

Tab 2 SB 532 by Gibson; (Similar to H 0369) Provisional Ballots

Tab 3 CS/SB 708 by GO, Joyner; (Similar to CS/H 0533) Arthur G. Dozier School for Boys
 422720 D S L ATD, Thompson Delete everything after 02/10 08:29 PM

Tab 4 SB 1110 by Simmons; (Similar to CS/H 0825) Central Florida Expressway Authority

Tab 5 CS/SB 1394 by TR, Brandes; (Compare to CS/CS/1ST ENG/H 7061) Department of Highway Safety and Motor Vehicles

541706	A	S		ATD, Brandes	Delete L.73 - 93:	02/10 07:13 AM
102026	A	S		ATD, Brandes	Delete L.191 - 373.	02/10 08:29 AM
428432	A	S		ATD, Brandes	Delete L.380 - 385:	02/10 08:29 AM
771252	A	S		ATD, Brandes	Delete L.392 - 406:	02/10 07:13 AM
854538	A	S		ATD, Brandes	Delete L.419 - 435.	02/10 08:29 AM
437718	A	S		ATD, Brandes	Delete L.546 - 645.	02/10 08:28 AM
844988	A	S		ATD, Brandes	btw L.645 - 646:	02/10 07:13 AM

Tab 6 SB 1534 by Simmons; (Similar to CS/H 1235) Housing Assistance
 652132 A S L ATD, Detert Delete L.86 - 618: 02/11 08:38 AM

Tab 7 CS/SB 1544 by MS, Clemens (CO-INTRODUCERS) Bullard, Soto; (Similar to H 1223) Natural Hazards

Tab 8 CS/SB 1688 by MS, Sachs; Florida Veterans Foundation
 813644 A S L ATD, Sachs Before L.13: 02/11 08:37 AM

Tab 9 CS/SB 1646 by CM, Latvala; (Compare to H 0061) Economic Development

176818	D	S		ATD, Latvala	Delete everything after	02/10 09:48 AM
932808	AA	S		ATD, Brandes	btw L.21 - 22:	02/10 02:33 PM
432388	AA	S		ATD, Brandes	btw L.21 - 22:	02/11 08:01 AM
216156	A	S	WD	ATD, Brandes	btw L.228 - 229:	02/10 02:32 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, TOURISM, AND ECONOMIC
DEVELOPMENT**

Senator Latvala, Chair
Senator Clemens, Vice Chair

MEETING DATE: Thursday, February 11, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

MEMBERS: Senator Latvala, Chair; Senator Clemens, Vice Chair; Senators Brandes, Detert, Diaz de la Portilla, Gibson, Hukill, Sachs, and Thompson

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Executive Director, Department of Economic Opportunity

1	Proctor, Theresa "Cissy" (Tallahassee)	Pleasure of Governor	
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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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2	SB 532 Gibson (Similar H 369)	Provisional Ballots; Requiring the supervisor of elections to allow a person who voted a provisional ballot to submit an affidavit to cure an unsigned Provisional Ballot Voter's Certificate and Affirmation; prescribing the form and content of the affidavit; providing instructions to accompany each affidavit; requiring the affidavit, instructions, and the supervisor's contact information to be posted on specified websites; requiring the supervisor to attach a received affidavit to the corresponding provisional ballot envelope, etc.	
		EE 01/26/2016 Favorable ATD 02/11/2016 FP	

3	CS/SB 708 Governmental Oversight and Accountability / Joyner (Similar CS/H 533)	Arthur G. Dozier School for Boys; Directing the Department of State to preserve historical resources, records, archives, and artifacts; directing the department to reimburse the next of kin of children whose bodies are buried and exhumed at the Dozier School or to pay directly to a provider for the costs associated with funeral services, reinterment, and grave marker expenses; establishing a task force to make recommendations regarding a memorial and a location of a site for the reinterment of unidentified or unclaimed remains, etc.	
		GO 01/26/2016 Fav/CS ATD 02/11/2016 AP	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Thursday, February 11, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1110 Simmons (Similar CS/H 825, Compare CS/CS/H 7061)	Central Florida Expressway Authority; Requiring the chairs of the boards of specified county commissions each to appoint one member from his or her respective county who is a commission member or chair or the county mayor to serve on the governing body of the authority; specifying that the terms of members appointed by the Governor end on a specified date; specifying that the Central Florida Expressway Authority is a party to a certain lease-purchase agreement between the Department of Transportation and the Orlando-Orange County Expressway Authority, etc.	TR 01/27/2016 Favorable ATD 02/11/2016 RC
5	CS/SB 1394 Transportation / Brandes (Compare CS/CS/H 7061, CS/H 7063, CS/S 1392)	Department of Highway Safety and Motor Vehicles; Providing that provisions prohibiting a driver from following certain vehicles within a specified distance do not apply to truck tractor-semitrailer combinations under certain circumstances; requiring, as of a specified date, that the court order a certain qualified sobriety and drug monitoring program in addition to the placement of an ignition interlock device; prohibiting a law enforcement officer from issuing a citation for a specified violation until a certain date, etc.	TR 01/27/2016 Fav/CS ATD 02/11/2016 FP
6	SB 1534 Simmons (Similar CS/H 1235)	Housing Assistance; Requiring that the State Office on Homelessness coordinate among certain agencies and providers to produce a statewide consolidated inventory for the state's entire system of homeless programs which incorporates regionally developed plans; directing the office to create a task force to make recommendations regarding the implementation of a statewide Homeless Management Information System (HMIS), subject to certain requirements; providing a Rapid ReHousing methodology; prohibiting a county or an eligible municipality from expending its portion of the local housing distribution to provide ongoing rent subsidies, etc.	CA 01/26/2016 Favorable ATD 02/11/2016 AP

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Thursday, February 11, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 1544 Military and Veterans Affairs, Space, and Domestic Security / Clemens (Similar H 1223)	Natural Hazards; Creating an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to natural hazards; designating the director of the Division of Emergency Management or his or her designee as the liaison to and coordinator of the workgroup; requiring each agency liaison to ensure that the report is posted on his or her agency's website, etc. MS 02/01/2016 Fav/CS ATD 02/11/2016 FP	
8	CS/SB 1688 Military and Veterans Affairs, Space, and Domestic Security / Sachs	Florida Veterans Foundation; Providing for voluntary contributions of a minimum specified amount per applicant for certain motor vehicle registrations, driver licenses or identification cards, and boat registrations to the Florida Veterans Foundation, etc. MS 01/26/2016 Fav/CS ATD 02/11/2016 FP	
9	CS/SB 1646 Commerce and Tourism / Latvala (Compare H 61, H 1325, S 106)	Economic Development; Requiring the Department of Economic Opportunity to contract with a direct-support organization to promote the sports industry and the participation of residents in certain athletic competitions in this state and to promote the state as a host for certain athletic competitions; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide a detailed analysis of the retention of Major League Baseball spring training baseball franchises; requiring the Office of Economic and Demographic Research to include certain guidelines for the calculation of economic benefits, etc. CM 01/25/2016 Fav/CS ATD 02/11/2016 AP	

Other Related Meeting Documents

584

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Cissy Proctor

is duly appointed

**Executive Director,
Department of Economic Opportunity**

for a term beginning on the
Ninth day of January, A.D., 2016,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourteenth day of January, A.D. 2016*

Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2016 JAN 11 AM 10:26
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 8, 2016

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised that effective January 9, 2016, I have made the following appointment under the provisions of Section 20.60, Florida Statutes:

Mrs. Theresa Proctor
107 East Madison Street
Caldwell Building
Tallahassee, Florida 32399

as Executive Director of the Department of Economic Opportunity, subject to confirmation by the Senate. This appointment is effective January 9, 2016, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cc

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2016 JAN 14 AM 9:17

STATE OF FLORIDA

County of Leon

DIVISION OF ELECTIONS
TALLAHASSEE, FL

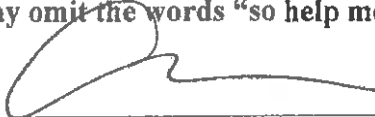
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Executive Director of D&O

(Title of Office)

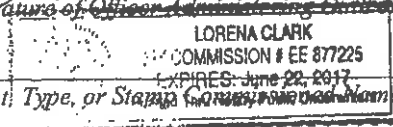
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]


Signature

Sworn to and subscribed before me this 13th day of January, 2016.

Lorena Clark
Signature of Officer Administering Oath of Notary Public


Print, Type, or Stamp Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

107 E. Madison Street

Street or Post Office Box

Tallahassee, FL 32399

City, State, Zip Code

Cissy Proctor
Print name as you desire commission issued


Signature

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

1/12/2016

Date Completed

1. Name: Mrs. Proctor Theresa "Cissy" Bixler
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 107 E. Madison Street Tallahassee
Street Office # City
Florida 32399 (850) 245-7298
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 1106 Shalimar Drive Tallahassee Leon
Street City County
Florida 32312 (850) 294-1099
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____
(optional)

4. A. List all your places of residence for the last five (5) years.

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>
1106 Shalimar Drive	Tallahassee, Florida	2007	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>
Emory University (dorm)	Atlanta, Georgia	August 1994	May 1995
Camp Ton-A-Wanda	Hendersonville, North Carolina	Summer 1995	Summer 1995
Exact addresses unknown	Atlanta, Georgia	August 1995	January 1997

5. Date of Birth: Feb. 6, 1976 Place of Birth: Baltimore, MD

6. Social Security Number: _____

7. Driver License Number: _____ suing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

Theresa Rankin Bixler (maiden)

Cissy (nickname)

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 DEPARTMENT OF STATE
 2018 JAN 12 PM 1:37
 DIVISION OF ELECTIONS
 TALLAHASSEE, FL

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1985 (except while attending college see Question 4.B.)

