

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Budget Committee

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BILL: SB 2156 (SPB 7202)

INTRODUCER: Budget Committee

SUBJECT: Governmental Reorganization

DATE: April 2, 2011 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Meyer, R.	Meyer, C.		<b>SPB 7202 Favorable, as amended</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

SB 2156 transfers functions, duties, and programs from the Agency for Workforce Innovation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development to a newly created department called Jobs Florida.

Additionally, the following transfers are made:

- The Office of Early Learning Services in the Agency for Workforce Innovation is transferred to the Department of Education.
- The Division of Emergency Management in the Department of Community Affairs is renamed as an “office” and is transferred to the Executive Office of the Governor.
- The Florida Building Commission is transferred to the Department of Business and Professional Regulation.
- The responsibilities under the Florida Communities Trust and the responsibilities under the Stan Mayfield Working Waterfronts program within the Department of Community Affairs are transferred to the Department of Environmental Protection.

Further the bill combines the functions, duties, and programs of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, the Florida Black Business Investment Board, Inc., and Space Florida into a newly created not-for-profit corporation called the Jobs Florida Partnership, Inc.

The bill removes the pilot program status of the optional sector planning process and expands the alternative state review pilot program to the entire state.

The bill amends several statutes to conform to changes made by the act, conforms cross-references, and deletes obsolete provisions.

This bill amends the following sections of the Florida Statutes: ss. 20.15, 112.044, 163.3164, 163.3177, 163.3180, 163.3184, 163.3191, 163.3425, 163.3246, 163.32465, 288.061, 288.095, 288.901, 288.9015, 288.903, 288.904, 288.905, 288.906, 288.911, 290.0055, 290.00726, 409.942, 411.0102, 1002.73, 11.45, 14.20195, 15.18, 15.182, 16.615, 39.001, 45.031, 69.041, 112.3135, 119.071, 120.80, 125.01045, 159.803, 159.8081, 159.8083, 161.54, 163.03, 163.3178, 163.3221, 163.360, 166.0446, 175.021, 186.504, 186.505, 202.37, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5586, 216.136, 216.292, 216.231, 218.64, 220.03, 220.183, 220.191, 222.15, 250.06, 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36, 252.365, 252.37, 252.371, 252.373, 252.38, 252.385, 252.40, 252.41, 252.42, 252.43, 252.44, 252.46, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.099, 259.035, 260.0142, 272.11, 282.34, 282.709, 287.09431, 287.09451, 287.0947, 288.012, 288.017, 288.018, 288.019, 288.021, 288.035, 288.047, 288.065, 288.0655, 288.0656, 288.06561, 288.0657, 288.0658, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1083, 288.1088, 288.1089, 288.1095, 288.1162, 288.11621, 288.1168, 288.1169, 288.1171, 288.122, 288.12265, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.386, 288.7011, 288.7015, 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809, 288.826, 288.95155, 288.955, 288.9519, 288.9520, 288.9603, 288.9604, 288.9605, 288.9606, 288.9614, 288.9624, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 311.09, 311.11, 311.115, 311.22, 320.08058, 331.302, 331.3081, 331.369, 339.08, 339.135, 364.0135, 377.703, 377.711, 377.712, 377.804, 380.031, 380.06, 380.115, 380.285, 381.0054, 381.0086, 381.7354, 381.855, 383.14, 402.281, 402.45, 402.56, 403.42, 403.7032, 403.973, 409.017, 409.1451, 409.2576, 409.944, 409.946, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0103, 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.24, 414.295, 414.40, 414.411, 420.631, 420.635, 429.907, 440.12, 440.15, 440.381, 440.385, 440.49, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181, 443.191, 443.211, 433.221, 445.002, 445.003, 445.004, 445.006, 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051, 445.056, 446.41, 446.44, 446.50, 446.52, 448.109, 448.110, 450.191, 450.31, 450.161, 464.203, 468.529, 469.002, 469.003, 489.1455, 489.5335, 526.143, 526.144, 551.104, 553.62, 597.006, 570.248, 570.96, 597.006, 624.5105, 625.3255, 627.0628, 657.042, 658.67, 768.13, 943.03, 943.03101, 943.0311, 943.0312, 943.0313, 944.012, 944.708, 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285, 1003.493, 1004.226, 1004.65, 1004.77, 1004.78, 1008.39, 1008.41, 1011.76, and 1012.2251, F.S.

This bill transfers, renumbers, and amends the following sections of the Florida Statutes: 288.1229, 20.505, and 1004.99, F.S.

This bill creates the following sections of the Florida Statutes: ss. 14.2016, 20.60, 288.005, 288.048, 288.907, 288.912, 288.92, 288.921, 288.922, 288.923, and 288.925, F.S.

This bill repeals the following sections of the Florida Statutes: ss. 14.2015, 20.18, 20.50, 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, 255.563, 287.115, 288.038, 288.063, 288.1221, 288.1222, 288.1223, 288.1224, 288.1226, 288.1227, 288.7065, 288.707, 288.708, 288.709, 288.7091, 288.712, 288.12295, 288.09151, 288.9415, 288.9618, 288.982, 411.0105, 446.60, and 1002.75, F.S.

## II. Present Situation:

### Department of Community Affairs

The Department of Community Affairs (DCA) is the state's land planning and community development agency.<sup>1</sup> In general, DCA performs the following functions:

- The Division of Community Planning administers Florida's growth management programs and works closely with local governments and other state agencies to ensure high quality growth and sustainable patterns of development across the state.
- The Division of Housing and Community Development administers state and federal programs designed to provide community and economic development assistance to agencies at the local level. The division provides grants to eligible local governments for infrastructure, revitalization, disaster recovery, housing rehabilitation, and economic development, and assists citizens with meeting critical needs such as housing, transportation, and emergency utility payments. The division also staffs the Florida Building Code Commission, which implements and regulates the unified statewide code for all buildings and structures in Florida.
- The Division of Emergency Management directs and coordinates state, federal, and local efforts to deal with natural disasters, such as tornadoes and hurricanes, as well as man-made disasters and accidents.
- The DCA administers the Florida Communities Trust, which is a state land acquisition grant program providing funding to local governments and eligible non-profit environmental organizations for the acquisition of community-based parks, open space and greenways that further both outdoor recreation and natural resource protection needs identified in local government comprehensive plans.
- The Florida Housing Finance Corporation is administratively housed within DCA. The corporation is a public entity that works to assist Floridians in obtaining safe, affordable housing. The corporation is a separate budget entity and is not subject to control, supervision, or direction by DCA.

### *Growth Management*

The Local Government Comprehensive Planning and Land Development Regulation Act (the act),<sup>2</sup> also known as Florida's Growth Management Act, was adopted by the 1985 Legislature. Significant changes have been made to the act since 1985 including major growth management bills in 2005 and 2009. The act requires all of Florida's 67 counties and 413 municipalities to adopt local government comprehensive plans guiding future growth and development. "Each local government comprehensive plan must include at least two planning periods, one covering

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<sup>1</sup> Information adapted from the Office of Program Policy Analysis and Government Accountability's Government Program Summaries, available at <http://www.oppaga.state.fl.us/profiles/6102/> (last visited 3/28/2011).

<sup>2</sup> See ch. 163, Part II, F.S.

at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period."<sup>3</sup> Comprehensive plans contain chapters or "elements" addressing future land use, housing, transportation, water supply, drainage, potable water, natural groundwater recharge, coastal management, conservation, recreation and open space, intergovernmental coordination, capital improvements, and public schools. The state land planning agency that administers these provisions is DCA.

