~~ and the United States Department of Labor for

HB 7027

2012

2184 purposes of reemployment assistance ~~unemployment compensation~~
 2185 tax administration and employment estimation. In order to meet
 2186 the requirement for certification specified in paragraph (5) (b),
 2187 a new job must:

2188 1. Pay new employees at least 115 percent of the statewide
 2189 or countywide average annual private sector wage for the 3
 2190 taxable years immediately preceding filing an application for
 2191 certification;

2192 2. Require a new employee to perform duties on a regular
 2193 full-time basis in this state for an average of at least 36
 2194 hours per week each month for the 3 taxable years immediately
 2195 preceding filing an application for certification; and

2196 3. Not be held by a person who has previously been
 2197 included as a new employee on an application for any credit
 2198 authorized under this section.

2199 Section 50. Section 222.15, Florida Statutes, is amended
 2200 to read:

2201 222.15 Wages or reemployment assistance or unemployment
 2202 compensation payments due deceased employee may be paid spouse
 2203 or certain relatives.—

2204 (1) It is lawful for any employer, in case of the death of
 2205 an employee, to pay to the wife or husband, and in case there is
 2206 no wife or husband, then to the child or children, provided the
 2207 child or children are over the age of 18 years, and in case
 2208 there is no child or children, then to the father or mother, any
 2209 wages or travel expenses that may be due such employee at the
 2210 time of his or her death.

2211 (2) It is also lawful for the Department of Economic

HB 7027

2012

2212 Opportunity, in case of death of any unemployed individual, to
 2213 pay to those persons referred to in subsection (1) any
 2214 reemployment assistance or unemployment compensation payments
 2215 that may be due to the individual at the time of his or her
 2216 death.

2217 Section 51. Section 222.16, Florida Statutes, is amended
 2218 to read:

2219 222.16 Wages or reemployment assistance or unemployment
 2220 compensation payments so paid not subject to administration.—Any
 2221 wages, travel expenses, or reemployment assistance or
 2222 unemployment compensation payments so paid under the authority
 2223 of s. 222.15 shall not be considered as assets of the estate and
 2224 subject to administration; provided, however, that the travel
 2225 expenses so exempted from administration shall not exceed the
 2226 sum of \$300.

2227 Section 52. Paragraph (m) of subsection (1) of section
 2228 255.20, Florida Statutes, is amended to read:

2229 255.20 Local bids and contracts for public construction
 2230 works; specification of state-produced lumber.—

2231 (1) A county, municipality, special district as defined in
 2232 chapter 189, or other political subdivision of the state seeking
 2233 to construct or improve a public building, structure, or other
 2234 public construction works must competitively award to an
 2235 appropriately licensed contractor each project that is estimated
 2236 in accordance with generally accepted cost-accounting principles
 2237 to cost more than \$300,000. For electrical work, the local
 2238 government must competitively award to an appropriately licensed
 2239 contractor each project that is estimated in accordance with

2240 generally accepted cost-accounting principles to cost more than
 2241 \$75,000. As used in this section, the term "competitively award"
 2242 means to award contracts based on the submission of sealed bids,
 2243 proposals submitted in response to a request for proposal,
 2244 proposals submitted in response to a request for qualifications,
 2245 or proposals submitted for competitive negotiation. This
 2246 subsection expressly allows contracts for construction
 2247 management services, design/build contracts, continuation
 2248 contracts based on unit prices, and any other contract
 2249 arrangement with a private sector contractor permitted by any
 2250 applicable municipal or county ordinance, by district
 2251 resolution, or by state law. For purposes of this section, cost
 2252 includes the cost of all labor, except inmate labor, and the
 2253 cost of equipment and materials to be used in the construction
 2254 of the project. Subject to the provisions of subsection (3), the
 2255 county, municipality, special district, or other political
 2256 subdivision may establish, by municipal or county ordinance or
 2257 special district resolution, procedures for conducting the
 2258 bidding process.

2259 (m) Any contractor may be considered ineligible to bid by
 2260 the governmental entity if the contractor has been found guilty
 2261 by a court of any violation of federal labor or employment tax
 2262 laws regarding subjects such as safety, tax withholding,
 2263 workers' compensation, reemployment assistance or unemployment
 2264 tax, social security and Medicare tax, wage or hour, or
 2265 prevailing rate laws within the past 5 years.

2266 Section 53. Subsection (5) of section 288.075, Florida
 2267 Statutes, is amended to read:

HB 7027

2012

2268 288.075 Confidentiality of records.—

2269 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
 2270 federal employer identification number, reemployment assistance
 2271 ~~unemployment compensation~~ account number, or Florida sales tax
 2272 registration number held by an economic development agency is
 2273 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 2274 of the State Constitution.

2275 Section 54. Paragraph (c) of subsection (1) of section
 2276 288.1045, Florida Statutes, is amended to read:

2277 288.1045 Qualified defense contractor and space flight
 2278 business tax refund program.—

2279 (1) DEFINITIONS.—As used in this section:

2280 (c) "Business unit" means an employing unit, as defined in
 2281 s. 443.036, that is registered with the department for
 2282 reemployment assistance ~~unemployment compensation~~ purposes or
 2283 means a subcategory or division of an employing unit that is
 2284 accepted by the department as a reporting unit.

2285 Section 55. Paragraph (d) of subsection (2) of section
 2286 288.106, Florida Statutes, is amended to read:

2287 288.106 Tax refund program for qualified target industry
 2288 businesses.—

2289 (2) DEFINITIONS.—As used in this section:

2290 (d) "Business" means an employing unit, as defined in s.
 2291 443.036, that is registered for reemployment assistance
 2292 ~~unemployment compensation~~ purposes with the state agency
 2293 providing reemployment assistance ~~unemployment~~ tax collection
 2294 services under an interagency agreement pursuant to s. 443.1316,
 2295 or a subcategory or division of an employing unit that is

2296 accepted by the state agency providing reemployment assistance
 2297 ~~unemployment~~ tax collection services as a reporting unit.

2298 Section 56. Paragraph. (b) of subsection (3) of section
 2299 288.1081, Florida Statutes, is amended to read:

2300 288.1081 Economic Gardening Business Loan Pilot Program.—

2301 (3)

2302 (b) A loan applicant must submit a written application to
 2303 the loan administrator in the format prescribed by the loan
 2304 administrator. The application must include:

2305 1. The applicant's federal employer identification number,
 2306 reemployment assistance ~~unemployment~~ account number, and sales
 2307 or other tax registration number.

2308 2. The street address of the applicant's principal place
 2309 of business in this state.

2310 3. A description of the type of economic activity,
 2311 product, or research and development undertaken by the
 2312 applicant, including the six-digit North American Industry
 2313 Classification System code for each type of economic activity
 2314 conducted by the applicant.

2315 4. The applicant's annual revenue, number of employees,
 2316 number of full-time equivalent employees, and other information
 2317 necessary to verify the applicant's eligibility for the pilot
 2318 program under s. 288.1082(4)(a).

2319 5. The projected investment in the business, if any, which
 2320 the applicant proposes in conjunction with the loan.

2321 6. The total investment in the business from all sources,
 2322 if any, which the applicant proposes in conjunction with the
 2323 loan.

2324 7. The number of net new full-time equivalent jobs that,
 2325 as a result of the loan, the applicant proposes to create in
 2326 this state as of December 31 of each year and the average annual
 2327 wage of the proposed jobs.

2328 8. The total number of full-time equivalent employees the
 2329 applicant currently employs in this state.

2330 9. The date that the applicant anticipates it needs the
 2331 loan.

2332 10. A detailed explanation of why the loan is needed to
 2333 assist the applicant in expanding jobs in the state.

2334 11. A statement that all of the applicant's available
 2335 corporate assets are pledged as collateral for the amount of the
 2336 loan.

2337 12. A statement that the applicant, upon receiving the
 2338 loan, agrees not to seek additional long-term debt without prior
 2339 approval of the loan administrator.

2340 13. A statement that the loan is a joint obligation of the
 2341 business and of each person who owns at least 20 percent of the
 2342 business.

2343 14. Any additional information requested by the department
 2344 or the loan administrator.

2345 Section 57. Paragraph (a) of subsection (3) of section
 2346 288.1089, Florida Statutes, is amended to read:

2347 288.1089 Innovation Incentive Program.—

2348 (3) To be eligible for consideration for an innovation
 2349 incentive award, an innovation business, a research and
 2350 development entity, or an alternative and renewable energy
 2351 company must submit a written application to the department

2352 before making a decision to locate new operations in this state
 2353 or expand an existing operation in this state. The application
 2354 must include, but not be limited to:

2355 (a) The applicant's federal employer identification
 2356 number, reemployment assistance ~~unemployment~~ account number, and
 2357 state sales tax registration number. If such numbers are not
 2358 available at the time of application, they must be submitted to
 2359 the department in writing before the disbursement of any
 2360 payments under this section.

2361 Section 58. Subsection (1) of section 334.30, Florida
 2362 Statutes, is amended to read:

2363 334.30 Public-private transportation facilities.—The
 2364 Legislature finds and declares that there is a public need for
 2365 the rapid construction of safe and efficient transportation
 2366 facilities for the purpose of traveling within the state, and
 2367 that it is in the public's interest to provide for the
 2368 construction of additional safe, convenient, and economical
 2369 transportation facilities.

2370 (1) The department may receive or solicit proposals and,
 2371 with legislative approval as evidenced by approval of the
 2372 project in the department's work program, enter into agreements
 2373 with private entities, or consortia thereof, for the building,
 2374 operation, ownership, or financing of transportation facilities.
 2375 The department may advance projects programmed in the adopted 5-
 2376 year work program or projects increasing transportation capacity
 2377 and greater than \$500 million in the 10-year Strategic
 2378 Intermodal Plan using funds provided by public-private
 2379 partnerships or private entities to be reimbursed from

2380 department funds for the project as programmed in the adopted
 2381 work program. The department shall by rule establish an
 2382 application fee for the submission of unsolicited proposals
 2383 under this section. The fee must be sufficient to pay the costs
 2384 of evaluating the proposals. The department may engage the
 2385 services of private consultants to assist in the evaluation.
 2386 Before approval, the department must determine that the proposed
 2387 project:

- 2388 (a) Is in the public's best interest;
- 2389 (b) Would not require state funds to be used unless the
 2390 project is on the State Highway System;
- 2391 (c) Would have adequate safeguards in place to ensure that
 2392 no additional costs or service disruptions would be realized by
 2393 the traveling public and residents of the state in the event of
 2394 default or cancellation of the agreement by the department;
- 2395 (d) Would have adequate safeguards in place to ensure that
 2396 the department or the private entity has the opportunity to add
 2397 capacity to the proposed project and other transportation
 2398 facilities serving similar origins and destinations; and
- 2399 (e) Would be owned by the department upon completion or
 2400 termination of the agreement.

2401
 2402 The department shall ensure that all reasonable costs to the
 2403 state, related to transportation facilities that are not part of
 2404 the State Highway System, are borne by the private entity. The
 2405 department shall also ensure that all reasonable costs to the
 2406 state and substantially affected local governments and
 2407 utilities, related to the private transportation facility, are

2408 borne by the private entity for transportation facilities that
 2409 are owned by private entities. For projects on the State Highway
 2410 System, the department may use state resources to participate in
 2411 funding and financing the project as provided for under the
 2412 department's enabling legislation. Because the Legislature
 2413 recognizes that private entities or consortia thereof would
 2414 perform a governmental or public purpose or function when they
 2415 enter into agreements with the department to design, build,
 2416 operate, own, or finance transportation facilities, the
 2417 transportation facilities, including leasehold interests
 2418 thereof, are exempt from ad valorem taxes as provided in chapter
 2419 196 to the extent property is owned by the state or other
 2420 government entity, and from intangible taxes as provided in
 2421 chapter 199 and special assessments of the state, any city,
 2422 town, county, special district, political subdivision of the
 2423 state, or any other governmental entity. The private entities or
 2424 consortia thereof are exempt from tax imposed by chapter 201 on
 2425 all documents or obligations to pay money which arise out of the
 2426 agreements to design, build, operate, own, lease, or finance
 2427 transportation facilities. Any private entities or consortia
 2428 thereof must pay any applicable corporate taxes as provided in
 2429 chapter 220, and reemployment assistance ~~unemployment~~
 2430 ~~compensation~~ taxes as provided in chapter 443, and sales and use
 2431 tax as provided in chapter 212 shall be applicable. The private
 2432 entities or consortia thereof must also register and collect the
 2433 tax imposed by chapter 212 on all their direct sales and leases
 2434 that are subject to tax under chapter 212. The agreement between
 2435 the private entity or consortia thereof and the department

HB 7027

2012

2436 establishing a transportation facility under this chapter
 2437 constitutes documentation sufficient to claim any exemption
 2438 under this section.

2439 Section 59. Subsection (8) of section 408.809, Florida
 2440 Statutes, is amended to read:

2441 408.809 Background screening; prohibited offenses.—

2442 (8) There is no reemployment assistance ~~unemployment~~
 2443 ~~compensation~~ or other monetary liability on the part of, and no
 2444 cause of action for damages arising against, an employer that,
 2445 upon notice of a disqualifying offense listed under chapter 435
 2446 or this section, terminates the person against whom the report
 2447 was issued, whether or not that person has filed for an
 2448 exemption with the Department of Health or the agency.

2449 Section 60. Paragraph (e) of subsection (7) of section
 2450 409.2563, Florida Statutes, is amended to read:

2451 409.2563 Administrative establishment of child support
 2452 obligations.—

2453 (7) ADMINISTRATIVE SUPPORT ORDER.—

2454 (e) An administrative support order must comply with ss.
 2455 61.13(1) and 61.30. The department shall develop a standard form
 2456 or forms for administrative support orders. An administrative
 2457 support order must provide and state findings, if applicable,
 2458 concerning:

2459 1. The full name and date of birth of the child or
 2460 children;

2461 2. The name of the parent from whom support is being
 2462 sought and the other parent or caregiver;

2463 3. The parent's duty and ability to provide support;

HB 7027

2012

2464 4. The amount of the parent's monthly support obligation;

2465 5. Any obligation to pay retroactive support;

2466 6. The parent's obligation to provide for the health care
 2467 needs of each child, whether through health insurance,
 2468 contribution toward the cost of health insurance, payment or
 2469 reimbursement of health care expenses for the child, or any
 2470 combination thereof;

2471 7. The beginning date of any required monthly payments and
 2472 health insurance;

2473 8. That all support payments ordered must be paid to the
 2474 Florida State Disbursement Unit as provided by s. 61.1824;

2475 9. That the parents, or caregiver if applicable, must file
 2476 with the department when the administrative support order is
 2477 rendered, if they have not already done so, and update as
 2478 appropriate the information required pursuant to paragraph
 2479 (13) (b);

2480 10. That both parents, or parent and caregiver if
 2481 applicable, are required to promptly notify the department of
 2482 any change in their mailing addresses pursuant to paragraph
 2483 (13) (c); and

2484 11. That if the parent ordered to pay support receives
 2485 reemployment assistance or unemployment compensation benefits,
 2486 the payor shall withhold, and transmit to the department, 40
 2487 percent of the benefits for payment of support, not to exceed
 2488 the amount owed.

2489
 2490 An income deduction order as provided by s. 61.1301 must be
 2491 incorporated into the administrative support order or, if not

HB 7027

2012

2492 incorporated into the administrative support order, the
 2493 department or the Division of Administrative Hearings shall
 2494 render a separate income deduction order.

2495 Section 61. Paragraph (a) of subsection (3), subsection
 2496 (8), and paragraph (a) of subsection (9) of section 409.2576,
 2497 Florida Statutes, are amended to read:

2498 409.2576 State Directory of New Hires.—

2499 (3) EMPLOYERS TO FURNISH REPORTS.—

2500 (a) Each employer subject to the reporting requirements of
 2501 chapter 443 with 250 or more employees, shall provide to the
 2502 State Directory of New Hires, a report listing the employer's
 2503 legal name, address, and reemployment assistance ~~unemployment~~
 2504 ~~compensation~~ identification number. The report must also provide
 2505 the name and social security number of each new employee or
 2506 rehired employee at the end of the first pay period following
 2507 employment or reemployment.

2508 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
 2509 Directory of New Hires must furnish information regarding newly
 2510 hired or rehired employees to the National Directory of New
 2511 Hires for matching with the records of other state case
 2512 registries within 3 business days of entering such information
 2513 from the employer into the State Directory of New Hires. The
 2514 State Directory of New Hires shall enter into an agreement with
 2515 the Department of Economic Opportunity or its tax collection
 2516 service provider for the quarterly reporting to the National
 2517 Directory of New Hires information on wages and reemployment
 2518 assistance ~~unemployment compensation~~ taken from the quarterly
 2519 report to the Secretary of Labor, now required by Title III of

HB 7027

2012

2520 the Social Security Act, except that no report shall be filed
 2521 with respect to an employee of a state or local agency
 2522 performing intelligence or counterintelligence functions, if the
 2523 head of such agency has determined that filing such a report
 2524 could endanger the safety of the employee or compromise an
 2525 ongoing investigation or intelligence mission.

2526 (9) DISCLOSURE OF INFORMATION.—

2527 (a) New hire information shall be disclosed to the state
 2528 agency administering the following programs for the purposes of
 2529 determining eligibility under those programs:

2530 1. Any state program funded under part A of Title IV of
 2531 the Social Security Act;

2532 2. The Medicaid program under Title XIX of the Social
 2533 Security Act;

2534 3. The reemployment assistance or unemployment
 2535 compensation program under s. 3304 of the Internal Revenue Code
 2536 of 1954;

2537 4. The food assistance program under the Food and
 2538 Nutrition Act of 2008; and

2539 5. Any state program under a plan approved under Title I
 2540 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
 2541 Title XIV (Aid to the Permanently and Totally Disabled), or
 2542 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
 2543 Security Income for the Aged, Blind, and Disabled) of the Social
 2544 Security Act.

2545 Section 62. Paragraph (f) of subsection (1) of section
 2546 414.295, Florida Statutes, is amended to read:

2547 414.295 Temporary cash assistance programs; public records

2548 exemption.-

2549 (1) Personal identifying information of a temporary cash
 2550 assistance program participant, a participant's family, or a
 2551 participant's family or household member, except for information
 2552 identifying a parent who does not live in the same home as the
 2553 child, held by the department, the Office of Early Learning,
 2554 Workforce Florida, Inc., the Department of Health, the
 2555 Department of Revenue, the Department of Education, or a
 2556 regional workforce board or local committee created pursuant to
 2557 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
 2558 24(a), Art. I of the State Constitution. Such confidential and
 2559 exempt information may be released for purposes directly
 2560 connected with:

2561 (f) The administration of the reemployment assistance
 2562 ~~unemployment compensation~~ program.

2563 Section 63. Subsection (4) of section 435.06, Florida
 2564 Statutes, is amended to read:

2565 435.06 Exclusion from employment.-

2566 (4) There is no reemployment assistance ~~unemployment~~
 2567 ~~compensation~~ or other monetary liability on the part of, and no
 2568 cause of action for damages against, an employer that, upon
 2569 notice of a conviction or arrest for a disqualifying offense
 2570 listed under this chapter, terminates the person against whom
 2571 the report was issued or who was arrested, regardless of whether
 2572 or not that person has filed for an exemption pursuant to this
 2573 chapter.

2574 Section 64. Subsection (2) of section 440.12, Florida
 2575 Statutes, is amended to read:

2576 440.12 Time for commencement and limits on weekly rate of
 2577 compensation.—

2578 (2) Compensation for disability resulting from injuries
 2579 which occur after December 31, 1974, shall not be less than \$20
 2580 per week. However, if the employee's wages at the time of injury
 2581 are less than \$20 per week, he or she shall receive his or her
 2582 full weekly wages. If the employee's wages at the time of the
 2583 injury exceed \$20 per week, compensation shall not exceed an
 2584 amount per week which is:

2585 (a) Equal to 100 percent of the statewide average weekly
 2586 wage, determined as hereinafter provided for the year in which
 2587 the injury occurred; however, the increase to 100 percent from
 2588 66 2/3 percent of the statewide average weekly wage shall apply
 2589 only to injuries occurring on or after August 1, 1979; and

2590 (b) Adjusted to the nearest dollar.

2591

2592 For the purpose of this subsection, the "statewide average
 2593 weekly wage" means the average weekly wage paid by employers
 2594 subject to the Florida Reemployment Assistance Program
 2595 ~~Unemployment Compensation~~ Law as reported to the Department of
 2596 Economic Opportunity for the four calendar quarters ending each
 2597 June 30, which average weekly wage shall be determined by the
 2598 Department of Economic Opportunity on or before November 30 of
 2599 each year and shall be used in determining the maximum weekly
 2600 compensation rate with respect to injuries occurring in the
 2601 calendar year immediately following. The statewide average
 2602 weekly wage determined by the Department of Economic Opportunity
 2603 shall be reported annually to the Legislature.

2604 Section 65. Paragraph (c) of subsection (9) and subsection
 2605 (10) of section 440.15, Florida Statutes, are amended to read:
 2606 440.15 Compensation for disability.—Compensation for
 2607 disability shall be paid to the employee, subject to the limits
 2608 provided in s. 440.12(2), as follows:

2609 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
 2610 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

2611 (c) Disability compensation benefits payable for any week,
 2612 including those benefits provided by paragraph (1)(f), may not
 2613 be reduced pursuant to this subsection until the Social Security
 2614 Administration determines the amount otherwise payable to the
 2615 employee under 42 U.S.C. ss. 402 and 423 and the employee has
 2616 begun receiving such social security benefit payments. The
 2617 employee shall, upon demand by the department, the employer, or
 2618 the carrier, authorize the Social Security Administration to
 2619 release disability information relating to her or him and
 2620 authorize the Department of Economic Opportunity to release
 2621 reemployment assistance ~~unemployment compensation~~ information
 2622 relating to her or him, in accordance with rules to be adopted
 2623 by the department prescribing the procedure and manner for
 2624 requesting the authorization and for compliance by the employee.
 2625 The department or the employer or carrier may not make any
 2626 payment of benefits for total disability or those additional
 2627 benefits provided by paragraph (1)(f) for any period during
 2628 which the employee willfully fails or refuses to authorize the
 2629 release of information in the manner and within the time
 2630 prescribed by such rules. The authority for release of
 2631 disability information granted by an employee under this

HB 7027

2012

2632 paragraph is effective for a period not to exceed 12 months and
 2633 such authority may be renewed, as the department prescribes by
 2634 rule.

2635 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
 2636 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
 2637 ~~UNEMPLOYMENT COMPENSATION.~~—

2638 (a) No compensation benefits shall be payable for
 2639 temporary total disability or permanent total disability under
 2640 this chapter for any week in which the injured employee has
 2641 received, or is receiving, reemployment assistance or
 2642 unemployment compensation benefits.

2643 (b) If an employee is entitled to temporary partial
 2644 benefits pursuant to subsection (4) and reemployment assistance
 2645 or unemployment compensation benefits, such reemployment
 2646 assistance or unemployment compensation benefits shall be
 2647 primary and the temporary partial benefits shall be supplemental
 2648 only, the sum of the two benefits not to exceed the amount of
 2649 temporary partial benefits which would otherwise be payable.

2650 Section 66. Subsections (4) and (7) of section 440.381,
 2651 Florida Statutes, are amended to read:

2652 440.381 Application for coverage; reporting payroll;
 2653 payroll audit procedures; penalties.—

2654 (4) Each employer must submit a copy of the quarterly
 2655 earnings report required by chapter 443 at the end of each
 2656 quarter to the carrier and submit self-audits supported by the
 2657 quarterly earnings reports required by chapter 443 and the rules
 2658 adopted by the Department of Economic Opportunity or by the
 2659 state agency providing reemployment assistance ~~unemployment tax~~

2660 collection services under contract with the Department of
 2661 Economic Opportunity through an interagency agreement pursuant
 2662 to s. 443.1316. The reports must include a sworn statement by an
 2663 officer or principal of the employer attesting to the accuracy
 2664 of the information contained in the report.

2665 (7) If an employee suffering a compensable injury was not
 2666 reported as earning wages on the last quarterly earnings report
 2667 filed with the Department of Economic Opportunity or the state
 2668 agency providing reemployment assistance ~~unemployment~~ tax
 2669 collection services under contract with the Department of
 2670 Economic Opportunity through an interagency agreement pursuant
 2671 to s. 443.1316 before the accident, the employer shall indemnify
 2672 the carrier for all workers' compensation benefits paid to or on
 2673 behalf of the employee unless the employer establishes that the
 2674 employee was hired after the filing of the quarterly report, in
 2675 which case the employer and employee shall attest to the fact
 2676 that the employee was employed by the employer at the time of
 2677 the injury. Failure of the employer to indemnify the insurer
 2678 within 21 days after demand by the insurer is grounds for the
 2679 insurer to immediately cancel coverage. Any action for
 2680 indemnification brought by the carrier is cognizable in the
 2681 circuit court having jurisdiction where the employer or carrier
 2682 resides or transacts business. The insurer is entitled to a
 2683 reasonable attorney's fee if it recovers any portion of the
 2684 benefits paid in the action.

2685 Section 67. Subsection (2) of section 440.42, Florida
 2686 Statutes, is amended to read:

2687 440.42 Insurance policies; liability.-

2688 (2) A workers' compensation insurance policy may require
 2689 the employer to release certain employment and wage information
 2690 maintained by the state pursuant to federal and state
 2691 reemployment assistance ~~unemployment compensation~~ laws except to
 2692 the extent prohibited or limited under federal law. By entering
 2693 into a workers' compensation insurance policy with such a
 2694 provision, the employer consents to the release of the
 2695 information. The insurance carrier requiring such consent shall
 2696 safeguard the information and maintain its confidentiality. The
 2697 carrier shall limit use of the information to verifying
 2698 compliance with the terms of the workers' compensation insurance
 2699 policy. The department may charge a fee to cover the cost of
 2700 disclosing the information.

2701 Section 68. Paragraph (i) of subsection (1) and paragraph
 2702 (b) of subsection (9) of section 445.009, Florida Statutes, are
 2703 amended to read:

2704 445.009 One-stop delivery system.—

2705 (1) The one-stop delivery system is the state's primary
 2706 customer-service strategy for offering every Floridian access,
 2707 through service sites or telephone or computer networks, to the
 2708 following services:

2709 (i) Claim filing for reemployment assistance ~~unemployment~~
 2710 ~~compensation~~ services.

2711 (9)

2712 (b) The network shall assure that a uniform method is used
 2713 to determine eligibility for and management of services provided
 2714 by agencies that conduct workforce development activities. The
 2715 Department of Management Services shall develop strategies to

HB 7027

2012

2716 allow access to the databases and information management systems
 2717 of the following systems in order to link information in those
 2718 databases with the one-stop delivery system:

2719 1. The Reemployment Assistance ~~Unemployment Compensation~~
 2720 Program under chapter 443.

2721 2. The public employment service described in s. 443.181.

2722 3. The FLORIDA System and the components related to
 2723 temporary cash assistance, food assistance, and Medicaid
 2724 eligibility.

2725 4. The Student Financial Assistance System of the
 2726 Department of Education.

2727 5. Enrollment in the public postsecondary education
 2728 system.

2729 6. Other information systems determined appropriate by
 2730 Workforce Florida, Inc.

2731 Section 69. Subsection (6) of section 445.016, Florida
 2732 Statutes, is amended to read:

2733 445.016 Untried Worker Placement and Employment Incentive
 2734 Act.—

2735 (6) During an untried worker's probationary placement, the
 2736 for-profit or not-for-profit agent shall be the employer of
 2737 record of that untried worker, and shall provide workers'
 2738 compensation and reemployment assistance ~~unemployment~~
 2739 ~~compensation~~ coverage as provided by law. The business employing
 2740 the untried worker through the agent may be eligible to apply
 2741 for any tax credits, wage supplementation, wage subsidy, or
 2742 employer payment for that employee that are authorized in law or
 2743 by agreement with the employer. After satisfactory completion of

2744 such a probationary period, an untried worker shall not be
 2745 considered an untried worker.

2746 Section 70. Paragraph (c) of subsection (2) and paragraph
 2747 (a) of subsection (3) of section 446.50, Florida Statutes, are
 2748 amended to read:

2749 446.50 Displaced homemakers; multiservice programs; report
 2750 to the Legislature; Displaced Homemaker Trust Fund created.—

2751 (2) DEFINITION.—For the purposes of this section, the term
 2752 "displaced homemaker" means an individual who:

2753 (c) Is not adequately employed, as defined by rule of the
 2754 Department of Economic Opportunity ~~agency~~;

2755 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
 2756 OPPORTUNITY.—

2757 (a) The Department of Economic Opportunity, under plans
 2758 established by Workforce Florida, Inc., shall establish, or
 2759 contract for the establishment of, programs for displaced
 2760 homemakers which shall include:

2761 1. Job counseling, by professionals and peers,
 2762 specifically designed for a person entering the job market after
 2763 a number of years as a homemaker.

2764 2. Job training and placement services, including:

2765 a. Training programs for available jobs in the public and
 2766 private sectors, taking into account the skills and job
 2767 experiences of a homemaker and developed by working with public
 2768 and private employers.

2769 b. Assistance in locating available employment for
 2770 displaced homemakers, some of whom could be employed in existing
 2771 job training and placement programs.

2772 c. Utilization of the services of the state employment
 2773 service in locating employment opportunities.

2774 3. Financial management services providing information and
 2775 assistance with respect to insurance, including, but not limited
 2776 to, life, health, home, and automobile insurance, and taxes,
 2777 estate and probate problems, mortgages, loans, and other related
 2778 financial matters.

2779 4. Educational services, including high school equivalency
 2780 degree and such other courses as the department determines would
 2781 be of interest and benefit to displaced homemakers.

2782 5. Outreach and information services with respect to
 2783 federal and state employment, education, health, and
 2784 reemployment ~~unemployment~~ assistance programs that the
 2785 department determines would be of interest and benefit to
 2786 displaced homemakers.

2787 Section 71. Paragraph (b) of subsection (4) of section
 2788 448.110, Florida Statutes, is amended to read:

2789 448.110 State minimum wage; annual wage adjustment;
 2790 enforcement.—

2791 (4)

2792 (b) The Department of Revenue and the Department of
 2793 Economic Opportunity shall annually publish the amount of the
 2794 adjusted state minimum wage and the effective date. Publication
 2795 shall occur by posting the adjusted state minimum wage rate and
 2796 the effective date on the Internet home pages of the Department
 2797 of Economic Opportunity and the Department of Revenue by October
 2798 15 of each year. In addition, to the extent funded in the
 2799 General Appropriations Act, the Department of Economic

2800 Opportunity shall provide written notice of the adjusted rate
 2801 and the effective date of the adjusted state minimum wage to all
 2802 employers registered in the most current reemployment assistance
 2803 ~~unemployment compensation~~ database. Such notice shall be mailed
 2804 by November 15 of each year using the addresses included in the
 2805 database. Employers are responsible for maintaining current
 2806 address information in the reemployment assistance ~~unemployment~~
 2807 ~~compensation~~ database. The Department of Economic Opportunity is
 2808 not responsible for failure to provide notice due to incorrect
 2809 or incomplete address information in the database. The
 2810 Department of Economic Opportunity shall provide the Department
 2811 of Revenue with the adjusted state minimum wage rate information
 2812 and effective date in a timely manner.

2813 Section 72. Paragraph (e) of subsection (2) of section
 2814 450.31, Florida Statutes, is amended to read:

2815 450.31 Issuance, revocation, and suspension of, and
 2816 refusal to issue or renew, certificate of registration.—

2817 (2) The department may revoke, suspend, or refuse to issue
 2818 or renew any certificate of registration when it is shown that
 2819 the farm labor contractor has:

2820 (e) Failed to pay reemployment assistance ~~unemployment~~
 2821 ~~compensation~~ taxes as determined by the Department of Economic
 2822 Opportunity; or

2823 Section 73. Subsection (9) of section 450.33, Florida
 2824 Statutes, is amended to read:

2825 450.33 Duties of farm labor contractor.—Every farm labor
 2826 contractor must:

2827 (9) Comply with all applicable statutes, rules, and

HB 7027

2012

2828 regulations of the United States and of the State of Florida for
 2829 the protection or benefit of labor, including, but not limited
 2830 to, those providing for wages, hours, fair labor standards,
 2831 social security, workers' compensation, reemployment assistance
 2832 or unemployment compensation, child labor, and transportation.

2833 Section 74. Subsections (1) and (3) of section 468.529,
 2834 Florida Statutes, are amended to read:

2835 468.529 Licensee's insurance; employment tax; benefit
 2836 plans.—

2837 (1) A licensed employee leasing company is the employer of
 2838 the leased employees, except that this provision is not intended
 2839 to affect the determination of any issue arising under Pub. L.
 2840 No. 93-406, the Employee Retirement Income Security Act, as
 2841 amended from time to time. An employee leasing company shall be
 2842 responsible for timely payment of reemployment assistance
 2843 ~~unemployment~~ taxes pursuant to chapter 443, and shall be
 2844 responsible for providing workers' compensation coverage
 2845 pursuant to chapter 440. However, no licensed employee leasing
 2846 company shall sponsor a plan of self-insurance for health
 2847 benefits, except as may be permitted by the provisions of the
 2848 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,
 2849 the Employee Retirement Income Security Act, as amended from
 2850 time to time. For purposes of this section, a "plan of self-
 2851 insurance" shall exclude any arrangement where an admitted
 2852 insurance carrier has issued a policy of insurance primarily
 2853 responsible for the obligations of the health plan.

2854 (3) A licensed employee leasing company shall within 30
 2855 days after initiation or termination notify its workers'

2856 compensation insurance carrier, the Division of Workers'
 2857 Compensation of the Department of Financial Services, and the
 2858 state agency providing reemployment assistance ~~unemployment~~ tax
 2859 collection services under contract with the Department of
 2860 Economic Opportunity through an interagency agreement pursuant
 2861 to s. 443.1316 of both the initiation or the termination of the
 2862 company's relationship with any client company.

2863 Section 75. Subsection (8) of section 553.791, Florida
 2864 Statutes, is amended to read:

2865 553.791 Alternative plans review and inspection.—

2866 (8) A private provider performing required inspections
 2867 under this section shall inspect each phase of construction as
 2868 required by the applicable codes. The private provider shall be
 2869 permitted to send a duly authorized representative to the
 2870 building site to perform the required inspections, provided all
 2871 required reports are prepared by and bear the signature of the
 2872 private provider or the private provider's duly authorized
 2873 representative. The duly authorized representative must be an
 2874 employee of the private provider entitled to receive
 2875 reemployment assistance ~~unemployment compensation~~ benefits under
 2876 chapter 443. The contractor's contractual or legal obligations
 2877 are not relieved by any action of the private provider.