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon

B. Current Party Affiliation: Republican

12. Education

A. High School: Maclay School, Tallahassee, Florida
(Name and Location)

Year Graduated: 1994

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
FSU Law School	2002-2004	JD
Stetson Law School	2001-2002	None (transferred to FSU Law)
FSU	1998-1999	BS in International Affairs
Emory University	1994-1996	None (transferred to FSU)

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
Dec. 1996	Duval County, FL	Speeding ticket	Fine paid (\$151)

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
DEO, Tallahassee, Florida	Government	Chief of Staff	Jan. 2015-Jan.2016
DEO, Tallahassee, Florida	Government	Director, SBD	June 2013-Dec. 2014
DEO, Tallahassee, Florida	Government	Deputy LAD	Jan. 2013-June 2013
Bryant Miller Olive, Tallahassee, FL	Private law firm	Attorney	2004-Jan. 2013

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
See response to no. 15	DEO	Jan. 2013-present
OPS Clerk	FL Dep't of Legal Affairs, Child Support Enforcement	April-Dec. 1997

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Over the past three years, I have served the agency as Chief of Staff, Director of the Division of Strategic Business Development, and Deputy Legislative Affairs Director. In that time, I have worked to streamline the state's incentive process, encourage the creation and expansion of businesses within the state, and promote community and workforce development. It is my hope that these partnerships help generate economic prosperity for communities across Florida.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Before joining the agency in 2013, I practiced state and local government law for almost ten years with a Tallahassee-based firm. I received my J.D. magna cum laude from The Florida State University College of Law and my bachelor's degree in International Affairs from The Florida State University.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

N/A

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Executive Director	January 9, 2016	At the pleasure of the Governor	Executive branch

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
FL law license, 810401	Sept. 24, 2004	Florida Supreme Court	None
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
DEO	Chief of Staff, Director of SBD, Deputy LAD	Executive agency
Bryant Miller Olive	Attorney	The Firm had state and local governmental legal and legislative clients
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
N/A	Father	Contract employee	Employed by the FL Dep't of Health
N/A	Sister	Former employee	Formerly employed by the Executive Office of the Governor

**continued on attached page

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Florida Legislature	Florida Department of Economic Opportunity
Florida legislative and executive branch (while with Bryant Miller & Olive)	JEA, Lykes Bros., Manatee County, Charlotte County, Pitney Bowes, North Highland Co., SpeakWrite, Lee County Mosquito Control, Sarasota County, Tampa Bay Downs, United HealthCare Services, United HealthCare of Florida, Bryant Miller Olive

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Christina Daly			
Melissa VanSickle			
Sammie D. Dixon, Jr.			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
The Florida Bar;	651 E. Jefferson Street, Tallahassee, FL	Member	Sept. 2004-present
Tallahassee Women Lawyers;	P.O. Box 10567, Tallahassee, FL	Member	2006-2010/11 (estimate)
Phi Delta Phi, Legal Fraternity;	P.O. Box 11570, Ft. Lauderdale, FL	Member	2003-present
Order of the Coif;	425 W. Jefferson St. Tallahassee, FL	Member	2004-present

**continued on attached page

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

N/A

Because: (please provide cite.) _____

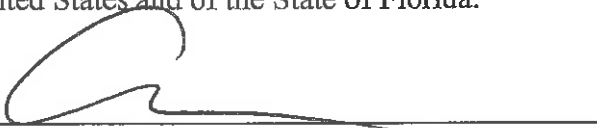
IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CERTIFICATION

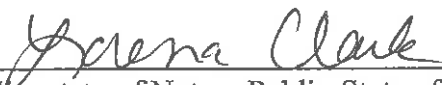
STATE OF FLORIDA
COUNTY OF LEON

Before me, the undersigned Notary Public of Florida, personally appeared Theresa "Cissy" Proctor, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

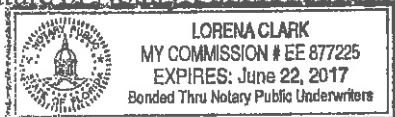


Signature of Applicant-Affiant

Sworn to and subscribed before me this 12th day of January, 2016.



Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

Questionnaire for Senate Confirmation

Theresa "Cissy" Proctor

Position: Executive Director, Florida Department of Economic Opportunity

January 12, 2016

25.B. Question number 25.B. continued

<i>Name of Business</i>	<i>Family Member's Relationship to You</i>	<i>Family Member's Relationship to Business</i>	<i>Business' Relationship to Agency</i>
Structure Commercial Real Estate, LLC	Husband	Managing member	Company received referral and/or commission fees in dealing with various state agencies
Structure Commercial Property Management, LLC	Husband	Managing Member	Current and former management of various commercial buildings that house various state agencies

28. Question number 28 continued

<i>Name</i>	<i>Mailing Address</i>	<i>Office(s) Held & Term</i>	<i>Date(s) of Membership</i>
Leadership Tallahassee	115 N. Calhoun St., Tallahassee, FL	Member	2008-present
William H. Stafford Inn of Court	3522 Thomasville Road, Suite 300, Tallahassee, FL	Member	2010-present
Tallahassee Bar Association	301 S. Monroe St., Suite 108, Tallahassee, FL	Member	2002-present (estimate)
Tallahassee Bar Association, Young Lawyers Section	301 S. Monroe St., Suite 108, Tallahassee, FL	Member Several Board positions	2002-present (estimate) 2006-2009
The Florida Bar, Young Lawyers Division Board of Governors	651 E. Jefferson St., Tallahassee, FL	Governor, 2nd Circuit Governor, At Large	2010-2012 2012-2013
American Bar Association	1050 Connecticut Ave. N.W., Suite 400, Washington, D.C.	Member	2004-2009/10 (estimate)

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 532

INTRODUCER: Senator Gibson

SUBJECT: Provisional Ballots

DATE: February 10, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	<u>Favorable</u>
2.	<u>Sneed</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 532 allows a voter who casts a provisional ballot but fails to sign his or her name on the Voter's Certificate to "cure" this deficiency by submitting an affidavit by 5 p.m. on the second day following the election, a procedure similar to the one adopted in 2013 for absentee ballot voters who forget to sign the ballot certificate/mailing envelope.

This bill has no fiscal impact on state government, but may result in minimal expenses for local supervisors of elections.

The act takes effect July 1, 2016.

II. Present Situation:

When a poll worker can't affirmatively confirm the eligibility of a person who presents himself or herself to vote at an early voting location or at a polling precinct on Election Day, the person is entitled to vote a provisional, or "conditional," ballot.¹

In such case, the precinct clerk who is in charge of polling place operations generally works with the voter to complete the Provisional Ballot Voter's Certificate and Affirmation, making sure that *all necessary information is filled out correctly* — *including the voter's signature*, his or her printed name, party registration, residential address, mailing address, and driver's license number or the last 4 digits of the voter's social security number.² The Provisional Ballot Voter's Certificate must be sworn or affirmed before an election official, *who must counter-sign the attestation*.

¹ Section 101.048(1), F.S.

² Section 101.048(3), F.S.

The provisional voter is given written instructions on his or her right to provide the supervisor with written evidence of eligibility until 5 p.m. on the second day after the election, along with a numbered stub and directions on how to access a free system to find out if the provisional ballot was counted in the final tally — and if not, why not.³ Additional procedures are laid out in the Division of Elections Polling Place Procedures Manual, which is used at every precinct.⁴

III. Effect of Proposed Changes:

The bill allows a provisional voter who fails to sign the voter’s certificate but whose identity can otherwise be determined from information on the certificate to “cure” the omission by submitting an affidavit no later than 5 p.m. on the second day after an election. The voter’s eligibility would still have to be determined in order for the ballot to count; the “cure” proposed in the bill would only ensure that the ballot would not be voided for lack of the requisite legal signature.

The bill prescribes the form of the affidavit, and lays out procedures and requirements for completing and submitting it, including the manner of processing the submission. Finally, it requires the Department of State and the supervisors of elections to include the affidavit and instructions on their respective websites.

The post-submission “cure” concept in the bill appears to be modeled after the absentee ballot cure process for missing signatures adopted in 2013 (see **Section VII. Related Issues**, *infra*).

The bill takes effect July 1, 2016.

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.

³ Section 101.048(1), (5), F.S.

⁴ See Fla Dep’t of State, *Polling Place Procedure Manual*, pp.14-16 (Rule 1S-2.034, F.A.C.; Pub. DS-DE 11, June 2014)

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of State, the bill has no fiscal impact on state government but may result in minimal expenses for local supervisors of elections for providing copies of the cure affidavit and instructions to provisional voters who fail to sign the voter's certificate.⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

In 2013, the Legislature authorized a similar post-submission affidavit procedure to allow *absentee voters* to cure missing signatures on absentee ballot voter certificates,⁶ the distinction being that absentee electors have no election official guiding them through the process of completing the voter's certificate and no counter-signature requirement.

VIII. Statutes Affected:

This bill substantially amends section 101.048 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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

⁵ See the 2016 Department of State Legislative Bill Analysis, November 6, 2015. (On file in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

⁶ Section 101.68(4), F.S.

By Senator Gibson

9-00119-16

2016532__

1 A bill to be entitled
2 An act relating to provisional ballots; amending s.
3 101.048, F.S.; requiring the supervisor of elections
4 to allow a person who voted a provisional ballot to
5 submit an affidavit to cure an unsigned Provisional
6 Ballot Voter's Certificate and Affirmation;
7 prescribing the form and content of the affidavit;
8 providing instructions to accompany each affidavit;
9 requiring the affidavit, instructions, and the
10 supervisor's contact information to be posted on
11 specified websites; requiring the supervisor to attach
12 a received affidavit to the corresponding provisional
13 ballot envelope; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (b) of subsection (2) of section
18 101.048, Florida Statutes, is amended, and subsection (7) is
19 added to that section, to read:

20 101.048 Provisional ballots.—

21 (2)

22 (b)1. If it is determined that the person was registered
23 and entitled to vote at the precinct where the person cast a
24 vote in the election, the canvassing board shall compare the
25 signature on the Provisional Ballot Voter's Certificate and
26 Affirmation or the Provisional Ballot Affidavit, if applicable,
27 with the signature on the voter's registration and, if it
28 matches, shall count the ballot.

29 2. If it is determined that the person voting the

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30 provisional ballot was not registered or entitled to vote at the
31 precinct where the person cast a vote in the election, the
32 provisional ballot shall not be counted and the ballot shall
33 remain in the envelope containing the Provisional Ballot Voter's
34 Certificate and Affirmation and the envelope shall be marked
35 "Rejected as Illegal."

36 (7) Until 5 p.m. on the second day following the election,
37 the supervisor of elections shall allow a person who has voted a
38 provisional ballot that does not include the person's signature
39 on the Provisional Ballot Voter's Certificate and Affirmation to
40 complete and submit an affidavit in order to cure the unsigned
41 provisional ballot. The supervisor of elections may allow a
42 person to submit an affidavit to cure an unsigned provisional
43 ballot only if the person's identity can otherwise be
44 ascertained through information provided in the Provisional
45 Ballot Voter's Certificate and Affirmation.