#### *Alternative State Review Process*

In 2007, the Legislature created a pilot program to provide an alternate, expedited process for plan amendments with limited state agency review. Pilot communities transmit plan amendments, along with supporting data and analyses to specified state agencies and local governmental entities after the first public hearing on the plan amendment. Comments from state agencies may include technical guidance on issues of agency jurisdiction as it relates to ch. 163, part II, F.S., the Growth Management Act. Comments are due back to the local government proposing the plan amendment within 30 days of receipt of the amendment.

Following a second public hearing that shall be an adoption hearing on the plan amendment, the local government transmits the amendment with supporting data and analyses to DCA and any other state agency or local government that provided timely comments. An affected person, as defined in s. 163.3184(1)(a), F.S., or DCA may challenge a plan amendment adopted by a pilot community within 30 days after adoption of the amendment. DCA's challenge is limited to those issues raised in the comments by the reviewing agencies, but the statute encourages the DCA to focus its challenges on issues of regional or statewide importance. DCA does not issue a report detailing its objections, recommendations, and comments. The alternative state review process shortens the statutorily prescribed timeline for comprehensive plan amendments process from 136 days to 65 days.

#### *Optional Sector Planning*

The optional sector plan process was established as an alternative to the development of a regional impact process (see below). Optional sector plans may be initiated by the local government upon written agreement with the DCA. An optional sector plan includes two levels of planning: a conceptual, long-term build-out overlay; and one or more detailed specific area plans. An annual monitoring report will be submitted to the DCA and the affected regional planning council. Additionally, optional sector plans combine the purposes of chs. 380 and 163, F.S.; require public participation throughout the process; emphasize urban form and the protection of regional resources and facilities; and apply to areas greater than 5,000 acres. There are currently four optional sector plans in effect. They are located in Bay County, Orange County, the City of Bartow, and Escambia County.<sup>4</sup>

#### *The Development of Regional Impact (DRI) Process*

Section 380.06, F.S., provides for state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one local

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<sup>3</sup> Section 163.3177(5), F.S.

<sup>4</sup> DCA, Optional Sector Plans, available at <http://www.dca.state.fl.us/fdcp/DCP/optionalsectorplans/index.cfm> (last visited 3/28/2011).

government.<sup>5</sup> Regional planning councils assist the developer by coordinating multi-agency DRI review. The council's job is to assess the DRI project, incorporate input from various agencies, gather additional information, and make recommendations on how the project should proceed. The DCA reviews developments of regional impact for compliance with state law and to identify the regional and state impacts of large-scale developments. The DCA makes recommendations to local governments for approving mitigating conditions, or not approving proposed developments. There are numerous exemptions from the DRI process specified in statute.

#### *Evaluation and Appraisal Reports*

Section 163.3191, F.S., requires local governments to periodically assess the effectiveness of their comprehensive plans and complete major plan updates to reflect changing conditions and new legislative requirements. Every 7 years, local governments must submit Evaluation and Appraisal Reports (EAR) to DCA prior to undertaking the required periodic revision of their plans.<sup>6</sup> Based on this evaluation, the report suggests how the plan should be revised to better address community objectives, changing conditions and trends affecting the community, and changes in state requirements. DCA has established a phased schedule for the adoption of EARs, and municipalities are scheduled to adopt their EARs approximately 12 to 18 months after the county in which they are located adopts its EAR. This phasing allows municipalities to benefit from updated information that may be collected and analyzed by the county, particularly regarding major community-wide planning issues. DCA also holds a scoping meeting to identify the items that need to be addressed in the EAR.<sup>7</sup> Section 163.3191, F.S., contains a list of specific issues the report must address.

#### *Division of Emergency Management*<sup>8</sup>

The Division of Emergency Management (division) is administratively housed within the Department of Community Affairs, but is an independent entity and is not subject to control, supervision, or direction by the Department of Community Affairs.<sup>9</sup> The primary mission of the Division of Emergency Management is to ensure Florida is prepared to respond to and recover from all emergencies and mitigate against their impact. It coordinates with other state agencies, local and federal governments, interstate organizations, and the private sector to protect people and property in Florida. Additionally, the division and the Florida Department of Law Enforcement both have a primary responsibility for ensuring Florida's domestic security. The division's director is appointed by the Governor, serves at the Governor's pleasure, and acts as the state coordinating officer and operational authority for emergency management.

#### **Office of Tourism, Trade, and Economic Development**<sup>10</sup>

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<sup>5</sup> Section 380.06(1), F.S.

<sup>6</sup> Section 163.3191, F.S.

<sup>7</sup> DCA, Scoping Meetings for Evaluation and Appraisal Reports, available at <http://www.dca.state.fl.us/fdcp/DCP/EAR/files/EARBroc11-18-02.pdf> (last visited 3/28/2011).

<sup>8</sup> Information adapted from the Office of Program Policy Analysis and Government Accountability's Government Program Summaries, available at <http://www.oppaga.state.fl.us/profiles/6001/> (last visited 3/25/2011).

<sup>9</sup> Section 20.18(2)(a), F.S.

<sup>10</sup> Information adapted from the Office of Program Policy Analysis and Government Accountability's Government Program Summaries, available at <http://www.oppaga.state.fl.us/profiles/6125/> (last visited 3/26/2011).

The Office of Tourism, Trade, and Economic Development (OTTED) within the Executive Office of the Governor assists the Governor in formulating policies and strategies designed to provide economic opportunities for all Floridians. OTTED provides executive direction and staff support to develop policies and advocate for economic diversification and improvements in Florida's business climate and infrastructure. Economic development programs are implemented by public/private partnerships under OTTED's oversight.

Florida has a number of economic development incentive programs used to recruit industry to Florida, or to persuade existing businesses to expand their operations in the state. Some of the specific financial incentive programs administered by OTTED are:

- Qualified Target Industry Tax Refund Program (QTI) – s. 288.106, F.S. This is a tax refund program providing refunds of seven state taxes and the local ad valorem tax for businesses that create higher-paying, higher-skilled jobs for Floridians. There are eight categories of target industry sectors.<sup>11</sup>
- Quick Action Closing Fund – s. 288.1088, F.S. This incentive QAC is a grant to target industries whose projects are anticipated to achieve a \$5 to \$1 payback ratio; it is used to “close the deal” with a prospective new or expanding business.
- Economic Development Transportation Fund (Road Fund) – s. 288.063, F.S. This incentive is funded by a transfer from the State Transportation Trust Fund. The Road Fund is used to assist local governments in paying for highway or other transportation infrastructure improvements that will benefit a relocating or expanding company.
- Qualified Defense Contractors Tax Refund Program – s. 288.1045, F.S. This program is a tax refund program and is the only state incentive that gives tax refunds to retain employees, although new employees also make a military or space contractor eligible for the program. Only a handful of companies access the program funds, so it shares an annual appropriation with QTI.
- Capital Investment Tax Credit – s. 220.191, F.S. This tax credit provides eligible corporations with an annual credit on their corporate income tax liability over a 20-year period. The credit is based on a company's capital investment and is taken against the income arising from the project. Typically, a corporation must make a substantial investment in land, facilities, and equipment to qualify for the program. According to the Department of Revenue, \$11.75 million in tax credits were claimed in 2009 through this incentive program. As of December 2010, there are 18 active projects, whose owners have committed to make total cumulative capital investments of \$2.45 billion in Florida.
- Rural Community Development Revolving Loan Fund – s. 288.065, F.S. This provides long-term loans, loan guarantees, or loan-loss protection for rural counties or economic-development agencies substantially underwritten by rural governments, to pay primarily for infrastructure needed to attract economic development. The maximum loan amount is \$560,000. Since, 1997, 16 loans totaling \$5.62 million have been made.
- Florida Enterprise Zone Program – ss. 290.001 – 290.016, F.S. This program provides 11 different tax credits and tax exemptions for businesses (and non-business property owners, where applicable) to create jobs and make investments in economically

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<sup>11</sup> The categories are clean tech; life sciences; information technology; aviation/aerospace; homeland security/defense; financial/professional services; emerging technologies; other manufacturing; and corporate headquarters. See Enterprise Florida, Inc., Florida Industry Clusters, for more detailed descriptions, available at <http://www.eflorida.com/ContentSubpageFull.aspx?id=52> (last visited 3/28/2011).