2878 Section 76. Paragraph (b) of subsection (5) of section
 2879 624.509, Florida Statutes, is amended to read:

2880 624.509 Premium tax; rate and computation.—

2881 (5)

2882 (b) For purposes of this subsection:

2883 1. The term "salaries" does not include amounts paid as

2884 commissions.

2885 2. The term "employees" does not include independent
 2886 contractors or any person whose duties require that the person
 2887 hold a valid license under the Florida Insurance Code, except
 2888 adjusters, managing general agents, and service representatives,
 2889 as defined in s. 626.015.

2890 3. The term "net tax" means the tax imposed by this
 2891 section after applying the calculations and credits set forth in
 2892 subsection (4).

2893 4. An affiliated group of corporations that created a
 2894 service company within its affiliated group on July 30, 2002,
 2895 shall allocate the salary of each service company employee
 2896 covered by contracts with affiliated group members to the
 2897 companies for which the employees perform services. The salary
 2898 allocation is based on the amount of time during the tax year
 2899 that the individual employee spends performing services or
 2900 otherwise working for each company over the total amount of time
 2901 the employee spends performing services or otherwise working for
 2902 all companies. The total amount of salary allocated to an
 2903 insurance company within the affiliated group shall be included
 2904 as that insurer's employee salaries for purposes of this
 2905 section.

2906 a. Except as provided in subparagraph (a)2., the term
 2907 "affiliated group of corporations" means two or more
 2908 corporations that are entirely owned by a single corporation and
 2909 that constitute an affiliated group of corporations as defined
 2910 in s. 1504(a) of the Internal Revenue Code.

2911 b. The term "service company" means a separate corporation

2912 within the affiliated group of corporations whose employees
 2913 provide services to affiliated group members and which are
 2914 treated as service company employees for reemployment assistance
 2915 or unemployment compensation and common law purposes. The
 2916 holding company of an affiliated group may not qualify as a
 2917 service company. An insurance company may not qualify as a
 2918 service company.

2919 c. If an insurance company fails to substantiate, whether
 2920 by means of adequate records or otherwise, its eligibility to
 2921 claim the service company exception under this section, or its
 2922 salary allocation under this section, no credit shall be
 2923 allowed.

2924 5. A service company that is a subsidiary of a mutual
 2925 insurance holding company, which mutual insurance holding
 2926 company was in existence on or before January 1, 2000, shall
 2927 allocate the salary of each service company employee covered by
 2928 contracts with members of the mutual insurance holding company
 2929 system to the companies for which the employees perform
 2930 services. The salary allocation is based on the ratio of the
 2931 amount of time during the tax year which the individual employee
 2932 spends performing services or otherwise working for each company
 2933 to the total amount of time the employee spends performing
 2934 services or otherwise working for all companies. The total
 2935 amount of salary allocated to an insurance company within the
 2936 mutual insurance holding company system shall be included as
 2937 that insurer's employee salaries for purposes of this section.
 2938 However, this subparagraph does not apply for any tax year
 2939 unless funds sufficient to offset the anticipated salary credits

2940 have been appropriated to the General Revenue Fund prior to the
 2941 due date of the final return for that year.

2942 a. The term "mutual insurance holding company system"
 2943 means two or more corporations that are subsidiaries of a mutual
 2944 insurance holding company and in compliance with part IV of
 2945 chapter 628.

2946 b. The term "service company" means a separate corporation
 2947 within the mutual insurance holding company system whose
 2948 employees provide services to other members of the mutual
 2949 insurance holding company system and are treated as service
 2950 company employees for reemployment assistance or unemployment
 2951 compensation and common-law purposes. The mutual insurance
 2952 holding company may not qualify as a service company.

2953 c. If an insurance company fails to substantiate, whether
 2954 by means of adequate records or otherwise, its eligibility to
 2955 claim the service company exception under this section, or its
 2956 salary allocation under this section, no credit shall be
 2957 allowed.

2958 Section 77. Paragraph (c) of subsection (8) of section
 2959 679.4061, Florida Statutes, is amended to read:

2960 679.4061 Discharge of account debtor; notification of
 2961 assignment; identification and proof of assignment; restrictions
 2962 on assignment of accounts, chattel paper, payment intangibles,
 2963 and promissory notes ineffective.—

2964 (8) This section is subject to law other than this chapter
 2965 which establishes a different rule for an account debtor who is
 2966 an individual and who incurred the obligation primarily for
 2967 personal, family, or household purposes. Subsections (4) and (6)

HB 7027

2012

2968 do not apply to the creation, attachment, perfection, or
 2969 enforcement of a security interest in:

2970 (c) The interest of a debtor who is a natural person in
 2971 reemployment assistance or unemployment, alimony, disability,
 2972 pension, or retirement benefits or victim compensation funds.

2973 Section 78. Paragraph (c) of subsection (6) of section
 2974 679.4081, Florida Statutes, is amended to read:

2975 679.4081 Restrictions on assignment of promissory notes,
 2976 health-care-insurance receivables, and certain general
 2977 intangibles ineffective.-

2978 (6) Subsections (1) and (3) do not apply to the creation,
 2979 attachment, perfection, or enforcement of a security interest
 2980 in:

2981 (c) The interest of a debtor who is a natural person in
 2982 reemployment assistance or unemployment, alimony, disability,
 2983 pension, or retirement benefits or victim compensation funds.

2984 Section 79. Paragraph (a) of subsection (1) of section
 2985 895.02, Florida Statutes, is amended to read:

2986 895.02 Definitions.-As used in ss. 895.01-895.08, the
 2987 term:

2988 (1) "Racketeering activity" means to commit, to attempt to
 2989 commit, to conspire to commit, or to solicit, coerce, or
 2990 intimidate another person to commit:

2991 (a) Any crime that is chargeable by petition, indictment,
 2992 or information under the following provisions of the Florida
 2993 Statutes:

2994 1. Section 210.18, relating to evasion of payment of
 2995 cigarette taxes.

HB 7027

2012

2996 2. Section 316.1935, relating to fleeing or attempting to
 2997 elude a law enforcement officer and aggravated fleeing or
 2998 eluding.

2999 3. Section 403.727(3)(b), relating to environmental
 3000 control.

3001 4. Section 409.920 or s. 409.9201, relating to Medicaid
 3002 fraud.

3003 5. Section 414.39, relating to public assistance fraud.

3004 6. Section 440.105 or s. 440.106, relating to workers'
 3005 compensation.

3006 7. Section 443.071(4), relating to creation of a
 3007 fictitious employer scheme to commit reemployment assistance
 3008 ~~unemployment compensation~~ fraud.

3009 8. Section 465.0161, relating to distribution of medicinal
 3010 drugs without a permit as an Internet pharmacy.

3011 9. Section 499.0051, relating to crimes involving
 3012 contraband and adulterated drugs.

3013 10. Part IV of chapter 501, relating to telemarketing.

3014 11. Chapter 517, relating to sale of securities and
 3015 investor protection.

3016 12. Section 550.235 or s. 550.3551, relating to dogracing
 3017 and horseracing.

3018 13. Chapter 550, relating to jai alai frontons.

3019 14. Section 551.109, relating to slot machine gaming.

3020 15. Chapter 552, relating to the manufacture,
 3021 distribution, and use of explosives.

3022 16. Chapter 560, relating to money transmitters, if the
 3023 violation is punishable as a felony.

- 3024 | 17. Chapter 562, relating to beverage law enforcement.
- 3025 | 18. Section 624.401, relating to transacting insurance
- 3026 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 3027 | to operating an unauthorized multiple-employer welfare
- 3028 | arrangement, or s. 626.902(1)(b), relating to representing or
- 3029 | aiding an unauthorized insurer.
- 3030 | 19. Section 655.50, relating to reports of currency
- 3031 | transactions, when such violation is punishable as a felony.
- 3032 | 20. Chapter 687, relating to interest and usurious
- 3033 | practices.
- 3034 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 3035 | real estate timeshare plans.
- 3036 | 22. Section 775.13(5)(b), relating to registration of
- 3037 | persons found to have committed any offense for the purpose of
- 3038 | benefiting, promoting, or furthering the interests of a criminal
- 3039 | gang.
- 3040 | 23. Section 777.03, relating to commission of crimes by
- 3041 | accessories after the fact.
- 3042 | 24. Chapter 782, relating to homicide.
- 3043 | 25. Chapter 784, relating to assault and battery.
- 3044 | 26. Chapter 787, relating to kidnapping or human
- 3045 | trafficking.
- 3046 | 27. Chapter 790, relating to weapons and firearms.
- 3047 | 28. Chapter 794, relating to sexual battery, but only if
- 3048 | such crime was committed with the intent to benefit, promote, or
- 3049 | further the interests of a criminal gang, or for the purpose of
- 3050 | increasing a criminal gang member's own standing or position
- 3051 | within a criminal gang.

3052 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
 3053 796.05, or s. 796.07, relating to prostitution and sex
 3054 trafficking.

3055 30. Chapter 806, relating to arson and criminal mischief.

3056 31. Chapter 810, relating to burglary and trespass.

3057 32. Chapter 812, relating to theft, robbery, and related
 3058 crimes.

3059 33. Chapter 815, relating to computer-related crimes.

3060 34. Chapter 817, relating to fraudulent practices, false
 3061 pretenses, fraud generally, and credit card crimes.

3062 35. Chapter 825, relating to abuse, neglect, or
 3063 exploitation of an elderly person or disabled adult.

3064 36. Section 827.071, relating to commercial sexual
 3065 exploitation of children.

3066 37. Chapter 831, relating to forgery and counterfeiting.

3067 38. Chapter 832, relating to issuance of worthless checks
 3068 and drafts.

3069 39. Section 836.05, relating to extortion.

3070 40. Chapter 837, relating to perjury.

3071 41. Chapter 838, relating to bribery and misuse of public
 3072 office.

3073 42. Chapter 843, relating to obstruction of justice.

3074 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 3075 s. 847.07, relating to obscene literature and profanity.

3076 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 3077 849.25, relating to gambling.

3078 45. Chapter 874, relating to criminal gangs.

3079 46. Chapter 893, relating to drug abuse prevention and

3080 control.

3081 47. Chapter 896, relating to offenses related to financial
3082 transactions.

3083 48. Sections 914.22 and 914.23, relating to tampering with
3084 or harassing a witness, victim, or informant, and retaliation
3085 against a witness, victim, or informant.

3086 49. Sections 918.12 and 918.13, relating to tampering with
3087 jurors and evidence.

3088 Section 80. Paragraph (g) of subsection (8) of section
3089 896.101, Florida Statutes, is amended to read:

3090 896.101 Florida Money Laundering Act; definitions;
3091 penalties; injunctions; seizure warrants; immunity.-

3092 (8)

3093 (g)1. Upon service of the temporary order served pursuant
3094 to this section, the petitioner shall immediately notify by
3095 certified mail, return receipt requested, or by personal
3096 service, both the person or entity in possession of the monetary
3097 instruments or funds and the owner of the monetary instruments
3098 or funds if known, of the order entered pursuant to this section
3099 and that the lawful owner of the monetary instruments or funds
3100 being enjoined may request a hearing to contest and modify the
3101 order entered pursuant to this section by petitioning the court
3102 that issued the order, so that such notice is received within 72
3103 hours.

3104 2. The notice shall advise that the hearing shall be held
3105 within 3 days of the request, and the notice must state that the
3106 hearing will be set and noticed by the person against whom the
3107 order is served.

3108 3. The notice shall specifically state that the lawful
 3109 owner has the right to produce evidence of legitimate business
 3110 expenses, obligations, and liabilities, including but not
 3111 limited to, employee payroll expenses verified by current
 3112 reemployment assistance ~~unemployment compensation~~ records,
 3113 employee workers' compensation insurance, employee health
 3114 insurance, state and federal taxes, and regulatory or licensing
 3115 fees only as may become due before the expiration of the
 3116 temporary order.

3117 4. Upon determination by the court that the expenses are
 3118 valid, payment of such expenses may be effected by the owner of
 3119 the enjoined monetary instruments or funds only to the court-
 3120 ordered payees through court-reviewed checks, issued by the
 3121 owner of, and the person or entity in possession of, the
 3122 enjoined monetary instruments or funds. Upon presentment, the
 3123 person or entity in possession of the enjoined funds or monetary
 3124 instruments shall only honor the payment of the check to the
 3125 court-ordered payee.

3126 Section 81. Paragraph (a) of subsection (3) of section
 3127 921.0022, Florida Statutes, is amended to read:

3128 921.0022 Criminal Punishment Code; offense severity
 3129 ranking chart.—

3130 (3) OFFENSE SEVERITY RANKING CHART

3131 (a) LEVEL 1

3132

Florida	Felony	
Statute	Degree	Description

3133

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7027

2012

3134	24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
3135	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
3136	212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
3137	316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
3138	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
3139	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
3140	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7027

2012

			issued driver's license; possession of simulated identification.
3141	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
3142	322.212(5)(a)	3rd	False application for driver's license or identification card.
3143	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
3144	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
3145	443.071(1)	3rd	False statement or representation to obtain or increase <u>reemployment</u> <u>assistance</u> unemployment compensation benefits.
3146			

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7027

2012

3147	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
3148	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
3149	562.27(1)	3rd	Possess still or still apparatus.
3150	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
3151	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
3152	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
3153	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7027

2012

3154	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
3155	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
3156	826.01	3rd	Bigamy.
3157	828.122(3)	3rd	Fighting or baiting animals.
3158	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
3159	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
3160	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 7027

2012

			or obtaining property in return for worthless check \$150 or more.
3161	838.15 (2)	3rd	Commercial bribe receiving.
3162	838.16	3rd	Commercial bribery.
3163	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
3164	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
3165	849.01	3rd	Keeping gambling house.
3166	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
3167	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
3168			

HB 7027

2012

3169	849.25(2)	3rd	Engaging in bookmaking.
3170	860.08	3rd	Interfere with a railroad signal.
3171	860.13(1)(a)	3rd	Operate aircraft while under the influence.
3172	893.13(2)(a)2.	3rd	Purchase of cannabis.
3173	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
3174	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

3175 Section 82. Subsection (2) of section 946.513, Florida
 3176 Statutes, is amended to read:

3177 946.513 Private employment of inmates; disposition of
 3178 compensation received.-

3179 (2) No inmate is eligible for reemployment assistance
 3180 benefits ~~unemployment compensation~~, whether employed by the
 3181 corporation or by any other private enterprise operating on the
 3182 grounds of a correctional institution or elsewhere, when such
 3183 employment is part of a correctional work program or work-
 3184 release program of either the corporation or the department.

3185 Section 83. Subsection (2) of section 946.523, Florida

3186 Statutes, is amended to read:

3187 946.523 Prison industry enhancement (PIE) programs.—

3188 (2) Notwithstanding any other law to the contrary,
 3189 including s. 440.15(8), private sector employers shall provide
 3190 workers' compensation coverage to inmates who participate in
 3191 prison industry enhancement (PIE) programs under subsection (1).
 3192 However, inmates are not entitled to reemployment assistance
 3193 benefits ~~unemployment compensation~~.

3194 Section 84. Paragraph (c) of subsection (5) of section
 3195 985.618, Florida Statutes, is amended to read:

3196 985.618 Educational and career-related programs.—

3197 (5)

3198 (c) Notwithstanding any other law to the contrary,
 3199 including s. 440.15(8), private sector employers shall provide
 3200 juveniles participating in juvenile work programs under
 3201 paragraph (b) with workers' compensation coverage, and juveniles
 3202 shall be entitled to the benefits of such coverage. Nothing in
 3203 this subsection shall be construed to allow juveniles to
 3204 participate in reemployment assistance ~~unemployment compensation~~
 3205 benefits.

3206 Section 85. Subsection (3) of section 1003.496, Florida
 3207 Statutes, is amended to read:

3208 1003.496 High School to Business Career Enhancement
 3209 Program.—

3210 (3) Employment under this section of a student intern who
 3211 meets the criteria of s. 443.1216(13)(q) is not employment for
 3212 purposes of reemployment assistance ~~unemployment compensation~~
 3213 under chapter 443.

HB 7027

2012

3214 Section 86. Subsection (3) of section 1008.39, Florida
 3215 Statutes, is amended to read:

3216 1008.39 Florida Education and Training Placement
 3217 Information Program.—

3218 (3) The Florida Education and Training Placement
 3219 Information Program must not make public any information that
 3220 could identify an individual or the individual's employer. The
 3221 Department of Education must ensure that the purpose of
 3222 obtaining placement information is to evaluate and improve
 3223 public programs or to conduct research for the purpose of
 3224 improving services to the individuals whose social security
 3225 numbers are used to identify their placement. If an agreement
 3226 assures that this purpose will be served and that privacy will
 3227 be protected, the Department of Education shall have access to
 3228 the reemployment assistance ~~unemployment insurance~~ wage reports
 3229 maintained by the Department of Economic Opportunity, the files
 3230 of the Department of Children and Family Services that contain
 3231 information about the distribution of public assistance, the
 3232 files of the Department of Corrections that contain records of
 3233 incarcerations, and the files of the Department of Business and
 3234 Professional Regulation that contain the results of licensure
 3235 examination.

3236 Section 87. Paragraph (b) of subsection (1) of section
 3237 1008.41, Florida Statutes, is amended to read:

3238 1008.41 Workforce education; management information
 3239 system.—

3240 (1) The Commissioner of Education shall coordinate uniform
 3241 program structures, common definitions, and uniform management

HB 7027

2012



3242 information systems for workforce education for all divisions
 3243 within the department. In performing these functions, the
 3244 commissioner shall designate deadlines after which data elements
 3245 may not be changed for the coming fiscal or school year. School
 3246 districts and Florida College System institutions shall be
 3247 notified of data element changes at least 90 days prior to the
 3248 start of the subsequent fiscal or school year. Such systems must
 3249 provide for:

3250 (b) Compliance with state and federal confidentiality
 3251 requirements, except that the department shall have access to
 3252 the reemployment assistance ~~unemployment insurance~~ wage reports
 3253 to collect and report placement information about former
 3254 students. Such placement reports must not disclose the
 3255 individual identities of former students.

3256 Section 88. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EAC 12-02 DEO Glitch Bill
SPONSOR(S): Economic Affairs Committee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Affairs Committee		Fennell 	Tinker 

SUMMARY ANALYSIS

PCB EAC 12-02 is the result of a review of the Florida Statutes for changes necessary due to the governmental reorganization provided by ch. 2011-142, L.O.F. The bill updates references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation; updates provisions or references which were enacted by other chapter laws; revises provisions or references which were drafting errors; and repeals any remaining outdated provisions.

This bill amends the following sections of the Florida Statutes: 68.096, 68.105, 159.81, 163.2517, 163.2523, 163.3178, 163.3191, 163.3204, 163.3221, 163.3246, 163.3247, 163.336, 163.458, 163.460, 163.461, 163.462, 163.5055, 163.506, 163.508, 163.511, 163.512, 212.096, 213.053, 215.55865, 218.411, 220.153, 220.183, 220.194, 258.501, 259.042, 259.101, 282.201, 288.021, 288.1045, 288.106, 288.108, 288.1083, 288.1089, 288.1097, 288.11621, 288.1168, 288.1171, 288.1254, 288.714, 288.7102, 288.987, 290.0055, 290.0065, 290.00726, 290.00727, 290.00728, 311.09, 320.08058, 320.080578, 339.135, 342.201, 369.318, 377.703, 377.809, 380.06, 402.56, 403.0891, 420.503, 420.507, 420.101, 420.0005, 420.0006, 443.036, 443.091, 443.111, 443.141, 443.1715, 443.17161, 446.50, 450.261, 509.032, 624.5105, 1002.75, 1002.79, 259.035, 288.12265, 288.901, 288.980, 331.3081, 373.461, and 163.3178.

This bill repeals ss. 163.03 and 379.2353, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Governmental Reorganization

Chapter 2011-142, L.O.F. (the law), reorganized the land planning and community development, workforce development, and economic development functions of state government. Many of the functions and responsibilities of the Department of Community Affairs (DCA), the Agency for Workforce Innovation (AWI), and the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor (OTTED) were transferred into a new state agency called the Department of Economic Opportunity (DEO).

Public/Private Partnerships

The law also reorganized several public/private partnerships. The Florida Sports Foundation and the Black Business Investment Board were merged into Enterprise Florida, Inc (EFI). The Florida Commission on Tourism was abolished and much of its responsibilities and functions were transferred to the Division of Tourism Promotion within EFI. The Florida Tourism Industry Marketing Corporation (Visit Florida) was directed to contract with EFI. Space Florida remains an independent special district of the state; however, the appointed members of the board of directors for EFI now also serve as the board of directors for Space Florida.

Other Transfers

Other functions of DCA, AWI, and OTTED were transferred to more appropriate state agencies, including:

- The Florida Building Code Commission was transferred from DCA to the Department of Business and Professional Regulation.
- The Division of Emergency Management (DEM) was administratively housed within DCA, but was a separate budget entity and was not subject to control, supervision, or direction by DCA. DEM was transferred to the Executive Office of the Governor, while retaining its status as a separate budget entity.
- The Florida Communities Trust, the Parks and Open Space Florida Forever Grant Program, and the Stan Mayfield Working Waterfronts Florida Forever Grant Program were transferred from DCA to the Department of Environmental Protection.
- The Office of Early Learning within AWI was transferred to the Department of Education as a separate budget entity and is not subject to control, supervision, or direction by the department.

Office of Energy

Additionally, the law reorganized a portion of the state's energy policy, by abolishing the Florida Energy and Climate Commission (FECC) and transferring the majority of its functions and responsibilities to the Department of Agriculture and Consumer Services (DACS). There is now an Office of Energy within DACS. Additionally, FECC's emergency management responsibilities were transferred to the Division of Emergency Management and administration of the Coastal Energy Impact Program was transferred to the Department of Environmental Protection.

Florida Ready to Work

Florida Ready to Work is an employee credentialing program that is funded by the state. The program allows participants to take a skills test and credentialing classes online to earn a "career readiness certificate." The law transferred the administration of the Florida Ready to Work Program from the Department of Education to DEO. However, the program must be implemented by DEO in coordination with the Department of Education.

Effect of Proposed Changes

Due to changes made in Chapter 2011-142, Laws of Florida, and upon a review of the Florida Statutes, it was determined that additional changes were needed to:

- Update references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation;
- Update provisions or references which were enacted by other chapter laws;
- Revise provisions or references which were drafting errors; and
- Repeal any remaining outdated provisions.

This bill amends the following sections of the Florida Statutes: 68.096, 68.105, 159.81, 163.2517, 163.2523, 163.3178, 163.3191, 163.3204, 163.3221, 163.3246, 163.3247, 163.336, 163.458, 163.460, 163.461, 163.462, 163.5055, 163.506, 163.508, 163.511, 163.512, 212.096, 213.053, 215.55865, 218.411, 220.153, 220.183, 220.194, 258.501, 259.042, 259.101, 282.201, 288.021, 288.1045, 288.106, 288.108, 288.1083, 288.1089, 288.1097, 288.11621, 288.1168, 288.1171, 288.1254, 288.714, 288.7102, 288.987, 290.0055, 290.0065, 290.00726, 290.00727, 290.00728, 311.09, 320.08058, 320.080578, 339.135, 342.201, 369.318, 377.703, 377.809, 380.06, 402.56, 403.0891, 420.503, 420.507, 420.101, 420.0005, 420.0006, 443.036, 443.091, 443.111, 443.141, 443.1715, 443.17161, 446.50, 450.261, 509.032, 624.5105, 1002.75, 1002.79, 259.035, 288.12265, 288.901, 288.980, 331.3081, 373.461, and 163.3178.

This bill repeals ss. 163.03 and 379.2353, F.S.

B. SECTION DIRECTORY:

Section 1 adds the Division of Information Technology to authorized divisions within the Department of Economic Opportunity (DEO).

Sections 2 and 3 update references in the Florida Access to Civil Legal Assistance Act in ss. 68.096 and 68.105, F.S., related to administration of the program from the Department of Community Affairs (DCA) to the Department of Legal Affairs. This program was funded through the Department of Legal Affairs in the FY 2011-12 General Appropriations Act.

Update references to the former Department of Community Affairs. References in the following sections are updated to refer to DEO or the "state land planning agency," which is currently DEO:

- Section 5 - s. 163.2517(6), F.S.;
- Section 6 - s. 163.2523, F.S.;
- Section 7 - s. 163.3178(3), F.S.;
- Section 9 - s. 163.3204, F.S.;
- Section 10 - s. 163.3221(14), F.S.;
- Section 11 - s. 163.3246(1), F.S.;
- Section 12 - s. 163.3247(5), F.S.;
- Section 13 - s. 163.336(2), F.S.;
- Section 14 - s. 163.458, F.S.;
- Section 15 - s. 163.460, F.S.;
- Section 16 - s. 163.461, F.S.;
- Section 17 - s. 163.462, F.S.;
- Section 18 - s. 163.5055(1), F.S.;
- Section 19 - s. 163.506(1), F.S.;
- Section 20 - s. 163.508(1), F.S.;
- Section 21 - s. 163.511(1), F.S.;
- Section 22 - s. 163.512(1), F.S.;
- Section 26 - s. 218.411(1), F.S.;
- Section 30 - s. 258.501, F.S.;
- Section 31 - s. 259.042(3), F.S.;
- Section 33 - s. 282.201(4), F.S.;

- Section 53 - s. 311.09(6), F.S.;
- Section 54 - s. 320.08058(62), F.S.;
- Section 58 - s. 377.703(2), F.S.;
- Section 62 - s. 403.0891(6), F.S.; and
- Section 76 - s. 509.032(7), F.S.

Section 25 amends s. 215.55865, F.S., to update a reference from DCA to the Florida Building Commission and remove obsolete language.

Section 32 amends s. 259.101(3), F.S., to update a reference from DCA to the Department of Environmental Protection.

Section 53 amends s. 311.09(1), F.S., to correct the number of members for the Florida Seaport Transportation and Economic Development Council.

Section 56 amends s. 342.201, F.S., to correct a reference for the administration of the Waterfronts Florida Program. This program had been administered by DCA, but is currently administered by DEO.

References in the following sections are updated to refer to the executive director of DEO instead of the secretary of DCA:

- Section 63 - s. 420.503(8), F.S.;
- Section 64 - s. 420.507(30), F.S.;
- Section 65 - s. 420.101(1), F.S.;
- Section 66 - s. 420.0005, F.S.;
- Section 67 - s. 420.0006, F.S.; and
- Section 75 - s. 450.261, F.S.

Section 81 amends s. 259.035, F.S., to correct a reference to the number of members of the Acquisition and Restoration Council. The secretary of DCA was removed from the council by s. 119, ch. 2011-142, L.O.F.

Section 86 repeals s. 163.03, F.S., which deals specifically with the powers and duties of the secretary of DCA and functions of DCA. These powers, duties, and functions have been transferred to DEO within s. 20.60, F.S.

Section 80 eliminates subsection 163.3178(6), F.S., which encourages local governments to adopt countywide marina siting plans to designate sites for existing and future marinas. The language is obsolete and is not being used by local governments or the state.

Update references to the former Agency for Workforce Innovation. References in the following sections are updated to refer to DEO:

- Section 23 - s. 212.096(1), F.S.;
- Section 29 - s. 220.194(3), F.S.;
- Section 34 - s. 288.021(1), F.S.;
- Section 68 - s. 443.036(26), F.S.;
- Section 69 - s. 443.091(1), F.S.;
- Section 70 - s. 443.111(5), F.S.;
- Section 71 - s. 443.141(1), F.S.;
- Section 72 - s. 443.1715(2), F.S.;
- Section 73 - s. 443.17161, F.S.;
- Section 74 - s. 446.50(2), F.S.;
- Section 78 - s. 1002.75(4), F.S.; and
- Section 79 - s. 1002.79(2), F.S.

Section 61 amends s. 402.56(4), F.S., to correct a reference to the Office of Early Learning.

Update references to the former Office of Tourism, Trade, and Economic Development. References in the following sections are updated to refer to DEO:

- Section 4 - s. 159.81(1), F.S.;
- Section 24 - s. 213.053(8), F.S.;
- Section 27 - s. 220.153, F.S.;
- Section 28 - s. 220.183(2), F.S.;
- Section 29 - s. 220.194, F.S.;
- Section 35 - s. 288.1045, F.S.;
- Section 36 - s. 288.106, F.S.;
- Section 37 - s. 288.108(3), F.S.;
- Section 38 - s. 288.1083(3), F.S.;
- Section 39 - s. 288.1089(2), F.S.;
- Section 40 - s. 288.1097(2), F.S.;
- Section 41 - s. 288.11621(3), F.S.;
- Section 42 - s. 288.1168(6), F.S.;
- Section 43 - s. 288.1171(4), F.S.;
- Section 44 - s. 288.1254(8), F.S.;
- Section 47 - s. 288.987, F.S.;
- Section 48 - s. 290.0055(6), F.S.;
- Section 49 - s. 290.0065(4), F.S.;
- Section 50 - s. 290.00726, F.S.;
- Section 51 - s. 290.00727, F.S.;
- Section 52 - s. 290.00728, F.S.;
- Section 55 - s. 339.135(5), F.S.;
- Section 59 - s. 377.809(4), F.S.;
- Section 60 - s. 380.06(19), F.S.;
- Section 77 - s. 624.5105(3), F.S.; and
- Section 57 - s. 373.461(5), F.S.

Section 84 amends s. 288.980, F.S., to correct a reference to the number of grant programs relating to the Florida Economic Reinvestment Initiative. It also updates a reference to the former OTTED.

Section 86 repeals s. 379.2353, F.S., which deals with enterprise zone designations for communities suffering adverse impacts from the adoption of the 1995 constitutional amendment limiting the use of nets to harvest marine species. The statute states that any enterprise zone that designated under the paragraph which was effective on or before January 1, 2005, would cease to exist after December 31, 2005. Redesignated enterprise zones after that date were required to comply with the Florida Enterprise Zone Act in ch. 290, F.S.

Update references to Public/Private Partnerships.

Sections 45 and 46 amend ss. 288.714(2) and 288.7102(7), F.S., to update references to the former Black Business Investment Board.

Section 54 amends s. 320.08058(9) and (35), F.S., to update references from the former Florida Sports Foundation to the Department of Economic Opportunity and Enterprise Florida.

Section 82 amends s. 288.12265, F.S., to authorize EFI to contract with the Florida Tourism Industry Marketing Corporation (Visit Florida) for the management and operation of the welcome centers.

Section 83 amends s. 288.901(5), F.S., to limit the requirement that members of the board of directors of EFI be confirmed by the Senate to those members who are appointed by the Governor. Members appointed by the President of the Senate or the Speaker of the House of Representatives would not be confirmed by the Senate.

Section 85 amends s. 331.3081, F.S., to add the Governor or the Governor's designee as a member and chair of the board of directors of Space Florida. This increases the number of members on the board from an even 12 to 13-members.

Cross-References

Section 8 amends s. 163.3191(3), F.S., to update a cross-reference.

Section 60 amends s. 380.06(6), (24), and (29), F.S., to update cross-references.

Effective Date

Section 87 provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

BILL

Redraft - B

YEAR

29 marina siting; conforming a cross-reference; amending
 30 s. 259.035, F.S.; correcting a reference to the number
 31 of members of the Acquisition and Restoration Council;
 32 amending s. 288.12265, F.S.; authorizing Enterprise
 33 Florida, Inc., to contract with the Florida Tourism
 34 Industry Marketing Corporation for management and
 35 operation of welcome centers; amending s. 288.901,
 36 F.S.; limiting the requirement that members of the
 37 board of directors of Enterprise Florida, Inc., be
 38 confirmed by the Senate to those members who are
 39 appointed by the Governor; amending s. 288.980, F.S.;
 40 replacing an obsolete reference to the former Office
 41 of Tourism, Trade, and Economic Development;
 42 correcting the number of grant programs relating to
 43 Florida Economic Reinvestment Initiative; amending s.
 44 331.3081, F.S.; revising the membership of the board
 45 of directors of Space Florida; providing for
 46 designation of the chair of the board of directors;
 47 deleting provisions establishing the Space Florida
 48 advisory council; repealing s. 163.03, F.S., relating
 49 to the powers and duties of the Secretary of Community
 50 Affairs and functions of Department of Community
 51 Affairs with respect to federal grant-in-aid programs;
 52 repealing s. 379.2353, F.S., relating to the
 53 designation of enterprise zones in communities
 54 suffering adverse impacts from the adoption of the
 55 constitutional amendment limiting the use of nets to
 56 harvest marine species; providing an effective date.

BILL

Redraft - B

YEAR

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

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

Section 1. Paragraph (e) is added to subsection (3) of section 20.60, Florida Statutes, to read:

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

(3) The following divisions of the Department of Economic Opportunity are established:

(e) The Division of Information Technology.

Section 2. Subsection (1) of section 68.096, Florida Statutes, is amended to read:

68.096 Definitions.—For purposes of this act:

(1) "Department" means the Department of Legal Community Affairs.

Section 3. Section 68.105, Florida Statutes, is amended to read:

68.105 Use of funds; reports.—All appropriations made for the purposes of the Florida Access to Civil Legal Assistance ~~this~~ Act shall ~~only~~ be used only for legal education or assistance in family law, juvenile law, entitlement to federal benefits, protection from domestic violence, elder abuse, child abuse, or immigration law. These funds may ~~shall~~ not be used in criminal or postconviction relief matters; ~~;~~ for lobbying activities; ~~;~~ to sue the state, its agencies or political subdivisions, or colleges or universities; ~~;~~ for class action lawsuits, to provide legal assistance with respect to noncriminal infractions pursuant to chapter 316, chapter 318,

BILL

Redraft - B

YEAR

85 chapter 320, or chapter 322;i~~T~~ to contest regulatory decisions of
 86 any municipal, county, or state administrative or legislative
 87 body;i~~T~~ or to file or assist in the filing of private causes of
 88 action under federal or state statutes relating to or arising
 89 out of employment or terms or conditions of employment. The
 90 contracting organization shall require pilot projects to provide
 91 data on the number of clients served, the types of cases, the
 92 reasons the cases were closed, and the state dollars saved and
 93 federal dollars brought into the state because of the legal
 94 services provided. The contracting organization shall provide to
 95 the department ~~of Community Affairs~~, within 60 days after
 96 completing ~~of the completion~~ of the contract, a report on the
 97 legal services provided, the state dollars saved, and the
 98 federal dollars brought into the state.