46 (a) The person must provide identification to the
47 supervisor of elections and must complete a provisional ballot
48 affidavit in substantially the following form:

50 PROVISIONAL BALLOT AFFIDAVIT

51 I,, am a qualified voter in this election and
52 registered voter of County, Florida. I do solemnly swear or
53 affirm that I voted a provisional ballot and that I have not and
54 will not vote more than one ballot in this election. I
55 understand that if I commit or attempt any fraud in connection
56 with voting, vote a fraudulent ballot, or vote more than once in
57 an election, I may be convicted of a felony of the third degree,
58 fined up to \$5,000, and imprisoned for up to 5 years. I

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59 understand that my failure to sign this affidavit means that my
60 provisional ballot will be invalidated.

61
62 ...(Voter's Signature)...

63
64 ...(Address)...

65
66 (b) Instructions must accompany the provisional ballot
67 affidavit in substantially the following form:

68
69 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
70 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
71 BALLOT NOT TO COUNT.

72
73 1. In order to cure the missing signature on your
74 Provisional Ballot Voter's Certificate and Affirmation, your
75 affidavit should be completed and returned as soon as possible
76 so that it can reach the supervisor of elections of the county
77 in which your precinct is located no later than 5 p.m. on the
78 second day following the election.

79 2. You must sign your name on the line above (Voter's
80 Signature).

81 3. You must make a copy of one of the following forms of
82 identification:

83 a. Identification that includes your name and photograph:
84 United States passport; debit or credit card; military
85 identification; student identification; retirement center
86 identification; neighborhood association identification; or
87 public assistance identification; or

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88 b. Identification that shows your name and current
89 residence address: current utility bill; bank statement;
90 government check; paycheck; or government document (excluding
91 voter identification card).

92 4. Place the envelope bearing the affidavit into a mailing
93 envelope addressed to the supervisor of elections. Insert a copy
94 of your identification in the mailing envelope. Mail, deliver,
95 or have delivered the completed affidavit along with the copy of
96 your identification to your county supervisor of elections. Be
97 sure there is sufficient postage if mailed and that the
98 supervisor's address is correct.

99 5. Alternatively, you may fax or e-mail your completed
100 affidavit and a copy of your identification to the supervisor of
101 elections. If e-mailing, please provide these documents as
102 attachments.

103 6. Submitting a provisional ballot affidavit does not
104 establish your eligibility to vote in this election or guarantee
105 that your ballot will be counted. The county canvassing board
106 determines your eligibility to vote through information provided
107 on the Provisional Ballot Voter's Certificate and Affirmation,
108 written evidence provided by the voter, and any other evidence
109 presented by the supervisor of elections or a challenger. You
110 may still be required to present additional written evidence to
111 support your eligibility to vote no later than 5 p.m. on the
112 second day following the election.

113 (c) The department and each supervisor of elections shall
114 include the affidavit and instructions on their respective
115 websites. The supervisor of elections shall include his or her
116 office's mailing address, e-mail address, and facsimile number

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117 on the page containing the affidavit instructions; the
118 department's instruction page must include the office mailing
119 addresses, e-mail addresses, and facsimile numbers of all
120 supervisors of elections or provide a conspicuous link to such
121 addresses.

122 (d) The supervisor of elections shall attach each affidavit
123 received to the appropriate provisional ballot envelope
124 containing the Provisional Ballot Voter's Certificate and
125 Affirmation.

126 Section 2. This act shall take effect July 1, 2016.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 708

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Joyner

SUBJECT: Arthur G. Dozier School for Boys

DATE: February 10, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 708 authorizes the Department of State (DOS) to spend up to \$7,500 for funeral, reinterment, and grave marker expenses for each child exhumed during the investigation of the cemetery located at the Arthur G. Dozier School for Boys (Dozier). The expenditures may take the form of reimbursements to the next of kin for the costs of re-burial or payments made directly to funeral homes.

The bill establishes a task force which will make recommendations to the DOS about creating and maintaining a memorial, and the location of a site for the reinterment of unidentified or unclaimed remains. The task force is required to submit a report of its recommendations by October 1, 2016, at which time the task force is abolished. The bill requires historical resources and artifacts recovered from Dozier to be transferred to DOS for preservation purposes.

The bill also requires the DOS to submit a report to the Legislature by February 1, 2018 on payments and expenditures required by the bill.

For Fiscal Year 2016-17, the bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to the DOS to implement the provisions of the bill. Any unused funds will revert to the General Revenue Fund and are appropriated for Fiscal Year 2017-2018 for the same purpose.

The bill takes effect upon becoming law.

II. Present Situation:

Dozier School for Boys

Dozier was a state reform school located in Marianna, Florida and operated from January 1, 1900 to June 30, 2011. Dozier was one of two training schools operated by the Department of Juvenile Justice.¹ The Department of Education administered the education program for the youths at Dozier.²

In 2008, Governor Charlie Christ directed the Florida Department of Law Enforcement (FDLE) to investigate 32 unmarked graves located on the property surrounding the school in response to complaints lodged by former students at Dozier.³ The former students had lived at Dozier during the 1950's and 1960's and alleged that students who died as a result of abuse were buried at the school cemetery.⁴ FDLE identified 31 graves at Dozier but did not exhume any bodies.⁵ The University of South Florida (USF) subsequently conducted research which included excavation and exhumation.⁶ As of January 28, 2014, USF's work at Dozier has resulted in the discovery of 55 bodies.⁷ There are no official records that account for 24 of the 55 bodies found.⁸

Prompt Payment Law

Section 215.422, F.S., governs the processing times of invoices submitted by a state agency for payment to the Chief Financial Officer (CFO) with the Department of Financial Services (DFS). Invoices submitted by agencies are required to be filed with the CFO no later than 20 days after receipt of the invoice and receipt, inspection, and approval of the goods or services.⁹ DFS must make prompt payment of an invoice no later than 10 days after an agency's filing of an approved invoice.¹⁰ If a warrant in payment of an invoice is not made within 40 days after receipt of the invoice and receipt, inspection, and approval of the goods or services, the agency must pay the vendor interest¹¹ on the unpaid balance until payment is issued to the vendor.¹²

¹ Section 985.03(56), F.S. (2010).

² Section 1003.52(20), F.S. (2013).

³ *Arthur G. Dozier School for Boys, Case Number EI-04-00005 and EI-73-8455*, Dated December 18, 2012, Office of Executive Investigations, Florida Department of Law Enforcement available at www.fdle.state.fl.us/Content/getattachment/7984bf67-8d1b-47f2-be9f-e1f9ab888874/FDLE-releases-response-regarding-Dozier-School.aspx (last visited December 19, 2015).

⁴ *Id.* at 1.

⁵ *Id.* at 4.

⁶ *Id.* at 4.

⁷ Ben Montgomery, *More Bodies Found Than Expected at the Dozier School for Boys*, MIAMI HERALD, Jan. 4, 2015 <http://www.miamiherald.com/news/state/florida/article5427669.html> (last visited December 19, 2015).

⁸ University of South Florida News, *USF Researchers Find Additional Bodies at Dozier School for Boys*, <http://news.usf.edu/article/templates/?a=5997> (last visited December 22, 2015).

⁹ Section 215.422(1), F.S.

¹⁰ Section 215.422(2), F.S.

¹¹ The CFO calculates the interest rate, which is based on the interest rates set by the Federal Reserve Bank. Sections 215.422(3)(b) and 55.03(1), F.S.

¹² Section 215.422(3)(b), F.S.

III. Effect of Proposed Changes:

The bill directs that any historical resource, record, archive, or artifact recovered from Dozier are to be transferred to the DOS for preservation. The DOS is directed to identify and locate by December 31, 2017, the next of kin of the exhumed children.

The bill authorizes the DOS to spend up to \$7,500 for the cost of each child's funeral, reinterment, and grave marker. These expenditures may take the form of reimbursements to the next of kin, or payments made directly to a funeral home or other appropriate entity. The expenditures are to be made in accordance with current prompt payment laws. Charitable contributions made toward a burial are not eligible for reimbursement. DOS is required to submit a report to the Legislature by February 1, 2018 on the status of its expenditures.

The bill establishes a task force under the DOS which is responsible for making recommendations to the department about the creation and maintenance of a memorial, and the location of a site for reinterment of unidentified or unclaimed remains. The Secretary of the DOS will appoint the members of the task force. Task force members will not be paid, however, they may be reimbursed for per diem and travel expenses. Task force recommendations must be submitted to the DOS by October 1, 2016, at which time the task force is abolished.

The bill provides the DOS rulemaking authority to administer the bill.

The bill appropriates the nonrecurring sum of \$500,000 from the General Revenue Fund for the 2016-2017 fiscal year to the DOS to implement the bill. Any unused funds will revert to the General Revenue Fund on July 1, 2017, and are appropriated for the 2017-2018 fiscal year to continue funding the provisions of the bill.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

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:

Indeterminate.

C. Government Sector Impact:

The bill appropriates \$500,000 from the General Revenue Fund for the 2016-2017 fiscal year to the DOS to implement the bill's provisions. Unexpended funds will revert to the General Revenue Fund on July 1, 2017, and will be appropriated for the same purpose in the 2017-2018 fiscal year.

VI. Technical Deficiencies:

The bill does not specify the number of members on the taskforce or their membership qualifications.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section of Florida law.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on January 26, 2016:

- Removes provisions requiring the DOS to perform research and develop evidence taken from Dozier.
- Removes a requirement that the DOS create a memorial and in its place creates a task force to make recommendations about the creation of a memorial and where unclaimed remains should be reinterred. The task force must produce a report by October 1, 2016.
- Removes the condition that payment be made to a funeral home only when the next of kin cannot pay for funeral and reinterment costs.
- Removes the requirement that the DOS make payment to the next of kin within 14 days and replaces that requirement with the current prompt payment law.
- Provides that charitable donations made for the funeral and burial costs will not be reimbursed or paid by the state.

- Provides that the DOS should locate the next of kin by December 31, 2017. More time was given so that the DOS would have sufficient time to locate the next of kin.
- Provides that the DOS should file a report with the Legislature on the status of payments made by February 1, 2018, so that the report will be available prior to the 2018 legislative session.
- Reduces funding to a total of \$500,000 to be spent over the next two fiscal years.

B. Amendments:

None.

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



422720

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Thompson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. (1) (a) Any historical resource, record, archive,
artifact, public research, or medical record that was recovered
from the Arthur G. Dozier School for Boys by the University of
South Florida shall remain in the custody of the university for
archival and preservation until the Department of State requests
custody of such resource, record, archive, artifact, public



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11 research, or medical record.