- distressed or poverty-stricken areas of the state designated by the Legislature as enterprise zones. OTTED oversees the program by approving the required documents after legislative creation of a zone, and by approving boundary changes. Businesses may receive corporate tax credits, or sales and use tax credits, refunds, or exemptions, based on the criteria established in statute for the 11 different incentives available for enterprise zones. There are 59 enterprise zones in Florida, each of which is managed by a local coordinating board selected by the applicable county or city commission.
- Rural and Urban Job Tax Credits – ss. 212.097, 212.098, and 220.1895, F.S. These tax credits are awarded based on the industry sector and the number of new employees the business project commits to hiring. The tax credits are administered through the Department of Revenue. According to Enterprise Florida, Inc., in 2009, nine businesses received \$204,000 in rural job tax credits for creating 204 jobs, while 19 businesses received tax credits totaling \$855,000 under the urban program for creating 803 jobs.
  - Brownfield Redevelopment Bonus – s. 288.107, F.S. This program provides tax refunds for businesses that locate or expand in “brownfield” areas, which typically were the sites of industrial activity that led to groundwater and soil contamination having since been cleaned up so that it is safe again for commercial activity. The bonus is up to \$2,500-per-new job created. An eligible business may be in a target industry sector and receive the QTI tax refunds, too; if not a targeted industry, the business must make at least a \$500,000 investment if the site does not require cleanup or a \$2 million investment if cleanup is necessary, and hire at least 10 new employees. In FY 2009-10, there were 15 businesses approved to take advantage of both brownfield incentive programs, committing to create about 1,800 jobs and investing more than \$158 million in their operations.
  - Economic Gardening Business Loan Pilot Program – s. 288.1081, F.S. This program provides low-interest, short-term loans to eligible businesses for working-capital expenses, employee training, and salaries of new employees. It is administered by the Black Business Investment Fund. In FY 2009-10, the fund awarded 19 loans totaling \$3.9 million, to 17 businesses statewide.
  - Economic Gardening Technical Assistance Pilot Program – s. 288.1082, F.S. This program, also called GrowFL, provides eligible companies with training and outreach for their infrastructure, networking, and mentoring needs. In the first year, 35 businesses were selected for the program. The technical assistance program received \$1.5 million in the initial appropriation in FY 2009-10 and \$1 million in FY 2010-11.
    - To participate in GrowFL or the Business Loan program, a company must be a for-profit, privately held, investment-grade business that employs at least 10 people but not more than 50; that generates between \$1 million and \$25 million in annual revenue; and qualifies for QTI.
  - High Impact Performance Incentive Grants – s. 288.108, F.S. This grant is for businesses representing the following industry sectors – clean energy, life sciences, financial services, corporate headquarters, transportation equipment manufacturing, and semiconductor manufacturing. Eligible businesses must make a capital investment of at least \$50 million and create at least 50 new jobs, although the thresholds for businesses engaged in research and development are half those amounts. The Legislature did not appropriate any funds for HIPI grants because there were no applicants in FY 2009-10. But since the program began in 1997, there have been eight projects approved by

businesses committing to investing \$472 million in Florida and creating 1,745 jobs with average annual wages of \$52,246.

### *Rural designations*

The Rural Economic Development Initiative (REDI) was created by the Florida Legislature to encourage and align critical state agency participation and investment around important rural issues and opportunities.<sup>12</sup> Included in this broad initiative is the Rural Area of Critical Economic Concern (RACEC) designation.<sup>13</sup> Most of Florida's rural counties have been categorized into one of three RACECs: the North Central, the Northwest, and the South Central. RACECs are defined by OTTED based on measures of economic interdependence among the rural counties in each of the three geographic regions. A RACEC designation establishes each region as a priority area in need of economic development. One of the benefits of the designation is that the Governor may waive requirements for the Qualified Target Industry Tax Refund Program, the Quick Response Training Program, and other incentives.

### *Public/Private Partnerships*

As part of its role, OTTED oversees the activities of several public/private partnerships which serve to increase trade, job creation, and critical industry development in Florida:

- Enterprise Florida, Inc. (EFI) - serves as Florida's statewide economic development organization;
- Florida Black Business Investment Board, Inc. - assists in developing and expanding black business enterprises and advises OTTED in the oversight of the Black Business Loan Program;
- Space Florida – promotes and develops space-related economic development and education in Florida;
- Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation d/b/a/ VISIT Florida – oversees the state's tourism efforts and markets and facilitates travel to and within Florida for the benefit of its residents, economy, and travel and tourism industries;
- Florida Sports Foundation Incorporated – serves as the official sports promotion and development organization for the State of Florida; and
- Office of Film and Entertainment – develops and expands the state's motion picture and entertainment industry sectors and promotes and markets Florida as a production and filming location.

Each partnership focuses on a unique area of economic program development. While part of OTTED, the Office of Film and Entertainment is a special unit that operates semi-autonomously from OTTED.

### *Background on EFI and OTTED*

#### Creation of EFI

One of the early initiatives of Governor Lawton Chiles was the evaluation in 1991 of the executive agency governance structure. Chiles' transition task forces and "Government by the People Commission" developed a set of wide-ranging recommendations on agency mergers and

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<sup>12</sup> Section 288.0656, F.S.

<sup>13</sup> Section 288.0656(7), F.S.



realignment. One idea that grew from these discussions was creation of a lead entity, representing both the public and private sectors, to coordinate the state's economic development programs and policies. The idea coalesced as "Enterprise Florida," and a 1991 report drafted by the Florida Chamber of Commerce and the Florida Department of Commerce (FDC) detailed why such an entity was necessary and how it could be fully implemented within 3 years. One of the key reasons for creating a new lead entity, according to the report, was "fragmentation" of the different state, local and private-sector entities charged with economic development:

"A disconnected approach to economic development cannot help but result in uncoordinated, inchoate, and wasteful use of resources."

The report noted EFI would not duplicate the FDC, but that the department's units responsible for marketing, research, business assistance, and administrative functions would be transferred, over a 3-year-period, to EFI. When fully implemented, this new "public-private partnership" was envisioned to act as a catalyst for economic development in Florida, a broker for recruiting new businesses and retaining existing ones, and a coordinator for specialized entities – such as bond financing for business infrastructure or investment in new technologies – that would be at the core of efforts to diversify Florida's economy.

Based in large part on the aforementioned report's recommendation, EFI was created by the Legislature in 1992. The legislation references the economic challenges the state was facing, and concludes that Florida "needs a mechanism to bring together Florida's leadership and economic development resources, both public and private, to create enhanced economic development tools." The legislation did not transfer any FDC responsibilities to EFI. The only two duties enumerated in the new law were assisting in the coordination of the state's economic development efforts and developing a state strategic plan for economic development by December 1, 1993.

EFI was to be governed by a 21-member board of directors, of which 12 were private citizens appointed by the Governor from a list submitted initially by the Enterprise Florida Nominating Council, and subsequently by the EFI board. These 12 members were subject to Senate confirmation. The other nine members were: the Governor, the Lieutenant Governor, the Commissioner of Education, the Chancellor of the State University System, the executive director of the State Community College System, the Secretary of Commerce, the Secretary of Labor and Employment Security, or their designees; a member of the Florida Senate; and a member of the Florida House of Representatives.