99 Section 4. Subsection (1) of section 159.81, Florida
 100 Statutes, is amended to read:

101 159.81 Unused allocations; carryforwards.-

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

BILL

Redraft - B

YEAR

113 Section 5. Paragraph (b) of subsection (6) of section
 114 163.2517, Florida Statutes, is amended to read:

115 163.2517 Designation of urban infill and redevelopment
 116 area.—

117 (6)

118 (b) If the local government fails to implement the urban
 119 infill and redevelopment plan in accordance with the deadlines
 120 set forth in the plan, the state land planning agency ~~Department~~
 121 ~~of Community Affairs~~ may seek to rescind the economic and
 122 regulatory incentives granted to the urban infill and
 123 redevelopment area, subject to the provisions of chapter 120.
 124 The action to rescind may be initiated 90 days after issuing a
 125 written letter of warning to the local government.

126 Section 6. Section 163.2523, Florida Statutes, is amended
 127 to read:

128 163.2523 Grant program.—An Urban Infill and Redevelopment
 129 Assistance Grant Program is created for local governments. A
 130 local government may allocate grant money to special districts,
 131 including community redevelopment agencies, and nonprofit
 132 community development organizations to implement projects
 133 consistent with an adopted urban infill and redevelopment plan
 134 or plan employed in lieu thereof. Thirty percent of the general
 135 revenue appropriated for this program shall be available for
 136 planning grants to be used by local governments for the
 137 development of an urban infill and redevelopment plan, including
 138 community participation processes for the plan. Sixty percent of
 139 the general revenue appropriated for this program shall be
 140 available for fifty/fifty matching grants for implementing urban

BILL

Redraft - B

YEAR

141 | infill and redevelopment projects that further the objectives
 142 | set forth in the local government's adopted urban infill and
 143 | redevelopment plan or plan employed in lieu thereof. The
 144 | remaining 10 percent of the revenue must be used for outright
 145 | grants for implementing projects requiring an expenditure of
 146 | under \$50,000. If the volume of fundable applications under any
 147 | of the allocations specified in this section does not fully
 148 | obligate the amount of the allocation, the Department of
 149 | Economic Opportunity ~~Community Affairs~~ may transfer the unused
 150 | balance to the category having the highest dollar value of
 151 | applications eligible but unfunded. However, in no event may the
 152 | percentage of dollars allocated to outright grants for
 153 | implementing projects exceed 20 percent in any given fiscal
 154 | year. Projects that provide employment opportunities to clients
 155 | of the Temporary Cash Assistance program and projects within
 156 | urban infill and redevelopment areas that include a community
 157 | redevelopment area, Florida Main Street program, Front Porch
 158 | Florida Community, sustainable community, enterprise zone,
 159 | federal enterprise zone, enterprise community, or neighborhood
 160 | improvement district must be given an elevated priority in the
 161 | scoring of competing grant applications. The ~~Division of Housing~~
 162 | ~~and Community Development of the~~ Department of Economic
 163 | Opportunity ~~Community Affairs~~ shall administer the grant
 164 | program. The Department of Economic Opportunity ~~Community~~
 165 | ~~Affairs~~ shall adopt rules establishing grant review criteria
 166 | consistent with this section.

167 | Section 7. Subsection (3) of section 163.3178, Florida
 168 | Statutes, is amended to read:

BILL

Redraft - B

YEAR

169 163.3178 Coastal management.—
 170 (3) Expansions to port harbors, spoil disposal sites,
 171 navigation channels, turning basins, harbor berths, and other
 172 related inwater harbor facilities of ports listed in s.
 173 403.021(9); port transportation facilities and projects listed
 174 in s. 311.07(3)(b); intermodal transportation facilities
 175 identified pursuant to s. 311.09(3); and facilities determined
 176 by the state land planning agency ~~Department of Community~~
 177 ~~Affairs~~ and applicable general-purpose local government to be
 178 port-related industrial or commercial projects located within 3
 179 miles of or in a port master plan area which rely upon the use
 180 of port and intermodal transportation facilities may ~~shall~~ not
 181 be designated as developments of regional impact if such
 182 expansions, projects, or facilities are consistent with
 183 comprehensive master plans that are in compliance with this
 184 section.

185 Section 8. Subsection (3) of section 163.3191, Florida
 186 Statutes, is amended to read:

187 163.3191 Evaluation and appraisal of comprehensive plan.—

188 (3) Local governments are encouraged to comprehensively
 189 evaluate and, as necessary, update comprehensive plans to
 190 reflect changes in local conditions. Plan amendments transmitted
 191 pursuant to this section shall be reviewed pursuant to ~~in~~
 192 ~~accordance with~~ s. 163.3184(4).

193 Section 9. Section 163.3204, Florida Statutes, is amended
 194 to read:

195 163.3204 Cooperation by state and regional agencies.—The
 196 state land planning agency ~~Department of Community Affairs~~ and

BILL

Redraft - B

YEAR

197 any ad hoc working groups appointed by the department and all
 198 state and regional agencies involved in the administration and
 199 implementation of the Community Planning ~~this~~ Act shall
 200 cooperate and work with units of local government in the
 201 preparation and adoption of comprehensive plans, or elements or
 202 portions thereof, and of local land development regulations.

203 Section 10. Subsection (14) of section 163.3221, Florida
 204 Statutes, is amended to read:

205 163.3221 Florida Local Government Development Agreement
 206 Act; definitions.—As used in ss. 163.3220–163.3243:

207 (14) "State land planning agency" means the Department of
 208 Economic Opportunity ~~Community Affairs~~.

209 Section 11. Subsection (1) of section 163.3246, Florida
 210 Statutes, is amended to read:

211 163.3246 Local government comprehensive planning
 212 certification program.—

213 (1) There is created the Local Government Comprehensive
 214 Planning Certification Program to be administered by the state
 215 land planning agency ~~Department of Community Affairs~~. The
 216 purpose of the program is to create a certification process for
 217 local governments who identify a geographic area for
 218 certification within which they commit to directing growth and
 219 who, because of a demonstrated record of effectively adopting,
 220 implementing, and enforcing its comprehensive plan, the level of
 221 technical planning experience exhibited by the local government,
 222 and a commitment to implement exemplary planning practices,
 223 require less state and regional oversight of the comprehensive
 224 plan amendment process. The purpose of the certification area is

BILL

Redraft - B

YEAR

225 to designate areas that are contiguous, compact, and appropriate
 226 for urban growth and development within a 10-year planning
 227 timeframe. Municipalities and counties are encouraged to jointly
 228 establish the certification area, and subsequently enter into
 229 joint certification agreement with the department.

230 Section 12. Paragraphs (a) and (b) of subsection (5) of
 231 section 163.3247, Florida Statutes, are amended to read:

232 163.3247 Century Commission for a Sustainable Florida.—

233 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

234 (a) The executive director of the state land planning
 235 agency ~~Secretary of Community Affairs~~ shall select an executive
 236 director of the commission, and the executive director of the
 237 commission shall serve at the pleasure of the executive director
 238 of the state land planning agency ~~secretary~~ under the
 239 supervision and control of the commission.

240 (b) The state land planning agency ~~Department of Community~~
 241 ~~Affairs~~ shall provide staff and other resources necessary to
 242 accomplish the goals of the commission based upon
 243 recommendations of the Governor.

244 Section 13. Paragraph (c) of subsection (2) of section
 245 163.336, Florida Statutes, is amended to read:

246 163.336 Coastal resort area redevelopment pilot project.—

247 (2) PILOT PROJECT ADMINISTRATION.—

248 (c) The Office of the Governor, the Department of
 249 Environmental Protection, and the Department of Economic
 250 Opportunity ~~Community Affairs~~ are directed to provide technical
 251 assistance to expedite permitting for redevelopment projects and
 252 construction activities within the pilot project areas

BILL

Redraft - B

YEAR

253 consistent with the principles, processes, and timeframes
 254 provided in s. 403.973.

255 Section 14. Section 163.458, Florida Statutes, is amended
 256 to read:

257 163.458 Three-tiered plan.—The Department of Economic
 258 Opportunity may ~~Community Affairs is authorized to~~ award core
 259 administrative and operating grants. Administrative and
 260 operating grants shall be used for staff salaries and
 261 administrative expenses for eligible community-based development
 262 organizations selected through a competitive three-tiered
 263 process for the purpose of housing and economic development
 264 projects. The department shall adopt by rule a set of criteria
 265 for three-tiered funding which ~~that~~ shall ensure equitable
 266 geographic distribution of the funding throughout the state.
 267 This three-tiered plan shall include emerging, intermediate, and
 268 mature community-based development organizations recognizing the
 269 varying needs of the three tiers. Funding shall be provided for
 270 core administrative and operating grants for all levels of
 271 community-based development organizations. Priority shall be
 272 given to those organizations that demonstrate community-based
 273 productivity and high performance as evidenced by past projects
 274 developed with stakeholder input that have responded to
 275 neighborhood needs, and have current projects located in high-
 276 poverty neighborhoods, and to emerging community-based
 277 development corporations that demonstrate a positive need
 278 identified by stakeholders. Persons, equipment, supplies, and
 279 other resources funded in whole or in part by grant funds shall
 280 be used ~~utilized~~ to further the purposes of the Community-Based

BILL

Redraft - B

YEAR

281 Development Organization Assistance ~~this~~ Act, and may be used
 282 ~~utilized~~ to further the goals and objectives of the Front Porch
 283 Florida Initiative. Each community-based development
 284 organization is ~~shall be~~ eligible to apply for a grant of up to
 285 \$50,000 per year for a period of 5 years.

286 Section 15. Section 163.460, Florida Statutes, is amended
 287 to read:

288 163.460 Application requirements.—A community-based
 289 development organization applying for a core administrative and
 290 operating grant pursuant to the Community-Based Development
 291 Organization Assistance ~~this~~ Act must submit a proposal to the
 292 Department of Economic Opportunity ~~which Community Affairs~~ that
 293 includes:

294 (1) A map and narrative description of the service areas
 295 for the community-based development organization.

296 (2) A copy of the documents creating the community-based
 297 development organization.

298 (3) A listing of the membership of the board of the
 299 community-based development organization, including individual
 300 members' terms of office and the number of low-income residents
 301 on the board.

302 (4) The organization's annual revitalization plan that
 303 describes the expenditure of the funds, including goals,
 304 objectives, and expected results, and has a clear relationship
 305 to the local municipality's comprehensive plan.

306 (5) Other supporting information that may be required by
 307 the Department of Economic Opportunity ~~Community Affairs~~ to
 308 determine the organization's capacity and productivity.

BILL

Redraft - B

YEAR

309 (6) A description of the location, financing plan, and
 310 potential impact of the business enterprises on residential,
 311 commercial, or industrial development, which ~~that~~ shows a clear
 312 relationship to the organization's annual revitalization plan
 313 and demonstrates how the proposed expenditures are directly
 314 related to the scope of work for the proposed projects in the
 315 annual revitalization plan.

316 Section 16. Section 163.461, Florida Statutes, is amended
 317 to read:

318 163.461 Reporting and evaluation requirements.—Community-
 319 based development organizations that receive funds under the
 320 Community-Based Development Organization Assistance ~~this~~ Act
 321 shall provide the following information to the Department of
 322 Economic Opportunity ~~Community Affairs~~ annually:

323 (1) A listing of business firms and individuals assisted
 324 by the community-based development organization during the
 325 reporting period.

326 (2) A listing of the type, source, purpose, and amount of
 327 each individual grant, loan, or donation received by the
 328 community-based development organization during the reporting
 329 period.

330 (3) The number of paid and voluntary positions within the
 331 community-based development organization.

332 (4) A listing of the salaries and administrative and
 333 operating expenses of the community-based development
 334 organization.

335 (5) An identification and explanation of changes in the
 336 boundaries of the target area.

BILL

Redraft - B

YEAR

337 (6) The amount of earned income from projects, programs,
 338 and development activities.

339 (7) The number and description of projects in
 340 predevelopment phase, projects under construction, ongoing
 341 service programs, construction projects completed, and projects
 342 at sell-out or lease-up and property management phase, and a
 343 written explanation of the reasons that caused any projects not
 344 to be completed for the projected development phase.

345 (8) The impact of the projects, as a result of receiving
 346 funding under this act, on residents in the target area, and the
 347 relationship of this impact to expected outcomes listed in the
 348 organization's annual revitalization plan.

349 (9) The number of housing units rehabilitated or
 350 constructed at various stages of development, predevelopment
 351 phase, construction phase, completion and sell-out or lease-up
 352 phase, and condominium or property management phase by the
 353 community-based development organization within the service area
 354 during the reporting period.

355 (10) The number of housing units, number of projects, and
 356 number of persons served by prior projects developed by the
 357 organization, the amounts of project financing leverage with
 358 state funds for each prior and current project, and the
 359 incremental amounts of local and state real estate tax and sales
 360 tax revenue generated directly by the projects and programs
 361 annually.

362 (11) The number of jobs, both permanent and temporary,
 363 received by individuals who were directly assisted by the
 364 community-based development organization through assistance to

BILL

Redraft - B

YEAR

365 | the business such as a loan or other credit assistance.

366 | (12) An identification and explanation of changes in the
367 | boundaries of the service area.

368 | (13) The impact of completed projects on residents in the
369 | target area and the relationship of this impact to expected
370 | outcomes listed in the organization's annual revitalization
371 | plan.

372 | (14) Such other information as the Department of Economic
373 | Opportunity ~~Community Affairs~~ requires.

374 | Section 17. Section 163.462, Florida Statutes, is amended
375 | to read:

376 | 163.462 Rulemaking authority.—The Department of Economic
377 | Opportunity ~~Community Affairs~~ shall adopt rules for the
378 | administration of the Community-Based Development Organization
379 | Assistance ~~this~~ Act.

380 | Section 18. Subsection (1) of section 163.5055, Florida
381 | Statutes, is amended to read:

382 | 163.5055 Registration of district establishment; notice of
383 | dissolution.—

384 | (1) (a) Each neighborhood improvement district authorized
385 | and established under this part shall within 30 days thereof
386 | register with both the Department of Economic Opportunity
387 | ~~Community Affairs~~ and the Department of Legal Affairs by
388 | providing these departments with the district's name, location,
389 | size, and type, and such other information as the departments
390 | may require.

391 | (b) Each local governing body that ~~which~~ authorizes the
392 | dissolution of a district shall notify both the Department of

BILL

Redraft - B

YEAR

393 Economic Opportunity ~~Community Affairs~~ and the Department of
 394 Legal Affairs within 30 days after the dissolution of the
 395 district.

396 Section 19. Paragraph (h) of subsection (1) of section
 397 163.506, Florida Statutes, is amended to read:

398 163.506 Local government neighborhood improvement
 399 districts; creation; advisory council; dissolution.—

400 (1) After a local planning ordinance has been adopted
 401 authorizing the creation of local government neighborhood
 402 improvement districts, the local governing body of a
 403 municipality or county may create local government neighborhood
 404 improvement districts by the enactment of a separate ordinance
 405 for each district, which ordinance:

406 (h) Requires the district to notify the Department of
 407 Legal Affairs and the Department of Economic Opportunity
 408 ~~Community Affairs~~ in writing of its establishment within 30 days
 409 thereof pursuant to s. 163.5055.

410 Section 20. Paragraph (g) of subsection (1) of section
 411 163.508, Florida Statutes, is amended to read:

412 163.508 Property owners' association neighborhood
 413 improvement districts; creation; powers and duties; duration.—

414 (1) After a local planning ordinance has been adopted
 415 authorizing the creation of property owners' association
 416 neighborhood improvement districts, the local governing body of
 417 a municipality or county may create property owners' association
 418 neighborhood improvement districts by the enactment of a
 419 separate ordinance for each district, which ordinance:

420 (g) Requires the district to notify the Department of

BILL

Redraft - B

YEAR

421 | Legal Affairs and the Department of Economic Opportunity
 422 | ~~Community Affairs~~ in writing of its establishment within 30 days
 423 | thereof pursuant to s. 163.5055.

424 | Section 21. Paragraph (i) of subsection (1) of section
 425 | 163.511, Florida Statutes, is amended to read:

426 | 163.511 Special neighborhood improvement districts;
 427 | creation; referendum; board of directors; duration; extension.-

428 | (1) After a local planning ordinance has been adopted
 429 | authorizing the creation of special neighborhood improvement
 430 | districts, the governing body of a municipality or county may
 431 | declare the need for and create special residential or business
 432 | neighborhood improvement districts by the enactment of a
 433 | separate ordinance for each district, which ordinance:

434 | (i) Requires the district to notify the Department of
 435 | Legal Affairs and the Department of Economic Opportunity
 436 | ~~Community Affairs~~ in writing of its establishment within 30 days
 437 | thereof pursuant to s. 163.5055.

438 | Section 22. Paragraph (i) of subsection (1) of section
 439 | 163.512, Florida Statutes, is amended to read:

440 | 163.512 Community redevelopment neighborhood improvement
 441 | districts; creation; advisory council; dissolution.-

442 | (1) Upon the recommendation of the community redevelopment
 443 | agency and after a local planning ordinance has been adopted
 444 | authorizing the creation of community redevelopment neighborhood
 445 | improvement districts, the local governing body of a
 446 | municipality or county may create community redevelopment
 447 | neighborhood improvement districts by the enactment of a
 448 | separate ordinance for each district, which ordinance:

BILL

Redraft - B

YEAR

449 (i) Requires the district to notify the Department of
 450 Legal Affairs and the Department of Economic Opportunity
 451 ~~Community Affairs~~ in writing of its establishment within 30 days
 452 thereof pursuant to s. 163.5055.

453 Section 23. Paragraph (d) of subsection (1) of section
 454 212.096, Florida Statutes, is amended to read:

455 212.096 Sales, rental, storage, use tax; enterprise zone
 456 jobs credit against sales tax.—

457 (1) For the purposes of the credit provided in this
 458 section:

459 (d) "Job" means a full-time position, as consistent with
 460 terms used by the Department of Economic Opportunity ~~Agency for~~
 461 ~~Workforce Innovation~~ and the United States Department of Labor
 462 for purposes of unemployment compensation tax administration and
 463 employment estimation resulting directly from a business
 464 operation in this state. This term does ~~may~~ not include a
 465 temporary construction job involved with the construction of
 466 facilities or any job that has previously been included in any
 467 application for tax credits under s. 220.181(1). The term also
 468 includes employment of an employee leased from an employee
 469 leasing company licensed under chapter 468 if such employee has
 470 been continuously leased to the employer for an average of at
 471 least 36 hours per week for more than 6 months.

472
 473 A person shall be deemed to be employed if the person performs
 474 duties in connection with the operations of the business on a
 475 regular, full-time basis, provided the person is performing such
 476 duties for an average of at least 36 hours per week each month.

BILL

Redraft - B

YEAR

477 The person must be performing such duties at a business site
 478 located in the enterprise zone.

479 Section 24. Paragraphs (k) and (bb) of subsection (8) of
 480 section 213.053, Florida Statutes, are amended, and present
 481 paragraphs (l) through (bb) of that subsection are redesignated
 482 as paragraphs (k) through (aa), respectively, to read:

483 213.053 Confidentiality and information sharing.—

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

486 ~~(k) Information relative to single sales factor~~
 487 ~~apportionment used by a taxpayer to the Office of Tourism,~~
 488 ~~Trade, and Economic Development or its employees or agents who~~
 489 ~~are identified in writing by the office to the department for~~
 490 ~~use by the office to administer s. 220.153.~~

491 (aa)~~(bb)~~ Information relating to tax credits taken under
 492 s. 220.194 ~~to the Office of Tourism, Trade, and Economic~~
 493 ~~Development or~~ to Space Florida.

494
 495 Disclosure of information under this subsection shall be
 496 pursuant to a written agreement between the executive director
 497 and the agency. Such agencies, governmental or nongovernmental,
 498 shall be bound by the same requirements of confidentiality as
 499 the Department of Revenue. Breach of confidentiality is a
 500 misdemeanor of the first degree, punishable as provided by s.
 501 775.082 or s. 775.083.

502 Section 25. Section 215.55865, Florida Statutes, is
 503 amended to read:

504 215.55865 Uniform home grading scale.—The Financial

BILL

Redraft - B

YEAR

505 Services Commission shall adopt a uniform home grading scale to
 506 grade the ability of a home to withstand the wind load from a
 507 sustained severe tropical storm or hurricane. The commission
 508 shall coordinate with the Office of Insurance Regulation, the
 509 Department of Financial Services, and the Florida Building
 510 Commission ~~Department of Community Affairs~~ in developing the
 511 grading scale, which must be based upon and consistent with the
 512 rating system required by chapter 2006-12, Laws of Florida. ~~The~~
 513 ~~commission shall adopt the uniform grading scale by rule no~~
 514 ~~later than June 30, 2007.~~

515 Section 26. Paragraph (c) of subsection (1) of section
 516 218.411, Florida Statutes, is amended to read:

517 218.411 Authorization for state technical and advisory
 518 assistance.--

519 (1) The board is authorized, upon request, to assist local
 520 governments in investing funds that are temporarily in excess of
 521 operating needs by:

522 (c) Providing, in cooperation with the Department of
 523 Economic Opportunity ~~Community Affairs~~, technical assistance to
 524 local governments in investment of surplus funds.

525 Section 27. Subsections (1), (2), and (3), paragraphs (b)
 526 and (c) of subsection (4), and subsection (5) of section
 527 220.153, Florida Statutes, are amended to read:

528 220.153 Apportionment by sales factor.--

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

530 (a) ~~"Office" means the Office of Tourism, Trade, and~~
 531 ~~Economic Development.~~

532 (b) "qualified capital expenditures" means expenditures in

BILL

Redraft - B

YEAR

533 | this state for purposes substantially related to a business's
 534 | production or sale of goods or services. The expenditure must
 535 | fund the acquisition of additional real property (land,
 536 | buildings, including appurtenances, fixtures and fixed
 537 | equipment, structures, etc.), including additions, replacements,
 538 | major repairs, and renovations to real property which materially
 539 | extend its useful life or materially improve or change its
 540 | functional use and the furniture and equipment necessary to
 541 | furnish and operate a new or improved facility. The term
 542 | ~~"qualified capital expenditures"~~ does not include an expenditure
 543 | for a passive investment or for an investment intended for the
 544 | accumulation of reserves or the realization of profit for
 545 | distribution to any person holding an ownership interest in the
 546 | business. The term ~~"qualified capital expenditures"~~ does not
 547 | include expenditures to acquire an existing business or
 548 | expenditures in excess of \$125 million to acquire land or
 549 | buildings.

550 | (2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not
 551 | including a financial organization as defined in s. 220.15(6) or
 552 | a bank, savings association, international banking facility, or
 553 | banking organization as defined in s. 220.62, doing business
 554 | within and without this state, who applies and demonstrates to
 555 | the Department of Economic Opportunity ~~office~~ that, within a 2-
 556 | year period beginning on or after July 1, 2011, it has made
 557 | qualified capital expenditures equal to or exceeding \$250
 558 | million may apportion its adjusted federal income solely by the
 559 | sales factor set forth in s. 220.15(5), commencing in the
 560 | taxable year that the Department of Economic Opportunity ~~office~~

BILL

Redraft - B

YEAR

561 | approves the application, but not before a taxable year that
 562 | begins on or after January 1, 2013. Once approved, a taxpayer
 563 | may elect to apportion its adjusted federal income for any
 564 | taxable year using the method provided under this section or the
 565 | method provided under s. 220.15.

566 | (3) QUALIFICATION PROCESS.—

567 | (a) To qualify as a taxpayer who is eligible to apportion
 568 | its adjusted federal income under this section:

569 | 1. The taxpayer must notify the Department of Economic
 570 | Opportunity ~~office~~ of its intent to submit an application to
 571 | apportion its adjusted federal income in order to commence the
 572 | 2-year period for measuring qualified capital expenditures.

573 | 2. The taxpayer must submit an application to apportion
 574 | its adjusted federal income under this section to the Department
 575 | of Economic Opportunity ~~office~~ within 2 years after notifying
 576 | the Department of Economic Opportunity ~~office~~ of the taxpayer's
 577 | intent to qualify. The application must be made under oath and
 578 | provide such information as the Department of Economic
 579 | Opportunity ~~office~~ reasonably requires by rule for determining
 580 | the applicant's eligibility to apportion adjusted federal income
 581 | under this section. The taxpayer is responsible for
 582 | affirmatively demonstrating to the satisfaction of the
 583 | Department of Economic Opportunity ~~office~~ that it meets the
 584 | eligibility requirements.

585 | (b) The taxpayer notice and application forms shall be
 586 | established by the Department of Economic Opportunity ~~office~~ by
 587 | rule. The Department of Economic Opportunity ~~office~~ shall
 588 | acknowledge receipt of the notice and approve or deny the

BILL

Redraft - B

YEAR

589 application in writing within 45 days after receipt.

590 (4) REVIEW AUTHORITY; RECAPTURE OF TAX.—

591 (b) The Department of Economic Opportunity ~~office~~ may, by
 592 order, revoke its decision to grant eligibility for
 593 apportionment pursuant to this section, and may also order the
 594 recalculation of apportionment factors to those applicable under
 595 s. 220.15 if, as the result of an audit, investigation, or
 596 examination, it determines that information provided by the
 597 taxpayer in the application, or in a statement, representation,
 598 record, report, plan, or other document provided to the
 599 Department of Economic Opportunity ~~office~~ to become eligible for
 600 apportionment, was materially false at the time it was made and
 601 that an individual acting on behalf of the taxpayer knew, or
 602 should have known, that the information submitted was false. The
 603 taxpayer shall pay such additional taxes and interest as may be
 604 due pursuant to this chapter computed as the difference between
 605 the tax that would have been due under the apportionment formula
 606 provided in s. 220.15 for such years and the tax actually paid.
 607 In addition, the department shall assess a penalty equal to 100
 608 percent of the additional tax due.

609 (c) The Department of Economic Opportunity ~~office~~ shall
 610 immediately notify the department of an order affecting a
 611 taxpayer's eligibility to apportion tax pursuant to this
 612 section. A taxpayer who is liable for past tax must file an
 613 amended return with the department, or such other report as the
 614 department prescribes by rule, and pay any required tax,
 615 interest, and penalty within 60 days after the taxpayer receives
 616 notification from the Department of Economic Opportunity ~~office~~

BILL

Redraft - B

YEAR

617 | that the previously approved credits have been revoked. If the
 618 | revocation is contested, the taxpayer shall file an amended
 619 | return or other report within 30 days after an order becomes
 620 | final. A taxpayer who fails to pay the past tax, interest, and
 621 | penalty by the due date is subject to the penalties provided in
 622 | s. 220.803.

623 | (5) RULES.—The Department of Economic Opportunity ~~office~~
 624 | and the department may adopt rules to administer this section.

625 | Section 28. Paragraph (b) of subsection (2) of section
 626 | 220.183, Florida Statutes, is amended to read:

627 | 220.183 Community contribution tax credit.—

628 | (2) ELIGIBILITY REQUIREMENTS.—

629 | (b)1. All community contributions must be reserved
 630 | exclusively for use in projects as defined in s. 220.03(1)(t).

631 | 2. If, during the first 10 business days of the state
 632 | fiscal year, eligible tax credit applications for projects that
 633 | provide homeownership opportunities for low-income or very-low-
 634 | income households as defined in s. 420.9071(19) and (28) are
 635 | received for less than the annual tax credits available for
 636 | those projects, the Department of Economic Opportunity shall
 637 | grant tax credits for those applications and shall grant
 638 | remaining tax credits on a first-come, first-served basis for
 639 | any subsequent eligible applications received before the end of
 640 | the state fiscal year. If, during the first 10 business days of
 641 | the state fiscal year, eligible tax credit applications for
 642 | projects that provide homeownership opportunities for low-income
 643 | or very-low-income households as defined in s. 420.9071(19) and
 644 | (28) are received for more than the annual tax credits available

BILL

Redraft - B

YEAR

645 for those projects, the Department of Economic Opportunity
 646 ~~office~~ shall grant the tax credits for those applications as
 647 follows:

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

652 b. If tax credit applications submitted for approved
 653 projects of an eligible sponsor exceed \$200,000 in total, the
 654 amount of tax credits granted under sub-subparagraph a. shall be
 655 subtracted from the amount of available tax credits, and the
 656 remaining credits shall be granted to each approved tax credit
 657 application on a pro rata basis.

658 3. If, during the first 10 business days of the state
 659 fiscal year, eligible tax credit applications for projects other
 660 than those that provide homeownership opportunities for low-
 661 income or very-low-income households as defined in s.
 662 420.9071(19) and (28) are received for less than the annual tax
 663 credits available for those projects, the Department of Economic
 664 Opportunity ~~office~~ shall grant tax credits for those
 665 applications and shall grant remaining tax credits on a first-
 666 come, first-served basis for any subsequent eligible
 667 applications received before the end of the state fiscal year.
 668 If, during the first 10 business days of the state fiscal year,
 669 eligible tax credit applications for projects other than those
 670 that provide homeownership opportunities for low-income or very-
 671 low-income households as defined in s. 420.9071(19) and (28) are
 672 received for more than the annual tax credits available for

BILL

Redraft - B

YEAR

673 | those projects, the Department of Economic Opportunity ~~office~~
 674 | shall grant the tax credits for those applications on a pro rata
 675 | basis.

676 | Section 29. Paragraphs (b), (d), (e), and (f) of
 677 | subsection (3), paragraphs (a), (c), and (e) of subsection (4),
 678 | subsection (5), paragraph (b) of subsection (6), paragraphs (a),
 679 | (b), (d), and (e) of subsection (7), paragraph (a) of subsection
 680 | (8), and subsection (9) of section 220.194, Florida Statutes,
 681 | are amended to read:

682 | 220.194 Corporate income tax credits for spaceflight
 683 | projects.—

684 | (3) DEFINITIONS.—As used in this section, the term:

685 | (b) "Certified" means that a spaceflight business has been
 686 | certified by the Department of Economic Opportunity ~~office~~ as
 687 | meeting all of the requirements necessary to obtain at least one
 688 | of the approved tax credits available under this section,
 689 | including approval to transfer a credit.

690 | (d) "New job" means the full-time employment of an
 691 | employee in a manner that is consistent with terms used by the
 692 | Department of Economic Opportunity ~~Agency for Workforce~~
 693 | ~~Innovation~~ and the United States Department of Labor for
 694 | purposes of unemployment compensation tax administration and
 695 | employment estimation. In order to meet the requirement for
 696 | certification specified in paragraph (5) (b), a new job must:

697 | 1. Pay new employees at least 115 percent of the statewide
 698 | or countywide average annual private sector wage for the 3
 699 | taxable years immediately preceding filing an application for
 700 | certification;

BILL

Redraft - B

YEAR

701 2. Require a new employee to perform duties on a regular
 702 full-time basis in this state for an average of at least 36
 703 hours per week each month for the 3 taxable years immediately
 704 preceding filing an application for certification; and

705 3. Not be held by a person who has previously been
 706 included as a new employee on an application for any credit
 707 authorized under this section.

708 ~~(e) "Office" means the Office of Tourism, Trade, and~~
 709 ~~Economic Development.~~

710 ~~(e)(f)~~ "Payload" means an object built or assembled in
 711 this state to be placed into earth's upper atmospheres or space.

712 (4) TAX CREDITS.—

713 (a) If approved and certified pursuant to subsection (5),
 714 the following tax credits may be taken on a return for a taxable
 715 year beginning on or after October 1, 2015:

716 1. A certified spaceflight business may take a
 717 nontransferable corporate income tax credit for up to 50 percent
 718 of the business's tax liability under this chapter for the
 719 taxable year in which the credit is taken. The maximum
 720 nontransferable tax credit amount that may be approved per
 721 taxpayer for a taxable year is \$1 million. No more than \$3
 722 million in total tax credits pursuant to this subparagraph may
 723 be certified pursuant to subsection (5). No credit may be
 724 approved after October 1, 2017.

725 2. A certified spaceflight business may transfer, in whole
 726 or in part, its Florida net operating loss that would otherwise
 727 be available to be taken on a return filed under this chapter,
 728 provided that the activity giving rise to such net operating

BILL

Redraft - B

YEAR

729 | loss must have occurred after July 1, 2011. The transfer allowed
 730 | under this subparagraph will be in the form of a transferable
 731 | tax credit equal to the amount of the net operating loss
 732 | eligible to be transferred. The maximum transferable tax credit
 733 | amount that may be approved per taxpayer for a taxable year is
 734 | \$2.5 million. No more than \$7 million in total tax credits
 735 | pursuant to this subparagraph may be certified pursuant to
 736 | subsection (5). No credit may be approved after October 1, 2017.

737 | a. In order to transfer the credit, the business must:

738 | (I) Have been approved to transfer the tax credit for the
 739 | taxable year in which it is transferred;

740 | (II) Have incurred a qualifying net operating loss on
 741 | activity in this state after July 1, 2011, directly associated
 742 | with one or more spaceflight projects in any of its 3 previous
 743 | taxable years;

744 | (III) Not be 50 percent or more owned or controlled,
 745 | directly or indirectly, by another corporation that has
 746 | demonstrated positive net income in any of the 3 previous
 747 | taxable years of ongoing operations; and

748 | (IV) Not be part of a consolidated group of affiliated
 749 | corporations, as filed for federal income tax purposes, which in
 750 | the aggregate demonstrated positive net income in any of the 3
 751 | previous taxable years.

752 | b. The credit that may be transferred by a certified
 753 | spaceflight business:

754 | (I) Is limited to the amount of eligible net operating
 755 | losses incurred in the immediate 3 taxable years before the
 756 | transfer; and

BILL

Redraft - B

YEAR

757 (II) Must be directly associated with a spaceflight
 758 project in this state as verified through an audit or
 759 examination by a certified public accountant licensed to do
 760 business in this state and as verified by the Department of
 761 Economic Opportunity office.

762 (c) Credits approved under subparagraph (a)1. may be taken
 763 only against the corporate income tax liability generated by or
 764 arising out of a spaceflight project in this state, as verified
 765 through an audit or examination by a certified public accountant
 766 licensed to do business in this state and as verified by the
 767 Department of Economic Opportunity office.

768 (e) The certified spaceflight business or transferee must
 769 demonstrate to the satisfaction of the Department of Economic
 770 Opportunity office and the department that it is eligible to
 771 take the credits approved under this section.

772 (5) APPLICATION AND CERTIFICATION.-

773 (a) In order to claim a tax credit under this section, a
 774 spaceflight business must first submit an application to the
 775 Department of Economic Opportunity office for approval to earn
 776 tax credits or create transferable tax credits. The application
 777 must be filed by the date established by the Department of
 778 Economic Opportunity office. In addition to any information that
 779 the Department of Economic Opportunity office may require, the
 780 applicant must provide a complete description of the activity in
 781 this state which demonstrates to the Department of Economic
 782 Opportunity office the applicant's likelihood to be certified to
 783 take or transfer a credit. The applicant must also provide a
 784 description of the total amount and type of credits for which

BILL

Redraft - B

YEAR

785 approval is sought. The Department of Economic Opportunity
 786 ~~office~~ may consult with Space Florida regarding the
 787 qualifications of an applicant. The applicant shall provide an
 788 affidavit certifying that all information contained in the
 789 application is true and correct.