12 (b) Any human remains exhumed from the Arthur G. Dozier
13 School for Boys by the University of South Florida shall remain
14 in the custody of the university for identification purposes
15 until the remains are returned to the next of kin or reburied
16 pursuant to this act.

17 (2) (a) The Department of State shall contract with the
18 University of South Florida for the identification and location
19 of eligible next of kin for such children and the update of
20 information on associated artifacts and materials.

21 (b) No later than July 1, 2016, the University of South
22 Florida must provide the Department of State with contact
23 information for the next of kin for each set of human remains
24 which has been returned to a next to kin.

25 (c) For any identification of next of kin occurring on or
26 after July 1, 2016, the University of South Florida must provide
27 location information of the next of kin to the Department of
28 State at least 5 days before returning the human remains to the
29 next of kin.

30 (d) Beginning July 1, 2016, the Department of State must
31 notify the next of kin responsible for a set of human remains
32 about the payment or reimbursement provisions under subsection
33 (3). Such notification must be made within 15 business days
34 after the department's receipt of the location information of
35 the next of kin.

36 (3) The Department of State shall reimburse the next of kin
37 or pay directly to the provider up to \$7,500 for funeral,
38 reinterment, and grave marker expenses for each child whose body
39 was buried at and exhumed, or otherwise recovered, from the



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40 Dozier School for Boys.

41 (a) In order to receive reimbursement, the next of kin must
42 submit to the department receipts for, or documentation of,
43 expenses. Reimbursement shall be made pursuant to s. 215.422,
44 Florida Statutes.

45 (b) If expenses are to be paid directly to the provider,
46 the funeral home or other similar entity must submit an invoice
47 to the department for the cost of the child's funeral,
48 reinterment, and grave marker expenses. Payment shall be made
49 pursuant to s. 215.422, Florida Statutes.

50 (c) A charitable donation made toward funeral, reinterment,
51 and grave marker expenses is not eligible for reimbursement.

52 (4) By February 1, 2018, the Department of State shall
53 submit a report to the Governor and Cabinet, the President of
54 the Senate, and the Speaker of the House of Representatives
55 regarding any payments and reimbursements made pursuant to this
56 section.

57 (5) The department may adopt rules necessary to administer
58 this section.

59 Section 2. (1) A task force is established adjunct to the
60 Department of State to advise the department and, except as
61 otherwise provided in this section, shall operate consistent
62 with s. 20.052, Florida Statutes. The task force shall be known
63 as the "Dozier Task Force." The Department of State shall
64 provide administrative and staff support services relating to
65 the functions of the task force.

66 (2) (a) The task force shall consist of the following
67 members:

68 1. The Secretary of State, or his or her designee, who



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69 shall serve as the chair.

70 2. One person appointed by the President of the Florida
71 State Conference of the National Association for the Advancement
72 of Colored People.

73 3. One representative of the Florida Council of Churches,
74 appointed by the executive director of the council.

75 4. A next of kin of a deceased ward buried at the Dozier
76 School for Boys appointed by the Attorney General.

77 5. One representative who promotes the welfare of people
78 who are former wards of the Dozier School for Boys appointed by
79 the Chief Financial Officer.

80 6. One person appointed by the President of the Senate.

81 7. One person appointed by the Speaker of the House of
82 Representatives.

83 8. One person appointed by the Jackson County Board of
84 County Commissioners.

85 (b) By October 1, 2016, the task force shall submit its
86 recommendations to the Department of State regarding the
87 creation and maintenance of a memorial and the location of a
88 site for the reinterment of unidentified or unclaimed remains.
89 The recommendations shall also be submitted to the Governor and
90 Cabinet, the President of the Senate, the Speaker of the House
91 of Representatives, the Minority Leader of the Senate, and the
92 Minority Leader of the House of Representatives.

93 (3) This section is repealed December 31, 2016.

94 Section 3. For the 2016-2017 fiscal year, the sum of
95 \$500,000 in nonrecurring funds is appropriated from the General
96 Revenue Fund to the Department of State for the purpose of
97 implementing this act. Funds remaining unexpended or



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98 unencumbered from this appropriation as of July 1, 2017, shall
99 revert and be reappropriated for the same purpose in the 2017-
100 2018 fiscal year.

101 Section 4. This act shall take effect upon becoming a law.

102

103 ===== T I T L E A M E N D M E N T =====

104 And the title is amended as follows:

105 Delete everything before the enacting clause

106 and insert:

107

A bill to be entitled

108

An act relating to the Arthur G. Dozier School for
Boys; requiring certain historical resources, records,
archives, artifacts, researches, medical records, and
human remains to remain in the custody of the
University of South Florida; providing exceptions;
requiring the Department of State to contract with the
university for the identification and location of
eligible next of kin of certain children; requiring
the department to notify the next of kin of certain
payment or reimbursement provisions; requiring the
department to reimburse the next of kin of children
whose bodies are buried and exhumed at the Dozier
School or to pay directly to a provider for the costs
associated with funeral services, reinterment, and
grave marker expenses; providing a process for
reimbursement or payment by the department; providing
that a charitable donation made toward funeral,
reinterment, and grave marker expenses is not eligible
for reimbursement; requiring the department to submit

126



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127 a report; establishing a task force to make
128 recommendations regarding a memorial and a location of
129 a site for the reinterment of unidentified or
130 unclaimed remains; providing membership of the task
131 force; requiring the task force to submit its
132 recommendation to the department by a certain date;
133 requiring the task force to submit its recommendations
134 to the Governor and Cabinet and to the Legislature;
135 authorizing the department to adopt rules; providing
136 appropriations; providing an effective date.

137
138 WHEREAS, the Arthur G. Dozier School for Boys, or the
139 Dozier School for Boys, operated from 1900 until it was closed
140 in 2011 after allegations of abuse were confirmed in separate
141 investigations by the Department of Law Enforcement in 2010 and
142 the Civil Rights Division of the United States Department of
143 Justice in 2011, and

144 WHEREAS, official records indicated that 31 graves had been
145 dug at the facility between 1914 and 1952, and

146 WHEREAS, a forensic investigation by the University of
147 South Florida found that there are no records of where children
148 who died at the Dozier School for Boys are buried and that
149 families were often notified after the child was buried or
150 denied access to their remains at the time of burial, and

151 WHEREAS, exhumations of bodies began in August 2013, and
152 the excavations yielded 55 burial sites, 24 more sites than
153 reported in official records, and

154 WHEREAS, one of the bodies exhumed during the forensic
155 investigation was of a child reported missing since 1940, and



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156 WHEREAS, nearly 100 deaths were recorded at the school and
157 51 sets of remains were exhumed from burials, and additional
158 victims of a fatal fire in 1914 are still buried with the fire
159 debris on site, and

160 WHEREAS, many families of children whose bodies have been
161 exhumed lack the resources to properly reinter those children at
162 a suitable location, and

163 WHEREAS, the State of Florida recognizes an obligation to
164 help the families of children formerly buried at the Dozier
165 School for Boys reinter the bodies of those children, NOW,
166 THEREFORE,

By the Committee on Governmental Oversight and Accountability;
and Senator Joyner

585-02624A-16

2016708c1

1 A bill to be entitled

2 An act relating to the Arthur G. Dozier School for
3 Boys; directing the Department of State to preserve
4 historical resources, records, archives, and
5 artifacts; directing the department to reimburse the
6 next of kin of children whose bodies are buried and
7 exhumed at the Dozier School or to pay directly to a
8 provider for the costs associated with funeral
9 services, reinterment, and grave marker expenses;
10 providing a process for reimbursement by the
11 department; providing that a charitable donation made
12 toward funeral, reinterment, and grave marker expenses
13 is not eligible for reimbursement; establishing a task
14 force to make recommendations regarding a memorial and
15 a location of a site for the reinterment of
16 unidentified or unclaimed remains; providing that
17 members of the task force shall serve without
18 compensation but are entitled certain per diem and
19 travel expenses; requiring the task for to submit its
20 recommendation to the department by a certain date, at
21 which time the task force is abolished; authorizing
22 the department to adopt rules; providing
23 appropriations; providing an effective date.

24
25 WHEREAS, the Arthur G. Dozier School for Boys, or the
26 Dozier School, operated from 1900 until it was closed in 2011
27 after allegations of abuse were confirmed in separate
28 investigations by the Department of Law Enforcement in 2010 and
29 the Civil Rights Division of the United States Department of
30 Justice in 2011, and

31 WHEREAS, official records indicated that 31 graves had been

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2016708c1

32 dug at the facility between 1914 and 1952, and

33 WHEREAS, a forensic investigation by the University of
34 South Florida found that there are no records of where children
35 who died at the Dozier School are buried and that a second
36 cemetery is likely to exist, and

37 WHEREAS, exhumations of bodies began in August 2013, and
38 the excavations yielded 55 burial sites, 24 more sites than
39 reported in official records, and

40 WHEREAS, one of the bodies exhumed during the forensic
41 investigation was of a child reported missing since 1940, and

42 WHEREAS, representatives of children formerly held at the
43 Dozier School have estimated that there could be 100 more bodies
44 buried on the grounds of the school, and

45 WHEREAS, many families of children whose bodies have been
46 exhumed lack the resources to properly reinter those children at
47 a suitable location, and

48 WHEREAS, the State of Florida recognizes an obligation to
49 help the families of children formerly buried at the Dozier
50 School reinter the bodies of those children, NOW, THEREFORE,

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. (1) Any historical resource, record, archive, or
55 artifact and any human remains that are recovered from the
56 Arthur G. Dozier School for Boys must be transferred to the
57 Department of State. The department shall retain and preserve
58 such historical resources, records, archives, and artifacts.

59 (2) The Department of State shall reimburse the next of kin
60 or pay directly to the provider up to \$7,500 for funeral,

585-02624A-16

2016708c1

61 reinterment, and grave marker expenses for each child whose body
62 was buried and exhumed at the Dozier School. The department
63 shall identify and locate eligible next of kin of such children
64 by December 31, 2017.

65 (a) To receive reimbursement, the next of kin must submit
66 to the department receipts for or documentation of expenses.
67 Reimbursement shall be made pursuant to s. 215.422.

68 (b) If expenses are to be paid directly to the provider,
69 the funeral home or other similar entity shall submit an invoice
70 to the department for the cost of the child's funeral,
71 reinterment, and grave marker expenses. Payment shall be made
72 pursuant to s. 215.422.

73 (c) A charitable donation made toward funeral, reinterment,
74 and grave marker expenses is not eligible for reimbursement.