The next major statutory changes for EFI occurred in 1996, with the passage of a 182-page bill that revamped Florida's economic development governance structure. The legislation abolished the FDC and formally recognized EFI as the state's lead economic development entity and broadened its responsibilities.

EFI was charged with developing policies and implementing strategies to:

- Support Florida's existing businesses and recruit new businesses worldwide to Florida;
- Seek to bolster international trade opportunities;
- Develop a comprehensive approach to workforce development; and
- Promote economic opportunities for rural communities and small or minority businesses.

The 1996 legislation also addressed funding for EFI. Consistent with the intent of creating a public-private partnership, operational funding would be shared with the private sector. Specifically, the law required an incremental increase in private funding to EFI operations, from 10 percent of state appropriations in FY 1996-97 to 50 percent of state appropriations by FY 2000-01. These funds would be released through a budget amendment, in accordance with ch. 216, F.S., if EFI provided sufficient documentation it had received the same amount in private matching funds for the given fiscal year. If sufficient documentation was not provided by the end of a given fiscal year, the state funds were to revert to the state's General Revenue Fund.

The Legislature in 1999, reiterated its requirement that state funding for EFI operations be matched by private funding, stating it is "further the intent of the Legislature to maximize private-sector support in operating Enterprise Florida, Inc., as an endorsement of its value and as an enhancement of its efforts." The law specified what qualified as private-sector support, the various categories of required support, and the overall ratio or match of the support – no less than 100 percent of the state's operating investment.

The latest significant legislative changes affecting EFI occurred in 2007, with the creation of the Florida Opportunity Fund, and in 2010, when the Florida Development Finance Corporation program was amended to allow it to leverage federal funds to issue debt for specific energy-related projects.

EFI currently is governed by a 19-member board of directors. The Governor appoints six private-sector members to the board, and the Senate President and the Speaker of the House of Representatives appoint three each. The public-sector members are the Governor, the Commissioner of Education, the state's Chief Financial Officer, the Secretary of State; the chair of the Workforce Florida, Inc., board of directors, or their designees; a member of the Florida Senate as ex officio; and a member of the Florida House of Representatives as an ex officio.

#### Creation of OTTED

In the 1996 legislation that officially abolished FDC, OTTED was created to perform what had been FDC's governance functions, such as providing contractual oversight of EFI and other public-private partnerships under contract.

The newly created OTTED was directed to contract with EFI to "guide, stimulate, and promote the economic and trade development of the state." OTTED was given control of the Economic Development Trust Fund, where the Legislature would deposit appropriations for the various incentive programs.

In 1997, the Legislature passed another large economic development bill, part of which clarified OTTED's responsibilities and some of the incentive programs created the previous year. The legislation also clarified OTTED's relationship as "administrator" of its contract with EFI.

#### **Agency for Workforce Innovation<sup>14</sup>**

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<sup>14</sup> Information adapted from the Office of Program Policy Analysis and Government Accountability's Government Program Summaries, available at <http://www.oppaga.state.fl.us/profiles/6134/> (last visited 3/26/2011).

The Agency for Workforce Innovation (AWI) was created by the Workforce Innovation Act of 2000 in an effort to better connect the state's economic development strategies with its workforce development system.<sup>15</sup>

The responsibilities of AWI include:

- Workforce Services:
  - Manages the performance-based contract with Workforce Florida, Inc., which includes specific deliverables and performance requirements in the statewide administration and coordination of workforce services (ch. 445, F.S.).
  - Disburses federal workforce funds (s. 20.50, F.S.);
  - Provides One-Stop Program Support services (workforce program information, guidance, and technical assistance) to the Regional Workforce Boards (ch. 445, F.S.);
- Unemployment Compensation Services:
  - Administers the state's unemployment compensation programs (ch. 443, F.S.); and
- Early Learning Services:
  - Implements the state's Child Care Resource and Referral, School Readiness, and Voluntary Prekindergarten Programs (chs. 411 and 1002, F.S.);

*Workforce Services and Workforce Florida, Inc.*

AWI is Florida's lead state workforce agency. However, Workforce Florida, Inc., (WFI) sets the state's workforce development policy and guidance. Workforce services in Florida are provided by 24 regional workforce boards who deliver services through nearly 90 One-Stop Career Centers around the state.

WFI is a nonprofit corporation providing state-level policy, planning, performance evaluation, and oversight to AWI and the 24 regional workforce boards. AWI is responsible for implementing WFI's policies. AWI assists WFI in developing and disseminating policies, providing technical assistance, and monitoring a variety of workforce programs.

AWI is the state agency which receives the federal funds for employment-related programs, such as Welfare to Work, Temporary Assistance to Needy Families, and the Workforce Investment Act, and distributes these funds to the state's 24 regional workforce boards. AWI also monitors regional workforce board and One-Stop Career Center activities to ensure they comply with federal and state requirements.

Each regional workforce board develops a local plan for using the funds provided by AWI and oversees workforce development activities in the region. Each board operates under a performance contract with AWI. The boards also select contractors to operate local One-Stop Career Centers. The One-Stop Career Centers deliver employment services to job seekers and employers.

WFI also sets the policy for the Welfare Transition Program. This program helps families currently on welfare become employed and economically self-sufficient; helps prevent at-risk families from going on welfare; and assists former welfare recipients who have recently entered the workforce retain their jobs and upgrade their skills.

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<sup>15</sup> Chapter 2000-165, L.O.F. See staff analysis for SB 2050 and HB 1135 (2000).

### Unemployment Compensation Services

AWI is the current agency responsible for administering Florida's UC laws.<sup>16</sup> Prior to October 1, 2000, the state's UC program was administered by the Division of Unemployment Compensation of the former Department of Labor and Employment Security.<sup>17</sup> The Workforce Innovation Act of 2000 transferred the administration of the UC program from the department to AWI. Further, this legislation required AWI to contract with the Department of Revenue to provide unemployment tax collections services.<sup>18</sup>

AWI administers Florida's UC laws through its Office of Unemployment Compensation Services.<sup>19</sup> The Office of Unemployment Compensation Services 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. The Office of Unemployment Compensation Services also administers special unemployment compensation programs, such as disaster unemployment assistance, trade adjustment assistance, and UC for ex-service members and federal civilian employees.<sup>20</sup>

The Unemployment Appeals Commission is administratively housed in AWI, but is a quasi-judicial administrative appellate body independent of AWI.<sup>21</sup> The commission consists of a three member panel appointed by the governor. It is the highest level for administrative review of contested unemployment cases decided by the Office of Appeals referees. The Unemployment Appeals Commission can affirm, reverse, or remand the referee's decision for further proceedings. A party to the appeal who disagrees with the commission's order may seek review of the decision in the Florida district courts of appeal.<sup>22</sup>

### Early Learning Services – School Readiness and Voluntary Pre-Kindergarten

AWI's Office of Early Learning is responsible for implementation of the state's child care resource and referral, school readiness, and voluntary prekindergarten (VPK) programs:

- **School Readiness:** Each school readiness program is required to provide the elements necessary to prepare at-risk children for school, including health screening and referral, and an appropriate educational program. These programs are designed to be developmentally appropriate, research-based, involve parents as their children's first

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<sup>16</sup> Sections 20.50 and 443.171, F.S.

<sup>17</sup> Section 11(4)(f), ch. 2000-165, L.O.F.

<sup>18</sup> The contract requirement and the duties of DOR were clarified by ch. 2003-36, L.O.F.

<sup>19</sup> Section 20.50(2)(c)1., F.S.