790 1. Approval of the credits shall be provided on a first-
 791 come, first-served basis, based on the date the completed
 792 applications are received by the Department of Economic
 793 Opportunity office. A taxpayer may not submit more than one
 794 completed application per state fiscal year. The Department of
 795 Economic Opportunity office may not accept an incomplete
 796 placeholder application, and the submission of such an
 797 application will not secure a place in the first-come, first-
 798 served application line.

799 2. The Department of Economic Opportunity office has 60
 800 days after the receipt of a completed application within which
 801 to issue a notice of intent to deny or approve an application
 802 for credits. The Department of Economic Opportunity office must
 803 ensure that the corporate income tax credits approved for all
 804 applicants do not exceed the limits provided in this section.

805 (b) In order to take a tax credit under subparagraph (a)1.
 806 or, if applicable, to transfer an approved credit under
 807 subparagraph (a)2., a spaceflight business must submit an
 808 application for certification to the Department of Economic
 809 Opportunity office along with a nonrefundable \$250 fee.

- 810 1. The application must include:
- 811 a. The name and physical in-state address of the taxpayer.
 - 812 b. Documentation demonstrating to the satisfaction of the

BILL

Redraft - B

YEAR

813 Department of Economic Opportunity ~~office~~ that:

814 (I) The taxpayer is a spaceflight business.

815 (II) The business has engaged in a qualifying spaceflight
816 project before taking or transferring a credit under this
817 section.

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

820 (I) Created 35 new jobs in this state directly associated
821 with spaceflight projects during its immediately preceding 3
822 taxable years. The business shall be deemed to have created new
823 jobs if the number of full-time jobs located in this state at
824 the time of application for certification is greater than the
825 total number of full-time jobs located in this state at the time
826 of application for approval to earn credits; and

827 (II) Invested a total of at least \$15 million in this
828 state on a spaceflight project during its immediately preceding
829 3 taxable years.

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

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

833 f. A copy of an audit or audits of the preceding 3 taxable
834 years, prepared by a certified public accountant licensed to
835 practice in this state, which identifies that portion of the
836 business's activities in this state related to spaceflight
837 projects in this state.

838 g. An acknowledgment that the business must file an annual
839 report on the spaceflight project's progress with the Department
840 of Economic Opportunity ~~office~~.

BILL

Redraft - B

YEAR

841 h. Any other information necessary to demonstrate that the
 842 applicant meets the job creation, investment, and other
 843 requirements of this section.

844 2. Within 60 days after receipt of the application for
 845 certification, the Department of Economic Opportunity ~~office~~
 846 shall evaluate the application and recommend the business for
 847 certification or denial. The executive director of the
 848 Department of Economic Opportunity ~~office~~ must approve or deny
 849 the application within 30 days after receiving the
 850 recommendation. If approved, the Department of Economic
 851 Opportunity ~~office~~ must provide a letter of certification to the
 852 applicant consistent with any restrictions imposed. If the
 853 Department of Economic Opportunity ~~office~~ denies any part of the
 854 requested credit, the Department of Economic Opportunity ~~office~~
 855 must inform the applicant of the grounds for the denial. A copy
 856 of the certification shall be submitted to the department within
 857 10 days after the executive director's approval.

858 (6) TRANSFERABILITY OF CREDIT.—

859 (b) In order to perfect the transfer, the transferor shall
 860 provide the department with a written transfer statement that
 861 has been approved by the Department of Economic Opportunity
 862 ~~office~~ notifying the department of the transferor's intent to
 863 transfer the tax credits to the transferee; the date that the
 864 transfer is effective; the transferee's name, address, and
 865 federal taxpayer identification number; the tax period; and the
 866 amount of tax credits to be transferred. Upon receipt of the
 867 approved transfer statement, the department shall provide the
 868 transferee and the Department of Economic Opportunity ~~office~~

BILL

Redraft - B

YEAR

869 with a certificate reflecting the tax credit amounts
 870 transferred. A copy of the certificate must be attached to each
 871 tax return for which the transferee seeks to apply the credits.

872 (7) AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

873 (a) In addition to its existing audit and investigative
 874 authority, the department may perform any additional financial
 875 and technical audits and investigations, including examining the
 876 accounts, books, and financial records of the tax credit
 877 applicant, which are necessary for verifying the accuracy of the
 878 return and to ensure compliance with this section. If requested
 879 by the department, the Department of Economic Opportunity ~~office~~
 880 and Space Florida must provide technical assistance for any
 881 technical audits or examinations performed under this
 882 subsection.

883 (b) Grounds for forfeiture of previously claimed tax
 884 credits approved under this section exist if the department
 885 determines, as a result of an audit or examination, or from
 886 information received from the Department of Economic Opportunity
 887 ~~office~~, that a certified spaceflight business, or in the case of
 888 transferred tax credits, a taxpayer received tax credits for
 889 which the certified spaceflight business or taxpayer was not
 890 entitled. The spaceflight business or transferee must file an
 891 amended return reflecting the disallowed credits and paying any
 892 tax due as a result of the amendment.

893 (d) The Department of Economic Opportunity ~~office~~ may
 894 revoke or modify a certification granting eligibility for tax
 895 credits if it finds that the certified spaceflight business made
 896 a false statement or representation in any application, record,

BILL

Redraft - B

YEAR

897 | report, plan, or other document filed in an attempt to receive
 898 | tax credits under this section. The Department of Economic
 899 | Opportunity ~~office~~ shall immediately notify the department of
 900 | any revoked or modified orders affecting previously granted tax
 901 | credits. The certified spaceflight business must also notify the
 902 | department of any change in its claimed tax credit.

903 | (e) The certified spaceflight business must file with the
 904 | department an amended return or other report required by the
 905 | department by rule and pay any required tax and interest within
 906 | 60 days after the certified business receives notification from
 907 | the Department of Economic Opportunity ~~office~~ that previously
 908 | approved tax credits have been revoked or modified. If the
 909 | revocation or modification order is contested, the spaceflight
 910 | business must file the amended return or other report within 60
 911 | days after a final order is issued.

912 | (8) RULES.—

913 | (a) The Department of Economic Opportunity ~~office~~, in
 914 | consultation with Space Florida, shall adopt rules to administer
 915 | this section, including rules relating to application forms for
 916 | credit approval and certification, and the application and
 917 | certification procedures, guidelines, and requirements necessary
 918 | to administer this section.

919 | (9) ANNUAL REPORT.—Beginning in 2014, the Department of
 920 | Economic Opportunity ~~office~~, in cooperation with Space Florida
 921 | and the department, shall submit an annual report summarizing
 922 | activities relating to the Florida Space Business Incentives Act
 923 | established under this section to the Governor, the President of
 924 | the Senate, and the Speaker of the House of Representatives by

BILL

Redraft - B

YEAR

925 | each November 30.

926 | Section 30. Paragraph (b) of subsection (3), paragraph (b)
 927 | of subsection (4), subsection (6), paragraph (a) of subsection
 928 | (7), and paragraph (c) of subsection (9) of section 258.501,
 929 | Florida Statutes, are amended to read:

930 | 258.501 Myakka River; wild and scenic segment.—

931 | (3) DEFINITIONS.—As used in this section, the term:

932 | (b) "Agreement" means the interagency operating agreement
 933 | between the department, the Department of Economic Opportunity
 934 | ~~Community Affairs~~, and Sarasota County or the City of North
 935 | Port.

936 | (4) DESIGNATION OF WILD AND SCENIC RIVER.—

937 | (b) The governments of Sarasota County and the City of
 938 | North Port shall manage the Myakka River wild and scenic
 939 | protection zone under their existing authorities for
 940 | comprehensive planning, the regulation of land development
 941 | activities, and other necessary or appropriate ordinances and in
 942 | conformance with this section, the management plan required
 943 | under subsection (5), and the agreements adopted by the
 944 | department and the Department of Economic Opportunity ~~Community~~
 945 | ~~Affairs~~ with the city and county pursuant to this section.

946 | (6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—

947 | (a) Sarasota County and the City of North Port shall amend
 948 | their comprehensive plans so that the parts of such plans that
 949 | affect the wild and scenic protection zone conform to, or are
 950 | more stringent than, this section, the river management plan,
 951 | and management guidelines and performance standards to be
 952 | developed and contained within agreements to be adopted by the

BILL

Redraft - B

YEAR

953 department, the Department of Economic Opportunity ~~Community~~
 954 ~~Affairs~~, and the city and county. The guidelines and performance
 955 standards must be used by the department and the Department of
 956 Economic Opportunity ~~Community Affairs~~ to review and monitor the
 957 regulation of activities by the city and county in the wild and
 958 scenic protection zone. Amendments to those comprehensive plans
 959 must include specific policies and guidelines for minimizing
 960 adverse impacts on resources in the river area and for managing
 961 the wild and scenic protection zone in conformance with this
 962 section, the river management plan, and the agreement. Such
 963 comprehensive plans must be amended within 1 year after the
 964 adoption date of the agreement, and thereafter, within 6 months
 965 following an amendment to this section, the river management
 966 plan, or the agreement, as may be necessary. For the purposes
 967 established in this subsection, such amendments need not conform
 968 to statutory or local ordinance limitations on the frequency of
 969 consideration of amendments to local comprehensive plans.

970 (b) Sarasota County and the City of North Port shall adopt
 971 or amend, within 1 year after the department and the Department
 972 of Economic Opportunity ~~Community Affairs~~ adopt with the city
 973 and with the county agreements for regulating activities in the
 974 wild and scenic protection zone, any necessary ordinances and
 975 land development regulations so that those ordinances and
 976 regulations conform to the purposes of this section, the river
 977 management plan, and the agreement. Thereafter, following any
 978 amendment to this section, the river management plan, or the
 979 agreement, the city and county must amend or adopt, within 1
 980 year, appropriate ordinances and land development regulations to

BILL

Redraft - B

YEAR

1009 (7) MANAGEMENT COORDINATING COUNCIL.—
 1010 (a) Upon designation, the department shall create a
 1011 permanent council to provide interagency and intergovernmental
 1012 coordination in the management of the river. The coordinating
 1013 council shall be composed of one representative appointed from
 1014 each of the following: the department, the Department of
 1015 Transportation, the Fish and Wildlife Conservation Commission,
 1016 the Department of Economic Opportunity ~~Community Affairs~~, the
 1017 Division of Forestry of the Department of Agriculture and
 1018 Consumer Services, the Division of Historical Resources of the
 1019 Department of State, the Tampa Bay Regional Planning Council,
 1020 the Southwest Florida Water Management District, the Southwest
 1021 Florida Regional Planning Council, Manatee County, Sarasota
 1022 County, Charlotte County, the City of Sarasota, the City of
 1023 North Port, agricultural interests, environmental organizations,
 1024 and any others deemed advisable by the department.

1025 (9) RULEMAKING AUTHORITY.—
 1026 (c) The department and the Department of Economic
 1027 Opportunity ~~Community Affairs~~ must enter into agreements with
 1028 the City of North Port and Sarasota County which ~~that~~ provide
 1029 for guiding and monitoring the regulation of activities by the
 1030 city and county, in accordance with subsection (6). Such
 1031 agreements shall include guidelines and performance standards
 1032 for regulating proposed activities so as to minimize adverse
 1033 environmental and visual impacts of such activities on the
 1034 resource values in the river area, and to minimize adverse
 1035 impacts to landowners' use of land for residential purposes.

1036 Section 31. Subsection (3) of section 259.042, Florida

BILL

Redraft - B

YEAR

1037 Statutes, is amended to read:
 1038 259.042 Tax increment financing for conservation lands.—
 1039 (3) The governing body of the jurisdiction that will
 1040 administer the separate reserve account shall provide
 1041 documentation to the Department of Economic Opportunity
 1042 ~~Community Affairs~~ identifying the boundary of the tax increment
 1043 area. The department shall determine whether the boundary is
 1044 appropriate in that property owners within the boundary will
 1045 receive a benefit from the proposed purchase of identified
 1046 conservation lands. The department must issue a letter of
 1047 approval stating that the establishment of the tax increment
 1048 area and the proposed purchases would benefit property owners
 1049 within the boundary and serve a public purpose before any tax
 1050 increment funds are deposited into the separate reserve account.
 1051 If the department fails to provide the required letter within 90
 1052 days after receiving sufficient documentation of the boundary,
 1053 the establishment of the area and the proposed purchases are
 1054 deemed to provide such benefit and serve a public purpose.
 1055 Section 32. Paragraph (c) of subsection (3) of section
 1056 259.101, Florida Statutes, is amended to read:
 1057 259.101 Florida Preservation 2000 Act.—
 1058 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs
 1059 of issuance, the costs of funding reserve accounts, and other
 1060 costs with respect to the bonds, the proceeds of bonds issued
 1061 pursuant to this act shall be deposited into the Florida
 1062 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
 1063 year 2000-2001, for each Florida Preservation 2000 program
 1064 described in paragraphs (a)-(g), that portion of each program's

BILL

Redraft - B

YEAR

1065 total remaining cash balance which, as of June 30, 2000, is in
 1066 excess of that program's total remaining appropriation balances
 1067 shall be redistributed by the department and deposited into the
 1068 Save Our Everglades Trust Fund for land acquisition. For
 1069 purposes of calculating the total remaining cash balances for
 1070 this redistribution, the Florida Preservation 2000 Series 2000
 1071 bond proceeds, including interest thereon, and the fiscal year
 1072 1999-2000 General Appropriations Act amounts shall be deducted
 1073 from the remaining cash and appropriation balances,
 1074 respectively. The remaining proceeds shall be distributed by the
 1075 Department of Environmental Protection in the following manner:
 1076 (c) Ten percent to the Department of Environmental
 1077 Protection ~~Community Affairs~~ to provide land acquisition grants
 1078 and loans to local governments through the Florida Communities
 1079 Trust pursuant to part III of chapter 380. From funds allocated
 1080 to the trust, \$3 million annually shall be used by the Division
 1081 of State Lands within the Department of Environmental Protection
 1082 to implement the Green Swamp Land Protection Initiative
 1083 specifically for the purchase of conservation easements, as
 1084 defined in s. 380.0677(3), of lands, or severable interests or
 1085 rights in lands, in the Green Swamp Area of Critical State
 1086 Concern. From funds allocated to the trust, \$3 million annually
 1087 shall be used by the Monroe County Comprehensive Plan Land
 1088 Authority specifically for the purchase of a real property
 1089 interest in those lands subject to the Rate of Growth Ordinances
 1090 adopted by local governments in Monroe County or those lands
 1091 within the boundary of an approved Conservation and Recreation
 1092 Lands project located within the Florida Keys or Key West Areas

BILL

Redraft - B

YEAR

1093 of Critical State Concern; however, title to lands acquired
 1094 within the boundary of an approved Conservation and Recreation
 1095 Lands project may, in accordance with an approved joint
 1096 acquisition agreement, vest in the Board of Trustees of the
 1097 Internal Improvement Trust Fund. Of the remaining funds, one-
 1098 half shall be matched by local governments on a dollar-for-
 1099 dollar basis. To the extent allowed by federal requirements for
 1100 the use of bond proceeds, the trust shall expend Preservation
 1101 2000 funds to carry out the purposes of part III of chapter 380.
 1102

1103 Local governments may use federal grants or loans, private
 1104 donations, or environmental mitigation funds, including
 1105 environmental mitigation funds required pursuant to s. 338.250,
 1106 for any part or all of any local match required for the purposes
 1107 described in this subsection. Bond proceeds allocated pursuant
 1108 to paragraph (c) may be used to purchase lands on the priority
 1109 lists developed pursuant to s. 259.035. Title to lands purchased
 1110 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
 1111 vested in the Board of Trustees of the Internal Improvement
 1112 Trust Fund. Title to lands purchased pursuant to paragraph (c)
 1113 may be vested in the Board of Trustees of the Internal
 1114 Improvement Trust Fund. The board of trustees shall hold title
 1115 to land protection agreements and conservation easements that
 1116 were or will be acquired pursuant to s. 380.0677, and the
 1117 Southwest Florida Water Management District and the St. Johns
 1118 River Water Management District shall monitor such agreements
 1119 and easements within their respective districts until the state
 1120 assumes this responsibility.

BILL

Redraft - B

YEAR

1121 Section 33. Paragraphs (e) and (h) of subsection (4) of
 1122 section 282.201, Florida Statutes, are amended to read:

1123 282.201 State data center system; agency duties and
 1124 limitations.—A state data center system that includes all
 1125 primary data centers, other nonprimary data centers, and
 1126 computing facilities, and that provides an enterprise
 1127 information technology service as defined in s. 282.0041, is
 1128 established.

1129 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

1130 (e) During the 2012-2013 fiscal year, the following shall
 1131 be consolidated into the Southwood Shared Resource Center:

1132 1. By September 30, 2012, the Division of Emergency
 1133 Management ~~and the Department of Community Affairs~~, except for
 1134 the Emergency Operation Center's management system in
 1135 Tallahassee and the Camp Blanding Emergency Operations Center in
 1136 Starke.

1137 2. By September 30, 2012, the Department of Revenue's
 1138 Carlton Building and Imaging Center locations.

1139 3. By December 31, 2012, the Department of Health's Test
 1140 and Development Lab and all remaining data center resources
 1141 located at the Capital Circle Office Complex.

1142 (h) During the 2014-2015 fiscal year, the following
 1143 agencies shall work with the Agency for Enterprise Information
 1144 Technology to begin preliminary planning for consolidation into
 1145 a primary data center:

1146 1. The Department of Health's Jacksonville Lab Data
 1147 Center.

1148 2. The Department of Transportation's district offices,

BILL

Redraft - B

YEAR

1149 toll offices, and the District Materials Office.
 1150 3. The Department of Military Affairs' Camp Blanding Joint
 1151 Training Center in Starke.
 1152 4. ~~The Department of Community Affairs'~~ Camp Blanding
 1153 Emergency Operations Center in Starke.
 1154 5. The Department of Education's Division of Blind
 1155 Services disaster recovery site in Daytona Beach.
 1156 6. The Department of Education's disaster recovery site at
 1157 Santa Fe College.
 1158 7. The Department of the Lottery's Disaster Recovery
 1159 Backup Data Center in Orlando.
 1160 8. The Fish and Wildlife Conservation Commission's Fish
 1161 and Wildlife Research Institute in St. Petersburg.
 1162 9. The Department of Children and Family Services'
 1163 Suncoast Data Center in Tampa.
 1164 10. The Department of Children and Family Services'
 1165 Florida State Hospital in Chattahoochee.
 1166 Section 34. Subsection (1) of section 288.021, Florida
 1167 Statutes, is amended to read:
 1168 288.021 Economic development liaison.—
 1169 (1) The heads of the Department of Transportation, the
 1170 Department of Environmental Protection and an additional member
 1171 appointed by the secretary of the department, ~~the Agency for~~
 1172 ~~Workforce Innovation~~, the Department of Education, the
 1173 Department of Management Services, the Department of Revenue,
 1174 the Fish and Wildlife Conservation Commission, each water
 1175 management district, and each Department of Transportation
 1176 District office shall designate a high-level staff member from

BILL

Redraft - B

YEAR

1177 within such agency to serve as the economic development liaison
 1178 for the agency. This person shall report to the agency head and
 1179 have general knowledge both of the state's permitting and other
 1180 regulatory functions and of the state's economic goals,
 1181 policies, and programs. This person shall also be the primary
 1182 point of contact for the agency with the department on issues
 1183 and projects important to the economic development of Florida,
 1184 including its rural areas, to expedite project review, to ensure
 1185 a prompt, effective response to problems arising with regard to
 1186 permitting and regulatory functions, and to work closely with
 1187 the other economic development liaisons to resolve interagency
 1188 conflicts.

1189 Section 35. Paragraph (f) of subsection (2) and paragraph
 1190 (c) of subsection (5) of section 288.1045, Florida Statutes, are
 1191 amended to read:

1192 288.1045 Qualified defense contractor and space flight
 1193 business tax refund program.—

1194 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1195 (f) After entering into a tax refund agreement pursuant to
 1196 subsection (4), a qualified applicant may:

1197 1. Receive refunds from the account for corporate income
 1198 taxes due and paid pursuant to chapter 220 by that business
 1199 beginning with the first taxable year of the business which
 1200 begins after entering into the agreement.

1201 2. Receive refunds from the account for the following
 1202 taxes due and paid by that business after entering into the
 1203 agreement:

1204 a. Taxes on sales, use, and other transactions paid

BILL

Redraft - B

YEAR

1205 pursuant to chapter 212.

1206 b. Intangible personal property taxes paid pursuant to

1207 chapter 199.

1208 c. Excise taxes paid on documents pursuant to chapter 201.

1209 d. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on

1210 June 1, 1996.

1211 e. State communications services taxes administered under

1212 chapter 202. This provision does not apply to the gross receipts

1213 tax imposed under chapter 203 and administered under chapter 202

1214 or the local communications services tax authorized under s.

1215 202.19.

1216

1217 However, a qualified applicant may not receive a tax refund

1218 pursuant to this section for any amount of credit, refund, or

1219 exemption granted such contractor for any of such taxes. If a

1220 refund for such taxes is provided by the department, which taxes

1221 are subsequently adjusted by the application of any credit,

1222 refund, or exemption granted to the qualified applicant other

1223 than that provided in this section, the qualified applicant

1224 shall reimburse the Economic Development Trust Fund for the

1225 amount of such credit, refund, or exemption. A qualified

1226 applicant must notify and tender payment to the department

1227 ~~office~~ within 20 days after receiving a credit, refund, or

1228 exemption, other than that provided in this section.

1229 (5) ANNUAL CLAIM FOR REFUND.—

1230 (c) A tax refund may not be approved for any qualified

1231 applicant unless local financial support has been paid to the

1232 Economic Development Trust Fund for that refund. If the local

BILL Redraft - B YEAR

1233 financial support is less than 20 percent of the approved tax
 1234 refund, the tax refund shall be reduced. The tax refund paid may
 1235 not exceed 5 times the local financial support received. Funding
 1236 from local sources includes tax abatement under s. 196.1995 or
 1237 the appraised market value of municipal or county land,
 1238 including any improvements or structures, conveyed or provided
 1239 at a discount through a sale or lease to that applicant. The
 1240 amount of any tax refund for an applicant approved under this
 1241 section shall be reduced by the amount of any such tax abatement
 1242 granted or the value of the land granted, including the value of
 1243 any improvements or structures; and the limitations in
 1244 subsection (2) shall be reduced by the amount of any such tax
 1245 abatement or the value of the land granted, including any
 1246 improvements or structures. A report listing all sources of the
 1247 local financial support shall be provided to the department
 1248 ~~office~~ when such support is paid to the Economic Development
 1249 Trust Fund.

1250 Section 36. Paragraph (f) of subsection (4) and paragraphs
 1251 (c), (d), and (e) of subsection (6) of section 288.106, Florida
 1252 Statutes, are amended to read:

1253 288.106 Tax refund program for qualified target industry
 1254 businesses.-

1255 (4) APPLICATION AND APPROVAL PROCESS.-

1256 (f) ~~Effective July 1, 2011,~~ Notwithstanding paragraph
 1257 (2)(j) ~~(2)(k)~~, the department ~~office~~ may reduce the local
 1258 financial support requirements of this section by one-half for a
 1259 qualified target industry business located in Bay County,
 1260 Escambia County, Franklin County, Gadsden County, Gulf County,

BILL

Redraft - B

YEAR

1261 Jefferson County, Leon County, Okaloosa County, Santa Rosa
 1262 County, Wakulla County, or Walton County, if the department
 1263 ~~office~~ determines that such reduction of the local financial
 1264 support requirements is in the best interest of the state and
 1265 facilitates economic development, growth, or new employment
 1266 opportunities in such county. This paragraph expires June 30,
 1267 2014.

1268 (6) ANNUAL CLAIM FOR REFUND.—

1269 (c) The department may waive the requirement for proof of
 1270 taxes paid in future years for a qualified target industry
 1271 business that provides the department ~~office~~ with proof that, in
 1272 a single year, the business has paid an amount of state taxes
 1273 from the categories in paragraph (3)(d) which ~~that~~ is at least
 1274 equal to the total amount of tax refunds that the business may
 1275 receive through successful completion of its tax refund
 1276 agreement.

1277 (d) A tax refund may not be approved for a qualified
 1278 target industry business unless the required local financial
 1279 support has been paid into the account for that refund. If the
 1280 local financial support provided is less than 20 percent of the
 1281 approved tax refund, the tax refund must be reduced. In no event
 1282 may the tax refund exceed an amount that is equal to 5 times the
 1283 amount of the local financial support received. Further, funding
 1284 from local sources includes any tax abatement granted to that
 1285 business under s. 196.1995 or the appraised market value of
 1286 municipal or county land conveyed or provided at a discount to
 1287 that business. The amount of any tax refund for such business
 1288 approved under this section must be reduced by the amount of any

BILL

Redraft - B

YEAR

1289 such tax abatement granted or the value of the land granted, and
 1290 the limitations in subsection (3) and paragraph (4)(e) must be
 1291 reduced by the amount of any such tax abatement or the value of
 1292 the land granted. A report listing all sources of the local
 1293 financial support shall be provided to the department ~~office~~
 1294 when such support is paid to the account.

1295 (e) A prorated tax refund, less a 5 percent ~~5-percent~~
 1296 penalty, shall be approved for a qualified target industry
 1297 business if all other applicable requirements have been
 1298 satisfied and the business proves to the satisfaction of the
 1299 department ~~office~~ that:

1300 1. It has achieved at least 80 percent of its projected
 1301 employment; and

1302 2. The average wage paid by the business is at least 90
 1303 percent of the average wage specified in the tax refund
 1304 agreement, but in no case less than 115 percent of the average
 1305 private sector wage in the area available at the time of
 1306 certification, or 150 percent or 200 percent of the average
 1307 private sector wage if the business requested the additional
 1308 per-job tax refund authorized in paragraph (3)(b) for wages
 1309 above those levels. The prorated tax refund shall be calculated
 1310 by multiplying the tax refund amount for which the qualified
 1311 target industry business would have been eligible, if all
 1312 applicable requirements had been satisfied, by the percentage of
 1313 the average employment specified in the tax refund agreement
 1314 which was achieved, and by the percentage of the average wages
 1315 specified in the tax refund agreement which was achieved.

1316 Section 37. Paragraph (a) of subsection (3) of section

BILL

Redraft - B

YEAR

1345 immediately available for reallocation.

1346 Section 39. Paragraph (1) of subsection (2) of section
 1347 288.1089, Florida Statutes, is amended to read:

1348 288.1089 Innovation Incentive Program.—

1349 (2) As used in this section, the term:

1350 (1) "Match" means funding from local sources, public or
 1351 private, which will be paid to the applicant and which is equal
 1352 to 100 percent of an award. Eligible match funding may include
 1353 any tax abatement granted to the applicant under s. 196.1995 or
 1354 the appraised market value of land, buildings, infrastructure,
 1355 or equipment conveyed or provided at a discount to the
 1356 applicant. Complete documentation of a match payment or other
 1357 conveyance must be presented to and verified by the department
 1358 ~~office~~ prior to transfer of state funds to an applicant. An
 1359 applicant may not provide, directly or indirectly, more than 5
 1360 percent of match funding in any fiscal year. The sources of such
 1361 funding may not include, directly or indirectly, state funds
 1362 appropriated from the General Revenue Fund or any state trust
 1363 fund, excluding tax revenues shared with local governments
 1364 pursuant to law.

1365 Section 40. Subsection (2) of section 288.1097, Florida
 1366 Statutes, is amended to read:

1367 288.1097 Qualified job training organizations;
 1368 certification; duties.—

1369 (2) To be eligible for funding, an organization must be
 1370 certified by the department ~~Office of Tourism, Trade, and~~
 1371 ~~Economic Development~~ as meeting the criteria in subsection (1).
 1372 After certification, the department ~~Office of Tourism, Trade,~~

BILL

Redraft - B

YEAR

1373 | ~~and Economic Development~~ may release funds to the qualified job
 1374 | training organization pursuant to a contract with the
 1375 | organization. The contract must include the performance
 1376 | conditions that must be met in order to obtain the award or
 1377 | portions of the award, including, but not limited to, net new
 1378 | employment in the state, the methodology for validating
 1379 | performance, the schedule of payments, and sanctions for failure
 1380 | to meet the performance requirements including any provisions
 1381 | for repayment of awards. The contract must also require that
 1382 | salaries paid to officers and employees of the qualified job
 1383 | training organization comply with s. 4958 of the Internal
 1384 | Revenue Code of 1986, as amended.

1385 | Section 41. Paragraph (c) of subsection (3) of section
 1386 | 288.11621, Florida Statutes, is amended to read:

1387 | 288.11621 Spring training baseball franchises.—

1388 | (3) USE OF FUNDS.—

1389 | (c) The Department of Revenue may not distribute funds to
 1390 | an applicant certified on or after July 1, 2010, until it
 1391 | receives notice from the department ~~office~~ that the certified
 1392 | applicant has encumbered funds under subparagraph (a)2.

1393 | Section 42. Subsection (6) of section 288.1168, Florida
 1394 | Statutes, is amended to read:

1395 | 288.1168 Professional golf hall of fame facility.—

1396 | (6) The department ~~Office of Tourism, Trade, and Economic~~
 1397 | ~~Development~~ must recertify every 10 years that the facility is
 1398 | open, continues to be the only professional golf hall of fame in
 1399 | the United States recognized by the PGA Tour, Inc., and is
 1400 | meeting the minimum projections for attendance or sales tax

BILL

Redraft - B

YEAR

1401 revenue as required at the time of original certification. If
 1402 the facility is not certified as meeting the minimum
 1403 projections, the PGA Tour, Inc., shall increase its required
 1404 advertising contribution of \$2 million annually to \$2.5 million
 1405 annually in lieu of reduction of any funds as provided by s.
 1406 212.20. The additional \$500,000 must be allocated in its
 1407 entirety for the use and promotion of generic Florida
 1408 advertising as determined by the department ~~Office of Tourism,~~
 1409 ~~Trade, and Economic Development~~. If the facility is not open to
 1410 the public or is no longer in use as the only professional golf
 1411 hall of fame in the United States recognized by the PGA Tour,
 1412 Inc., the entire \$2.5 million for advertising must be used for
 1413 generic Florida advertising as determined by the department
 1414 ~~Office of Tourism, Trade, and Economic Development~~.

1415 Section 43. Subsection (4) of section 288.1171, Florida
 1416 Statutes, is amended to read:

1417 288.1171 Motorsports entertainment complex; definitions;
 1418 certification; duties.—

1419 (4) Upon determining that an applicant meets the
 1420 requirements of subsection (3), the department ~~office~~ shall
 1421 notify the applicant and the executive director of the
 1422 Department of Revenue of such certification by means of an
 1423 official letter granting certification. If the applicant fails
 1424 to meet the certification requirements of subsection (3), the
 1425 department ~~office~~ shall notify the applicant not later than 10
 1426 days following such determination.

1427 Section 44. Paragraph (a) of subsection (8) of section
 1428 288.1254, Florida Statutes, is amended to read:

BILL Redraft - B YEAR

1429 288.1254 Entertainment industry financial incentive
 1430 program.—
 § 1431 (8) RULES, POLICIES, AND PROCEDURES.—
 1432 (a) The department ~~Office of Tourism, Trade, and Economic~~
 1433 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and
 1434 120.54 and develop policies and procedures to implement and
 1435 administer this section, including, but not limited to, rules
 1436 specifying requirements for the application and approval
 1437 process, records required for substantiation for tax credits,
 1438 procedures for making the election in paragraph (4)(d), the
 1439 manner and form of documentation required to claim tax credits
 1440 awarded or transferred under this section, and marketing
 1441 requirements for tax credit recipients.

1442 Section 45. Subsection (2) of section 288.714, Florida
 1443 Statutes, is amended to read:

1444 288.714 Quarterly and annual reports.—

1445 (2) The department must compile a summary of all quarterly
 1446 reports ~~and provide a copy of the summary to the board~~ within 30
 1447 days after the end of each calendar quarter which ~~that~~ includes
 1448 a detailed summary of the recipient's performance of the duties
 1449 imposed by s. 288.7102.

1450 Section 46. Subsection (7) of section 288.7102, Florida
 1451 Statutes, is amended to read:

1452 288.7102 Black Business Loan Program.—

1453 (7) The department, ~~in consultation with the board,~~ shall
 1454 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
 1455 this section.

1456 Section 47. Subsections (5) and (7) of section 288.987,

BILL

Redraft - B

YEAR

1457 Florida Statutes, are amended to read:

1458 288.987 Florida Defense Support Task Force.—

1459 (5) The executive director of the Department of Economic
 1460 Opportunity Office of Tourism, Trade, and Economic Development
 1461 ~~within the Executive Office of the Governor,~~ or his or her
 1462 designee, shall serve as the ex officio, nonvoting executive
 1463 director of the task force.

1464 (7) The department ~~Office of Tourism, Trade, and Economic~~
 1465 ~~Development~~ shall contract with the task force for expenditure
 1466 of appropriated funds, which may be used by the task force for
 1467 economic and product research and development, joint planning
 1468 with host communities to accommodate military missions and
 1469 prevent base encroachment, advocacy on the state's behalf with
 1470 federal civilian and military officials, assistance to school
 1471 districts in providing a smooth transition for large numbers of
 1472 additional military-related students, job training and placement
 1473 for military spouses in communities with high proportions of
 1474 active duty military personnel, and promotion of the state to
 1475 military and related contractors and employers. The task force
 1476 may annually spend up to \$200,000 of funds appropriated to the
 1477 department ~~Executive Office of the Governor, Office of Tourism,~~
 1478 ~~Trade, and Economic Development,~~ for the task force for staffing
 1479 and administrative expenses of the task force, including travel
 1480 and per diem costs incurred by task force members who are not
 1481 otherwise eligible for state reimbursement.

1482 Section 48. Paragraph (d) of subsection (6) of section
 1483 290.0055, Florida Statutes, is amended to read:

1484 290.0055 Local nominating procedure.—

BILL

Redraft - B

YEAR

1485 (6)
 1486 (d)1. The governing body of a jurisdiction which has
 1487 nominated an application for an enterprise zone that is no
 1488 larger than 12 square miles and includes a portion of the state
 1489 designated as a rural area of critical economic concern under s.
 1490 288.0656(7) may apply to the department ~~Office of Tourism,~~
 1491 ~~Trade, and Economic Development~~ to expand the boundary of the
 1492 enterprise zone by not more than 3 square miles. An application
 1493 to expand the boundary of an enterprise zone under this
 1494 paragraph must be submitted by December 31, 2012.