75 (3) By February 1, 2018, the Department of State shall
76 report to the Legislature on the status of payments and
77 reimbursements required by this act.

78 (4) (a) A task force, as defined in s. 20.03, is established
79 adjunct to the Department of State to make recommendations to
80 the department regarding the creation and maintenance of a
81 memorial and the location of a site for the reinterment of
82 unidentified or unclaimed remains.

83 (b) Task force members shall be appointed by the secretary
84 of the Department of State and shall serve without compensation,
85 but are entitled to reimbursement for per diem and travel
86 expenses in accordance with s. 112.061.

87 (c) The recommendations of the task force must be submitted
88 to the Department of State by October 1, 2016, at which time the
89 task force is abolished.

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90 (5) The department may adopt rules necessary to administer
91 this section.

92 Section 2. For the 2016-2017 fiscal year, the sum of
93 \$500,000 in nonrecurring funds is appropriated from the General
94 Revenue Fund to the Department of State for the purpose of
95 implementing this act. The unexpended balance of such funds
96 shall revert immediately on July 1, 2017, and is appropriated
97 for the 2017-2018 fiscal year for the same purpose.

98 Section 3. This act shall take effect upon becoming a law.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 1110

INTRODUCER: Senator Simmons

SUBJECT: Central Florida Expressway Authority

DATE: February 10, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.	Sneed	Miller	ATD	Pre-meeting
3.			RC	

I. Summary:

SB 1110 addresses issues relating to the Central Florida Expressway Authority (CFX). The bill clarifies that members of CFX’s governing body from Seminole, Lake, and Osceola Counties must be a county commission member or chair, or a county mayor from the respective counties. Governor-appointed citizen members, who must be residents of either Orange, Seminole, Lake, or Osceola County, are made subject to Senate confirmation, and refusal or failure to confirm creates a vacancy. The bill provides that the 4-year term of Governor-appointed members ends on December 31 of the last year of service. The bill also removes the requirement that the CFX board elect a governing body member as secretary.

SB 1110 also clarifies that CFX is a party to a 1985 lease-purchase agreement between the former Orlando-Orange County Expressway Authority (OOCEA) and the Florida Department of Transportation (FDOT), and repeals superseded language requiring that title to the former Orlando-Orange County Expressway System be transferred to the state under certain conditions.

The bill has no apparent fiscal impact on state or local governments.

The bill takes effect July 1, 2016.

II. Present Situation:

Historical Background of the Orlando-Orange County Expressway Authority

The OOCEA was created by the Legislature in 1963 for the purpose of construction and operation of an expressway road system in Central Florida.¹ The OOCEA was granted the power to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and

¹ See ch. 348, part II, F.S. (2013).

boulevards in Orange County, as well as in any consenting county within whose jurisdiction the activities occurred. The OOCEA was also authorized to issue toll revenue bonds to help finance the project.²

Lease-Purchase Agreement

The OOCEA System was operated pursuant to a lease-purchase agreement.³ Under the lease-purchase agreement the FDOT, as lessee, agreed to pay the operation and maintenance costs of the associated toll facility.⁴ Upon completion of the lease-purchase agreement, ownership of the facility was to be transferred to the state and the FDOT would retain all revenues collected, as well as the responsibility of operating and maintaining the transferred system.⁵ Lease-purchase agreements benefit an expressway authority by delaying when the expressway authority (lessor) is responsible for paying for the financial obligations of operating and maintaining the system.⁶

The lease-purchase agreement was statutorily required to provide that upon termination of the agreement, title to the expressway system must be transferred to the state.⁷ The most recent supplemented and extended lease-purchase agreement was to remain in effect until all bonds and any refunding bonds were fully paid and the FDOT was reimbursed for all amounts owed to it under the agreement. The OOCEA's obligation to the FDOT as of December 31, 2015, was approximately \$173 million, with full repayment to the FDOT expected in 2025.⁸

The Wekiva Parkway

In 2012, the OOCEA and the FDOT agreed, pursuant to a Memorandum of Understanding (MOU) to jointly undertake construction of the Wekiva Parkway (Parkway), a beltway around the Metropolitan Orlando area.⁹ An Interlocal Agreement was approved in 2014 that included specific terms and conditions governing the project that are consistent with the MOU. The agreement called for the OOCEA to independently finance, build, own, and manage sections of the Parkway primarily in Orange County, and the FDOT to be responsible for the remaining portions of the Parkway in Lake and Seminole Counties.¹⁰ As part of the agreement, OOCEA agreed to repay long-term debt owed to the FDOT.

To ensure available funds for the FDOT portion of the Wekiva Parkway, the 2012 Legislature required the OOCEA to repay the FDOT for the operation and maintenance of the expressway system in accordance with the lease-purchase agreement. A repayment schedule was established

² Bonds are payable from and secured by a pledge of net toll revenues collected from the operation of the expressway system.

³ Section 348.757, F.S.

⁴ Section 348.757(6), F.S.

⁵ Section 348.757(3), F.S.

⁶ See Senate Budget Committee Bill Analysis for SB 1998, February 20, 2012, p. 7, for more detail on the lease-purchase agreement history.

⁷ Section 348.757(2), F.S.

⁸ See the FDOT email to Senate Transportation Committee staff, January 29, 2016. (On file in the Senate Transportation Committee.)

⁹ See Metroplan Orlando website, *The Wekiva Parkway Project is Preparing to Move Forward* (June 30, 2012), available at <http://www.metroplanorlando.com/news/press-releases/wekiva-parkway-project-moves-forward/>. Last visited April 3, 2015.

¹⁰ See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2014 Report*, at p. 5, available at: <http://www.ftc.state.fl.us/reports/documents.shtm>. Last visited January 19, 2016).

for the OOCEA to reimburse the FDOT for all costs of the expressway system which were paid, advanced, or reimbursed to the OOCEA by the FDOT.¹¹

The Legislature also required that upon the earlier of the defeasance, redemption, or payment in full of bonds issued before July 1, 2012, or the earlier date to which the purchasers of the bonds have consented:

- The obligations of the FDOT under the lease-purchase agreement terminate, including payment of any cost of operation, maintenance, repair, or rehabilitation of the system;
- The lease-purchase agreement terminates;
- The expressway system remains the property of the OOCEA and may not be transferred to the FDOT; and
- The OOCEA remains obligated to reimburse the FDOT according to the terms of the MOU.¹²

These provisions superseded the previously enacted statutory requirement in s. 348.757(2), F.S., that the lease-purchase agreement provide for transfer of title to the former expressway system to the state upon termination of the agreement.

The OOCEA System Transfer to the Central Florida Expressway Authority

In 2014, the Legislature re-named the OOCEA as the Central Florida Expressway Authority (CFX) and transferred governance and control, legal rights and powers, responsibilities, terms, and obligations of the former OOCEA to the CFX. The area served by the CFX was expanded to include Seminole, Lake, and Osceola Counties, in addition to Orange County.¹³

The Legislature also amended the composition and membership terms of the CFX governing body. Currently, the governing body consists of nine members:

- The chairs of the Seminole, Lake, and Osceola County Commissions appoint one member each who may be a commission member or the commission chair;
- The Mayor Orange County appoints one member from the Orange County Commission;
- The Governor appoints three members each of whom must be a citizen of either Orange, Seminole, Lake, or Osceola County;
- The eighth member must be the Orange County Mayor; and
- The ninth member must be City of Orlando Mayor.¹⁴

The executive director of the Florida Turnpike Enterprise serves as a non-voting advisor. Members hold office until a successor has been appointed and qualified.¹⁵

III. Effect of Proposed Changes:

The bill clarifies provisions relating to membership and elections of the CFX governing body. It specifies CFX as a party to a certain lease-purchase agreement and repeals superseded language, more specifically as follows:

¹¹ Chapter 2012-128, s. 36, L.O.F. See also s. 348.7546, F.S.

¹² Section 348.757(9), F.S.

¹³ Chapter 2014-171, L.O.F.

¹⁴ Section 348.753(3), F.S.

¹⁵ *Id.*

Section 1 amends s. 348.753(3), F.S., to revise requirements related to the appointments to the CFX governing body by the chairs of the County Commissions of Seminole, Lake, and Osceola Counties. Currently each of these appointees *may* be a commission member or chair. The bill provides that each of the three appointees *must* be a county commission member or chair *or a county mayor*.¹⁶ The Governor's appointees are made subject to Senate confirmation, and refusal or failure of the Senate to confirm creates a vacancy.

The bill also provides that the four-year term of each member appointed by the Governor, who currently serve four years, ends on December 31 of his or her last year of service. The CFX advises this revision is to accommodate the CFX's January officer elections.¹⁷ This section also makes editorial changes and repeals an obsolete date reference related to expiration of the terms of standing board members.

Section 2 amends s. 348.754(2)(e), F.S. to clarify that CFX is a party to a 1985 lease-purchase agreement between the former OOCEA and the FDOT.

Section 3 amends s. 348.757(2), F.S., to repeal the requirement that the title in fee simple absolute to the former OOCEA be transferred to the FDOT upon termination of the lease-purchase agreement. The language has been superseded by the repayment and transfer provisions enacted by the 2012 Legislature¹⁸ and the Interlocal Agreement between the FDOT and the CFX regarding the Wekiva Parkway.¹⁹

Section 4 provides that the bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ The CFX advises this change is to accommodate different forms of county government structure. See CFX email to Senate Transportation Committee staff, March 5, 2015. (On file with the Senate Transportation Committee.)

¹⁷ *Id.*

¹⁸ *Supra note 11.*

¹⁹ The Interlocal Agreement includes a supplement to the lease-purchase agreement that provides for the authority to retain its system upon termination of the lease purchase agreement as provided in s. 348.757(9), F.S. See the 2015 FDOT Legislative Bill Analysis for CS/SB 1024, March 13, 2015. (On file in the Senate Transportation Committee.)