<sup>20</sup> Information found at <http://www.floridajobs.org/unemployment/index.html> (last visited 3/25/2011).

<sup>21</sup> Section 20.50(2)(d), F.S. "The Unemployment Appeals Commission, authorized by s. 443.012, F.S., is not subject to control, supervision, or direction by the Agency for Workforce Innovation in the performance of its powers and duties but shall receive any and all support and assistance from the agency that is required for the performance of its duties." The Unemployment Appeals Commission is 100 percent federally funded.

<sup>22</sup> Section 443.151(4)(c), (d), and (e), F.S.

teachers, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Section 411.01, F.S., provides requirements for implementing the school readiness program.

- **Voluntary Prekindergarten:** The program provides a free, voluntary prekindergarten education for every Florida child 4 years of age. The state's VPK program is intended to increase children's chances of achieving future educational success and must be developmentally appropriate. Sections 1002.51-1002.79, F.S., provide requirements for implementing and assessing the VPK program.

The early learning program is designed as a two-tiered program with AWI and the Department of Education (DOE) at the state level and early learning coalitions at the local level. AWI is responsible for adopting and maintaining coordinated programmatic, administrative, and fiscal policies and standards for all early learning programs. DOE is responsible for establishing readiness standards and guidelines for VPK program content. The local early learning coalitions plan, coordinate, and implement the early learning programs, following the standards and guidelines established by AWI and DOE. In addition, the Department of Children and Families is responsible for the licensing and credentialing of early learning providers.

There are 31 early learning coalitions, and a coalition may serve one or more counties. Each is required to submit a plan to AWI which states how they intend to implement the early learning programs for eligible children in the areas. The early learning coalitions also oversee early learning providers that offer school readiness and VPK programs. The federal Head Start program is administered directly by coalitions.

### **Obsolete References**

Senate Interim Report 2011-107, Identification, Review, and Recommendations Relating to Obsolete Statutory References to the former Florida Departments of Labor and Employment Security, and Commerce.<sup>23</sup>

- Reviewed the abolishment of the programs and divisions of the former departments;
- Identified current Florida Statutes that referenced these past programs, divisions, or departments;
- Reviewed the obsolete statutory references identified, researched the underlying legislative history of each reference, and worked with appropriate state agencies and other Senate committees to develop recommendations to resolve the obsolete references; and
- Recommended the references be either retained in statute, deleted or repealed from the statute or provision, or updated to reference the appropriate agency or current practice.

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<sup>23</sup> Identification, Review, and Recommendations Relating to Obsolete Statutory References to the Former Florida Departments of Labor and Employment Security, and Commerce. The Florida Senate Committee on Commerce. Interim Report 2011-107 (October 2010). Available at <http://www.flsenate.gov/Committees/InterimReports/2011/2011-107cm.pdf> (last visited 2/15/2011).

*Department of Labor and Employment Security*

The Department of Labor and Employment Security (DLES) was created in 1978 when it was removed from the Florida Department of Commerce.<sup>24</sup> It consisted of one administrative support division, six program divisions, and administratively housed several independent entities.<sup>25</sup>

The process for the abolishment of DLES began in the 1999 Legislative Session,<sup>26</sup> and subdivisions and programs of the department were transferred or repealed through several legislative bills until the department was formally abolished by the Legislature in 2002.

Senate Interim Report 2011-107 sets forth a detailed chart of the divisions and programs of the former DLES and whether they were transferred or repealed (including the chapter law numbers).

*Florida Department of Commerce*

The Florida Department of Commerce (FDC) was created in 1969.<sup>27</sup> It consisted of three divisions and administratively housed or staffed a number of independent entities. It was “the state agency with the primary responsibility for promoting and developing the general business, trade, and tourism components of the state economy.”<sup>28</sup>

FDC was abolished in 1996 in a reorganization of Florida’s economic development structure.<sup>29</sup> The department’s functions were either repealed or transferred to various other agencies. In general, the reorganization transferred economic development functions to EFI; tourism development and marketing functions to the Florida Commission on Tourism, Inc.; and all other functions that were considered to be “governmental in nature and [could not] effectively be transferred to public private partnerships” to OTTED.<sup>30</sup>

Senate Interim Report 2011-107 sets forth a detailed chart of the divisions and programs of the former FDC and whether they were transferred or repealed (including the chapter law numbers).

**III. Effect of Proposed Changes:**

This bill creates a new department called Jobs Florida and transfers the functions of other agencies to this new department. The bill makes the following changes:

TRANSFERS FROM EXISTING AGENCIES

Section 1:	Transfers from the Agency for Workforce Innovation: the Office of Early Learning Services to the Department of Education (including the transfer of policies and procedures); the Offices of Unemployment Compensation and
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<sup>24</sup> Chapter 78-201, L.O.F.

<sup>25</sup> See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 230, dated April 19, 1999.

<sup>26</sup> Chapter 99-240, L.O.F.

<sup>27</sup> Section 17, ch. 69-106, L.O.F.

<sup>28</sup> See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 958, dated March 18, 1996.

<sup>29</sup> Chapter 96-320, L.O.F.

<sup>30</sup> See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 958, dated March 18, 1996.

<p>Section 1 (cont'd):</p>	<p>Workforce Services to Jobs Florida; and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.</p>
<p>Section 2:</p>	<p>Transfers from the Department of Community Affairs: the Florida Housing Finance Corporation, the Division of Housing and Community Development, and the Division of Community Planning to Jobs Florida; the Division of Emergency Management to the Executive Office of the Governor and renaming it as the “Office of Emergency Management”; the Florida Building Commission to the Department of Business and Professional Regulation; the responsibilities under the Florida Communities Trust and the responsibilities under the Stan Mayfield Working Waterfronts program to the Department of Environmental Protection; and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.</p>
<p>Section 3:</p>	<p>Transfers functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to Jobs Florida, and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.</p>
<p>Section 4:</p>	<p>Provides direction for the transfers outlined above. Provides for a transition period from July 1, 2011, through October 1, 2011. Provides for the Agency for Workforce Innovation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development to develop and implement transition plans. Directs any state agency identified by one of the three affected agencies to cooperate fully in the plan. Directs the Governor to designate staff members from the Office of Planning and Budgeting to serve as primary representative for each agency during the transition and make reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Authorizes the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act. Directs the Governor, upon recommendation of one of the affected agencies, to submit amendments or supplemental information to or to seek waivers from appropriate Federal agencies or departments as necessary.</p>
<p>Section 5:</p>	<p>Provides direction for the merger of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, the Florida Black Business Investment Board, Inc., and Space Florida into the Jobs Florida Partnership, Inc. Directs the not-for-profit entities to enter into a plan for merger and transfers the functions of Space Florida to the Jobs Florida Partnership, Inc. Provides legislative intent with</p>

<p>Section 5 (cont'd):</p>	<p>respect to the merger of the entities into the Jobs Florida Partnership, Inc. Provides for a transition period, from July 1, 2011, through December 31, 2011, and the continuation of operations until the end of the transition period. Requires the Governor to appoint a representative to coordinate the transition plan. Provides for the transfer of title in real or tangible property held by the entities to the Department of Management Services to be leased to Jobs Florida. Provides for the transfer of any funds held in trust by the entities to be transferred to the Jobs Florida Partnership, Inc., to be used for their original purposes. Directs the Governor, upon recommendation of one of the affected entities, to submit amendments or supplemental information to or to seek waivers from appropriate Federal agencies or departments as necessary. Provides for the continuation of lease agreements for employees, if they are retained.</p>
<p>Section 6:</p>	<p>Directs the Division of Statutory Revision to prepare conforming legislation.</p>