1495 2. Notwithstanding the area limitations specified in
 1496 subsection (4), the department ~~Office of Tourism, Trade, and~~
 1497 ~~Economic Development~~ may approve the request for a boundary
 1498 amendment if the area continues to satisfy the remaining
 1499 requirements of this section.

1500 3. The department ~~Office of Tourism, Trade, and Economic~~
 1501 ~~Development~~ shall establish the initial effective date of an
 1502 enterprise zone designated under this paragraph.

1503 Section 49. Paragraph (a) of subsection (4) of section
 1504 290.0065, Florida Statutes, is amended to read:

1505 290.0065 State designation of enterprise zones.—

1506 (4) (a) Notwithstanding s. 290.0055, the department may
 1507 redesignate any state enterprise zone having an effective date
 1508 on or before January 1, 2005, as a state enterprise zone upon
 1509 completion and submittal to the department ~~office~~ by the
 1510 governing body for an enterprise zone of the following:

1511 1. An updated zone profile for the enterprise zone based
 1512 on the most recent census data that complies with s. 290.0055,

BILL

Redraft - B

YEAR

1513 | except that pervasive poverty criteria may be set aside for
 1514 | rural enterprise zones.

1515 | 2. A resolution passed by the governing body for that
 1516 | enterprise zone requesting redesignation and explaining the
 1517 | reasons the conditions of the zone merit redesignation.

1518 | 3. Measurable goals for the enterprise zone developed by
 1519 | the enterprise zone development agency, which may be the goals
 1520 | established in the enterprise zone's strategic plan.

1521 |
 1522 | The governing body may also submit a request for a boundary
 1523 | change in an enterprise zone in the same application to the
 1524 | department as long as the new area complies with the
 1525 | requirements of s. 290.0055, except that pervasive poverty
 1526 | criteria may be set aside for rural enterprise zones.

1527 | Section 50. Section 290.00726, Florida Statutes, is
 1528 | amended to read:

1529 | 290.00726 Enterprise zone designation for Martin County.-
 1530 | Martin County may apply to the department ~~Office of Tourism,~~
 1531 | ~~Trade, and Economic Development~~ for designation of one
 1532 | enterprise zone for an area within Martin County, which zone
 1533 | shall encompass an area of up to 10 square miles consisting of
 1534 | land within the primary urban services boundary and focusing on
 1535 | Indiantown, but excluding property owned by Florida Power and
 1536 | Light to the west, two areas to the north designated as estate
 1537 | residential, and the county-owned Timer Powers Recreational
 1538 | Area. Within the designated enterprise zone, Martin County shall
 1539 | exempt residential condominiums from benefiting from state
 1540 | enterprise zone incentives, unless prohibited by law. The

BILL

Redraft - B

YEAR

1541 application must have been submitted by December 31, 2011, and
 1542 must comply with the requirements of s. 290.0055.
 1543 Notwithstanding s. 290.0065 limiting the total number of
 1544 enterprise zones designated and the number of enterprise zones
 1545 within a population category, the department ~~Office of Tourism,~~
 1546 ~~Trade, and Economic Development~~ may designate one enterprise
 1547 zone under this section. The department ~~Office of Tourism,~~
 1548 ~~Trade, and Economic Development~~ shall establish the initial
 1549 effective date of the enterprise zone designated under this
 1550 section.

1551 Section 51. Section 290.00727, Florida Statutes, is
 1552 amended to read:

1553 290.00727 Enterprise zone designation for the City of Palm
 1554 Bay.—The City of Palm Bay may apply to the department ~~Office of~~
 1555 ~~Tourism, Trade, and Economic Development~~ for designation of one
 1556 enterprise zone for an area within the northeast portion of the
 1557 city, which zone shall encompass an area of up to 5 square
 1558 miles. The application must have been submitted by December 31,
 1559 2011, and must comply with the requirements of s. 290.0055.
 1560 Notwithstanding s. 290.0065 limiting the total number of
 1561 enterprise zones designated and the number of enterprise zones
 1562 within a population category, the department ~~Office of Tourism,~~
 1563 ~~Trade, and Economic Development~~ may designate one enterprise
 1564 zone under this section. The department ~~Office of Tourism,~~
 1565 ~~Trade, and Economic Development~~ shall establish the initial
 1566 effective date of the enterprise zone designated under this
 1567 section.

1568 Section 52. Section 290.00728, Florida Statutes, is

BILL

Redraft - B

YEAR

1569 amended to read:

1570 290.00728 Enterprise zone designation for Lake County.—

1571 Lake County may apply to the department ~~Office of Tourism,~~

1572 ~~Trade, and Economic Development~~ for designation of one

1573 enterprise zone, which zone shall encompass an area of up to 10

1574 square miles within Lake County. The application must have been

1575 submitted by December 31, 2011, and must comply with the

1576 requirements of s. 290.0055. Notwithstanding s. 290.0065

1577 limiting the total number of enterprise zones designated and the

1578 number of enterprise zones within a population category, the

1579 department ~~Office of Tourism, Trade, and Economic Development~~

1580 may designate one enterprise zone under this section. The

1581 department ~~Office of Tourism, Trade, and Economic Development~~

1582 shall establish the initial effective date of the enterprise

1583 zone designated under this section.

1584 Section 53. Subsections (1) and (6) of section 311.09,

1585 Florida Statutes, are amended to read:

1586 311.09 Florida Seaport Transportation and Economic

1587 Development Council.—

1588 (1) The Florida Seaport Transportation and Economic

1589 Development Council is created within the Department of

1590 Transportation. The council consists of the following 17 ~~18~~

1591 members: the port director, or the port director's designee, of

1592 each of the ports of Jacksonville, Port Canaveral, Port Citrus,

1593 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,

1594 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key

1595 West, and Fernandina; the secretary of the Department of

1596 Transportation or his or her designee; and the director of the

BILL

Redraft - B

YEAR

1597 Department of Economic Opportunity or his or her designee.

1598 (6) The Department of Economic Opportunity ~~Community~~
 1599 ~~Affairs~~ shall review the list of projects approved by the
 1600 council to determine consistency with approved local government
 1601 comprehensive plans of the units of local government in which
 1602 the port is located and consistency with the port master plan.
 1603 The Department of Economic Opportunity ~~Community Affairs~~ shall
 1604 identify and notify the council of those projects that ~~which~~ are
 1605 not consistent, to the maximum extent feasible, with such
 1606 comprehensive plans and port master plans.

1607 Section 54. Paragraph (b) of subsection (9), paragraph (a)
 1608 of subsection (35), and paragraph (b) of subsection (62) of
 1609 section 320.08058, Florida Statutes, are amended to read:

1610 320.08058 Specialty license plates.—

1611 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

1612 (b) The license plate annual use fees are to be annually
 1613 distributed as follows:

1614 1. Fifty-five percent of the proceeds from the Florida
 1615 Professional Sports Team plate must be deposited into the
 1616 Professional Sports Development Trust Fund within the Department
 1617 of Economic Opportunity. These funds must be used solely to
 1618 attract and support major sports events in this state. As used
 1619 in this subparagraph, the term "major sports events" means, but
 1620 is not limited to, championship or all-star contests of Major
 1621 League Baseball, the National Basketball Association, the
 1622 National Football League, the National Hockey League, the men's
 1623 and women's National Collegiate Athletic Association Final Four
 1624 basketball championship, or a horseracing or dogracing Breeders'

BILL

Redraft - B

YEAR

1625 Cup. All funds must be used to support and promote major
 1626 sporting events, and the uses must be approved by the Department
 1627 of Economic Opportunity ~~Florida Sports Foundation.~~

1628 2. The remaining proceeds of the Florida Professional
 1629 Sports Team license plate must be allocated to Enterprise
 1630 Florida, Inc. These funds must be deposited into the
 1631 Professional Sports Development Trust Fund within the Department
 1632 of Economic Opportunity. These funds must be used by Enterprise
 1633 Florida, Inc., to promote the economic development of the sports
 1634 industry; to distribute licensing and royalty fees to
 1635 participating professional sports teams; to promote education
 1636 programs in Florida schools that provide an awareness of the
 1637 benefits of physical activity and nutrition standards; to
 1638 partner with the Department of Education and the Department of
 1639 Health to develop a program that recognizes schools whose
 1640 students demonstrate excellent physical fitness or fitness
 1641 improvement; to institute a grant program for communities
 1642 bidding on minor sporting events that create an economic impact
 1643 for the state; to distribute funds to Florida-based charities
 1644 designated by Enterprise Florida, Inc., and the participating
 1645 professional sports teams; and to fulfill the sports promotion
 1646 responsibilities of the Department of Economic Opportunity.

1647 3. Enterprise Florida, Inc., shall provide an annual
 1648 financial audit in accordance with s. 215.981 of its financial
 1649 accounts and records by an independent certified public
 1650 accountant pursuant to the contract established by the
 1651 Department of Economic Opportunity. The auditor shall submit the
 1652 audit report to the Department of Economic Opportunity for

BILL

Redraft - B

YEAR

1653 review and approval. If the audit report is approved, the
 1654 Department of Economic Opportunity shall certify the audit
 1655 report to the Auditor General for review.

1656 4. Notwithstanding the provisions of subparagraphs 1. and
 1657 2., proceeds from the Professional Sports Development Trust Fund
 1658 may also be used for operational expenses of Enterprise Florida,
 1659 Inc., and financial support of the Sunshine State Games.

1660 (35) FLORIDA GOLF LICENSE PLATES.—

1661 (a) The Department of Highway Safety and Motor Vehicles
 1662 shall develop a Florida Golf license plate as provided in this
 1663 section. The word "Florida" must appear at the bottom of the
 1664 plate. The Dade Amateur Golf Association, following consultation
 1665 with the PGA TOUR, Enterprise Florida, Inc., ~~the Florida Sports~~
 1666 ~~Foundation~~, the LPGA, and the PGA of America may submit a
 1667 revised sample plate for consideration by the department.

1668 (62) PROTECT FLORIDA SPRINGS LICENSE PLATES.—

1669 (b) The annual use fees shall be distributed to the
 1670 Wildlife Foundation of Florida, Inc., a citizen support
 1671 organization created pursuant to s. 379.223, which shall
 1672 administer the fees as follows:

1673 1. Wildlife Foundation of Florida, Inc., shall retain the
 1674 first \$60,000 of the annual use fees as direct reimbursement for
 1675 administrative costs, startup costs, and costs incurred in the
 1676 development and approval process.

1677 2. Thereafter, a maximum of 10 percent of the fees may be
 1678 used for administrative costs directly associated with education
 1679 programs, conservation, springs research, and grant
 1680 administration of the foundation. A maximum of 15 percent of the

BILL

Redraft - B

YEAR

1681 fees may be used for continuing promotion and marketing of the
 1682 license plate.

1683 3. At least 55 percent of the fees shall be available for
 1684 competitive grants for targeted community-based springs research
 1685 not currently available for state funding. The remaining 20
 1686 percent shall be directed toward community outreach programs
 1687 aimed at implementing such research findings. The competitive
 1688 grants shall be administered and approved by the board of
 1689 directors of the Wildlife Foundation of Florida. The granting
 1690 advisory committee shall be composed of nine members, including
 1691 one representative from the Fish and Wildlife Conservation
 1692 Commission, one representative from the Department of
 1693 Environmental Protection, one representative from the Department
 1694 of Health, one representative from the Department of Economic
 1695 Opportunity Community Affairs, three citizen representatives,
 1696 and two representatives from nonprofit stakeholder groups.

1697 4. The remaining funds shall be distributed with the
 1698 approval of and accountability to the board of directors of the
 1699 Wildlife Foundation of Florida, and shall be used to support
 1700 activities contributing to education, outreach, and springs
 1701 conservation.

1702 Section 55. Paragraph (b) of subsection (5) of section
 1703 339.135, Florida Statutes, is amended to read:

1704 339.135 Work program; legislative budget request;
 1705 definitions; preparation, adoption, execution, and amendment.—

1706 (5) ADOPTION OF THE WORK PROGRAM.—

1707 (b) Notwithstanding paragraph (a), and for the 2011-2012
 1708 fiscal year only, the Department of Transportation shall

BILL

Redraft - B

YEAR

1709 transfer funds to the Department of Economic Opportunity ~~Office~~
 1710 ~~of Tourism, Trade, and Economic Development~~ in an amount equal
 1711 to \$15 million for the purpose of funding transportation-related
 1712 needs of economic development projects. This transfer does ~~shall~~
 1713 not reduce, delete, or defer any existing projects funded, as of
 1714 July 1, 2011, in the Department of Transportation's 5-year work
 1715 program. This paragraph expires July 1, 2012.

1716 Section 56. Subsection (1) of section 342.201, Florida
 1717 Statutes, is amended to read:

1718 342.201 Waterfronts Florida Program.—

1719 (1) There is established within the Department of Economic
 1720 Opportunity ~~Environmental Protection~~ the Waterfronts Florida
 1721 Program to provide technical assistance and support to
 1722 communities in revitalizing waterfront areas in this state.

1723 Section 57. Paragraph (f) of subsection (5) of section
 1724 373.461, Florida Statutes, is amended to read:

1725 373.461 Lake Apopka improvement and management.—

1726 (5) PURCHASE OF AGRICULTURAL LANDS.—

1727 (f)1. Tangible personal property acquired by the district
 1728 as part of related facilities pursuant to this section, and
 1729 classified as surplus by the district, shall be sold by the
 1730 Department of Management Services. The Department of Management
 1731 Services shall deposit the proceeds of such sale in the Economic
 1732 Development Trust Fund in the Department of Economic Opportunity
 1733 ~~Executive Office of the Governor~~. The proceeds shall be used for
 1734 the purpose of providing economic and infrastructure development
 1735 in portions of northwestern Orange County and east central Lake
 1736 County which will be adversely affected economically due to the

BILL

Redraft - B

YEAR

1737 acquisition of lands pursuant to this subsection.
 1738 2. The Department Office of ~~Tourism, Trade, and Economic~~
 1739 Opportunity Development shall, upon presentation of the
 1740 appropriate documentation justifying expenditure of the funds
 1741 deposited pursuant to this paragraph, pay any obligation for
 1742 which it has sufficient funds from the proceeds of the sale of
 1743 tangible personal property and which meets the limitations
 1744 specified in paragraph (g). The authority of the Department
 1745 ~~Office of Tourism, Trade, and Economic Opportunity Development~~
 1746 to expend such funds shall expire 5 years from the effective
 1747 date of this paragraph. Such expenditures may occur without
 1748 future appropriation from the Legislature.

1749 3. Funds deposited under this paragraph may not be used
 1750 for any purpose other than those enumerated in paragraph (g).

1751 Section 58. Paragraph (h) of subsection (2) of section
 1752 377.703, Florida Statutes, is amended to read:

1753 377.703 Additional functions of the Department of
 1754 Agriculture and Consumer Services.—

1755 (2) DUTIES.—The department shall perform the following
 1756 functions, unless as otherwise provided, consistent with the
 1757 development of a state energy policy:

1758 (h) The department shall promote the development and use
 1759 of renewable energy resources, in conformance with ~~the~~
 1760 ~~provisions of~~ chapter 187 and s. 377.601, by:

1761 1. Establishing goals and strategies for increasing the
 1762 use of solar energy in this state.

1763 2. Aiding and promoting the commercialization of solar
 1764 energy technology, in cooperation with the Florida Solar Energy

BILL

Redraft - B

YEAR

1765 Center, Enterprise Florida, Inc., and any other federal, state,
 1766 or local governmental agency which may seek to promote research,
 1767 development, and demonstration of solar energy equipment and
 1768 technology.

1769 3. Identifying barriers to greater use of solar energy
 1770 systems in this state, and developing specific recommendations
 1771 for overcoming identified barriers, with findings and
 1772 recommendations to be submitted annually in the report to the
 1773 Governor and Legislature required under paragraph (f).

1774 4. In cooperation with the Department of Environmental
 1775 Protection, the Department of Transportation, the Department of
 1776 Economic Opportunity Community Affairs, Enterprise Florida,
 1777 Inc., the Florida Solar Energy Center, and the Florida Solar
 1778 Energy Industries Association, investigating opportunities,
 1779 pursuant to the National Energy Policy Act of 1992, the Housing
 1780 and Community Development Act of 1992, and any subsequent
 1781 federal legislation, for solar electric vehicles and other solar
 1782 energy manufacturing, distribution, installation, and financing
 1783 efforts which will enhance this state's position as the leader
 1784 in solar energy research, development, and use.

1785 5. Undertaking other initiatives to advance the
 1786 development and use of renewable energy resources in this state.

1787
 1788 In the exercise of its responsibilities under this paragraph,
 1789 the department shall seek the assistance of the solar energy
 1790 industry in this state and other interested parties and is
 1791 authorized to enter into contracts, retain professional
 1792 consulting services, and expend funds appropriated by the

BILL

Redraft - B

YEAR

1793 Legislature for such purposes.

1794 Section 59. Paragraphs (c) and (d) of subsection (4) of

1795 section 377.809, Florida Statutes, are amended to read:

1796 377.809 Energy Economic Zone Pilot Program.—

1797 (4)

1798 (c) Upon approving an incentive for an eligible business,

1799 the governing body that has jurisdiction over the energy

1800 economic zone shall provide the taxpayer with a certificate

1801 indicating the name and federal identification number of the

1802 eligible business, the date the incentive is provided, the name

1803 of the energy economic zone, the incentive type, and the

1804 incentive amount. The local governing body shall certify to the

1805 Department of Revenue or the Department of Economic Opportunity

1806 ~~Office of Tourism, Trade, and Economic Development~~, whichever is

1807 applicable, which businesses or properties are eligible to

1808 receive any or all of the state incentives according to their

1809 statutory requirements. The governing body that has jurisdiction

1810 over the energy economic zone shall provide a copy of the

1811 certificate to the Department of Revenue and the Department of

1812 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~

1813 ~~Development~~ as notification that such incentives were approved

1814 for the specific eligible business or property. For incentives

1815 to be claimed against the sales and use tax under chapter 212,

1816 the Department of Revenue shall send, within 14 days after

1817 receipt, written instructions to an eligible business on how to

1818 claim the credit on a sales and use tax return initiated through

1819 an electronic data interchange. Any credit against the sales and

1820 use tax shall be deducted from any sales and use tax remitted by

BILL

Redraft - B

YEAR

1821 the dealer to the Department of Revenue by electronic funds
 1822 transfer and may be deducted only on a sales and use tax return
 1823 initiated through an electronic data interchange. The dealer
 1824 shall separately state the credit on the electronic return. The
 1825 net amount of tax due and payable must be remitted by electronic
 1826 funds transfer. If the credit exceeds the amount owed on the
 1827 sales and use tax return, such excess amount may be carried
 1828 forward for a period not to exceed 12 months after the date that
 1829 the credit is initially claimed.

1830 (d) If all conditions are deemed met, the Department of
 1831 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
 1832 ~~Development~~ and the Department of Revenue may adopt emergency
 1833 rules pursuant to ss. 120.536(1) and 120.54 to administer ~~the~~
 1834 ~~provisions of~~ this subsection. The emergency rules shall remain
 1835 in effect for 6 months after the rules are adopted, and the
 1836 rules may be renewed while the procedures to adopt permanent
 1837 rules addressing the subject of the emergency rules are pending.

1838 Section 60. Paragraph (b) of subsection (6), paragraph (b)
 1839 of subsection (19), paragraphs (l) and (q) of subsection (24),
 1840 and paragraphs (b) and (c) of subsection (29) of section 380.06,
 1841 Florida Statutes, are amended to read:

1842 380.06 Developments of regional impact.—

1843 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
 1844 PLAN AMENDMENTS.—

1845 (b) Any local government comprehensive plan amendments
 1846 related to a proposed development of regional impact, including
 1847 any changes proposed under subsection (19), may be initiated by
 1848 a local planning agency or the developer and must be considered

BILL

Redraft - B

YEAR

1849 | by the local governing body at the same time as the application
 1850 | for development approval using the procedures provided for local
 1851 | plan amendment in s. 163.3187 and applicable local ordinances,
 1852 | without regard to local limits on the frequency of consideration
 1853 | of amendments to the local comprehensive plan. This paragraph
 1854 | does not require favorable consideration of a plan amendment
 1855 | solely because it is related to a development of regional
 1856 | impact. The procedure for processing such comprehensive plan
 1857 | amendments is as follows:

1858 | 1. If a developer seeks a comprehensive plan amendment
 1859 | related to a development of regional impact, the developer must
 1860 | so notify in writing the regional planning agency, the
 1861 | applicable local government, and the state land planning agency
 1862 | no later than the date of preapplication conference or the
 1863 | submission of the proposed change under subsection (19).

1864 | 2. When filing the application for development approval or
 1865 | the proposed change, the developer must include a written
 1866 | request for comprehensive plan amendments that would be
 1867 | necessitated by the development-of-regional-impact approvals
 1868 | sought. That request must include data and analysis upon which
 1869 | the applicable local government can determine whether to
 1870 | transmit the comprehensive plan amendment pursuant to s.
 1871 | 163.3184.

1872 | 3. The local government must advertise a public hearing on
 1873 | the transmittal within 30 days after filing the application for
 1874 | development approval or the proposed change and must make a
 1875 | determination on the transmittal within 60 days after the
 1876 | initial filing unless that time is extended by the developer.

BILL

Redraft - B

YEAR

1877 4. If the local government approves the transmittal,
 1878 procedures set forth in s. 163.3184(3)(b) and (c)
 1879 ~~163.3184(4)(b)-(d)~~ must be followed.

1880 5. Notwithstanding subsection (11) or subsection (19), the
 1881 local government may not hold a public hearing on the
 1882 application for development approval or the proposed change or
 1883 on the comprehensive plan amendments sooner than 30 days after
 1884 ~~from~~ receipt of the response from the state land planning agency
 1885 pursuant to s. 163.3184(3)(c)1. ~~163.3184(4)(d).~~

1886 6. The local government must hear both the application for
 1887 development approval or the proposed change and the
 1888 comprehensive plan amendments at the same hearing. However, the
 1889 local government must take action separately on the application
 1890 for development approval or the proposed change and on the
 1891 comprehensive plan amendments.

1892 7. Thereafter, the appeal process for the local government
 1893 development order must follow the provisions of s. 380.07, and
 1894 the compliance process for the comprehensive plan amendments
 1895 must follow the provisions of s. 163.3184.

1896 (19) SUBSTANTIAL DEVIATIONS.—

1897 (b) Any proposed change to a previously approved
 1898 development of regional impact or development order condition
 1899 which, either individually or cumulatively with other changes,
 1900 exceeds any of the following criteria shall constitute a
 1901 substantial deviation and shall cause the development to be
 1902 subject to further development-of-regional-impact review without
 1903 the necessity for a finding of same by the local government:

1904 1. An increase in the number of parking spaces at an

BILL

Redraft - B

YEAR

1905 attraction or recreational facility by 15 percent or 500 spaces,
 1906 whichever is greater, or an increase in the number of spectators
 1907 that may be accommodated at such a facility by 15 percent or
 1908 1,500 spectators, whichever is greater.

1909 2. A new runway, a new terminal facility, a 25 percent ~~25-~~
 1910 ~~percent~~ lengthening of an existing runway, or a 25 percent ~~25-~~
 1911 ~~percent~~ increase in the number of gates of an existing terminal,
 1912 but only if the increase adds at least three additional gates.

1913 3. An increase in land area for office development by 15
 1914 percent or an increase of gross floor area of office development
 1915 by 15 percent or 100,000 gross square feet, whichever is
 1916 greater.

1917 4. An increase in the number of dwelling units by 10
 1918 percent or 55 dwelling units, whichever is greater.

1919 5. An increase in the number of dwelling units by 50
 1920 percent or 200 units, whichever is greater, provided that 15
 1921 percent of the proposed additional dwelling units are dedicated
 1922 to affordable workforce housing, subject to a recorded land use
 1923 restriction that shall be for a period of not less than 20 years
 1924 and that includes resale provisions to ensure long-term
 1925 affordability for income-eligible homeowners and renters and
 1926 provisions for the workforce housing to be commenced prior to
 1927 the completion of 50 percent of the market rate dwelling. For
 1928 purposes of this subparagraph, the term "affordable workforce
 1929 housing" means housing that is affordable to a person who earns
 1930 less than 120 percent of the area median income, or less than
 1931 140 percent of the area median income if located in a county in
 1932 which the median purchase price for a single-family existing

BILL

Redraft - B

YEAR

1961 development approval or in the development order for
 1962 preservation or special protection of endangered or threatened
 1963 plants or animals designated as endangered, threatened, or
 1964 species of special concern and their habitat, any species
 1965 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
 1966 archaeological and historical sites designated as significant by
 1967 the Division of Historical Resources of the Department of State.
 1968 The refinement of the boundaries and configuration of such areas
 1969 shall be considered under sub-subparagraph (e)2.j.

1970
 1971 The substantial deviation numerical standards in subparagraphs
 1972 3., 6., and 9., excluding residential uses, and in subparagraph
 1973 10., are increased by 100 percent for a project certified under
 1974 s. 403.973 which creates jobs and meets criteria established by
 1975 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
 1976 ~~and Economic Development~~ as to its impact on an area's economy,
 1977 employment, and prevailing wage and skill levels. The
 1978 substantial deviation numerical standards in subparagraphs 3.,
 1979 4., 5., 6., 9., and 10. are increased by 50 percent for a
 1980 project located wholly within an urban infill and redevelopment
 1981 area designated on the applicable adopted local comprehensive
 1982 plan future land use map and not located within the coastal high
 1983 hazard area.

1984 (24) STATUTORY EXEMPTIONS.—

1985 (1) Any proposed development within an urban service
 1986 boundary established under s. 163.3177(14), Florida Statutes
 1987 (2010), which is not otherwise exempt pursuant to subsection
 1988 (29), is exempt from this section if the local government having

BILL Redraft - B YEAR

1989 jurisdiction over the area where the development is proposed has
 1990 adopted the urban service boundary and has entered into a
 1991 binding agreement with jurisdictions that would be impacted and
 1992 with the Department of Transportation regarding the mitigation
 1993 of impacts on state and regional transportation facilities.

1994 (q) Any development identified in an airport master plan
 1995 and adopted into the comprehensive plan pursuant to s.
 1996 163.3177(6)(k), Florida Statutes (2010), is exempt from this
 1997 section.

1998
 1999 If a use is exempt from review as a development of regional
 2000 impact under paragraphs (a)-(u), but will be part of a larger
 2001 project that is subject to review as a development of regional
 2002 impact, the impact of the exempt use must be included in the
 2003 review of the larger project, unless such exempt use involves a
 2004 development of regional impact that includes a landowner,
 2005 tenant, or user that has entered into a funding agreement with
 2006 the Department of Economic Opportunity under the Innovation
 2007 Incentive Program and the agreement contemplates a state award
 2008 of at least \$50 million.

2009 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

2010 (b) If a municipality that does not qualify as a dense
 2011 urban land area ~~pursuant to s. 163.3164~~ designates any of the
 2012 following areas in its comprehensive plan, any proposed
 2013 development within the designated area is exempt from the
 2014 development-of-regional-impact process:

- 2015 1. Urban infill as defined in s. 163.3164;
- 2016 2. Community redevelopment areas as defined in s. 163.340;

BILL

Redraft - B

YEAR

2017 3. Downtown revitalization areas as defined in s.
 2018 163.3164;
 2019 4. Urban infill and redevelopment under s. 163.2517; or
 2020 5. Urban service areas as defined in s. 163.3164 or areas
 2021 within a designated urban service boundary under s.
 2022 163.3177(14).
 2023 (c) If a county that does not qualify as a dense urban
 2024 land area ~~pursuant to s. 163.3164~~ designates any of the
 2025 following areas in its comprehensive plan, any proposed
 2026 development within the designated area is exempt from the
 2027 development-of-regional-impact process:
 2028 1. Urban infill as defined in s. 163.3164;
 2029 2. Urban infill and redevelopment under s. 163.2517; or
 2030 3. Urban service areas as defined in s. 163.3164.
 2031 Section 61. Paragraph (a) of subsection (4) of section
 2032 402.56, Florida Statutes, is amended to read:
 2033 402.56 Children's cabinet; organization; responsibilities;
 2034 annual report.—
 2035 (4) MEMBERS.—The cabinet shall consist of 14 members
 2036 including the Governor and the following persons:
 2037 (a)1. The Secretary of Children and Family Services;
 2038 2. The Secretary of Juvenile Justice;
 2039 3. The director of the Agency for Persons with
 2040 Disabilities;
 2041 4. The director of the Office ~~Division~~ of Early Learning;
 2042 5. The State Surgeon General;
 2043 6. The Secretary of Health Care Administration;
 2044 7. The Commissioner of Education;

BILL Redraft - B YEAR

- 2045 8. The director of the Statewide Guardian Ad Litem Office;
 2046 9. The director of the Office of Child Abuse Prevention;
 2047 and
 2048 10. Five members representing children and youth advocacy
 2049 organizations, who are not service providers and who are
 2050 appointed by the Governor.

2051 Section 62. Subsection (6) of section 403.0891, Florida
 2052 Statutes, is amended to read:

2053 403.0891 State, regional, and local stormwater management
 2054 plans and programs.—The department, the water management
 2055 districts, and local governments shall have the responsibility
 2056 for the development of mutually compatible stormwater management
 2057 programs.

2058 (6) The department and the Department of Economic
 2059 Opportunity ~~Community Affairs~~, in cooperation with local
 2060 governments in the coastal zone, shall develop a model
 2061 stormwater management program that could be adopted by local
 2062 governments. The model program shall contain dedicated funding
 2063 options, including a stormwater utility fee system based upon an
 2064 equitable unit cost approach. Funding options shall be designed
 2065 to generate capital to retrofit existing stormwater management
 2066 systems, build new treatment systems, operate facilities, and
 2067 maintain and service debt.

2068 Section 63. Subsection (8) of section 420.503, Florida
 2069 Statutes, is amended to read:

2070 420.503 Definitions.—As used in this part, the term:

2071 (8) "Contract" means the contract between the executive
 2072 director ~~secretary~~ of the department and the corporation for

BILL

Redraft - B

YEAR

2073 provision of housing services referenced in s. 420.0006.

2074 Section 64. Subsection (30) of section 420.507, Florida
 2075 Statutes, is amended to read:

2076 420.507 Powers of the corporation.—The corporation shall
 2077 have all the powers necessary or convenient to carry out and
 2078 effectuate the purposes and provisions of this part, including
 2079 the following powers which are in addition to all other powers
 2080 granted by other provisions of this part:

2081 (30) To prepare and submit to the executive director
 2082 ~~secretary~~ of the department a budget request for purposes of the
 2083 corporation, which request shall, notwithstanding the provisions
 2084 of chapter 216 and in accordance with s. 216.351, contain a
 2085 request for operational expenditures and separate requests for
 2086 other authorized corporation programs. The request need shall
 2087 ~~not be required to~~ contain information on the number of
 2088 employees, salaries, or any classification thereof, and the
 2089 approved operating budget therefor need not comply with s.
 2090 216.181(8)-(10). The executive director may ~~secretary is~~
 2091 ~~authorized to~~ include within the department's budget request the
 2092 corporation's budget request in the form as authorized by this
 2093 section.

2094 Section 65. Paragraph (d) of subsection (1) of section
 2095 420.101, Florida Statutes, is amended to read:

2096 420.101 Housing Development Corporation of Florida;
 2097 creation, membership, and purposes.—

2098 (1) Twenty-five or more persons, a majority of whom shall
 2099 be residents of this state, who may desire to create a housing
 2100 development corporation under the provisions of this part for

BILL

Redraft - B

YEAR

2101 | the purpose of promoting and developing housing and advancing
 2102 | the prosperity and economic welfare of the state and, to that
 2103 | end, to exercise the powers and privileges hereinafter provided,
 2104 | may be incorporated by filing in the Department of State, as
 2105 | hereinafter provided, articles of incorporation. The articles of
 2106 | incorporation shall contain:

2107 | (d) The names and post office addresses of the members of
 2108 | the first board of directors. The first board of directors shall
 2109 | be elected by and from the stockholders of the corporation and
 2110 | shall consist of 21 members. However, five of such members shall
 2111 | consist of the following persons, who shall be nonvoting
 2112 | members: the executive director ~~secretary~~ of the Department of
 2113 | Economic Opportunity or her or his designee; the head of the
 2114 | Department of Financial Services or her or his designee with
 2115 | expertise in banking matters; a designee of the head of the
 2116 | Department of Financial Services with expertise in insurance
 2117 | matters; one state senator appointed by the President of the
 2118 | Senate; and one representative appointed by the Speaker of the
 2119 | House of Representatives.

2120 | Section 66. Section 420.0005, Florida Statutes, is amended
 2121 | to read:

2122 | 420.0005 State Housing Trust Fund; State Housing Fund.—
 2123 | There is ~~hereby~~ established in the State Treasury a separate
 2124 | trust fund to be named the "State Housing Trust Fund." There
 2125 | shall be deposited in the fund all moneys appropriated by the
 2126 | Legislature, or moneys received from any other source, for the
 2127 | purpose of this chapter, and all proceeds derived from the use
 2128 | of such moneys. The fund shall be administered by the Florida

BILL

Redraft - B

YEAR

2129 Housing Finance Corporation on behalf of the department, as
 2130 specified in this chapter. Money deposited to the fund and
 2131 appropriated by the Legislature must, notwithstanding the
 2132 provisions of chapter 216 or s. 420.504(3), be transferred
 2133 quarterly in advance, to the extent available, or, if not so
 2134 available, as soon as received into the State Housing Trust
 2135 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
 2136 by the Chief Financial Officer to the corporation upon
 2137 certification by the executive director of the Department of
 2138 Economic Opportunity that the corporation is in compliance with
 2139 the requirements of s. 420.0006. The certification made by the
 2140 executive director ~~secretary~~ shall also include the split of
 2141 funds among programs administered by the corporation and the
 2142 department as specified in chapter 92-317, Laws of Florida, as
 2143 amended. Moneys advanced by the Chief Financial Officer must be
 2144 deposited by the corporation into a separate fund established
 2145 with a qualified public depository meeting the requirements of
 2146 chapter 280 to be named the "State Housing Fund" and used for
 2147 the purposes of this chapter. Administrative and personnel costs
 2148 incurred in implementing this chapter may be paid from the State
 2149 Housing Fund, but such costs may not exceed 5 percent of the
 2150 moneys deposited into such fund. To the State Housing Fund shall
 2151 be credited all loan repayments, penalties, and other fees and
 2152 charges accruing to such fund under this chapter. It is the
 2153 intent of this chapter that all loan repayments, penalties, and
 2154 other fees and charges collected be credited in full to the
 2155 program account from which the loan originated. Moneys in the
 2156 State Housing Fund which are not currently needed for the

BILL

Redraft - B

YEAR

2157 | purposes of this chapter shall be invested in such manner as is
 2158 | provided for by statute. The interest received on any such
 2159 | investment shall be credited to the State Housing Fund.