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 348.753, 348.754, and 348.757.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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

²⁰ See the 2016 FDOT Legislative Bill Analysis for SB 1110, December 23, 2015. (On file in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

By Senator Simmons

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1 A bill to be entitled
2 An act relating to the Central Florida Expressway
3 Authority; amending s. 348.753, F.S.; requiring the
4 chairs of the boards of specified county commissions
5 each to appoint one member from his or her respective
6 county who is a commission member or chair or the
7 county mayor to serve on the governing body of the
8 authority; requiring Senate confirmation of members
9 appointed to the authority by the Governor; providing
10 that the Senate's refusal or failure to confirm a
11 member appointed by the Governor creates a vacancy;
12 specifying that the terms of members appointed by the
13 Governor end on a specified date; removing the
14 requirement that the authority elect one of its
15 members as secretary; amending s. 348.754, F.S.;
16 specifying that the Central Florida Expressway
17 Authority is a party to a certain lease-purchase
18 agreement between the Department of Transportation and
19 the Orlando-Orange County Expressway Authority;
20 amending s. 348.757, F.S.; removing the requirement
21 that title in fee simple absolute to the former
22 Orlando-Orange County Expressway System be transferred
23 to the state upon the completion of the faithful
24 performance and termination of a specified lease-
25 purchase agreement; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsection (3) and paragraph (a) of subsection
30 (4) of section 348.753, Florida Statutes, are amended to read:

31 348.753 Central Florida Expressway Authority.—

32 (3) The governing body of the authority shall consist of

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33 nine members. The chairs of the boards of the county commissions
34 of Seminole, Lake, and Osceola Counties shall each appoint one
35 member from his or her respective county, who must ~~may~~ be a
36 commission member or chair or the county mayor. The Mayor of
37 Orange County shall appoint a member from the Orange County
38 Commission. Subject to confirmation by the Senate during the
39 next regular session of the Legislature, the Governor shall
40 appoint three citizen members, each of whom must be a resident
41 ~~citizen~~ of either Orange County, Seminole County, Lake County,
42 or Osceola County. Refusal or failure of the Senate to confirm
43 an appointment shall create a vacancy. The ~~eighth member must be~~
44 ~~the Mayor of Orange County and. The ninth member must be~~ the
45 Mayor of the City of Orlando shall also serve as members. The
46 executive director of the Florida Turnpike Enterprise shall
47 serve as a nonvoting advisor to the governing body of the
48 authority. Each member appointed by the Governor shall serve for
49 4 years, with his or her term ending on December 31 of his or
50 her last year of service. Each county-appointed member shall
51 serve for 2 years. ~~The terms of standing board members expire~~
52 ~~June 20, 2014~~. Each appointed member shall hold office until his
53 or her successor has been appointed and has qualified. A vacancy
54 occurring during a term must be filled only for the balance of
55 the unexpired term. Each appointed member of the authority must
56 ~~shall~~ be a person of outstanding reputation for integrity,
57 responsibility, and business ability, but, except as provided in
58 this subsection, a person who is an officer or employee of a
59 municipality or county may not be an appointed member of the
60 authority. Any member of the authority is eligible for
61 reappointment.

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62 (4) (a) The authority shall elect one of its members as the
63 chair of the authority, ~~The authority shall also elect one of~~
64 its members as vice chair, ~~one of its members as secretary,~~ and
65 one of its members as treasurer. The chair, vice chair,
66 ~~secretary,~~ and treasurer shall hold such offices at the will of
67 the authority. Five members of the authority constitute a
68 quorum, and the vote of five members is required ~~necessary~~ for
69 any action taken by the authority. A vacancy in the authority
70 does not impair the right of a quorum of the authority to
71 exercise all of the rights and perform all of the duties of the
72 authority.

73 Section 2. Paragraph (e) of subsection (2) of section
74 348.754, Florida Statutes, is amended to read:

75 348.754 Purposes and powers.—

76 (2) The authority may exercise all powers necessary,
77 appurtenant, convenient, or incidental to the implementation of
78 the stated purposes, including, but not limited to, the
79 following rights and powers:

80 (e) To enter into and make lease-purchase agreements with
81 the department for terms not exceeding 99 years, or until any
82 bonds secured by a pledge of rentals pursuant to the agreement,
83 and any refundings pursuant to the agreement, are fully paid as
84 to both principal and interest, whichever is longer. The
85 authority is a party to a lease-purchase agreement between the
86 department and the Orlando-Orange County Expressway Authority
87 dated December 23, 1985, as supplemented by a first supplement
88 to the lease-purchase agreement dated November 25, 1986, and a
89 second supplement to the lease-purchase agreement dated October
90 27, 1988. The authority may not enter into other lease-purchase

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91 agreements with the department and may not amend the existing
92 agreement in a manner that expands or increases the department's
93 obligations unless the department determines that the agreement
94 or amendment is necessary to permit the refunding of bonds
95 issued before July 1, 2013.

96 Section 3. Subsection (2) of section 348.757, Florida
97 Statutes, is amended to read:

98 348.757 Lease-purchase agreement.-

99 (2) The lease-purchase agreement must provide for the
100 leasing of the former Orlando-Orange County Expressway System,
101 by the authority, as lessor, to the department, as lessee, and
102 must prescribe the term of such lease and the rentals to be
103 paid, ~~and must provide that upon the completion of the faithful~~
104 ~~performance and the termination of the lease purchase agreement,~~
105 ~~title in fee simple absolute to the former Orlando-Orange County~~
106 ~~Expressway System as then constituted shall be transferred in~~
107 ~~accordance with law by the authority, to the state and the~~
108 ~~authority shall deliver to the department such deeds and~~
109 ~~conveyances as shall be necessary or convenient to vest title in~~
110 ~~fee simple absolute in the state.~~

111 Section 4. This act shall take effect July 1, 2016.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1394

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: February 10, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1394 revises several laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Defines the terms “Service Patrol Vehicle” and “Driver-Assistive Truck Platooning”;
- Adds Service Patrol Vehicles engaged in certain activities to the “Move Over Act”;
- Requires a qualified sobriety and drug monitoring program be used in addition to an ignition interlock device when such device is required;
- Allows buses to be equipped with two red rear lights that indicate a bus is stopping;
- Exempts operators of a vehicle operating with driver-assistive truck platooning technology from the prohibitions against following too closely and having an electronic display while being operated;
- Modifies the amount of time within which an individual must notify the DHSMV of an address or name change on a driver license, identification card, or motor vehicle registration to provide consistency;
- Prohibits law enforcement from issuing a citation for an expired registration until the last day of the month of the year the registration expires, as indicated on the registration sticker; and

- Requires the DHSMV to provide identification cards at no-charge to:
 - Offenders in custody or under the supervision of the Florida Department of Juvenile Justice (DJJ); and
 - Individuals whose driver license is suspended or revoked due to a physical or mental condition.

The Revenue Estimating Conference adopted the following estimates for the no-cost identification card/driver license provisions of the bill¹:

- Certain Juvenile Offenders – insignificant negative fiscal impact to the General Revenue Fund in Fiscal Year 2016-2017 and subsequent years.
- Individuals with a Medical Sanction – foregone revenue for Fiscal Year 2016-2017 is \$300,000, with a recurring negative impact of \$500,000 to the General Revenue fund; for the local tax collectors, foregone revenue for Fiscal Year 2016-2017 is \$100,000, with a recurring negative impact of \$100,000.

The estimated cost to the DHSMV for issuing identification cards to approximately 2,500 juvenile offenders and 18,390 individuals with a medical sanction is \$41,153 annually. The department will absorb the additional costs within existing resources.

The bill also has fiscal impacts to the private sector. See Section V.

The bill takes effect October 1, 2016.

II. Present Situation:

Due to the number of issues addressed in the bill, the present situation for each section is discussed below in Effect of Proposed Changes.

III. Effect of Proposed Changes:

Service Patrol Vehicles and the Move Over Act (Sections 1 and 3)

Present Situation

The Move Over Act²

The Move Over Act relates to the operation of motor vehicles when approaching:

- An authorized emergency vehicle parked on the roadside and displaying any visual signals;
- A sanitation or utility vehicle performing services on the roadside; or
- A wrecker displaying amber rotating or flashing lights performing a recovery or loading on the roadside.

When approaching these vehicles, if the driver is on a highway with more than two lanes, the driver must vacate the lane closest to the service provider, when safe to do so. If the driver

¹Florida Revenue Estimating Conference, *HB 7063* (January 22, 2016) available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/Impact0122.pdf> pages 377 - 383 (last visited Feb. 5, 2016)

² Section 316.126(1)(b), F.S.

cannot safely vacate the lane, the driver must reduce his or her speed to 20 miles per hour (mph) under the posted speed limit for speed limits greater than 25 mph, or to 5 mph if the posted speed limit is 20 mph or less.

Section 316.126, F.S., also requires that a driver yield to a moving emergency vehicle, however, these requirements do not relieve a driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

A violation of the Move Over Act is a noncriminal traffic infraction punishable as a moving violation. Violators are subject to a \$30 penalty³, court costs⁴, and three points assessed against the violator's license⁵.

Service Patrol Vehicles

Service Patrol Vehicles, also known as Road Rangers, provide free highway assistance services to motorists. Road Rangers provide services along Florida's highway systems, including assisting stranded motorists, removing debris from the roadway, and assisting during traffic accidents. Since the inception of the program in 2000, the Road Rangers have made over 4.3 million service assists.⁶

Effect of Proposed Changes

Section 1 amends s. 316.003, F.S., to define the term "service patrol vehicle."

Section 3 amends s. 316.0895, F.S., to include in the Move Over Act service patrol vehicles performing official duties or services along a roadside that are displaying amber rotating or flashing lights. Motorists will be required to move a lane over or slow their vehicle while a service patrol vehicle is displaying their lights and performing official duties along the highway. The section is also amended to require a utility service vehicle to display visual signals to be included in the act.

³ Section 318.18(2)(d), F.S.

⁴ Depending on jurisdiction, court costs may increase the total penalty up to \$128; Florida Court Clerks and Comptrollers, *Distribution Schedule* (July 1, 2015), available at: http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Public_Documents_/2015_Distribution_Schedule_w.pdf at 36. (last visited Jan. 22, 2016)

⁵ Section 322.27(3)(d)7., F.S.

⁶ Florida Department of Transportation website, *Road Rangers Service Patrol*, http://www.dot.state.fl.us/trafficoperations/traf_incident/rrangers/rranger.shtm (last visited Jan. 22, 2016).

Qualified Sobriety and Drug Monitoring Program (Sections 4, 14, and 15)

Present Situation

Current law defines a “qualified sobriety and drug monitoring program” as an evidence-based program⁷, approved by the DHSMV, in which participants are regularly tested for alcohol and drug use.⁸ The program may monitor alcohol or drug use through:

- Breath testing twice a day;
- Continuous transdermal alcohol monitoring; or
- Random blood, breath, urine or oral fluid testing.

Preference is given to testing modalities that provide the best ability to sanction a violation as close in time as reasonably feasible to the occurrence of the violation. For a second or subsequent DUI offense, the court may order a person to participate in such program in addition to the mandatory installation of an ignition interlock device (IID).