STATUTORY AMENDMENTS & CREATIONS

<p>Section 7:</p>	<p>Creates s. 14.2016, F.S., which establishes the Office of Emergency Management within the Executive Office of the Governor.</p>
<p>Section 8:</p>	<p>Amends s. 20.15, F.S., which establishes the Division of Early Learning within the Department of Education and provides for the division to administer the school readiness system and the Voluntary Prekindergarten Education Program.</p>
<p>Section 9:</p>	<p>Creates s. 20.60, F.S., which establishes Jobs Florida as a new department of state government. This section provides for the commissioner of Jobs Florida to be appointed by the Governor and confirmed by the Senate; establishes divisions of Jobs Florida and specifies their responsibilities; specifies the responsibilities of the Commissioner of Jobs Florida; limits the amount of the commissioner's public remuneration; and specifies powers and responsibilities of the Chief Inspector General in the Executive Office of the Governor with respect to Jobs Florida.</p>
<p>Section 10:</p>	<p>Updates obsolete references in s. 112.044, F.S., to the former Department of Labor and Employment Security.</p>
<p>Sections 11-14:</p>	<p>Amend ss. 163.3164, 163.3177, 163.3180, and 163.3184, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.</p>
<p>Section 15:</p>	<p>Amends s. 163.3191, F.S., related to the evaluation and appraisal report (EAR) process:</p> <ul style="list-style-type: none"> <li>• Creates an exemption from the EAR process for local governments that have not experienced significant growth;</li> <li>• Makes the issues in the EAR process optional for the local government to include;</li> </ul>



<p>Section 15 (cont'd):</p>	<ul style="list-style-type: none"> <li>• Does not require local governments to adopt the EAR reports and Jobs Florida does not review them – they are simply supporting data for any EAR amendments;</li> <li>• Jobs Florida no longer has to report on the EAR process.</li> </ul>
<p>Section 16:</p>	<p>Amends s. 163.3245, F.S., to remove the pilot program status of the optional sector planning process:</p> <ul style="list-style-type: none"> <li>• Authorizes a local government or more than one local government to adopt a sector plan for long-term conservation and development, without advance approval by Jobs Florida. Removes the limit on the number of such plans.</li> <li>• Increases the minimum acreage requirement from 5,000 to 15,000.</li> <li>• Elaborates on the planning standards for a long-term master plan for the entire planning area. Requires the master plan to have a planning period longer than the maximum 20-year period used today in most comprehensive plans.</li> <li>• Retains the current Jobs Florida plan amendment review process for master plans.</li> <li>• Retains the general 1,000-acre threshold for a detailed specific area plan (“DSAP”) for development to implement a portion of the master plan, but provides the DSAP shall be adopted by local development order, not plan amendment.</li> <li>• Requires that a DSAP must be consistent with the long-term master plan but eliminates the requirement for it to have “a full range of land uses.”</li> <li>• Grants Jobs Florida new powers to seek judicial review of a DSAP which is not consistent with the adopted long-term master plan.</li> <li>• Elaborates on the planning standards for the DSAP and allows it to have a planning period longer than the maximum 20-year period used in most plans.</li> <li>• Provides that the master plan and the DSAP do not have to show “need”.</li> <li>• Requires Jobs Florida to consult with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and water management districts concerning the design of conservation areas.</li> <li>• Requires metropolitan planning organization (MPO) to make its transportation plans consistent with an adopted master plan, to the maximum extent feasible.</li> <li>• Requires a water management district to incorporate a master plan’s water resources and water supply projects into its regional water supply plan.</li> <li>• Adds to an adopted DSAP the down-zoning protection required by law for DRIs.</li> <li>• Authorizes a local government and developer to enter into a development agreement for lands with a master plan or DSAP, under certain conditions.</li> <li>• Allows previously adopted large-area plans which meet the planning requirements of s. 163.3245, F.S., to be governed by the revised statute.</li> <li>• Protects the right to continue agricultural or silvicultural uses, and to establish new such uses, in areas governed by a master plan or DSAP.</li> </ul>

Section 17:	Amends s. 163.3246, F.S., to conform to changes made by the act.
Section 18:	Amends s. 163.32465, F.S., to expand the alternative state review pilot program to the entire state. The program decreases the amount of time it takes to review comprehensive plan amendments by limiting state review in the process.
Section 19:	Amends s. 215.559, F.S., to extend the repeal date of the Hurricane Loss Mitigation Program to 2021. This section also makes conforming provisions to changes made by the act and deletes an obsolete provision.
Section 20:	Creates s. 288.005, F.S., to provide definitions for use in ch. 288, F.S., and includes definitions of the terms “economic benefits” and “commissioner.”
Section 21:	Creates s. 288.048, F.S., to transfer the incumbent worker training program, currently administered by Workforce Florida, Inc., in s. 445.003, F.S., within Jobs Florida. The act provides for the administration of the program by Jobs Florida in conjunction with Workforce Florida, Inc.
Section 22:	<p>Amends s. 288.061, F.S., to modify the review and approval process for applications by businesses seeking state economic incentives. Specifically:</p> <ul style="list-style-type: none"> <li>• Jobs Florida will coordinate with the Jobs Florida Partnership, Inc., at the beginning of the process the review of each application.</li> <li>• The application review is broadened from simply determining whether the application is complete to an evaluation of what types of state and local permits might be required, whether the permits can be waived, and what type and amount of state incentives might be available for the applicant.</li> <li>• With Jobs Florida involved at the very beginning of the application review process, the current 34-day schedule from review to approval is collapsed to 24 days. The proposed schedule would be: <ul style="list-style-type: none"> <li>○ Within <u>10 business days</u> after receiving the application, the business applicant will be informed that the application is complete, as well as a discussion of the permitting issues, types of incentive available, and amount of incentives available.</li> <li>○ Within <u>14 business days</u> after the initial review and communication with the applicant, Jobs Florida will issue a letter either approving or denying the applicant.</li> </ul> </li> <li>• One agreement or final order with an applicant may be entered into for all of the incentives offered.</li> <li>• The release of incentive funds still is guided by the statutory requirements for each incentive program.</li> </ul>

Section 23:	<p>Makes a number of changes to s. 288.095, F.S., including:</p> <ul style="list-style-type: none"> <li>• Replaces references to the Office of Tourism, Trade, and Economic Development with Jobs Florida.</li> <li>• Adds to the Economic Development Trust Fund the federal funds designated for the Incumbent Worker Training program under s. 288.048, F.S., (which transfers this program from Workforce Florida, Inc., to Jobs Florida) and limits the use of those funds for specific permitted purposes.</li> </ul>
Sections 24 and 25:	<p>Amends ss. 288.1081 and 288.1082, F.S.; to establish the Economic Gardening Business Loan Program and the Economic Gardening Technical Assistance Program as permanent programs. It deletes provisions for future repeal of the loan program, obsolete provisions, and conforms provisions to changes made by the act.</p>
Section 26:	<p>Provides that Part VII of ch. 288, F.S., is substantially amended by this act, and changes the name/subject of Part VII from “Enterprise Florida, Inc.,” to “Jobs Florida Partnership, Inc.”</p>
Section 27:	<p>Substantially amends s. 288.901, F.S., to create the Jobs Florida Partnership, Inc., (the Partnership), as a not-for-profit corporation that contracts with Jobs Florida. Provides that the Partnership is subject to the provisions of chs. 119 and 286, F.S., and that its board of directors is subject to certain requirements in ch. 112, F.S. Specifies purposes of the Partnership. Creates an 11-member board of directors, which the Governor chairs, and allows this board to appoint up to 10 at-large members from the private sector, who may provide annual contributions to the Partnership. Specifies certain ex officio, non-voting members of the board of directors. Prohibits the Partnership from endorsing any candidate for any public office.</p>
Section 28:	<p>Substantially amends s. 288.9015, F.S., to specify the powers of the Partnership and its board of directors. Such powers include securing funding for Partnership operations, entering into contracts, and hiring staff. Prohibits the board from pledging the full faith and credit of the state.</p>
Section 29:	<p>Substantially amends s. 288.903, F.S., to specify the duties of the Partnership. Such duties include the responsible and prudent management of public and private funds received by the Partnership; managing the Florida Opportunity Fund, Florida Development Finance Corporation, the Small Business Technology Growth Program, and the Cypress Fund; and preparing an annual report and an annual incentives report.</p>
Section 30:	<p>Substantially amends s. 288.904, F.S., to create provisions for the funding and budget of the Partnership. This section provides for legislative appropriations for the Partnership, each statutorily created division, and Space Florida (see Section 36) and requires a private match equal to at least 35 percent of the legislative appropriations. The section also provides a listing of potential sources of private</p>