2160 | Section 67. Section 420.0006, Florida Statutes, is amended
 2161 | to read:

2162 | 420.0006 Authority to contract with corporation; contract
 2163 | requirements; nonperformance.—The executive director ~~secretary~~
 2164 | of the department shall contract, notwithstanding the ~~provisions~~
 2165 | ~~of~~ part I of chapter 287, with the Florida Housing Finance
 2166 | Corporation on a multiyear basis to stimulate, provide, and
 2167 | foster affordable housing in the state. The contract must
 2168 | incorporate the performance measures required by s. 420.511 and
 2169 | must be consistent with the provisions of the corporation's
 2170 | strategic plan prepared in accordance with s. 420.511. The
 2171 | contract must provide that, in the event the corporation fails
 2172 | to comply with any of the performance measures required by s.
 2173 | 420.511, the executive director ~~secretary~~ shall notify the
 2174 | Governor and shall refer the nonperformance to the department's
 2175 | inspector general for review and determination as to whether
 2176 | such failure is due to forces beyond the corporation's control
 2177 | or whether such failure is due to inadequate management of the
 2178 | corporation's resources. Advances shall continue to be made
 2179 | pursuant to s. 420.0005 during the pendency of the review by the
 2180 | department's inspector general. If such failure is due to
 2181 | outside forces, it shall not be deemed a violation of the
 2182 | contract. If such failure is due to inadequate management, the
 2183 | department's inspector general shall provide recommendations
 2184 | regarding solutions. The Governor is authorized to resolve any

BILL

Redraft - B

YEAR

2185 | differences of opinion with respect to performance under the
 2186 | contract and may request that advances continue in the event of
 2187 | a failure under the contract due to inadequate management. The
 2188 | Chief Financial Officer shall approve the request absent a
 2189 | finding by the Chief Financial Officer that continuing such
 2190 | advances would adversely impact the state; however, in any event
 2191 | the Chief Financial Officer shall provide advances sufficient to
 2192 | meet the debt service requirements of the corporation and
 2193 | sufficient to fund contracts committing funds from the State
 2194 | Housing Trust Fund so long as such contracts are in accordance
 2195 | with the laws of this state.

2196 | Section 68. Subsection (26) of section 443.036, Florida
 2197 | Statutes, is amended to read:

2198 | 443.036 Definitions.—As used in this chapter, the term:

2199 | (26) "Initial skills review" means an online education or
 2200 | training program, such as that established under s. 1004.99,
 2201 | which that is approved by the Department of Economic Opportunity
 2202 | Agency for Workforce Innovation and designed to measure an
 2203 | individual's mastery level of workplace skills.

2204 | Section 69. Paragraphs (c) and (d) of subsection (1) of
 2205 | section 443.091, Florida Statutes, are amended to read:

2206 | 443.091 Benefit eligibility conditions.—

2207 | (1) An unemployed individual is eligible to receive
 2208 | benefits for any week only if the Department of Economic
 2209 | Opportunity finds that:

2210 | (c) To make continued claims for benefits, she or he is
 2211 | reporting to the department in accordance with this paragraph
 2212 | and department ~~agency~~ rules, and participating in an initial

BILL

Redraft - B

YEAR

2213 | skills review as directed by the department ~~agency~~. Department
 2214 | ~~Agency~~ rules may not conflict with s. 443.111(1)(b), which
 2215 | requires that each claimant continue to report regardless of any
 2216 | pending appeal relating to her or his eligibility or
 2217 | disqualification for benefits.

2218 | 1. For each week of unemployment claimed, each report
 2219 | must, at a minimum, include the name, address, and telephone
 2220 | number of each prospective employer contacted, or the date the
 2221 | claimant reported to a one-stop career center, pursuant to
 2222 | paragraph (d).

2223 | 2. The administrator or operator of the initial skills
 2224 | review shall notify the department ~~agency~~ when the individual
 2225 | completes the initial skills review and report the results of
 2226 | the review to the regional workforce board or the one-stop
 2227 | career center as directed by the workforce board. The workforce
 2228 | board shall use the initial skills review to develop a plan for
 2229 | referring individuals to training and employment opportunities.
 2230 | The failure of the individual to comply with this requirement
 2231 | will result in the individual being determined ineligible for
 2232 | benefits for the week in which the noncompliance occurred and
 2233 | for any subsequent week of unemployment until the requirement is
 2234 | satisfied. However, this requirement does not apply if the
 2235 | individual is able to affirmatively attest to being unable to
 2236 | complete such review due to illiteracy or a language impediment.

2237 | (d) She or he is able to work and is available for work.
 2238 | In order to assess eligibility for a claimed week of
 2239 | unemployment, the department shall develop criteria to determine
 2240 | a claimant's ability to work and availability for work. A

BILL

Redraft - B

YEAR

2241 claimant must be actively seeking work in order to be considered
 2242 available for work. This means engaging in systematic and
 2243 sustained efforts to find work, including contacting at least
 2244 five prospective employers for each week of unemployment
 2245 claimed. The department ~~agency~~ may require the claimant to
 2246 provide proof of such efforts to the one-stop career center as
 2247 part of reemployment services. The department ~~agency~~ shall
 2248 conduct random reviews of work search information provided by
 2249 claimants. As an alternative to contacting at least five
 2250 prospective employers for any week of unemployment claimed, a
 2251 claimant may, for that same week, report in person to a one-stop
 2252 career center to meet with a representative of the center and
 2253 access reemployment services of the center. The center shall
 2254 keep a record of the services or information provided to the
 2255 claimant and shall provide the records to the department ~~agency~~
 2256 upon request by the department ~~agency~~. However:

2257 1. Notwithstanding any other provision of this paragraph
 2258 or paragraphs (b) and (e), an otherwise eligible individual may
 2259 not be denied benefits for any week because she or he is in
 2260 training with the approval of the department, or by reason of s.
 2261 443.101(2) relating to failure to apply for, or refusal to
 2262 accept, suitable work. Training may be approved by the
 2263 department in accordance with criteria prescribed by rule. A
 2264 claimant's eligibility during approved training is contingent
 2265 upon satisfying eligibility conditions prescribed by rule.

2266 2. Notwithstanding any other provision of this chapter, an
 2267 otherwise eligible individual who is in training approved under
 2268 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be

BILL

Redraft - B

YEAR

2269 determined ineligible or disqualified for benefits due to
 2270 enrollment in such training or because of leaving work that is
 2271 not suitable employment to enter such training. As used in this
 2272 subparagraph, the term "suitable employment" means work of a
 2273 substantially equal or higher skill level than the worker's past
 2274 adversely affected employment, as defined for purposes of the
 2275 Trade Act of 1974, as amended, the wages for which are at least
 2276 80 percent of the worker's average weekly wage as determined for
 2277 purposes of the Trade Act of 1974, as amended.

2278 3. Notwithstanding any other provision of this section, an
 2279 otherwise eligible individual may not be denied benefits for any
 2280 week because she or he is before any state or federal court
 2281 pursuant to a lawfully issued summons to appear for jury duty.

2282 Section 70. Paragraph (a) of subsection (5) of section
 2283 443.111, Florida Statutes, is amended to read:

2284 443.111 Payment of benefits.—

2285 (5) DURATION OF BENEFITS.—

2286 (a) As used in this section, the term "Florida average
 2287 unemployment rate" means the average of the 3 months for the
 2288 most recent third calendar year quarter of the seasonally
 2289 adjusted statewide unemployment rates as published by the
 2290 Department of Economic Opportunity Agency for Workforce
 2291 Innovation.

2292 Section 71. Paragraph (b) of subsection (1) of section
 2293 443.141, Florida Statutes, is amended to read:

2294 443.141 Collection of contributions and reimbursements.—

2295 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
 2296 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

BILL

Redraft - B

YEAR

2297 (b) *Penalty for delinquent, erroneous, incomplete, or*
 2298 *insufficient reports.-*

2299 1. An employing unit that fails to file any report
 2300 required by the Department of Economic Opportunity or its tax
 2301 collection service provider, in accordance with rules for
 2302 administering this chapter, shall pay to the service provider
 2303 for each delinquent report the sum of \$25 for each 30 days or
 2304 fraction thereof that the employing unit is delinquent, unless
 2305 the department ~~agency~~ or its service provider, whichever
 2306 required the report, finds that the employing unit has good
 2307 reason for failing to file the report. The department or its
 2308 service provider may assess penalties only through the date of
 2309 the issuance of the final assessment notice. However, additional
 2310 penalties accrue if the delinquent report is subsequently filed.

2311 2.a. An employing unit that files an erroneous,
 2312 incomplete, or insufficient report with the department or its
 2313 tax collection service provider shall pay a penalty. The amount
 2314 of the penalty is \$50 or 10 percent of any tax due, whichever is
 2315 greater, but no more than \$300 per report. The penalty shall be
 2316 added to any tax, penalty, or interest otherwise due.

2317 b. The department or its tax collection service provider
 2318 shall waive the penalty if the employing unit files an accurate,
 2319 complete, and sufficient report within 30 days after a penalty
 2320 notice is issued to the employing unit. The penalty may not be
 2321 waived pursuant to this subparagraph more than one time during a
 2322 12-month period.

2323 c. As used in this subsection, the term "erroneous,
 2324 incomplete, or insufficient report" means a report so lacking in

BILL

Redraft - B

YEAR

2325 information, completeness, or arrangement that the report cannot
 2326 be readily understood, verified, or reviewed. Such reports
 2327 include, but are not limited to, reports having missing wage or
 2328 employee information, missing or incorrect social security
 2329 numbers, or illegible entries; reports submitted in a format
 2330 that is not approved by the department or its tax collection
 2331 service provider; and reports showing gross wages that do not
 2332 equal the total of the wages of each employee. However, the term
 2333 does not include a report that merely contains inaccurate data
 2334 that was supplied to the employer by the employee, if the
 2335 employer was unaware of the inaccuracy.

2336 3. Penalties imposed pursuant to this paragraph shall be
 2337 deposited in the Special Employment Security Administration
 2338 Trust Fund.

2339 4. The penalty and interest for a delinquent, erroneous,
 2340 incomplete, or insufficient report may be waived if the penalty
 2341 or interest is inequitable. The provisions of s. 213.24(1) apply
 2342 to any penalty or interest that is imposed under this section.

2343 Section 72. Paragraph (b) of subsection (2) of section
 2344 443.1715, Florida Statutes, is amended to read:

2345 443.1715 Disclosure of information; confidentiality.—

2346 (2) DISCLOSURE OF INFORMATION.—

2347 (b) The employer or the employer's workers' compensation
 2348 carrier against whom a claim for benefits under chapter 440 has
 2349 been made, or a representative of either, may request from the
 2350 department records of wages of the employee reported to the
 2351 department by any employer for the quarter that includes the
 2352 date of the accident that is the subject of such claim and for

BILL

Redraft - B

YEAR

2353 subsequent quarters.

2354 1. The request must be made with the authorization or
 2355 consent of the employee or any employer who paid wages to the
 2356 employee after the date of the accident.

2357 2. The employer or carrier shall make the request on a
 2358 form prescribed by rule for such purpose by the department
 2359 ~~agency~~. Such form shall contain a certification by the
 2360 requesting party that it is a party entitled to the information
 2361 requested.

2362 3. The department shall provide the most current
 2363 information readily available within 15 days after receiving the
 2364 request.

2365 Section 73. Subsections (1), (2), (4), (5), (6), and (7)
 2366 of section 443.17161, Florida Statutes, are amended to read:

2367 443.17161 Authorized electronic access to employer
 2368 information.-

2369 (1) Notwithstanding any other provision of this chapter,
 2370 the Department of Economic Opportunity Agency for Workforce
 2371 ~~Innovation~~ shall contract with one or more consumer reporting
 2372 agencies to provide users with secured electronic access to
 2373 employer-provided information relating to the quarterly wages
 2374 report submitted in accordance with the state's unemployment
 2375 compensation law. The access is limited to the wage reports for
 2376 the appropriate amount of time for the purpose the information
 2377 is requested.

2378 (2) Users must obtain consent in writing or by electronic
 2379 signature from an applicant for credit, employment, or other
 2380 permitted purposes. Any written or electronic signature consent

BILL

Redraft - B

YEAR

2381 from an applicant must be signed and must include the following:

2382 (a) Specific notice that information concerning the
 2383 applicant's wage and employment history will be released to a
 2384 consumer reporting agency;

2385 (b) Notice that the release is made for the sole purpose
 2386 of reviewing the specific application for credit, employment, or
 2387 other permitted purpose made by the applicant;

2388 (c) Notice that the files of the Department of Economic
 2389 Opportunity Agency for Workforce Innovation or its tax
 2390 collection service provider containing information concerning
 2391 wage and employment history which is submitted by the applicant
 2392 or his or her employers may be accessed; and

2393 (d) A listing of the parties authorized to receive the
 2394 released information.

2395 (4) If a consumer reporting agency or user violates this
 2396 section, the Department of Economic Opportunity Agency for
 2397 Workforce Innovation shall, upon 30 days' written notice to the
 2398 consumer reporting agency, terminate the contract established
 2399 between the Department of Economic Opportunity Agency for
 2400 Workforce Innovation and the consumer reporting agency or
 2401 require the consumer reporting agency to terminate the contract
 2402 established between the consumer reporting agency and the user
 2403 under this section.

2404 (5) The Department of Economic Opportunity Agency for
 2405 Workforce Innovation shall establish minimum audit, security,
 2406 net worth, and liability insurance standards, technical
 2407 requirements, and any other terms and conditions considered
 2408 necessary in the discretion of the state agency to safeguard the

BILL

Redraft - B

YEAR

2409 confidentiality of the information released under this section
 2410 and to otherwise serve the public interest. The Department of
 2411 Economic Opportunity Agency for Workforce Innovation shall also
 2412 include, in coordination with any necessary state agencies,
 2413 necessary audit procedures to ensure that these rules are
 2414 followed.

2415 (6) In contracting with one or more consumer reporting
 2416 agencies under this section, any revenues generated by the
 2417 contract must be used to pay the entire cost of providing access
 2418 to the information. Further, in accordance with federal
 2419 regulations, any additional revenues generated by the Department
 2420 of Economic Opportunity Agency for Workforce Innovation or the
 2421 state under this section must be paid into the Administrative
 2422 Trust Fund of the Department of Economic Opportunity Agency for
 2423 Workforce Innovation for the administration of the unemployment
 2424 compensation system or be used as program income.

2425 (7) The Department of Economic Opportunity Agency for
 2426 Workforce Innovation may not provide wage and employment history
 2427 information to any consumer reporting agency before the consumer
 2428 reporting agency or agencies under contract with the Department
 2429 of Economic Opportunity Agency for Workforce Innovation pay all
 2430 development and other startup costs incurred by the state in
 2431 connection with the design, installation, and administration of
 2432 technological systems and procedures for the electronic access
 2433 program.

2434 Section 74. Subsection (2) of section 446.50, Florida
 2435 Statutes, is amended to read:

2436 446.50 Displaced homemakers; multiservice programs; report

BILL

Redraft - B

YEAR

2437 to the Legislature; Displaced Homemaker Trust Fund created.—

2438 (2) DEFINITION.—For the purposes of this section, the term
2439 "displaced homemaker" means an individual who:

2440 (a) Is 35 years of age or older;

2441 (b) Has worked in the home, providing unpaid household
2442 services for family members;

2443 (c) Is not adequately employed, as defined by rule of the
2444 department agency;

2445 (d) Has had, or would have, difficulty in securing
2446 adequate employment; and

2447 (e) Has been dependent on the income of another family
2448 member but is no longer supported by such income, or has been
2449 dependent on federal assistance.

2450 Section 75. Section 450.261, Florida Statutes, is amended
2451 to read:

2452 450.261 Interstate Migrant Labor Commission; Florida
2453 membership.—In selecting the Florida membership of the
2454 Interstate Migrant Labor Commission, the Governor may designate
2455 the executive director ~~secretary~~ of the Department of Economic
2456 Opportunity as his or her representative.

2457 Section 76. Paragraph (c) of subsection (7) of section
2458 509.032, Florida Statutes, is amended to read:

2459 509.032 Duties.—

2460 (7) PREEMPTION AUTHORITY.—

2461 (c) Paragraph (b) does not apply to any local law,
2462 ordinance, or regulation exclusively relating to property
2463 valuation as a criterion for vacation rental if the local law,
2464 ordinance, or regulation is required to be approved by the state

BILL

Redraft - B

YEAR

2465 land planning agency ~~Department of Community Affairs~~ pursuant to
 2466 an area of critical state concern designation.

2467 Section 77. Subsection (3) of section 624.5105, Florida
 2468 Statutes, is amended to read:

2469 624.5105 Community contribution tax credit; authorization;
 2470 limitations; eligibility and application requirements;
 2471 administration; definitions; expiration.—

2472 (3) APPLICATION REQUIREMENTS.—

2473 (a) Any eligible sponsor wishing to participate in this
 2474 program must submit a proposal to the Department of Economic
 2475 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
 2476 which sets forth the sponsor, the project, the area in which the
 2477 project is located, and such supporting information as may be
 2478 prescribed by rule. The proposal shall also contain a resolution
 2479 from the local governmental unit in which the proposed project
 2480 is located certifying that the project is consistent with local
 2481 plans and regulations.

2482 (b)1. Any insurer wishing to participate in this program
 2483 must submit an application for tax credit to the Department of
 2484 Economic Opportunity ~~office~~ which sets forth the sponsor; the
 2485 project; and the type, value, and purpose of the contribution.
 2486 The sponsor must verify, in writing, the terms of the
 2487 application and indicate its willingness to receive the
 2488 contribution, which verification must accompany the application
 2489 for tax credit.

2490 2. The insurer must submit a separate application for tax
 2491 credit for each individual contribution which it proposes to
 2492 contribute to each individual project.

BILL Redraft - B YEAR

2493 Section 78. Subsection (4) of section 1002.75, Florida
 2494 Statutes, is amended to read:

2495 1002.75 Office of Early Learning; powers and duties;
 2496 operational requirements.—

2497 (4) The Office of Early Learning shall also adopt
 2498 procedures for the ~~agency's~~ distribution of funds to early
 2499 learning coalitions under s. 1002.71.

2500 Section 79. Subsection (2) of section 1002.79, Florida
 2501 Statutes, is amended to read:

2502 1002.79 Rulemaking authority.—

2503 (2) The Office of Early Learning shall adopt rules under
 2504 ss. 120.536(1) and 120.54 to administer the provisions of this
 2505 part conferring duties upon the office ~~agency~~.

2506 Section 80. Subsections (7) through (9) of section
 2507 163.3178, Florida Statutes, are renumbered as subsections (6)
 2508 through (8), respectively, and paragraph (h) of subsection (2)
 2509 and present subsection (6) of that section are amended to read:

2510 163.3178 Coastal management.—

2511 (2) Each coastal management element required by s.
 2512 163.3177(6)(g) shall be based on studies, surveys, and data; be
 2513 consistent with coastal resource plans prepared and adopted
 2514 pursuant to general or special law; and contain:

2515 (h) Designation of coastal high-hazard areas and the
 2516 criteria for mitigation for a comprehensive plan amendment in a
 2517 coastal high-hazard area as defined in subsection (8) ~~(9)~~. The
 2518 coastal high-hazard area is the area below the elevation of the
 2519 category 1 storm surge line as established by a Sea, Lake, and
 2520 Overland Surges from Hurricanes (SLOSH) computerized storm surge

BILL

Redraft - B

YEAR

2521 model. Application of mitigation and the application of
 2522 development and redevelopment policies, pursuant to s.
 2523 380.27(2), and any rules adopted thereunder, shall be at the
 2524 discretion of local government.

2525 ~~(6) Local governments are encouraged to adopt countywide~~
 2526 ~~marina siting plans to designate sites for existing and future~~
 2527 ~~marinas. The Coastal Resources Interagency Management Committee,~~
 2528 ~~at the direction of the Legislature, shall identify incentives~~
 2529 ~~to encourage local governments to adopt such siting plans and~~
 2530 ~~uniform criteria and standards to be used by local governments~~
 2531 ~~to implement state goals, objectives, and policies relating to~~
 2532 ~~marina siting. These criteria must ensure that priority is given~~
 2533 ~~to water dependent land uses. Countywide marina siting plans~~
 2534 ~~must be consistent with state and regional environmental~~
 2535 ~~planning policies and standards. Each local government in the~~
 2536 ~~coastal area which participates in adoption of a countywide~~
 2537 ~~marina siting plan shall incorporate the plan into the coastal~~
 2538 ~~management element of its local comprehensive plan.~~

2539 Section 81. Paragraph (a) of subsection (1) of section
 2540 259.035, Florida Statutes, is amended to read:

2541 259.035 Acquisition and Restoration Council.—

2542 (1) There is created the Acquisition and Restoration
 2543 Council.

2544 (a) The council shall be composed of 10 ~~eleven~~ voting
 2545 members, four of whom shall be appointed by the Governor. Of
 2546 these four appointees, three shall be from scientific
 2547 disciplines related to land, water, or environmental sciences
 2548 and the fourth shall have at least 5 years of experience in

BILL

Redraft - B

YEAR

2549 managing lands for both active and passive types of recreation.
 2550 They shall serve 4-year terms, except that, initially, to
 2551 provide for staggered terms, two of the appointees shall serve
 2552 2-year terms. All subsequent appointments shall be for 4-year
 2553 terms. An ~~No~~ appointee may not shall serve more than 6 years.
 2554 The Governor may at any time fill a vacancy for the unexpired
 2555 term of a member appointed under this paragraph.

2556 Section 82. Subsection (2) of section 288.12265, Florida
 2557 Statutes, is amended to read:

2558 288.12265 Welcome centers.—

2559 (2) Enterprise Florida, Inc., shall administer and operate
 2560 the welcome centers. Pursuant to a contract with the Department
 2561 of Transportation, Enterprise Florida, Inc., shall be
 2562 responsible for routine repair, replacement, or improvement and
 2563 the day-to-day management of interior areas occupied by the
 2564 welcome centers. All other repairs, replacements, or
 2565 improvements to the welcome centers shall be the responsibility
 2566 of the Department of Transportation. Enterprise Florida, Inc.,
 2567 may contract with the Florida Tourism Industry Marketing
 2568 Corporation for the management and operation of the welcome
 2569 centers.

2570 Section 83. Paragraph (a) of subsection (5) of section
 2571 288.901, Florida Statutes, is amended to read:

2572 288.901 Enterprise Florida, Inc.—

2573 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

2574 (a) In addition to the Governor or the Governor's
 2575 designee, the board of directors shall consist of the following
 2576 appointed members:

BILL

Redraft - B

YEAR

- 2577 | 1. The Commissioner of Education or the commissioner's
- 2578 | designee.
- 2579 | 2. The Chief Financial Officer or his or her designee.
- 2580 | 3. The chairperson of the board of directors of Workforce
- 2581 | Florida, Inc.
- 2582 | 4. The Secretary of State or the secretary's designee.
- 2583 | 5. Twelve members from the private sector, six of whom
- 2584 | shall be appointed by the Governor, three of whom shall be
- 2585 | appointed by the President of the Senate, and three of whom
- 2586 | shall be appointed by the Speaker of the House of
- 2587 | Representatives. Members appointed by the Governor ~~All~~
- 2588 | ~~appointees~~ are subject to Senate confirmation.

2589 | Section 84. Paragraph (d) of subsection (2) and subsection
 2590 | (3) of section 288.980, Florida Statutes, are amended to read:

2591 | 288.980 Military base retention; legislative intent;
 2592 | grants program.—

2593 | (2)

2594 | (d) In making grant awards the department ~~office~~ shall
 2595 | consider, at a minimum, the following factors:

2596 | 1. The relative value of the particular military
 2597 | installation in terms of its importance to the local and state
 2598 | economy relative to other military installations vulnerable to
 2599 | closure.

2600 | 2. The potential job displacement within the local
 2601 | community should the military installation be closed.

2602 | 3. The potential adverse impact on industries and
 2603 | technologies which service the military installation.

2604 | (3) The Florida Economic Reinvestment Initiative is

BILL

Redraft - B

YEAR

2605 established to respond to the need for this state and defense-
 2606 dependent communities in this state to develop alternative
 2607 economic diversification strategies to lessen reliance on
 2608 national defense dollars in the wake of base closures and
 2609 reduced federal defense expenditures and the need to formulate
 2610 specific base reuse plans and identify any specific
 2611 infrastructure needed to facilitate reuse. The initiative shall
 2612 consist of the following three ~~two~~ distinct grant programs to be
 2613 administered by the department:

2614 (a) The Florida Defense Planning Grant Program, through
 2615 which funds shall be used to analyze the extent to which the
 2616 state is dependent on defense dollars and defense infrastructure
 2617 and prepare alternative economic development strategies. The
 2618 state shall work in conjunction with defense-dependent
 2619 communities in developing strategies and approaches that will
 2620 help communities make the transition from a defense economy to a
 2621 nondefense economy. Grant awards may not exceed \$250,000 per
 2622 applicant and shall be available on a competitive basis.

2623 (b) The Florida Defense Implementation Grant Program,
 2624 through which funds shall be made available to defense-dependent
 2625 communities to implement the diversification strategies
 2626 developed pursuant to paragraph (a). Eligible applicants include
 2627 defense-dependent counties and cities, and local economic
 2628 development councils located within such communities. Grant
 2629 awards may not exceed \$100,000 per applicant and shall be
 2630 available on a competitive basis. Awards shall be matched on a
 2631 one-to-one basis.

2632 (c) The Florida Military Installation Reuse Planning and

BILL

Redraft - B

YEAR

2633 Marketing Grant Program, through which funds shall be used to
 2634 help counties, cities, and local economic development councils
 2635 develop and implement plans for the reuse of closed or realigned
 2636 military installations, including any necessary infrastructure
 2637 improvements needed to facilitate reuse and related marketing
 2638 activities.

2639
 2640 Applications for grants under this subsection must include a
 2641 coordinated program of work or plan of action delineating how
 2642 the eligible project will be administered and accomplished,
 2643 which must include a plan for ensuring close cooperation between
 2644 civilian and military authorities in the conduct of the funded
 2645 activities and a plan for public involvement.

2646 Section 85. Section 331.3081, Florida Statutes, is amended
 2647 to read:

2648 331.3081 Board of directors; ~~advisory board.~~

2649 ~~(1)~~ Space Florida shall be governed by a 13-member ~~12-~~
 2650 ~~member~~ independent board of directors that consists of the
 2651 members appointed to the board of directors of Enterprise
 2652 Florida, Inc., by the Governor, the President of the Senate, and
 2653 the Speaker of the House of Representatives pursuant to s.
 2654 288.901(5)(a)5. The Governor shall serve ex officio, or may
 2655 appoint a designee to serve, as the chair and voting member of
 2656 the board.

2657 ~~(2) Space Florida shall have a 15-member advisory council,~~
 2658 ~~appointed by the Governor from a list of nominations submitted~~
 2659 ~~by the board of directors. The advisory council shall be~~
 2660 ~~composed of Florida residents with expertise in the space~~

BILL

Redraft - B

YEAR

2661 ~~industry, and each of the following areas of expertise or~~
 2662 ~~experience must be represented by at least one advisory council~~
 2663 ~~member: human space flight programs, commercial launches into~~
 2664 ~~space, organized labor with experience working in the aerospace~~
 2665 ~~industry, aerospace-related industries, a commercial company~~
 2666 ~~working under Federal Government contracts to conduct space-~~
 2667 ~~related business, an aerospace company whose primary client is~~
 2668 ~~the United States Department of Defense, and an alternative~~
 2669 ~~energy enterprise with potential for aerospace applications. The~~
 2670 ~~advisory council shall elect a member to serve as the chair of~~
 2671 ~~the council.~~

2672 ~~(3) The advisory council shall make recommendations to the~~
 2673 ~~board of directors of Enterprise Florida, Inc., on the operation~~
 2674 ~~of Space Florida, including matters pertaining to ways to~~
 2675 ~~improve or enhance Florida's efforts to expand its existing~~
 2676 ~~space and aerospace industry, to improve management and use of~~
 2677 ~~Florida's state-owned real property assets related to space and~~
 2678 ~~aerospace, how best to retain and, if necessary, retrain~~
 2679 ~~Florida's highly skilled space and aerospace workforce, and how~~
 2680 ~~to strengthen bonds between this state, NASA, the Department of~~
 2681 ~~Defense, and private space and aerospace industries.~~

2682 ~~(4) The term for an advisory council member is 4 years. A~~
 2683 ~~member may not serve more than two consecutive terms. The~~
 2684 ~~Governor may remove any member for cause and shall fill all~~
 2685 ~~vacancies that occur.~~

2686 ~~(5) Advisory council members shall serve without~~
 2687 ~~compensation but may be reimbursed for all reasonable,~~
 2688 ~~necessary, and actual expenses as determined by the board of~~

BILL

Redraft - B

YEAR

2689 ~~directors of Enterprise Florida, Inc.~~

2690 Section 86. Sections 163.03 and 379.2353, Florida

2691 Statutes, are repealed.

2692 Section 87. This act shall take effect upon becoming a

2693 law.



ECONOMIC AFFAIRS COMMITTEE

Amendment Packet

Thursday, January 19, 2012

8:30 A.M.

Reed Hall (102 HOB)

**Dean Cannon
Speaker**

**Dorothy L. Hukill
Chair**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Grant offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (10) of section 455.271, Florida
7 Statutes, is amended to read:

8 455.271 Inactive and delinquent status.—

9 (10) The board, or the department when there is no board,
10 may not require ~~Before reactivation,~~ an inactive or delinquent
11 licensee, except for a licensee under chapter 473 or chapter
12 475, to complete more than one renewal cycle of ~~shall meet the~~
13 ~~same~~ continuing education to reactivate a license. ~~requirements,~~
14 ~~if any, imposed on an active status licensee for all biennial~~
15 ~~licensure periods in which the licensee was inactive or~~
16 ~~delinquent. This subsection does not apply to persons regulated~~
17 ~~under chapter 473.~~

18 Section 2. Section 468.4338, Florida Statutes, is amended
19 to read:

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

20 468.4338 Reactivation; continuing education.—The council
21 shall prescribe by rule continuing education requirements for
22 reactivating a license. The continuing education requirements
23 for reactivating a license may not exceed more than one renewal
24 cycle of continuing education ~~10 classroom hours for each year~~
25 ~~the license was inactive.~~

26 Section 3. Paragraph (h) is added to subsection (3) of
27 section 468.525, Florida Statutes, to read:

28 468.525 License requirements.—

29 (3) Each employee leasing company licensed by the
30 department shall have a registered agent for service of process
31 in this state and at least one licensed controlling person. In
32 addition, each licensed employee leasing company shall comply
33 with the following requirements:

34 (h) Following initial licensure, each employee leasing
35 company and each employee leasing company group shall be
36 considered an applicant for renewal of its license and all of
37 the financial information of such licensees submitted to the
38 board pursuant to part XI of chapter 468 and the rules enacted
39 thereunder shall be considered supplied in furtherance of the
40 renewal application process.

41 Section 4. Subsection (2) of section 468.8317, Florida
42 Statutes, is amended to read:

43 468.8317 Inactive license.—

44 (2) A license that becomes ~~has become~~ inactive may be
45 reactivated upon application to the department. The department
46 may prescribe by rule continuing education requirements as a
47 condition of reactivating a license. The rules may not require

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

Amendment No. 1

48 more than one renewal cycle of continuing education to
49 reactivate requirements for reactivating a license ~~may not~~
50 ~~exceed 14 hours for each year the license was inactive.~~

51 Section 5. Subsection (2) of section 468.8417, Florida
52 Statutes, is amended to read:

53 468.8417 Inactive license.—

54 (2) A license that becomes ~~has become~~ inactive may be
55 reactivated upon application to the department. The department
56 may prescribe by rule continuing education requirements as a
57 condition of reactivating a license. The rules may not require
58 more than one renewal cycle of continuing education to
59 reactivate requirements for reactivating a license ~~may not~~
60 ~~exceed 14 hours for each year the license was inactive.~~

61 Section 6. Subsection (4) of section 469.002, Florida
62 Statutes, is amended to read:

63 469.002 Exemptions.—

64 (4) Licensure as an asbestos consultant or contractor is
65 not required for the repair, maintenance, removal, or disposal
66 of asbestos-containing pipe or conduit, if:

67 (a) The pipe or conduit is used for electrical,
68 electronic, communications, sewer, gas, or water service;

69 (b) The pipe or conduit is not located in a building;

70 (c) The pipe or conduit is made of Category I or Category
71 II nonfriable material as defined in NESHAP; and

72 (d) All such activities are performed according to all
73 applicable regulations, including work practices and training,
74 of the United States Occupational Safety and Health
75 Administration under 29 C.F.R. part 1926.

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

76 Section 7. Subsection (5) of section 475.615, Florida
77 Statutes, is amended to read:

78 475.615 Qualifications for registration or certification.-

79 (5) At the time of filing an application for registration
80 or certification, the applicant must sign a pledge indicating
81 that upon becoming registered or certified, she or he will
82 comply with the standards of professional practice established
83 by rule of the board, including standards for the development or
84 communication of a real estate appraisal, ~~to comply with the~~
85 ~~Uniform Standards of Professional Appraisal Practice upon~~
86 ~~registration or certification~~ and must indicate in writing that
87 she or he understands the types of misconduct for which
88 disciplinary proceedings may be initiated. The application shall
89 expire 1 year after the date received by the department.

90 Section 8. Subsection (1), paragraph (b) of subsection
91 (2), and paragraph (b) of subsection (3) of section 475.617,
92 Florida Statutes, is amended to read:

93 475.617 Education and experience requirements.-

94 (1) To be registered as a trainee appraiser, an applicant
95 must present evidence satisfactory to the board that she or he
96 has successfully completed at least 100 hours of approved
97 academic courses in subjects related to real estate appraisal,
98 which shall include coverage of the Uniform Standards of
99 Professional Appraisal Practice, or its equivalent, as
100 established by rule of the board, from a nationally recognized
101 or state-recognized appraisal organization, career center,
102 accredited community college, college, or university, state or
103 federal agency or commission, or proprietary real estate school

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

104 that holds a permit pursuant to s. 475.451. The board may
105 increase the required number of hours to not more than 125
106 hours. A classroom hour is defined as 50 minutes out of each 60-
107 minute segment. Past courses may be approved on an hour-for-hour
108 basis.