Federal Law requires states to provide a minimum penalty for drivers convicted of a second or subsequent DUI offense. Specifically, the offender must receive a driver license suspension for at least one year, *or* a combination of suspension followed by a reinstatement of limited driving privileges or participation in an alcohol treatment program if used with the installation of an IID.⁹ In December 2015, the FAST Act became federal law.¹⁰ Effective October 1, 2016, the FAST Act requires drivers convicted of a second or subsequent DUI penalty receive, for a period of not less than one year:

- A suspension of all driving privileges;
- A restriction on driving privileges that limits the individual operating only motor vehicles with an IID installed¹¹;
- A restriction on driving privileges that limits the individual to operating a motor vehicle only if participating in and complying with a 24-7 sobriety program¹²; *or*
- Any combination of the above.

According to the FAST Act, federal grants may be provided to states that provide a 24-7 sobriety program to offset expenditures designed to reduce impaired driving.

⁷ Section 316.193(6)(j)3., F.S., defines an “evidence-based program” as one that satisfies at least two of the following requirements: (a) The program is included in the federal registry of evidence-based programs and practices; (b) The program has been reported in a peer reviewed journal as having positive effects on the primary targeted outcome; and (c) The program has been documented as effective by informed experts and other sources.

⁸ Section 316.193(6)(j), F.S.

⁹ 23 U.S.C. s. 164(a)(5)

¹⁰ See Congress.Gov, *H.R.22 – FAST Act (2015-2016)*, <https://www.congress.gov/bill/114th-congress/house-bill/22/text> (last visited Jan. 28, 2016).

¹¹ *Id.*; Special exceptions apply for individuals required to operate employer’s motor vehicles and for individuals certified by a medical doctor as being unable to provide a deep lung breath sample.

¹² 23 U.S.C. 405(d)(7), defines a 24-7 sobriety program as a state law or program that requires an individual who plead guilty or was convicted of a DUI to abstain from alcohol or drugs for a period of time, and be subject to drug or alcohol testing at least twice per day, by continuous transdermal monitoring, or by an alternate method with the concurrence of the Secretary.

Costs Associated with Sobriety and Drug Monitoring Programs

Participation in a qualified sobriety and drug monitoring program, as well as using an IID, is at the participant's sole expense.¹³ The expense to the individual participating in a sobriety and drug monitoring program depends on the modalities used to monitor the individual. For example, twice a day breathalyzer testing is \$4 a day, transdermal alcohol monitoring bracelets are \$10 a day, and drug sweat patches are \$40 per patch (which is applied every 7-10 days).¹⁴ By its nature, the monthly expense to individuals required to participate in random drug testing cannot be estimated.

Comparatively, IIDs cost, on average, \$70-\$150 for installation and approximately \$60-\$80 per month.¹⁵ According to an Office of Program Policy Analysis and Government Accountability (OPPAGA) report, approximately 51 percent of the offenders required to install an IID in order to reinstate any driving privilege do not install the device.¹⁶ According to the report, the costs associated with installing and monitoring an IID, in addition to the multiple costs associated with a DUI conviction, may be cost prohibitive for some individuals. Estimates of the number of DUI offenders who continue to drive illegally because they cannot afford to participate in a sobriety and drug monitoring program or have an IID installed are unavailable.

Efficacy of Programs

According to a National Highway Traffic Safety Administration case study¹⁷, there are three ways to prevent DUI offenses:

- Prevent driving (i.e. revoking the offender's privilege);
- Prevent driving after drinking (e.g. using IIDs); or
- Prevent drinking (e.g. 24-7 Sobriety programs).

South Dakota has been using a 24-7 Sobriety Program for "Driving While under the Influence" offenders since 2005.¹⁸ Between 2005 and 2010, South Dakota had over 17,000 residents participate in the program. Counties documented a 12 percent reduction in repeat DUI arrests and a 9 percent reduction in domestic violence arrests since adoption of the program.¹⁹

When compared to the administrative suspension of the driver license, IIDs have been shown to reduce DUI recidivism while the device is installed in the vehicle; however, data is not clear whether IIDs reduce recidivism rates long term.²⁰ Additionally, the data do not capture the

¹³ Sections 316.193, F.S.

¹⁴ Florida Association of DUI Programs Inc., *24-7 Sobriety Program* (on file with the Senate Committee on Transportation)

¹⁵ MADD, *Ignition Interlock FAQ's*, <http://www.madd.org/drunk-driving/ignition-interlocks/interlockfaq.html> (last visited Jan. 28, 2016).

¹⁶ OPPAGA, *Ignition Interlock Devices and DUI Recidivism Rates* (Dec. 2014), Report No. 14-14, at 4, available at: <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1414rpt.pdf> (last visited Jan. 28, 2016).

¹⁷ NHTSA, *Transdermal Alcohol Monitoring: Case Studies* (August 2012) (on file with Senate Committee on Transportation)

¹⁸ See South Dakota Office of the Attorney General, *24/7 Sobriety Program*, <http://apps.sd.gov/atg/dui247/> (last visited Jan. 28, 2016).

¹⁹ Kilmer, Beau and others, *Efficacy of Frequent Monitoring with Swift, Certain, and Modest Sanctions for Violations: Insights from South Dakota's 24/7 Sobriety Project*, *American Journal of Public Health* (Jan. 2013), available at: <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2012.300989> (last visited Jan. 28, 2016).

²⁰ See OPPAGA report, *supra* note 15.

effects of those 51 percent of individuals ordered to install an IID who do not comply and who subsequently continue to drive unlawfully.

Effect of Proposed Changes

Sections 4, 14, and 15 amend ss. 316.193, 322.271, and 322.2715, F.S., respectively, to require offenders to also participate in a sobriety and drug monitoring program when an IID is required. This requirement is effective October 1, 2016, which is the date the federal law allowing the use of 24-7 sobriety programs for DUI offenders goes into effect. Specifically, a sobriety and drug monitoring program is required to be used in addition to an IID upon:

- A second or subsequent DUI violation;
- A first DUI offense if the court ordered placement of an IID;
- The petition of the DHSMV for a hardship license if the DHSMV required use of an IID and ordered by the court; and
- The order of an IID by the DHSMV.

Section 4 is further amended to provide that the definition of “qualified sobriety and drug monitoring program” apply to the term as used in chs. 316 and 322, F.S., and to direct the DHSMV to adopt rules to implement qualified sobriety and drug monitoring programs.

Additional Lighting on Buses (Section 5)

Present Situation

Section 316.235, F.S., allows buses to have additional lighting on the rear of the bus to indicate a bus is slowing down, preparing to stop, or is stopped. The deceleration lighting system consists of amber lights mounted horizontally on the back of the bus, which are visible from a distance of not less than 300 feet to the rear in normal sunlight. The lights are permitted to light and flash during deceleration, braking, or idling of the bus.

Effect of Proposed Changes

Section 5 of the bill amends s. 316.235, F.S., to provide that the bus deceleration lighting system shall consist of *two red or* amber lights mounted on the rear of a bus that are no greater than 12 inches apart.

Driver-Assistive Truck Platooning (Sections 1, 2, and 6)

Present Situation

In August of 2014, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking, following NHTSA’s earlier announcement that the agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.²¹ NHTSA advises that, “Using V2V technology, vehicles

²¹ See the U.S. Department of Transportation Fact Sheet on Vehicle-To-Vehicle Communication Technology, *available at*: http://www.its.dot.gov/safety_pilot/pdf/safetypilot_nhtsa_factsheet.pdf (last visited Jan. 25, 2016).

ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment.”²²

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.²³

The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.²⁴

One such system uses integrated sensors, controls, and wireless communications for “connected” trucks. The system is cloud-based, determining in real time whether traffic conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver’s response time. The following vehicle is provided video showing the lead truck’s line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.²⁵

Currently, s. 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

Additionally, a motor vehicle operated on the highways of this state may not be equipped with television-type receiving equipment that is visible from the driver’s seat. This prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.²⁶

²² See NHTSA, *Vehicle-to-Vehicle Communications*, <http://www.safercar.gov/v2v/index.html>. (last visited Jan. 25, 2016).

²³ See Go by Truck Global News, *Driver Survey: Platooning*, <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Jan. 25, 2016).

²⁴ See American Transportation Research Institute, *ATRI Seeks Input on Driver Assistive Truck Platooning* (Nov. 17, 2014), <http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/> (last visited Jan. 25, 2016).

²⁵ See Peloton, *FAQ*, <http://www.peloton-tech.com/faq/> (last visited Jan. 25, 2016).

²⁶ Section 316.303, F.S.

Effect of Proposed Changes

Section 1 amends s. 316.003, F.S., to define the term “driver-assistive truck platooning technology.”

Section 2 amends s. 316.0895, F.S., to exempt two-truck tractor-semitrailer combinations from the minimum 300 foot following distance requirement when the combination is equipped and connected with driver-assistive truck platooning technology and operating on a multilane limited access facility, if:

- The owner or operator submits to the DHSMV an instrument of insurance, surety bond, or acceptable proof of self-insurance in the amount of \$1 million;
- The vehicles are equipped with external indication, visible to surrounding motorists, that the vehicles are engaged in truck platooning; and
- The vehicles are not required to be placarded pursuant to 49 C.F.R. parts 171-179, for transporting hazardous materials.

Section 6 amends s. 316.303(3), F.S., to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with electronic displays visible from the driver’s seat, and to authorize the operator of a vehicle equipped and operating with truck platooning technology to use an electronic display.

Autonomous Vehicles (Section 6)

Present Situation

Autonomous or “self-driving” vehicles are those operated “without direct driver input to control the steering, acceleration, and braking and ... designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode.”²⁷ According to the NHTSA, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.²⁸

A review of material obtained via a simple Internet search reveals that common availability and use of such vehicles was not previously anticipated for at least a couple of decades. However, some expect increased availability and use in the relative near future, perhaps within the next five years.²⁹

²⁷ See the National Highway Traffic Safety Administration’s Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*, (May 30, 2013) available at: <http://www.nhtsa.gov/About+NHTSA/Press+Releases/U.S.+Department+of+Transportation+Releases+Policy+on+Automated+Vehicle+Development> (last visited Jan. 25, 2016).

²⁸ See NHTSA, *Preliminary Statement of Policy Concerning Automated Vehicles*, http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated_Vehicles_Policy.pdf (last visited Jan. 25, 2016).