<p>Section 30 (cont'd):</p>	<p>funding. The board of directors is directed to develop an annual budget. Provides a process for the Partnership to enter into an agreement with the Jobs Florida department to obtain the legislative funding and requires performance measures in the contract. Requires review of the Partnership's activities as a return on the public's financial investment, including hiring an economic analysis firm to develop such an analysis.</p>
<p>Section 31:</p>	<p>Substantially amends s. 288.905, F.S., to direct the Partnership's board of directors to hire a president, who shall serve at the pleasure of the governor. Provides that the president shall also be known as the "commerce secretary." Defines the president's role and responsibilities. Specifies that no employee of the Partnership may earn more than the governor unless the employee's contract provides for performance-based bonuses.</p>
<p>Section 32:</p>	<p>Substantially amends s. 288.906, F.S., to require an annual report from the Partnership by December 1 of each year. This section specifies the content of the annual report and requires the annual reports prepared by the divisions and Space Florida within the Partnership to be included as addenda.</p>
<p>Section 33:</p>	<p>Creates s. 288.907, F.S., to require an annual incentives report from the Partnership by December 30 of each year. This section specifies the required content of the report, including an analysis of the economic benefits of state incentives.</p>
<p>Section 34:</p>	<p>Substantially amends s. 288.911, F.S., to require the Partnership, with assistance of its Division of Tourism Promotion, to create a marketing campaign to promote the state and attract, develop, and retain businesses in target industries and high-impact industries.</p>
<p>Section 35:</p>	<p>Creates s. 288.912, F.S., to direct certain counties and municipalities, or their local economic development organizations, to annually provide to the Partnership an overview of local economic development activities and identification of any industries the area is trying to attract.</p>
<p>Section 36:</p>	<p>Creates s. 288.92, F.S., to specify divisions within the Partnerships:</p> <ul style="list-style-type: none"> <li>• The Division of International Trade and Business Development;</li> <li>• The Division of Business Retention and Recruitment;</li> <li>• The Division of Tourism Promotion;</li> <li>• The Division of Black Business Development;</li> <li>• The Division of Sports Industry Development; and</li> <li>• Space Florida is administratively housed within the Partnership.</li> </ul> <p>This section provides for staff to be hired for the divisions, and for each division to have a 15-member advisory board, selected by the Governor upon a recommended list from the Partnership's board of directors.</p>

Section 37:	Creates s. 288.921, F.S., which specifies the responsibilities for the Division of International Trade and Business Development and its advisory board. Requires an annual report by October 15.
Section 38:	Creates s. 288.922, F.S., which specifies the responsibilities for the Division of Business Retention and Recruitment and its advisory board. Requires an annual report by October 15.
Section 39:	Creates s. 288.923, F.S., which specifies the responsibilities for the Division of Tourism Marketing and its advisory board, including the development of a 4-year marketing plan. Requires an annual report by October 15.
Section 40:	Creates s. 288.925, F.S., which specifies the responsibilities for the Division of Black Business Development and its advisory board. Requires an annual report by October 15.
Section 41:	Transfers, renumbers, and amends s. 288.1229, F.S., as 288.926, F.S., to specify the responsibilities for the Division of Sports Industry Development and its advisory board. Requires an annual report by October 15.
Section 42:	Amends s. 290.0055, F.S., to provide authority to a governing body of a county jurisdiction which nominated an application for an enterprise zone that is no larger than 12 square miles and that includes a portion of the state designated as a RACEC to apply to Jobs Florida to expand the boundary of the enterprise zone by up to 3 square miles. The four current enterprise zones that are potentially affected are those in: Columbia County (EZ-1202), Pahokee (EZ-5001) in Palm Beach County, South Bay (EZ-5002) in Palm Beach County, and Suwannee County (EZ-6101).
Section 43:	Amends s. 290.00726, F.S., to provide authority to Martin County to apply to Jobs Florida for designation of an enterprise zone of up to 10 square miles. The bill requires that Martin County exclude residential condominiums from benefiting from state enterprise zone incentives unless prohibited by law. If the application is approved, Jobs Florida will determine the initial effective date of the enterprise zone.
Section 44:	Amends s. 409.942, F.S., to conform to changes made by the act by removing a requirement of Workforce Florida, Inc., to participate in the electronic benefit transfer program of the Department of Children and Families.
Section 45:	Amends s. 411.0102, F.S., to conform to changes made by the act, and includes a provision of s. 19, ch. 2010-210, L.O.F., requiring each participating early learning coalition board to develop a plan for the use of child care purchasing pool funds.

<p>Section 46:</p>	<p>Amends s. 1002.73, F.S., to incorporate the operational and administrative responsibilities of the Agency for Workforce Innovation for the Voluntary Prekindergarten Program. This also includes requiring the Department of Education to adopt procedures for the distribution of funds to early learning coalitions.</p>
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Sections 47-124, 128-223, 226-243, 245-249, 260-267, 270-319, 321, 322, 324, 329-331, 333-346, and 348-376:

Amend ss. 11.45, 14.20195, 15.18, 15.182, 16.615, 39.001, 45.031, 69.041, 112.3135, 119.071, 120.80, 125.01045, 159.803, 159.8081, 159.8083, 161.54, 163.03, 163.3178, 163.3221, 163.360, 166.0446, 175.021, 186.504, 186.505, 202.37, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5586, 216.136, 216.292, 216.231, 218.64, 220.03, 220.183, 220.191, 222.15, 250.06, 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36, 252.365, 252.37, 252.371, 252.373, 252.38, 252.385, 252.40, 252.41, 252.42, 252.43, 252.44, 252.46, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.099, 259.035, 260.0142, 272.11, 282.34, 282.709, 288.012, 288.017, 288.018, 288.019, 288.021, 288.035, 288.047, 288.065, 288.0655, 288.0656, 288.06561, 288.0657, 288.0658, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1083, 288.1088, 288.1089, 288.1095, 288.1162, 288.11621, 288.1168, 288.1169, 288.1171, 288.122, 288.12265, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.386, 288.7011, 288.7015, 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809, 288.826, 288.95155, 288.955, 288.9519, 288.9520, 288.9603, 288.9604, 288.9605, 288.9606, 288.9614, 288.9624, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 311.09, 311.11, 311.115, 311.22, 320.08058, 331.302, 331.3081, 331.369, 339.08, 339.135, 364.0135, 377.703, 377.804, 380.031, 380.06, 380.115, 380.285, 381.0054, 381.0086, 381.7354, 381.855, 383.14, 402.281, 402.45, 402.56, 403.42, 403.7032, 403.973, 409.017, 409.1451, 409.944, 409.946, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0103, 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.295, 414.411, 420.631, 420.635, 429.907, 440.12, 440.15, 440.381, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181, 443.191, 443.211, 433.221, 445.002, 445.003, 445.004, 445.006, 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051, 445.056, 446.41, 446.44, 446.50, 446.52, 448.109, 448.110, 450.191, 450.31, 468.529, 526.143, 526.144, 551.104, 570.248, 570.96, 597.006, 624.5105, 625.3255, 627.0628, 657.042, 658.67, 768.13, 943.03, 943.03101, 943.0311, 943.0312, 943.0313, 944.708, 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285, 1003.493, 1004.226, 1004.65, 1004.77, 1004.78, 1008.39, 1008.41, 1011.76, and 1012.2251, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.