109 (2) To be certified as a residential appraiser, an
110 applicant must present satisfactory evidence to the board that
111 she or he has met the minimum education and experience
112 requirements prescribed by rule of the board. The board shall
113 prescribe by rule education and experience requirements that
114 meet or exceed the following real property appraiser
115 qualification criteria adopted on February 20, 2004, by the
116 Appraisal Qualifications Board of the Appraisal Foundation:

117 (b) Has successfully completed at least 200 classroom
118 hours, inclusive of examination, of approved academic courses in
119 subjects related to real estate appraisal, which shall include a
120 15-hour National Uniform Standards of Professional Appraisal
121 Practice course, or its equivalent, as established by rule of
122 the board, from a nationally recognized or state-recognized
123 appraisal organization, career center, accredited community
124 college, college, or university, state or federal agency or
125 commission, or proprietary real estate school that holds a
126 permit pursuant to s. 475.451. A classroom hour is defined as 50
127 minutes out of each 60-minute segment. Past courses may be
128 approved by the board and substituted on an hour-for-hour basis.

129 (3) To be certified as a general appraiser, an applicant
130 must present evidence satisfactory to the board that she or he
131 has met the minimum education and experience requirements

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

132 prescribed by rule of the board. The board shall prescribe
133 education and experience requirements that meet or exceed the
134 following real property appraiser qualification criteria adopted
135 on February 20, 2004, by the Appraisal Qualifications Board of
136 the Appraisal Foundation:

137 (b) Has successfully completed at least 300 classroom
138 hours, inclusive of examination, of approved academic courses in
139 subjects related to real estate appraisal, which shall include a
140 15-hour National Uniform Standards of Professional Appraisal
141 Practice course, or its equivalent, as established by rule of
142 the board, from a nationally recognized or state-recognized
143 appraisal organization, career center, accredited community
144 college, college, or university, state or federal agency or
145 commission, or proprietary real estate school that holds a
146 permit pursuant to s. 475.451. A classroom hour is defined as 50
147 minutes out of each 60-minute segment. Past courses may be
148 approved by the board and substituted on an hour-for-hour basis.

149 Section 9. Subsection (1) of section 475.6175, Florida
150 Statutes, is amended to read:

151 475.6175 Registered trainee appraiser; postlicensure
152 education required.-

153 (1) The board shall prescribe postlicensure educational
154 requirements in order for a person to maintain a valid
155 registration as a registered trainee appraiser. If prescribed,
156 the postlicensure educational requirements consist of one or
157 more courses which total no more than the total educational
158 hours required to qualify as a state certified residential
159 appraiser. Such courses must be in subjects related to real

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

160 estate appraisal and shall include coverage of the Uniform
161 Standards of Professional Appraisal Practice or its equivalent,
162 as established by rule of the board. Such courses are provided
163 by a nationally or state-recognized appraisal organization,
164 career center, accredited community college, college, or
165 university, state or federal agency or commission, or
166 proprietary real estate school that holds a permit pursuant to
167 s. 475.451.

168 Section 10. Subsection (2) of section 477.0212, Florida
169 Statutes, is amended to read:

170 477.0212 Inactive status.—

171 (2) The board shall adopt ~~promulgate~~ rules relating to
172 licenses that ~~which have~~ become inactive and for the renewal of
173 inactive licenses. The rules may not require more than one
174 renewal cycle of continuing education to reactivate a license.
175 The board shall prescribe by rule a fee not to exceed \$50 for
176 the reactivation of an inactive license and a fee not to exceed
177 \$50 for the renewal of an inactive license.

178 Section 11. Subsection (1) of section 481.209, Florida
179 Statutes, is amended to read:

180 481.209 Examinations.—

181 (1) A person desiring to be licensed as a registered
182 architect by initial examination shall apply to the department,
183 complete to take the licensure examination. ~~The department shall~~
184 ~~administer the licensure examination for architects to each~~
185 ~~applicant who the board certifies:~~

186 ~~(a) Has completed the application form, and remit remitted~~
187 a nonrefundable application fee. The department shall license

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

188 any applicant who the board certifies: ~~and an examination fee~~
189 ~~which is refundable if the applicant is found to be ineligible~~
190 ~~to take the examination;~~

191 (a) Has passed the licensure examination prescribed by
192 board rule; and

193 (b)~~1.~~ Is a graduate of a school or college of architecture
194 with a program accredited by the National Architectural
195 Accreditation Board. ~~;~~ ~~or~~

196 ~~2. Is a graduate of an approved architectural curriculum,~~
197 ~~evidenced by a degree from an unaccredited school or college of~~
198 ~~architecture approved by the board. The board shall adopt rules~~
199 ~~providing for the review and approval of unaccredited schools~~
200 ~~and colleges of architecture and courses of architectural study~~
201 ~~based on a review and inspection by the board of the curriculum~~
202 ~~of accredited schools and colleges of architecture in the United~~
203 ~~States; and~~

204 ~~(c) Has completed, prior to examination, 1 year of the~~
205 ~~internship experience required by s. 481.211(1).~~

206 Section 12. Section 481.211, Florida Statutes, is amended
207 to read:

208 481.211 Architecture internship required.-

209 ~~(1)~~ An applicant for licensure as a registered architect
210 shall complete, prior to licensure, an internship of diversified
211 architectural experience approved by the board, meeting
212 requirements set forth by rule. ~~in the design and construction~~
213 ~~of structures which have as their principal purpose human~~
214 ~~habitation or use. The internship shall be for a period of:~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

215 ~~(a) Three years for an applicant holding the degree of~~
216 ~~Bachelor of Architecture; or~~

217 ~~(b) Two years for an applicant holding the professional~~
218 ~~degree of Master of Architecture.~~

219 ~~(2) Each applicant for licensure shall complete 1 year of~~
220 ~~the internship experience required by this section subsequent to~~
221 ~~graduation from a school or college of architecture as defined~~
222 ~~in s. 481.209(1).~~

223 Section 13. Paragraph (c) of subsection (3) of section
224 481.213, Florida Statutes, is amended to read:

225 481.213 Licensure.—

226 (3) The board shall certify as qualified for a license by
227 endorsement as an architect or as an interior designer an
228 applicant who:

229 (c) Has passed the prescribed licensure examination and
230 holds a valid certificate issued by the National Council of
231 Architectural Registration Boards, and holds a valid license to
232 practice architecture issued by another state or jurisdiction of
233 the United States. For the purposes of this paragraph, any
234 applicant licensed in another state or jurisdiction after June
235 30, 2000 ~~1984~~, must also hold a degree in architecture ~~and such~~
236 ~~degree must be~~ equivalent to that required in s. 481.209(1)(b)
237 ~~and. Also for the purposes of this paragraph, any applicant~~
238 ~~licensed in another state or jurisdiction after June 30, 1985,~~
239 ~~must~~ have completed an internship equivalent to that required by
240 s. 481.211 and any rules adopted with respect thereto.

241 Section 14. Subsection (1) of section 481.217, Florida
242 Statutes, is amended to read:

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

243 481.217 Inactive status.-

244 (1) The board may prescribe by rule continuing education
245 requirements as a condition of reactivating a license. The rules
246 may not require more than one renewal cycle of continuing
247 education to reactivate ~~requirements for reactivating~~ a license
248 for a registered architect or interior designer ~~may not exceed~~
249 ~~12 contact hours for each year the license was inactive. The~~
250 ~~minimum continuing education requirement for reactivating a~~
251 ~~license for a registered interior designer shall be those of the~~
252 ~~most recent biennium plus one-half of the requirements in s.~~
253 ~~481.215 for each year or part thereof during which the license~~
254 ~~was inactive. The board may ~~shall~~ only approve continuing~~
255 ~~education for an interior designer which ~~that~~ builds upon the~~
256 basic knowledge of interior design.

257 Section 15. Subsection (1) of section 481.315, Florida
258 Statutes, is amended to read:

259 481.315 Inactive status.-

260 (1) A license that has become inactive or delinquent may
261 be reactivated under this section upon application to the
262 department and payment of any applicable biennial renewal or
263 delinquency fee, or both, and a reactivation fee. The board may
264 not require a licensee to complete more than one renewal cycle
265 of continuing education requirements ~~The board may prescribe by~~
266 ~~rule continuing education requirements as a condition of~~
267 ~~reactivating the license. The continuing education requirements~~
268 ~~for reactivating a license may not exceed 12 classroom hours for~~
269 ~~each year the license was inactive.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

270 Section 16. Subsections (3) and (6) of section 489.116,
271 Florida Statutes, are amended to read:

272 489.116 Inactive and delinquent status; renewal and
273 cancellation notices.—

274 (3) An inactive status certificateholder or registrant may
275 change to active status at any time, if provided the
276 certificateholder or registrant meets all requirements for
277 active status, pays any additional licensure fees necessary to
278 equal those imposed on an active status certificateholder or
279 registrant, and pays any applicable late fees, and meets all
280 continuing education requirements prescribed by the board.

281 (6) The board may not require an inactive
282 certificateholder or registrant to complete more than one
283 renewal cycle of ~~shall comply with the same~~ continuing education
284 for reactivating a certificate or registration requirements, if
285 ~~any, that are imposed on an active status certificateholder or~~
286 ~~registrant.~~

287 Section 17. Subsection (1) of section 489.519, Florida
288 Statutes, is amended to read:

289 489.519 Inactive status.—

290 (1) A certificate or registration that becomes ~~has become~~
291 inactive may be reactivated under s. 489.517 upon application to
292 the department. The board may not require a licensee to complete
293 more than one renewal cycle of ~~prescribe, by rule,~~ continuing
294 education to reactivate ~~requirements as a condition of~~
295 ~~reactivating~~ a certificate or registration. ~~The continuing~~
296 ~~education requirements for reactivating a certificate or~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

297 ~~registration may not exceed 12 classroom hours for each year the~~
298 ~~certificate or registration was inactive.~~

299 Section 18. Subsection (4) of section 475.6235, Florida
300 Statutes, is amended to read:

301 475.6235 Registration of appraisal management companies
302 required.-

303 (4) At the time of filing an application for registration
304 of an appraisal management company, each person listed in
305 paragraph (2)(f) must sign a pledge to comply with the standards
306 of professional practice established by rule of the board,
307 including standards for the development or communication of a
308 real estate appraisal, ~~Uniform Standards of Professional~~
309 ~~Appraisal Practice upon registration~~ and must indicate in
310 writing that she or he understands the types of misconduct for
311 which disciplinary proceedings may be initiated. The application
312 shall expire 1 year after the date received by the department.

313 Section 19. Section 468.391, Florida Statutes, is amended
314 to read:

315 468.391 Penalty.-Any auctioneer, apprentice, or auction
316 business or any owner or manager thereof, or, in the case of
317 corporate ownership, any substantial stockholder of the
318 corporation owning the auction business, who operates without an
319 active license or violates any of the provisions ~~provision~~ of
320 the prohibited acts listed under s. 468.389 (1)(c), (e), (f),
321 (h), and (i) commits a felony of the third degree, punishable as
322 provided in s. 775.082 or s. 775.083.

323 Section 20. Paragraph (t) of subsection (1) of section
324 475.25, Florida Statutes, is amended to read:

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

Amendment No. 1

325 475.25 Discipline.-

326 (1) The commission may deny an application for licensure,
327 registration, or permit, or renewal thereof; may place a
328 licensee, registrant, or permittee on probation; may suspend a
329 license, registration, or permit for a period not exceeding 10
330 years; may revoke a license, registration, or permit; may impose
331 an administrative fine not to exceed \$5,000 for each count or
332 separate offense; and may issue a reprimand, and any or all of
333 the foregoing, if it finds that the licensee, registrant,
334 permittee, or applicant:

335 (t) Has violated any standard of professional practice
336 established by rule of the Florida Real Estate Appraisal Board,
337 including standards for the development or communication of a
338 real estate appraisal ~~or other provision of the Uniform~~
339 ~~Standards of Professional Appraisal Practice, as defined in s.~~
340 ~~475.611,~~ as approved and adopted by the Appraisal Standards
341 Board of the Appraisal Foundation, as defined in s. 475.611.
342 This paragraph does not apply to a real estate broker or sales
343 associate who, in the ordinary course of business, performs a
344 comparative market analysis, gives a broker price opinion, or
345 gives an opinion of value of real estate. However, in no event
346 may this comparative market analysis, broker price opinion, or
347 opinion of value of real estate be referred to as an appraisal,
348 as defined in s. 475.611.

349 Section 21. Paragraphs (f) through (o) of subsection (1)
350 of section 475.42, Florida Statutes, are redesignated as
351 paragraphs (e) through (n), respectively, and present paragraph
352 (e) of that subsection is amended to read:

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

353 475.42 Violations and penalties.-

354 (1) VIOLATIONS.-

355 ~~(c) A person may not violate any lawful order or rule of~~
356 ~~the commission which is binding upon her or him.~~

357 Section 22. Subsection (14) of section 475.624, Florida
358 Statutes, is amended to read:

359 475.624 Discipline of appraisers.-

360 The board may deny an application for registration or
361 certification of an appraiser; may investigate the actions of
362 any appraiser registered, licensed, or certified under this
363 part; may reprimand or impose an administrative fine not to
364 exceed \$5,000 for each count or separate offense against any
365 such appraiser; and may revoke or suspend, for a period not to
366 exceed 10 years, the registration, license, or certification of
367 any such appraiser, or place any such appraiser on probation, if
368 the board finds that the registered trainee, licensee, or
369 certificateholder:

370 (14) Has violated any standard of professional practice,
371 including standards for the development or communication of a
372 real estate appraisal, as established by rule of the board or
373 ~~other provision of the Uniform Standards of Professional~~
374 ~~Appraisal Practice.~~

375 Section 23. Paragraph (n) of subsection (1) of section
376 475.6245, Florida Statutes, is amended to read:

377 475.6245 Discipline of appraisal management companies.-

378 (1) The board may deny an application for registration of
379 an appraisal management company; may investigate the actions of
380 any appraisal management company registered under this part; may

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

381 reprimand or impose an administrative fine not to exceed \$5,000
382 for each count or separate offense against any such appraisal
383 management company; and may revoke or suspend, for a period not
384 to exceed 10 years, the registration of any such appraisal
385 management company, or place any such appraisal management
386 company on probation, if the board finds that the appraisal
387 management company or any person listed in s. 475.6235(2)(f):

388 (n) Has instructed an appraiser to violate any standard of
389 professional practice established by rule of the board,
390 including standards for the development or communication of a
391 real estate appraisal or other provision of the Uniform
392 Standards of Professional Appraisal Practice.

393 Section 24. Paragraphs (d) through (h) of subsection (1)
394 of section 475.626, Florida Statutes, are redesignated as
395 paragraphs (b) through (f), respectively, and present paragraphs
396 (b) and (c) of that subsection are amended to read:

397 475.626 Violations and penalties.—

398 (1) A person may not:

399 ~~(b) Violate any lawful order or rule of the board which is~~
400 ~~binding upon her or him.~~

401 ~~(c) If a registered trainee appraiser or a licensed or~~
402 ~~certified appraiser, commit any conduct or practice set forth in~~
403 ~~s. 475.624.~~

404 Section 25. Paragraphs (c) through (f) of subsection (1)
405 of section 476.194, Florida Statutes, are redesignated as
406 paragraphs (b) through (e), respectively, and present paragraph
407 (b) of that subsection is amended to read:

408 476.194 Prohibited acts.—

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

409 (1) It is unlawful for any person to:

410 ~~(b) Engage in willful or repeated violations of this act~~
411 ~~or of any of the rules adopted by the board.~~

412 Section 26. Paragraphs (d) through (h) of subsection (1)
413 of section 477.0265, Florida Statutes, are redesignated as
414 paragraphs (c) through (g), respectively, and present paragraph
415 (c) of that subsection is amended to read:

416 477.0265 Prohibited acts.—

417 (1) It is unlawful for any person to:

418 ~~(c) Engage in willful or repeated violations of this~~
419 ~~chapter or of any rule adopted by the board.~~

420 Section 27. Section 475.628, Florida Statutes, is amended
421 to read:

422 475.628 Professional standards for appraisers registered,
423 licensed, or certified under this part.—The board shall adopt
424 rules establishing standards of professional practice that meet
425 or exceed nationally recognized standards of appraisal practice,
426 including standards adopted by the Appraisal Standards Board of
427 the Appraisal Foundation. Each appraiser registered, licensed,
428 or certified under this part must shall comply with the rules
429 Uniform Standards of Professional Appraisal Practice. Statements
430 on appraisal standards which may be issued for the purpose of
431 clarification, interpretation, explanation, or elaboration
432 through the Appraisal Foundation shall also be binding on any
433 appraiser registered, licensed, or certified under this part,
434 upon adoption by rule of the board.

435 Section 28. Paragraph (c) of subsection (5) of section
436 373.461, Florida Statutes, is amended to read:

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

Amendment No. 1

437 373.461 Lake Apopka improvement and management.—

438 (5) PURCHASE OF AGRICULTURAL LANDS.—

439 (c) The district shall explore the availability of funding
440 from all sources, including any federal, state, regional, and
441 local land acquisition funding programs, to purchase the
442 agricultural lands described in paragraph (a). It is the
443 Legislature's intent that, if such funding sources can be
444 identified, acquisition of the lands described in paragraph (a)
445 may be undertaken by the district to purchase these properties
446 from willing sellers. However, the purchase price paid for
447 acquisition of such lands that were in active cultivation during
448 1996 ~~may shall~~ not exceed the highest appraisal obtained by the
449 district for these lands from a state-certified general
450 appraiser following the standards of professional practice
451 established by rule of the Florida Real Estate Appraisal Board,
452 including standards for the development or communication of a
453 real estate appraisal ~~Uniform Standards of Professional~~
454 ~~Appraisal Practice~~. This maximum purchase price limitation may
455 ~~shall~~ not include, nor be applicable to, that portion of the
456 purchase price attributable to consideration of income described
457 in paragraph (b), or that portion attributable to related
458 facilities, or closing costs.

459 Section 29. This act shall take effect July 1, 2012.

460

461

462

463

T I T L E A M E N D M E N T

464

Remove the entire title and insert:

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

465 A bill to be entitled
466 An act relating to reducing and streamlining
467 regulations; amending ss. 455.271, 468.4338, 468.525,
468 468.8317, 468.8417, 475.615, 475.617, 475.6175,
469 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315,
470 489.116, and 489.519, F.S.; revising initial licensure
471 and continuing education requirements for reactivating
472 a license, certificate, or registration to practice
473 certain professions and occupations regulated by the
474 Department of Business and Professional Regulation or
475 a board or council within the department, including
476 community association management, employee leasing,
477 home inspection, mold-related services, real estate
478 appraisal, cosmetology, architecture and interior
479 design, landscape architecture, construction
480 contracting, and electrical and alarm system
481 contracting; amending s. 469.002, F.S.; providing an
482 exemption from licensure as an asbestos consultant or
483 contractor for activities involving pipe or conduit
484 used for gas service; amending s. 475.6235, F.S.;
485 revising registration requirements for appraisal
486 management companies; amending ss. 468.391, 475.25,
487 475.42, 475.624, 475.6245, 475.626, 476.194, and
488 477.0265, F.S., relating to auctioneering, real estate
489 brokering and appraisal, barbering, and cosmetology;
490 revising language with respect to certain penalties;
491 revising grounds for discipline to which penalties
492 apply; amending s. 475.628, F.S.; requiring the

740789 - h0517-strike.docx

Published On: 1/18/2012 6:31:47 PM

Page 18 of 19

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 517 (2012)

Amendment No. 1

493 Florida Real Estate Appraisal Board to adopt rules
494 establishing professional practice standards; amending
495 s. 373.461, F.S.; requiring certain appraisers to
496 follow specific standards of professional practice in
497 appraisals involving the restoration of the Lake
498 Apopka Basin; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Dorworth offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Subsections (1), (5), (6), and (7) of section
7 381.0065, Florida Statutes, are amended, paragraphs (b) through
8 (p) of subsection (2) of that section are redesignated as
9 paragraphs (c) through (q), respectively, a new paragraph (b) is
10 added to that subsection, paragraph (j) of subsection (3) and
11 paragraph (n) of subsection (4) of that section are amended, and
12 paragraphs (w) through (z) are added to subsection (4) of that
13 section, to read:

14 381.0065 Onsite sewage treatment and disposal systems;
15 regulation.—

16 (1) LEGISLATIVE INTENT.—

17 ~~(a) It is the intent of the Legislature that proper~~
18 ~~management of onsite sewage treatment and disposal systems is~~
19 ~~paramount to the health, safety, and welfare of the public. It~~

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

Amendment No. 1

20 ~~is further the intent of the Legislature that the department~~
21 ~~shall administer an evaluation program to ensure the operational~~
22 ~~condition of the system and identify any failure with the~~
23 ~~system.~~

24 (b) It is the intent of the Legislature that where a
25 publicly owned or investor-owned sewerage system is not
26 available, the department shall issue permits for the
27 construction, installation, modification, abandonment, or repair
28 of onsite sewage treatment and disposal systems under conditions
29 as described in this section and rules adopted under this
30 section. It is further the intent of the Legislature that the
31 installation and use of onsite sewage treatment and disposal
32 systems not adversely affect the public health or significantly
33 degrade the groundwater or surface water.

34 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
35 term:

36 (b)1. "Bedroom" means a room that can be used for sleeping
37 and that:

38 a. For site-built dwellings, has a minimum of 70 square
39 feet of conditioned space;

40 b. For manufactured homes, is constructed according to
41 standards of the United States Department of Housing and Urban
42 Development and has a minimum of 50 square feet of floor area;

43 c. Is located along an exterior wall;

44 d. Has a closet and a door or an entrance where a door
45 could be reasonably installed; and

46 e. Has an emergency means of escape and rescue opening to
47 the outside.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

48 2. A room may not be considered a bedroom if it is used to
49 access another room except a bathroom or closet.

50 3. "Bedroom" does not include a hallway, bathroom,
51 kitchen, living room, family room, dining room, den, breakfast
52 nook, pantry, laundry room, sunroom, recreation room,
53 media/video room, or exercise room.

54 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
55 department shall:

56 (j) Supervise research on, demonstration of, and training
57 on the performance, environmental impact, and public health
58 impact of onsite sewage treatment and disposal systems within
59 this state. Research fees collected under s. 381.0066(2)(k)
60 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
61 training centers designed to provide practical information about
62 onsite sewage treatment and disposal systems to septic tank
63 contractors, master septic tank contractors, contractors,
64 inspectors, engineers, and the public and must also be used to
65 fund research projects which focus on improvements of onsite
66 sewage treatment and disposal systems, including use of
67 performance-based standards and reduction of environmental
68 impact. Research projects shall be initially approved by the
69 technical review and advisory panel and shall be applicable to
70 and reflect the soil conditions specific to Florida. Such
71 projects shall be awarded through competitive negotiation, using
72 the procedures provided in s. 287.055, to public or private
73 entities that have experience in onsite sewage treatment and
74 disposal systems in Florida and that are principally located in
75 Florida. Research projects shall not be awarded to firms or

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

76 entities that employ or are associated with persons who serve on
77 either the technical review and advisory panel or the research
78 review and advisory committee.

79 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
80 not construct, repair, modify, abandon, or operate an onsite
81 sewage treatment and disposal system without first obtaining a
82 permit approved by the department. The department may issue
83 permits to carry out this section, but shall not make the
84 issuance of such permits contingent upon prior approval by the
85 Department of Environmental Protection, except that the issuance
86 of a permit for work seaward of the coastal construction control
87 line established under s. 161.053 shall be contingent upon
88 receipt of any required coastal construction control line permit
89 from the Department of Environmental Protection. A construction
90 permit is valid for 18 months from the issuance date and may be
91 extended by the department for one 90-day period under rules
92 adopted by the department. A repair permit is valid for 90 days
93 from the date of issuance. An operating permit must be obtained
94 prior to the use of any aerobic treatment unit or if the
95 establishment generates commercial waste. Buildings or
96 establishments that use an aerobic treatment unit or generate
97 commercial waste shall be inspected by the department at least
98 annually to assure compliance with the terms of the operating
99 permit. The operating permit for a commercial wastewater system
100 is valid for 1 year from the date of issuance and must be
101 renewed annually. The operating permit for an aerobic treatment
102 unit is valid for 2 years from the date of issuance and must be
103 renewed every 2 years. If all information pertaining to the

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

104 siting, location, and installation conditions or repair of an
105 onsite sewage treatment and disposal system remains the same, a
106 construction or repair permit for the onsite sewage treatment
107 and disposal system may be transferred to another person, if the
108 transferee files, within 60 days after the transfer of
109 ownership, an amended application providing all corrected
110 information and proof of ownership of the property. There is no
111 fee associated with the processing of this supplemental
112 information. A person may not contract to construct, modify,
113 alter, repair, service, abandon, or maintain any portion of an
114 onsite sewage treatment and disposal system without being
115 registered under part III of chapter 489. A property owner who
116 personally performs construction, maintenance, or repairs to a
117 system serving his or her own owner-occupied single-family
118 residence is exempt from registration requirements for
119 performing such construction, maintenance, or repairs on that
120 residence, but is subject to all permitting requirements. A
121 municipality or political subdivision of the state may not issue
122 a building or plumbing permit for any building that requires the
123 use of an onsite sewage treatment and disposal system unless the
124 owner or builder has received a construction permit for such
125 system from the department. A building or structure may not be
126 occupied and a municipality, political subdivision, or any state
127 or federal agency may not authorize occupancy until the
128 department approves the final installation of the onsite sewage
129 treatment and disposal system. A municipality or political
130 subdivision of the state may not approve any change in occupancy
131 or tenancy of a building that uses an onsite sewage treatment

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

132 and disposal system until the department has reviewed the use of
133 the system with the proposed change, approved the change, and
134 amended the operating permit.

135 (n) Evaluations for determining the seasonal high-water
136 table elevations or the suitability of soils for the use of a
137 new onsite sewage treatment and disposal system shall be
138 performed by department personnel, professional engineers
139 registered in the state, or such other persons with expertise,
140 as defined by rule, in making such evaluations. Evaluations for
141 determining mean annual flood lines shall be performed by those
142 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department
143 shall accept evaluations submitted by professional engineers and
144 such other persons as meet the expertise established by this
145 section or by rule unless the department has a reasonable
146 scientific basis for questioning the accuracy or completeness of
147 the evaluation.

148 (w) Any permit issued and approved by the department for
149 the installation, modification, or repair of an onsite sewage
150 treatment and disposal system shall transfer with the title to
151 the property in a real estate transaction. A title shall not be
152 encumbered at the time of transfer by new permit requirements by
153 a governmental entity for an onsite sewage treatment and
154 disposal system that differ from the permitting requirements in
155 effect at the time the system was permitted, modified, or
156 repaired. No inspection of a system shall be mandated by any
157 governmental entity at the point of sale in a real estate
158 transaction.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

159 (x)1. An onsite sewage treatment and disposal system is
160 not considered abandoned if the system is disconnected from a
161 structure that was made unusable or destroyed following a
162 disaster and was properly functioning at the time of
163 disconnection and not adversely affected by the disaster. The
164 onsite sewage treatment and disposal system may be reconnected
165 to a rebuilt structure if:

166 a. The reconnection of the system is to the same type and
167 approximate size of structure that existed prior to the
168 disaster;

169 b. The system is not a sanitary nuisance; and

170 c. The system has not been altered without prior
171 authorization.

172 2. An onsite sewage treatment and disposal system that
173 serves a property that is foreclosed upon is not considered
174 abandoned.

175 (y) If an onsite sewage treatment and disposal system
176 permittee receives, relies upon, and undertakes construction of
177 a system based upon a validly issued construction permit under
178 rules applicable at the time of construction but a change to a
179 rule occurs after the approval of the system for construction
180 but before the final approval of the system, the rules
181 applicable and in effect at the time of construction approval
182 apply at the time of final approval if fundamental site
183 conditions have not changed between the time of construction
184 approval and final approval.

185 (z) A modification, replacement, or upgrade of an onsite
186 sewage treatment and disposal system is not required for a

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

Amendment No. 1

187 remodeling addition to a single-family home if a bedroom is not
188 added.

189 ~~(5) EVALUATION AND ASSESSMENT.--~~

190 ~~(a) Beginning July 1, 2011, the department shall~~
191 ~~administer an onsite sewage treatment and disposal system~~
192 ~~evaluation program for the purpose of assessing the fundamental~~
193 ~~operational condition of systems and identifying any failures~~
194 ~~within the systems. The department shall adopt rules~~
195 ~~implementing the program standards, procedures, and~~
196 ~~requirements, including, but not limited to, a schedule for a 5-~~
197 ~~year evaluation cycle, requirements for the pump-out of a system~~
198 ~~or repair of a failing system, enforcement procedures for~~
199 ~~failure of a system owner to obtain an evaluation of the system,~~
200 ~~and failure of a contractor to timely submit evaluation results~~
201 ~~to the department and the system owner. The department shall~~
202 ~~ensure statewide implementation of the evaluation and assessment~~
203 ~~program by January 1, 2016.~~

204 ~~(b) Owners of an onsite sewage treatment and disposal~~
205 ~~system, excluding a system that is required to obtain an~~
206 ~~operating permit, shall have the system evaluated at least once~~
207 ~~every 5 years to assess the fundamental operational condition of~~
208 ~~the system, and identify any failure within the system.~~

209 ~~(c) All evaluation procedures must be documented and~~
210 ~~nothing in this subsection limits the amount of detail an~~
211 ~~evaluator may provide at his or her professional discretion. The~~
212 ~~evaluation must include a tank and drainfield evaluation, a~~
213 ~~written assessment of the condition of the system, and, if~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

214 ~~necessary, a disclosure statement pursuant to the department's~~
215 ~~procedure.~~

216 ~~(d)1. Systems being evaluated that were installed prior to~~
217 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
218 ~~bottom of the drainfield to the wettest season water table~~
219 ~~elevation as defined by department rule. All drainfield repairs,~~
220 ~~replacements or modifications to systems installed prior to~~
221 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
222 ~~the bottom of the drainfield to the wettest season water table~~
223 ~~elevation as defined by department rule.~~

224 ~~2. Systems being evaluated that were installed on or after~~
225 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
226 ~~the bottom of the drainfield to the wettest season water table~~
227 ~~elevation as defined by department rule. All drainfield repairs,~~
228 ~~replacements or modification to systems developed on or after~~
229 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
230 ~~the bottom of the drainfield to the wettest season water table~~
231 ~~elevation.~~

232 ~~(e) If documentation of a tank pump-out or a permitted new~~
233 ~~installation, repair, or modification of the system within the~~
234 ~~previous 5 years is provided, and states the capacity of the~~
235 ~~tank and indicates that the condition of the tank is not a~~
236 ~~sanitary or public health nuisance pursuant to department rule,~~
237 ~~a pump-out of the system is not required.~~

238 ~~(f) Owners are responsible for paying the cost of any~~
239 ~~required pump-out, repair, or replacement pursuant to department~~
240 ~~rule, and may not request partial evaluation or the omission of~~
241 ~~portions of the evaluation.~~

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

242 ~~(g) Each evaluation or pump-out required under this~~
243 ~~subsection must be performed by a septic tank contractor or~~
244 ~~master septic tank contractor registered under part III of~~
245 ~~chapter 489, a professional engineer with wastewater treatment~~
246 ~~system experience licensed pursuant to chapter 471, or an~~
247 ~~environmental health professional certified under chapter 381 in~~
248 ~~the area of onsite sewage treatment and disposal system~~
249 ~~evaluation.~~

250 ~~(h) The evaluation report fee collected pursuant to s.~~
251 ~~381.0066(2)(b) shall be remitted to the department by the~~
252 ~~evaluator at the time the report is submitted.~~

253 ~~(i) Prior to any evaluation deadline, the department must~~
254 ~~provide a minimum of 60 days' notice to owners that their~~
255 ~~systems must be evaluated by that deadline. The department may~~
256 ~~include a copy of any homeowner educational materials developed~~
257 ~~pursuant to this section which provides information on the~~
258 ~~proper maintenance of onsite sewage treatment and disposal~~
259 ~~systems.~~

260 (5)~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

261 (a) Department personnel who have reason to believe
262 noncompliance exists, may at any reasonable time, enter the
263 premises permitted under ss. 381.0065-381.0066, or the business
264 premises of any septic tank contractor or master septic tank
265 contractor registered under part III of chapter 489, or any
266 premises that the department has reason to believe is being
267 operated or maintained not in compliance, to determine
268 compliance with the provisions of this section, part I of
269 chapter 386, or part III of chapter 489 or rules or standards

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

270 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
271 part III of chapter 489. As used in this paragraph, the term
272 "premises" does not include a residence or private building. To
273 gain entry to a residence or private building, the department
274 must obtain permission from the owner or occupant or secure an
275 inspection warrant from a court of competent jurisdiction.

276 (b)1. The department may issue citations that may contain
277 an order of correction or an order to pay a fine, or both, for
278 violations of ss. 381.0065-381.0067, part I of chapter 386, or
279 part III of chapter 489 or the rules adopted by the department,
280 when a violation of these sections or rules is enforceable by an
281 administrative or civil remedy, or when a violation of these
282 sections or rules is a misdemeanor of the second degree. A
283 citation issued under ss. 381.0065-381.0067, part I of chapter
284 386, or part III of chapter 489 constitutes a notice of proposed
285 agency action.

286 2. A citation must be in writing and must describe the
287 particular nature of the violation, including specific reference
288 to the provisions of law or rule allegedly violated.

289 3. The fines imposed by a citation issued by the
290 department may not exceed \$500 for each violation. Each day the
291 violation exists constitutes a separate violation for which a
292 citation may be issued.

293 4. The department shall inform the recipient, by written
294 notice pursuant to ss. 120.569 and 120.57, of the right to an
295 administrative hearing to contest the citation within 21 days
296 after the date the citation is received. The citation must
297 contain a conspicuous statement that if the recipient fails to

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

298 pay the fine within the time allowed, or fails to appear to
299 contest the citation after having requested a hearing, the
300 recipient has waived the recipient's right to contest the
301 citation and must pay an amount up to the maximum fine.

302 5. The department may reduce or waive the fine imposed by
303 the citation. In determining whether to reduce or waive the
304 fine, the department must consider the gravity of the violation,
305 the person's attempts at correcting the violation, and the
306 person's history of previous violations including violations for
307 which enforcement actions were taken under ss. 381.0065-
308 381.0067, part I of chapter 386, part III of chapter 489, or
309 other provisions of law or rule.

310 6. Any person who willfully refuses to sign and accept a
311 citation issued by the department commits a misdemeanor of the
312 second degree, punishable as provided in s. 775.082 or s.
313 775.083.

314 7. The department, pursuant to ss. 381.0065-381.0067, part
315 I of chapter 386, or part III of chapter 489, shall deposit any
316 fines it collects in the county health department trust fund for
317 use in providing services specified in those sections.