In addition to conforming to changes made by the act, the following sections specifically:

Section 144:	Amends s. 288.106, F.S., to conform to provisions made by the act, and includes requiring Jobs Florida to review and evaluate each application for the economic benefits of each award of tax refunds and state incentives.
Section 148:	<p>Amends s. 288.1088, F.S. to:</p> <ul style="list-style-type: none"> <li>• Specifies “joint review” of quick action closing fund applications by Jobs Florida and the Jobs Florida Partnership, Inc.</li> <li>• Reduces from 22 days to 7 days the time-frame when Jobs Florida will recommend to the Governor a business project for quick action closing funding.</li> <li>• Permits the Governor to approve projects requiring at less than \$1 million in funding without Legislative consultation or approval.</li> <li>• For projects requiring funding between \$1 million and \$5 million, when recommending projects for approval to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House economic development appropriations committees, the Governor is required to:             <ul style="list-style-type: none"> <li>○ Provide in writing a description, in addition to the already required evaluation, of projects recommended; and</li> <li>○ Consult with the President and Speaker for final approval no sooner than 3 days after providing the written project descriptions and evaluations.</li> </ul> </li> <li>• Any project that requires funding in an amount at greater than \$5 million must receive approval from the Legislative Budget Commission.</li> </ul>
Section 152:	Amends s. 288.11621, F.S. to update provisions relating to development of a one-time Spring Training strategic plan, to require an update every 5 years, beginning in 2015. Also, clarifies that the updated plan should explore “alternatives” for financing spring training facilities.
Sections 217 and 218:	Amend ss. 331.302 and 331.3081, F.S., to reflect that Space Florida is administratively housed as a division of the Jobs Florida Partnership, Inc. It replaces the current board of directors with that of the Partnership, and creates an advisory board for Space Florida.
Section 246:	<p>Amends s. 409.946, F.S., to:</p> <ul style="list-style-type: none"> <li>• Reduces the Inner City Review Panel from 7 to 6 members. This is recommended for 2 reasons:             <ul style="list-style-type: none"> <li>○ There is no need for OTTED to appoint the board and serve on it;</li> <li>○ DCA is removed from the board; and</li> <li>○ Taking OTTED’s place is a “local economic development agency.”</li> </ul> </li> </ul>
Sections 318 and 319:	Amend ss. 448.109, 448.110, F.S., to conform to provisions made by the act, including designating Jobs Florida as the “state Agency for Workforce Innovation” to implement s. 24, Art. X of the State Constitution for purposes of calculating the minimum wage.

Specifically, the following sections make changes to update obsolete references to the former Department of Labor and Employment Security or the former Department of Commerce:  
 Sections 53, 54, 111, 113, 116, 125, 126, 127, 132, 133, 151, 153, 154, 224, 225, 244, 258, 259, 268, 269, 320, 323, 325, 326, 327, 328, 332, 335, and 347:

Amend ss. 45.031, 69.041, 252.85, 252.87, 252.937, 287.09431, 287.09451, 287.0947, 288.021, 288.035, 288.1162, 288.1168, 288.1169, 377.711, 377.712, 409.2576, 414.24, 414.40, 440.385, 440.49, 450.161, 464.203, 469.002, 469.003, 489.1455, 489.5335, 553.62, 597.006, and 944.012, F.S.

**STATUTORY TRANSFERS**

Section 41:	Transfers, renumbers, and amends s. 288.1229, F.S., as s. 288.926, F.S., to specify the responsibilities for the Division of Sports Industry Development and its advisory board. Requires an annual report by October 15.
Section 377:	Transfers, renumbers, and amends s. 20.505, F.S., as s. 20.605, F.S., to conform to changes made by the act.
Section 378:	Transfers, renumbers, and amends s. 1004.99, F.S., as s. 445.06, F.S., to transfer administration of the Florida Ready to Work Certification Program to Jobs Florida.

**STATUTORY REPEALS**

Section 379:	Repeals s. 14.2015, F.S., which relates to the creation of the Office of Tourism, Trade, and Economic Development. This repeal is to conform to changes made by the act.
Section 380:	Repeals s. 20.18, F.S., which relates to the creation of the Department of Community Affairs. This repeal is to conform to changes made by the act.
Section 381:	Repeals s. 20.50, F.S., which relates to the creation of the Agency for Workforce Innovation. This repeal is to conform to changes made by the act.
Section 382:	Repeals obsolete ss. 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, F.S., which relate to the abatement of asbestos in state buildings.
Section 383:	Repeals obsolete s. 287.115, F.S., which relates to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed.



Section 384:	Repeals obsolete s. 288.038, F.S., which relates to agreements appointing county tax collectors as agents of the Department of Labor and Employment Security for licenses and other similar registrations.
Section 385:	Repeals s. 288.063, F.S., which relates to contracts for transportations projects with the Office of Tourism, Trade, and Economic Development.
Section 386:	Repeals ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1226, and 288.1227, F.S., which relate to the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation. Much of the substance of these sections is now contained in Section 36 of the act, which creates s. 288.923, F.S., and the Division of Tourism Promotion within the Jobs Florida Partnership, Inc.
Section 387:	Repeals ss. 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, F.S., which relate to the Black Business Investment Board. Much of the substance of these sections is now contained in Section 38 of the act, which creates s. 288.925, F.S., and the Division of Black Business Development within the Jobs Florida Partnership, Inc.
Section 388:	Repeals s. 288.12295, F.S., which relates to a public records exception to donors of the Florida Sports Foundation. The substance of the Florida Sports Foundation has been transferred to s. 288.926, F.S., which creates the Division of Sports Industry Development within the Jobs Florida Partnership, Inc. (See Section 39 of the act).
Sections 389 and 390:	Repeal ss. 288.90151 and 288.9415, F.S., which relates to Enterprise Florida, Inc. Much of the substance of Enterprise Florida, Inc., is now contained in Sections 34 and 35 of the act, which create the Division of International Trade and Business Development and the Division of Business Retention and Recruitment within the Jobs Florida Partnership, Inc. (ss. 288.921 and 288.922, F.S.).
Section 391:	Repeals s. 288.9618, F.S., which relates to an economic development program for microenterprises.
Section 392:	Repeals s. 288.982, F.S., which relates to a public records exemption for certain records relating to the United States Department of Defense Base Realignment and Closure 2005 process.
Section 393:	Repeals s. 411.0105, F.S., which designates the Agency for Workforce Innovation as the lead agency to administer specified federal laws related to early learning and school readiness. This repeal is to conform to changes made by the act.
Section 394:	Repeals obsolete s. 446.60, F.S., which relates to assistance for displaced local exchange telecommunications company workers.

Section 395:	Repeals s. 1002.75, F.S., which relates to responsibilities of the Agency for Workforce Innovation in the Voluntary Prekindergarten Program. This repeal is to conform to changes made by the act.
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EFFECTIVE DATE

Section 396:	Provides an effective date of July 1, 2011.
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**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Reorganization of these agencies results in an annual cost savings of approximately \$8 million.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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