318 8. This section provides an alternative means of enforcing
319 ss. 381.0065-381.0067, part I of chapter 386, and part III of
320 chapter 489. This section does not prohibit the department from
321 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
322 III of chapter 489, or its rules, by any other means. However,
323 the department must elect to use only a single method of
324 enforcement for each violation.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

325 ~~(6)-(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
326 January 1, 2016, the land application of septage from onsite
327 sewage treatment and disposal systems is prohibited. ~~By February~~
328 ~~1, 2011, the department, in consultation with the Department of~~
329 ~~Environmental Protection, shall provide a report to the~~
330 ~~Governor, the President of the Senate, and the Speaker of the~~
331 ~~House of Representatives, recommending alternative methods to~~
332 ~~establish enhanced treatment levels for the land application of~~
333 ~~septage from onsite sewage and disposal systems. The report~~
334 ~~shall include, but is not limited to, a schedule for the~~
335 ~~reduction in land application, appropriate treatment levels,~~
336 ~~alternative methods for treatment and disposal, enhanced~~
337 ~~application site permitting requirements including any~~
338 ~~requirements for nutrient management plans, and the range of~~
339 ~~costs to local governments, affected businesses, and individuals~~
340 ~~for alternative treatment and disposal methods. The report shall~~
341 ~~also include any recommendations for legislation or rule~~
342 ~~authority needed to reduce land application of septage.~~

343 Section 2. Section 381.00651, Florida Statutes, is created
344 to read:

345 381.00651 Periodic evaluation and assessment of onsite
346 sewage treatment and disposal systems.—

347 (1) For the purposes of this section, the term "first
348 magnitude spring" means a spring that has a median water
349 discharge of greater than or equal to 100 cubic feet per second
350 for the period of record, as determined by the Department of
351 Environmental Protection.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

352 (2)A county or municipality containing a first magnitude
353 spring that has not adopted an onsite sewage treatment and
354 disposal system evaluation and assessment program, or that does
355 not opt out of this section, shall develop and adopt by
356 ordinance a local onsite sewage treatment and disposal system
357 evaluation and assessment program that meets the requirements of
358 this section within all or part of its geographic area. A county
359 or municipality that does not contain a first magnitude spring
360 may develop and adopt by ordinance a local onsite sewage
361 treatment and disposal system evaluation and assessment program
362 that meets the requirements of this section within all or part
363 of its geographic area. By a majority vote of the local
364 governing body, a county or municipality containing a first
365 magnitude spring may opt out of the requirements of this section
366 at any time before January 1, 2013, by adopting a separate
367 resolution. A county or municipality that has adopted such a
368 program before July 1, 2011, may continue to enforce its
369 program, provided such program does not require an evaluation at
370 the point of sale in a real estate transaction. A county or
371 municipality that does not opt out of this section shall notify
372 the Secretary of State by letter of the adoption of the
373 ordinance pursuant to this section. The resolution shall be
374 directed to and filed with the Secretary of State and shall
375 state the intent of the county or municipality not to adopt an
376 onsite sewage treatment and disposal system evaluation and
377 assessment program. Absent an interlocal agreement or county
378 charter provision to the contrary, a municipality may elect to
379 opt out of the requirements of this section notwithstanding the

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

380 decision of the governing body of the county in which the
381 municipality is located. A county or municipality may
382 subsequently adopt an ordinance imposing an onsite sewage
383 treatment and disposal system evaluation and assessment program
384 if the program meets the requirements of this section. A county
385 or municipality may repeal an ordinance adopted pursuant to this
386 section if the county or municipality notifies the Secretary of
387 State by letter of the repeal. No county or municipality may
388 adopt an onsite sewer treatment and disposal system evaluation
389 and assessment program except pursuant to this section and shall
390 provide for the following:

391 (a) Evaluations.—An evaluation of each onsite sewage
392 treatment and disposal system within all or part of the county's
393 or municipality's jurisdiction must take place once every 5
394 years to assess the fundamental operational condition of the
395 system and to identify system failures. The ordinance may not
396 mandate an evaluation at the point of sale in a real estate
397 transaction and may not require a soil examination. The location
398 of the system shall be identified. A tank and drainfield
399 evaluation and a written assessment of the overall condition of
400 the system pursuant to the assessment procedure prescribed in
401 paragraph (2)(d) are required.

402 (b) Qualified contractors.—Each evaluation required under
403 this subsection must be performed by a qualified contractor, who
404 may be a septic tank contractor or master septic tank contractor
405 registered under part III of chapter 489, a professional
406 engineer having wastewater treatment system experience and
407 licensed under chapter 471, or an environmental health

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

408 professional certified under this chapter in the area of onsite
409 sewage treatment and disposal system evaluation. Evaluations and
410 pump-outs may also be performed by an authorized employee
411 working under the supervision of an individual listed in this
412 paragraph; however, all evaluation forms must be signed by a
413 qualified contractor in writing or by electronic signature.

414 (c) Repair of systems.—The local ordinance may not require
415 a repair, modification, or replacement of a system as a result
416 of an evaluation unless the evaluation identifies a system
417 failure. For purposes of this subsection, the term "system
418 failure" means a condition existing within an onsite sewage
419 treatment and disposal system that results in the discharge of
420 untreated or partially treated wastewater onto the ground
421 surface or into surface water or that results in the failure of
422 building plumbing to discharge properly and presents a sanitary
423 nuisance. A system is not in failure if the system does not have
424 a minimum separation distance between the drainfield and the
425 wettest season water table or if an obstruction in a sanitary
426 line or an effluent screen or filter prevents effluent from
427 flowing into a drainfield. If a system failure is identified and
428 several allowable remedial measures are available to resolve the
429 failure, the system owner may choose the least costly allowable
430 remedial measure to fix the system. There may be instances in
431 which a pump-out is sufficient to resolve a system failure.
432 Allowable remedial measures to resolve a system failure are
433 limited to what is necessary to resolve the failure and must
434 meet, to the maximum extent practicable, the requirements of the
435 repair code in effect when the repair is made, subject to the

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

Amendment No. 1

436 exceptions specified in s. 381.0065(4)(g). An engineer-designed
437 performance-based treatment system to reduce nutrients may not
438 be required as an alternative remediation measure to resolve the
439 failure of a conventional system.

440 (d) Exemptions:

441 1.The local ordinance shall exempt from the evaluation
442 requirements any system that is required to obtain an operating
443 permit pursuant to state law or that is inspected by the
444 department pursuant to the annual permit inspection requirements
445 of chapter 513.

446 2. The local ordinance may provide for an exemption or an
447 extension of time to obtain an evaluation and assessment if
448 connection to a sewer system is available, connection to the
449 sewer system is imminent, and written arrangements for payment
450 of any utility assessments or connection fees have been made by
451 the system owner.

452 3. A septic tank system serving residential dwelling units
453 on lots with a ratio of one bedroom per acre or greater is
454 exempt from the requirements of this section and may not be
455 included in any septic tank inspection program.

456 (2) The following procedures shall be used for conducting
457 evaluations:

458 (a) Tank evaluation.—The tank evaluation shall assess the
459 apparent structural condition and watertightness of the tank and
460 shall estimate the size of the tank. The evaluation must include
461 a pump-out. However, an ordinance may not require a pump-out if
462 there is documentation indicating that a tank pump-out or a
463 permitted new installation, repair, or modification of the

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

Amendment No. 1

464 system has occurred within the previous 5 years, identifying the
465 capacity of the tank, and indicating that the condition of the
466 tank is structurally sound and watertight. Visual inspection of
467 the tank must be made when the tank is empty to detect cracks,
468 leaks, or other defects. Baffles or tees must be checked to
469 ensure that they are intact and secure. The evaluation shall
470 note the presence and condition of outlet devices, effluent
471 filters, and compartment walls; any structural defect in the
472 tank; the condition and fit of the tank lid, including manholes;
473 whether surface water can infiltrate the tank; and whether the
474 tank was pumped out. If the tank, in the opinion of the
475 qualified contractor, is in danger of being damaged by leaving
476 the tank empty after inspection, the tank shall be refilled
477 before concluding the inspection. Broken or damaged lids or
478 manholes shall be replaced without obtaining a repair permit.

479 (b) Drainfield evaluation.—The drainfield evaluation must
480 include a determination of the approximate size and location of
481 the drainfield. The evaluation shall state whether there is any
482 sewage or effluent visible on the ground or discharging to a
483 ditch or other water body and the location of any downspout or
484 other source of water near or in the vicinity of the drainfield.

485 (c) Special circumstances.—If the system contains pumps,
486 siphons, or alarms, the following information may be provided at
487 the request of the homeowner:

488 1. An assessment of dosing tank integrity, including the
489 approximate volume and the type of material used in the tank's
490 construction;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

491 2. Whether the pump is elevated off the bottom of the
492 chamber and its operational status;

493 3. Whether the system has a check valve and purge hole;
494 and

495 4. Whether the system has a high-water alarm, and if so
496 whether the alarm is audio or visual or both, the location and
497 operational condition of the alarm, and whether the electrical
498 connections to the alarm appear satisfactory.

499 5. If the homeowner does not request this information,
500 the qualified contractor and its employee shall not be liable
501 for any damages directly relating from a failure of the system's
502 pumps, siphons, or alarms. This exclusion of liability shall be
503 stated on the front cover of the report required under paragraph
504 (d).

505 (d) Assessment procedure.—All evaluation procedures used
506 by a qualified contractor shall be documented in the
507 Environmental Health Database. The qualified contractor shall
508 provide a copy of a written, signed evaluation report to the
509 property owner upon completion of the evaluation and to the
510 county health department within 30 days after the evaluation.
511 The report shall contain the name and license number of the
512 company providing the report. A copy of the evaluation report
513 shall be retained by the local county health department for a
514 minimum of 5 years and until a subsequent inspection report is
515 filed. The front cover of the report must identify any system
516 failure and include a clear and conspicuous notice to the owner
517 that the owner has a right to have any remediation of the
518 failure performed by a qualified contractor other than the

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

519 contractor performing the evaluation. The report must further
520 identify any crack, leak, improper fit, or other defect in the
521 tank, manhole, or lid, and any other damaged or missing
522 component; any sewage or effluent visible on the ground or
523 discharging to a ditch or other surface water body; any
524 downspout, stormwater, or other source of water directed onto or
525 toward the system; and any other maintenance need or condition
526 of the system at the time of the evaluation that, in the opinion
527 of the qualified contractor, would possibly interfere with or
528 restrict any future repair or modification to the existing
529 system. The report shall conclude with an overall assessment of
530 the fundamental operational condition of the system.

531 (3) The county health department shall administer any
532 evaluation program on behalf of a county, or a municipality
533 within the county, that has adopted an evaluation program
534 pursuant to this section. In order to administer the evaluation
535 program, the county or municipality, in consultation with the
536 county health department, may develop a reasonable fee schedule
537 to be used solely to pay for the costs of administering the
538 evaluation program. Such a fee schedule shall be identified in
539 the ordinance that adopts the evaluation program. When arriving
540 at a reasonable fee schedule, the estimated annual revenues to
541 be derived from fees may not exceed reasonable estimated annual
542 costs of the program. Fees shall be assessed to the system owner
543 during an inspection and separately identified on the invoice of
544 the qualified contractor. Fees shall be remitted by the
545 qualified contractor to the county health department. The county

Amendment No. 1

546 health department's administrative responsibilities include the
547 following:

548 (a) Providing a notice to the system owner at least 60
549 days before the system is due for an evaluation. The notice may
550 include information on the proper maintenance of onsite sewage
551 treatment and disposal systems.

552 (b) In consultation with the Department of Health,
553 providing uniform disciplinary procedures and penalties for
554 qualified contractors who do not comply with the requirements of
555 the adopted ordinance, including, but not limited to, failure to
556 provide the evaluation report as required in this subsection to
557 the system owner and the county health department. Only the
558 county health department may assess penalties against system
559 owners for failure to comply with the adopted ordinance,
560 consistent with existing requirements of law.

561 (4) (a) A county or municipality that adopts an onsite
562 sewage treatment and disposal system evaluation and assessment
563 program pursuant to this section shall notify the Secretary of
564 Environmental Protection, the Department of Health, and the
565 applicable county health department upon the adoption of its
566 ordinance establishing the program.

567 (b) Upon receipt of the notice under paragraph (a), the
568 Department of Environmental Protection shall, within existing
569 resources, notify the county or municipality of the potential
570 use of, and access to, program funds under the Clean Water State
571 Revolving Fund or s. 319 of the Clean Water Act, provide
572 guidance in the application process to receive such moneys, and
573 provide advice and technical assistance to the county or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

574 municipality on how to establish a low-interest revolving loan
575 program or how to model a revolving loan program after the low-
576 interest loan program of the Clean Water State Revolving Fund.
577 This paragraph does not obligate the Department of Environmental
578 Protection to provide any county or municipality with money to
579 fund such programs.

580 (c) The Department of Health may not adopt any rule that
581 alters the provisions of this section.

582 (d) The Department of Health must provide access to the
583 Environmental Health Database to county Health Departments and
584 qualified contractors for use in the requirement of this section
585 for the assimilation of data to track relevant information
586 resulting from an assessment and evaluation of the overall
587 condition of onsite sewage treatment and disposal systems. The
588 Environmental Health Database shall be used by contractors to
589 report all service and evaluation events and by the county
590 health department to notify owners of onsite sewage treatment
591 and disposal systems when evaluations are due. Data and
592 information shall be recorded and updated as service and
593 evaluations are conducted and reported.

594 (5) This section does not:

595 (a) Derogate or limit county and municipal home rule
596 authority to act outside the scope of the evaluation and
597 assessment program set forth in this section.

598 (b) Repeal or affect any other law relating to the subject
599 matter of this section.

600 (c) Prohibit a county or municipality that has adopted an
601 evaluation and assessment program pursuant to this section from:

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

602 1. Enforcing existing ordinances or adopting new
603 ordinances relating to onsite sewage treatment facilities to
604 address public health and safety if such ordinances do not
605 repeal, suspend, or alter the requirements or limitations of
606 this section.

607 2. Adopting local environmental and pollution abatement
608 measures for water quality improvement as provided for by law if
609 such measures do not repeal, suspend, or alter the requirements
610 or limitations of this section.

611 3. Exercising its independent and existing authority to
612 use and meet the requirements of s. 381.00655.

613 Section 3. Section 381.00656, Florida Statutes, is
614 repealed.

615 Section 4. Subsection (2) of section 381.0066, Florida
616 Statutes, is amended to read:

617 381.0066 Onsite sewage treatment and disposal systems;
618 fees.—

619 (2) The minimum fees in the following fee schedule apply
620 until changed by rule by the department within the following
621 limits:

622 (a) Application review, permit issuance, or system
623 inspection, including repair of a subsurface, mound, filled, or
624 other alternative system or permitting of an abandoned system: a
625 fee of not less than \$25, or more than \$125.

626 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
627 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
628 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

629 ~~shall be used to fund a grant program established under s.~~

630 ~~381.00656.~~

631 (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a
632 system previously in use, or a per annum septage disposal site
633 evaluation: a fee of not less than \$40, or more than \$115.

634 (c)~~(d)~~ Biennial Operating permit for aerobic treatment
635 units or performance-based treatment systems: a fee of not more
636 than \$100.

637 (d)~~(e)~~ Annual operating permit for systems located in
638 areas zoned for industrial manufacturing or equivalent uses or
639 where the system is expected to receive wastewater which is not
640 domestic in nature: a fee of not less than \$150, or more than
641 \$300.

642 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

643 (f)~~(g)~~ Septage disposal service, septage stabilization
644 facility, portable or temporary toilet service, tank
645 manufacturer inspection: a fee of not less than \$25, or more
646 than \$200, per year.

647 (g)~~(h)~~ Application for variance: a fee of not less than
648 \$150, or more than \$300.

649 (h)~~(i)~~ Annual operating permit for waterless,
650 incinerating, or organic waste composting toilets: a fee of not
651 less than \$15 ~~\$50~~, or more than \$30 ~~\$150~~.

652 (i)~~(j)~~ Aerobic treatment unit or performance-based
653 treatment system maintenance entity permit: a fee of not less
654 than \$25, or more than \$150, per year.

655 (j)~~(k)~~ Reinspection fee per visit for site inspection
656 after system construction approval or for noncompliant system

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

657 installation per site visit: a fee of not less than \$25, or more
658 than \$100.

659 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
660 each new system construction permit issued to be used to fund
661 onsite sewage treatment and disposal system research,
662 demonstration, and training projects. Five dollars from any
663 repair permit fee collected under this section shall be used for
664 funding the hands-on training centers described in s.
665 381.0065(3)(j).

666 (l)~~(m)~~ Annual operating permit, including annual
667 inspection and any required sampling and laboratory analysis of
668 effluent, for an engineer-designed performance-based system: a
669 fee of not less than \$150, or more than \$300.

670
671 ~~On or before January 1, 2011, the Surgeon General, after~~
672 ~~consultation with the Revenue Estimating Conference, shall~~
673 ~~determine a revenue neutral fee schedule for services provided~~
674 ~~pursuant to s. 381.0065(5) within the parameters set in~~
675 ~~paragraph (b). Such determination is not subject to the~~
676 ~~provisions of chapter 120. The funds collected pursuant to this~~
677 ~~subsection must be deposited in a trust fund administered by the~~
678 ~~department, to be used for the purposes stated in this section~~
679 ~~and ss. 381.0065 and 381.00655.~~

680 Section 5. This act shall take effect upon becoming a law
681
682

683 -----

684 **T I T L E A M E N D M E N T**

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

685 Remove the entire title and insert:
686 An act relating to onsite sewage treatment and disposal systems;
687 amending s. 381.0065, F.S.; deleting legislative intent;
688 defining the term "bedroom"; conforming cross-references;
689 providing for any permit issued and approved by the Department
690 of Health for the installation, modification, or repair of an
691 onsite sewage treatment and disposal system to transfer with the
692 title of the property; providing circumstances in which an
693 onsite sewage treatment and disposal system is not considered
694 abandoned; providing for the validity of an onsite sewage
695 treatment and disposal system permit if rules change before
696 final approval of the constructed system; providing that a
697 system modification, replacement, or upgrade is not required
698 unless a bedroom is added to a single-family home; deleting
699 provisions requiring the department to administer an evaluation
700 and assessment program of onsite sewage treatment and disposal
701 systems and requiring property owners to have such systems
702 evaluated at least once every 5 years; deleting obsolete
703 provisions; creating s. 381.00651, F.S.; requiring a county or
704 municipality containing a first magnitude spring to adopt by
705 ordinance, under certain circumstances, the program for the
706 periodic evaluation and assessment of onsite sewage treatment
707 and disposal systems; requiring the county or municipality to
708 notify the Secretary of State of the ordinance; authorizing a
709 county or municipality, in specified circumstances, to opt out
710 of certain requirements by a specified date; authorizing a
711 county or municipality to adopt or repeal, after a specified
712 date, an ordinance creating an evaluation and assessment

368905 - h0999a-strike.docx

Published On: 1/18/2012 7:31:46 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2012)

Amendment No. 1

713 program; subject to notification of the Secretary of State;
714 providing criteria for evaluations, qualified contractors,
715 repair of systems; providing for certain procedures and
716 exemptions in special circumstances; defining the term "system
717 failure"; requiring that certain procedures be used for
718 conducting tank and drainfield evaluations; providing for
719 certain procedures in special circumstances; providing for
720 assessment procedures; providing requirements for county health
721 departments; requiring the county or municipality to develop a
722 system for tracking the evaluations; providing criteria;
723 requiring counties and municipalities to notify the Secretary of
724 Environmental Protection and the Department of Health that an
725 evaluation program ordinance is adopted; requiring the
726 Department of Environmental Protection to notify those counties
727 or municipalities of the use of, and access to, certain state
728 and federal program funds and to provide certain guidance and
729 technical assistance upon request; prohibiting the adoption of
730 certain rules by the Department of Health; providing
731 applicability; repealing s. 381.00656, F.S., relating to a grant
732 program for the repair of onsite sewage treatment and disposal
733 systems; amending s. 381.0066, F.S.; lowering the fees imposed
734 by the department for certain permits; conforming cross-
735 references; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Holder offered the following:

3
4 **Amendment**

5 Remove lines 232-250 and insert:
6 individuals to training and employment opportunities. The
7 failure of the individual to comply with this requirement will
8 result in the individual being determined ineligible for
9 benefits for the week in which the noncompliance occurred and
10 for any subsequent week of unemployment until the requirement is
11 satisfied. However, this requirement does not apply if the
12 individual is able to affirmatively attest to being unable to
13 complete such review due to illiteracy or a language impediment
14 or is exempt from the work registration requirement as set forth
15 in paragraph (b).

16 3. Any individual that falls below the minimal proficiency
17 score prescribed by the department in (c)2. on the initial
18 skills review shall be offered training opportunities and
19 encouraged to participate in such training, at no cost to the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 1

20 individual in order to improve his or her workforce skills to
21 the minimal proficiency level.

22 4. The department shall coordinate with Workforce Florida,
23 Inc., the workforce boards and the one-stop career centers to
24 identify, develop, and utilize best practices for improving the
25 skills of individuals who chose to participate in training
26 opportunities with a minimal proficiency score below the
27 prescribed score prescribed in (c)2.

28 5. The department, in coordination with Workforce Florida,
29 Inc., the workforce boards and the one-stop career centers,
30 shall evaluate the use, effectiveness and costs associated with
31 the training prescribed in (c)3 and report its findings and
32 recommendations for training and the use of best practices to
33 the Governor, the President of the Senate, and the Speaker of
34 the House by January 1, 2013.

35

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Holder offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 189-194 and insert:
6 generated by a personal identification number, password, or
7 other identifying code used by the Department in establishing
8 that a certification or claim for one or more weeks of benefits
9 was made against the benefit account of the individual, together
10 with documentation that payment was paid by a state warrant made
11 to the order of the person, ~~or by~~ direct deposit via electronic
12 means, or Department issued debit card, constitutes prima facie
13 evidence that the person claimed

14
15
16
17 -----
18 **T I T L E A M E N D M E N T**

19 Remove line 10 and insert:

306869 - HB 7027 - Holder Amendment 2.docx

Published On: 1/17/2012 5:02:09 PM

Page 1 of 2

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 2

20 conform to changes made by the act; amending s. 443.071, F.S.;

21 providing evidence of transaction history and payment; amending

22 s.

23

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Holder offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 1600 and 1601, insert:

6 Section 28. Notwithstanding the expiration date contained
7 in section 13 of chapter 2011-235, Laws of Florida, operating
8 retroactive to January 4, 2012, and expiring March 11, 2012,
9 section 443.1117, Florida Statutes, is revived, readopted, and
10 amended to read:

11 443.1117 Temporary extended benefits.--

12 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.--Except if
13 the result is inconsistent with other provisions of this
14 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
15 claims covered by this section.

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

17 (a) "Regular benefits" and "extended benefits" have the
18 same meaning as in s. 443.1115.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

19 (b) "Eligibility period" means the weeks in an
20 individual's benefit year or emergency benefit period which
21 begin in an extended benefit period and, if the benefit year or
22 emergency benefit period ends within that extended benefit
23 period, any subsequent weeks beginning in that period.

24 (c) "Emergency benefits" means benefits ~~Emergency~~
25 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
26 and any subsequent federal law that provides for the payment of
27 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
28 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
29 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~
30 ~~No. 111-312.~~

31 (d) "Extended benefit period" means a period that:

32 1. Begins with the third week after a week for which there
33 is a state "on" indicator; and

34 2. Ends with any of the following weeks, whichever occurs
35 later:

36 a. The third week after the first week for which there is
37 a state "off" indicator; or

38 b. The 13th consecutive week of that period.

39 However, an extended benefit period may not begin by reason of a
40 state "on" indicator before the 14th week after the end of a
41 prior extended benefit period that was in effect for this state.

42 (e) "Emergency benefit period" means the period during
43 which an individual receives emergency benefits.

44 (f) "Exhaustee" means an individual who, for any week of
45 unemployment in her or his eligibility period:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

46 1. Has received, before that week, all of the regular
47 benefits and emergency benefits, if any, available under this
48 chapter or any other law, including dependents' allowances and
49 benefits payable to federal civilian employees and ex-
50 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
51 benefit year or emergency benefit period that includes that
52 week. For the purposes of this subparagraph, an individual has
53 received all of the regular benefits and emergency benefits, if
54 any, available even if, as a result of a pending appeal for
55 wages paid for insured work which were not considered in the
56 original monetary determination in the benefit year, she or he
57 may subsequently be determined to be entitled to added regular
58 benefits;

59 2. Had a benefit year that expired before that week, and
60 was paid no, or insufficient, wages for insured work on the
61 basis of which she or he could establish a new benefit year that
62 includes that week; and

63 3.a. Has no right to unemployment benefits or allowances
64 under the Railroad Unemployment Insurance Act or other federal
65 laws as specified in regulations issued by the United States
66 Secretary of Labor; and

67 b. Has not received and is not seeking unemployment
68 benefits under the unemployment compensation law of Canada; but
69 if an individual is seeking those benefits and the appropriate
70 agency finally determines that she or he is not entitled to
71 benefits under that law, she or he is considered an exhaustee.

72 (g) "State 'on' indicator" means, with respect to weeks of
73 unemployment ending on or before February 11, 2012 ~~December 10,~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

74 2011, the occurrence of a week in which the average total
75 unemployment rate, seasonally adjusted, as determined by the
76 United States Secretary of Labor, for the most recent 3 months
77 for which data for all states are published by the United States
78 Department of Labor:

79 1. Equals or exceeds 110 percent of the average of those
80 rates for the corresponding 3-month period ending in any or all
81 of the preceding 3 calendar years; and

82 2. Equals or exceeds 6.5 percent.

83 (h) "High unemployment period" means, with respect to
84 weeks of unemployment ending on or before February 11, 2012
85 ~~December 10, 2011~~, any week in which the average total
86 unemployment rate, seasonally adjusted, as determined by the
87 United States Secretary of Labor, for the most recent 3 months
88 for which data for all states are published by the United States
89 Department of Labor:

90 1. Equals or exceeds 110 percent of the average of those
91 rates for the corresponding 3-month period ending in any or all
92 of the preceding 3 calendar years; and

93 2. Equals or exceeds 8 percent.

94 (i) "State 'off' indicator" means the occurrence of a week
95 in which there is no state "on" indicator or which does not
96 constitute a high unemployment period.

97 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
98 subsection (4):

99 (a) For any week for which there is an "on" indicator
100 pursuant to paragraph (2)(g), the total extended benefit amount

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 3

101 payable to an eligible individual for her or his applicable
102 benefit year is the lesser of:

103 1. Fifty percent of the total regular benefits payable
104 under this chapter in the applicable benefit year; or

105 2. Thirteen times the weekly benefit amount payable under
106 this chapter for a week of total unemployment in the applicable
107 benefit year.

108 (b) For any high unemployment period, the total extended
109 benefit amount payable to an eligible individual for her or his
110 applicable benefit year is the lesser of:

111 1. Eighty percent of the total regular benefits payable
112 under this chapter in the applicable benefit year; or

113 2. Twenty times the weekly benefit amount payable under
114 this chapter for a week of total unemployment in the applicable
115 benefit year.

116 (4) EFFECT ON TRADE READJUSTMENT.--Notwithstanding any
117 other provision of this chapter, if the benefit year of an
118 individual ends within an extended benefit period, the number of
119 weeks of extended benefits the individual is entitled to receive
120 in that extended benefit period for weeks of unemployment
121 beginning after the end of the benefit year, except as provided
122 in this section, is reduced, but not to below zero, by the
123 number of weeks for which the individual received, within that
124 benefit year, trade readjustment allowances under the Trade Act
125 of 1974, as amended.

126 Section 29. The provisions of s. 443.1117, Florida
127 Statutes, as revived, readopted, and amended by this act, apply
128 only to claims for weeks of unemployment in which an exhaustee

Amendment No. 3

129 establishes entitlement to extended benefits pursuant to that
130 section which are established for the period between January 4,
131 2012, and March 11, 2012.

132 Section 30. If any provision of this act or its
133 application to any person or circumstance is held invalid, the
134 invalidity does not affect other provisions or applications of
135 the act which can be given effect without the invalid provision
136 or application, and to this end the provision of the act are
137 severable.

138 Section 31. The Legislature finds that this act fulfills
139 an important state interest.

140

141

142

143

144

145

T I T L E A M E N D M E N T

146

Remove line 36 and insert:

147

changes made by this act; reviving, readopting, and amending s.

148

443.1117, F.S., relating to temporary extended benefits;

149

providing for retroactive application; establishing temporary

150

state extended benefits for weeks of unemployment; revising

151

definitions; providing for state extended benefits for certain

152

weeks and for periods of high unemployment; providing

153

applicability; providing severability; providing that the act

154

fulfills an important state interest; amending ss. 20.60, 27.52,

155

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Holder offered the following:

3
4 **Amendment with Title Amendment**

5
6 Between lines 843 and 844 insert:

7
8 Section 13. Section 443.1216, Florida Statutes, is amended
9 to read:

10 443.1216 Employment.—Employment, as defined in s. 443.036,
11 is subject to this chapter under the following conditions:

12 (1)(a) The employment subject to this chapter includes a
13 service performed, including a service performed in interstate
14 commerce, by:

15 1. An officer of a corporation.

16 2. An individual who, under the usual common-law rules
17 applicable in determining the employer-employee relationship, is
18 an employee. However, whenever a client, as defined in s.

19 443.036(18), which would otherwise be designated as an employing

144303 - HB 7027 - Holder Amendment 4.docx

Published On: 1/17/2012 5:10:18 PM

Amendment No. 4

20 unit has contracted with an employee leasing company to supply
21 it with workers, those workers are considered employees of the
22 employee leasing company.

23 a. However, except for the internal employees of an
24 employee leasing company, each employee leasing company may make
25 a separate one-time election to report and pay contributions
26 under the tax identification number and contribution rate for
27 each client of the employee leasing company. Under the client
28 method, an employee leasing company choosing this option must
29 assign leased employees to the client company that is leasing
30 the employees. The client method is solely a method to report
31 and pay unemployment contributions and whichever method is
32 chosen, such election shall not impact any other aspect of state
33 law. An employee leasing company that elects the client method
34 shall pay contributions at the rates assigned to each client
35 company.

36 (I) The election applies to all of the employee leasing
37 company's current and future clients.

38 (II) The employee leasing company must notify the
39 Department of Revenue of its election by July 1, 2012 and such
40 election applies to reports and contributions for the first
41 quarter of the following calendar year. The notification must
42 include:

43 (A) A list of each client company and the unemployment
44 account number or, if one has not yet been issued, the FEIN
45 number, as established by the employee leasing company upon the
46 election to file by client method;

47 (B) A list of each client company's current and previous
48 employees and their respective social security numbers for the
49 prior 3 state fiscal years or, if the client company has not
50 been a client for the prior 3 state fiscal years, such portion

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 4

51 of the prior 3 state fiscal years that the client company has
52 been a client shall be supplied;

53 (C) All wage data and benefit charges associated with
54 each client company for the prior 3 state fiscal years (or, if
55 the client company has not been a client for the prior 3 state
56 fiscal years, such portion of the prior 3 state fiscal years
57 that the client company has been a client shall be supplied).
58 If the client company's employment record is chargeable with
59 benefits for less than 8 calendar quarters while being a client
60 of the employee leasing company, the client company shall pay
61 contributions at the initial rate of 2.7 percent; and

62 (D) All wage data and benefit charges for the prior 3
63 state fiscal years that cannot be associated with a client
64 company must be reported and charged to the employee leasing
65 company.

66 (III) Subsequent to choosing the client method, the
67 employee leasing company may not change its reporting method.

68 (IV) The employee leasing company must file a Florida
69 Department of Revenue Employer's Quarterly Report (UCT-6) for
70 each client company by approved electronic means, and pay all
71 contributions by approved electronic means.

72 (V) For the purposes of calculating experience rates, the
73 election is treated as a total or partial succession, depending
74 on the percentage of employees leased. If the client company
75 leases only a portion of its employees from the employee leasing
76 company, the client company shall continue to report the
77 nonleased employees under its tax rate.

78 (VI) The election is binding on all clients of the
79 employee leasing company, for as long as a written agreement is
80 in effect between the client and the employee leasing company
81 pursuant to s. 468.525(3)(a). If the relationship between the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 4

82 employee leasing company and the client terminates, the client
83 retains the wage and benefit history experienced under the
84 employee leasing company.

85 (VII) No matter which election method has been chosen by
86 the employee leasing company, the applicable client company
87 shall be considered an employing unit for purposes of s.
88 443.071. The employee leasing company or any of its officers or
89 agents shall be liable for any violation of s. 443.071 engaged
90 in by such persons or entities. The applicable client company
91 or any of its officers or agents shall be liable for any
92 violation of s. 443.071 engaged in by such persons or entities.
93 Neither the employee leasing company nor its applicable client
94 company shall be liable for any violation of s. 443.071 engaged
95 in by the other party or by the other party's officers or
96 agents.

97 (VIII) The failure of an employee leasing company to select
98 the client method of reporting no later than July 1, 2012 shall
99 result in such entity being required to report under the
100 employee leasing company's tax identification number and
101 contribution rate.

102 (IX) Following licensure of an employee leasing company, as
103 set forth in s. 468.520 et seq., such newly licensed entity
104 shall have thirty (30) days from the date of their licensure to
105 notify the tax collection service provider in writing of their
106 selection of the client method. The failure of a newly licensed
107 employee leasing company to timely select reporting pursuant to
108 the client method of reporting shall result in such entity being
109 required to report under the employee leasing company's tax
110 identification number and contribution rate.

111 (X) Irrespective of the election, all transfers of trade
112 or business, including workforce, or a portion thereof, between

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7027 (2012)

Amendment No. 4

113 employee leasing companies are subject to the provisions of s.
114 443.131(3)(g) if, at the time of the transfer, there is common
115 ownership, management, or control between the entities.

116 Section 2. Subsection (3) of section 443.131, Florida
117 Statutes is amended to read:

118 443.131 Contributions.-

119 (3)

120 (f) 4. This paragraph does not apply to an employee
121 leasing company and client contractual agreement as defined in
122 s.443.036 except as provided in s. 443.1216(1)(a)2.a.The tax
123 collection service provider shall, if the contractual agreement
124 is terminated or the employee leasing company fails to submit
125 reports or pay contributions as required by the service
126 provider, treat the client as a new employer without previous
127 employment record unless the client is otherwise eligible for a
128 variation from the standard rate.

130 -----TITLE AMENDMENT-----

131
132 Remove line 20 and insert:
133 act; amending s. 443.1216, F.S.; providing that employee leasing
134 companies may make a one-time election to report leased
135 employees under the respective unemployment account of each
136 leasing company client; providing procedures and application for
137 such election; amending s. 443.151, F.S.; revising the statute