²⁹ See TechCrunch, *Autonomous Cars are Closer Than You Think* (Jan. 18, 2015), <http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/> (last visited Jan. 25, 2016).

Effect of Proposed Changes

Section 6 amends s. 316.303(1), F.S. to allow autonomous vehicles to be equipped with television-type receiving equipment visible from the driver's seat if the vehicle is equipped with autonomous technology and being operated in autonomous mode.

Updating Driver License, Identification Card, or Motor Vehicle Registration (Sections 7 and 11)*Present Situation*

The required timeframe to update a driver license or motor vehicle registration to reflect an address or legal name change varies depending on the specific action and residency of the individual. Specifically:

- A new resident of the state is required to obtain a Florida driver license within 30 days;³⁰
- An owner of a motor vehicle registered in this state must notify the DHSMV in writing of an address change within 20 days;³¹ and
- An individual who possesses a Florida driver license or identification card who changes his or her legal name or mailing address must obtain a replacement card or license reflecting the change within 10 days.³²

Effect of Proposed Changes

Section 7 amends s. 320.02, F.S., to require the owner of a motor vehicle registered in this state to notify the DHSMV in writing of any address change within 30, rather than 20, days.

Section 11 amends s. 322.19, F.S., to require an individual who possesses a Florida driver license or identification card who changes his or her legal name or mailing address card to obtain a replacement card or license reflecting the change within 30, rather than 10 days.

Both sections exclude these changes from affecting the 48 hour timeframe within which a Sexual Offender, Sexual Predator, or Career Offender must notify the DHSMV of such changes.

Motor Vehicle Registration Expiration and Renewal (Sections 8 and 9)*Present Situation*

Except as otherwise provided in law, every owner or person responsible for a motor vehicle that is operated in this state must register the vehicle in this state.³³ Most motor vehicles owned by a natural person have a registration period of either 12 or 24 months during which the registration is valid.³⁴ Section 320.055, F.S., provides that for most motor vehicles owned by a natural person, the registration period begins the first day of the birth month of the owner and ends the last day of the month preceding the owner's birth month in the succeeding year. The renewal period for registration is the 30-day period ending at midnight on the owner's birthday.

³⁰ Section 322.031, F.S.

³¹ Section 320.02, F.S.

³² Section 322.19, F.S.

³³ Section 320.02, F.S.

³⁴ Sections 320.055 and 320.01(19)(a), F.S.

Section 320.07, F.S., provides that the vehicle registration expires at midnight on the owner's birthday. An owner of a motor vehicle, requiring registration, who operates the vehicle on the roadways without a valid registration is subject to the following penalties:

- Registration expired for a period of six months or a first offense is a nonmoving violation (\$30 fine and court costs);
- Registration expired for a period of over six months and a second or subsequent offense is a second degree misdemeanor (a fine up to \$500 and up to 60 days imprisonment).

Upon payment of the appropriate registration taxes and fees, a validation sticker is issued showing the owner's birth month and year of expiration, which is placed on the upper right corner of the license plate.³⁵ The sticker itself does not indicate the day the registration expires, only the month.

Effect of Proposed Changes

Section 9 amends s. 320.07, F.S., to prohibit a law enforcement officer from issuing a citation for an expired registration until the last day of the owner's birth month of the year the registration expires

Section 8 amends s. 320.055, F.S., to extend the registration renewal period to end at midnight on the last day of the vehicle owner's birth month.

No-Cost Identification Card for Certain Juvenile Offenders (Sections 10 and 12)

Present Situation

The cost to obtain an original identification card is \$25, which is deposited into the General Revenue Fund.³⁶ Applicants who present evidence satisfactory to the DHSMV that they are homeless or whose annual income is at or below 100 percent of the federal poverty level are exempt from such fee.

Additionally, the DHSMV issues identification cards at no charge to Florida-born inmates prior to their release from the custody of the Department of Corrections or a private correctional facility, if the inmate does not have a valid identification card.³⁷

Effect of Proposed Changes

Sections 10 and 12 amends ss. 322.051 and 322.19, F.S., respectively, to add that the DHSMV will issue no-charge identification cards to juvenile offenders in the custody or under the supervision of the DJJ and receiving adult transition services.³⁸ The cards will be processed by the DHSMV's mobile issuing units.³⁹

³⁵ Section 320.06(1)(b)1., F.S.

³⁶ Section 322.21(1)(f), F.S.

³⁷ Sections 322.051(9) and 944.605(7), F.S.

³⁸ See s. 985.461, F.S.

³⁹ *Supra* note 28 at 3.

No-Cost Identification Card due to Medical Sanction of a Driver License (Section 13)

Present Situation

Section 322.221, F.S., provides the DHSMV may require an examination or reexamination of a licensee if the DHSMV has good cause⁴⁰ to believe the driver is incompetent or otherwise not qualified to be licensed, including being physically or mentally unqualified to operate a motor vehicle. The examination may include determining the competence and driving ability of the driver as well as requiring the driver to submit medical records to be reviewed by the DHSMV's medical advisory board. Upon the conclusion of such examination, the DHSMV may suspend or revoke the driver license of such person, if the DHSMV deems that appropriate.

Effect of Proposed Changes

Section 13 amends s. 322.221, F.S., to require the DHSMV to issue an identification card at no charge to a person whose driver license has been suspended or revoked by the DHSMV due to his or her physical or mental condition.

Section 16 provides that the bill takes effect October 1, 2016.

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:

By making participation in a qualified sobriety and drug monitoring program mandatory for specified DUI offenders, the bill will have a positive fiscal impact on the providers of those programs.

⁴⁰ Good cause as used in s. 322.221, F.S., means a licensee's driving record, report of disability to the DHSMV, or other evidence which is sufficient to indicate that his or her driving privilege is detrimental to public safety.

CS/SB 1394 is also expected to have a positive fiscal impact on:

- Companies using driver-assistive truck platooning technology;
- Juvenile offenders in custody or under the supervision of the DJJ who will receive a state identification card at no-charge; and
- Individuals whose license was suspended or revoked for a physical or mental condition who will be provided a state identification card at no-charge.

The bill will have a negative fiscal impact on DUI offenders required to install an IID on their vehicle, as they will also be required to comply with a sobriety and drug monitoring program at their expense in order to reinstate their driving privilege. With the exception of the random testing modality, the cost of which cannot be estimated, a sobriety and drug monitoring program is estimated to cost between \$120 and \$310 per month.

C. Government Sector Impact:

The Revenue Estimating Conference met January 22, 2016, and adopted the following estimates for the no-cost identification card/driver license provisions of the bill⁴¹:

- Certain Juvenile Offenders – insignificant negative fiscal impact to the General Revenue Fund in Fiscal Year 2016-2017 and subsequent years (approximately 2,500 juvenile offenders annually could be issued a no-cost identification card).
- Individuals with a Medical Sanction – foregone revenue for Fiscal Year 2016-2017 is \$300,000, with a recurring negative impact of \$500,000 to the General Revenue Fund; for the local tax collectors, foregone revenue for Fiscal Year 2016-2017 is \$100,000, with a recurring negative impact of \$100,000. Approximately 18,390 medically sanctioned drivers could be issued a no-cost identification card in Fiscal Year 2016-2017 and that number is expected to increase as Florida's population increases.

The DHSMV indicates that the cardstock used to print an identification card costs \$1.97. The estimated cost to the department for issuing identification cards to approximately 2,500 juvenile offenders and 18,390 individuals with a medical sanction is \$41,153 annually. The department will absorb the additional costs within existing resources.

VI. Technical Deficiencies:

Due to a drafting error, Section 8 of the bill conflicts with changes made in Section 9, which has the effect of precluding the issuance of a citation for a lawful condition. Staff recommends retaining current law regarding the renewal period's expiration.

Section 14 of the bill amends s. 322.271, F.S., to provide that a qualified sobriety and drug monitoring program *shall be ordered by the court* in addition to the placement of the IID. Section 322.271, F.S., however, addresses the DHSMV's review of a licensee's application for reinstatement of driving privilege and provides that the DHSMV *may require*, upon review of the application, the use of an ignition interlock device. Staff recommends that participation in a

⁴¹ Florida Revenue Estimating Conference, *HB 7063* (January 22, 2016) available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/Impact0122.pdf> pages 377 - 383 (last visited Feb. 5, 2016)

sobriety and drug monitoring program be authorized in s. 322.271, F.S., as an option that the department may also require when reviewing reinstatement applications.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.0895, 316.126, 316.193, 316.235, 316.303, 320.02, 320.055, 320.07, 322.051, 322.19, 322.21, 322.221, 322.271, and 322.2715.

IX. Additional Information:

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

CS by Transportation on January 27, 2016:

The CS:

- Removes language from the bill concerning booster seats;
- Replaces language that provided that vehicle registrations expire at midnight on the last day of the owner's birth month, with a prohibition on law enforcement from issuing a citation for an expired registration prior to midnight on the last day of the owner's birth month;
- Adds that buses may have, as part of its deceleration lighting system, two red or amber lights no greater than 12 inches apart located on the rear of a bus;
- Requires certain DUI offenders to participate in a qualified sobriety and drug monitoring program, in addition to placement of an IID, when an IID is required; and
- Directs the DHSMV to adopt rules to implement qualified sobriety and drug monitoring programs.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 93

and insert:

Section 1. Present subsections (90) through (93) of section
316.003, Florida Statutes, are redesignated as subsections (91)
through (94), respectively, present subsection (90) of that
section is amended, and new subsections (90), (95), and (96) are
added to that section to read:

(90) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor



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11 vehicle which has the capability to drive the vehicle on which
12 the technology is installed without the active control of or
13 monitoring by a human operator.

14 (91)(90) AUTONOMOUS VEHICLE.— Any vehicle equipped with
15 autonomous technology. The term “autonomous technology” means
16 technology installed on a motor vehicle that has the capability
17 to drive the vehicle on which the technology is installed
18 without the active control or monitoring by a human operator.
19 The term excludes a motor vehicle enabled with active safety
20 systems or driver assistance systems, including, without
21 limitation, a system to provide electronic blind spot
22 assistance, crash avoidance, emergency braking, parking
23 assistance, adaptive cruise control, lane keep assistance, lane
24 departure warning, or traffic jam and queuing assistant, unless
25 any such system alone or in combination with other systems
26 enables the vehicle on which the technology is installed to
27 drive without the active control or monitoring by a human
28 operator.

29 (95) SERVICE PATROL VEHICLE.—A motor vehicle that bears an
30 emblem or markings with the wording “SERVICE VEHICLE” which is
31 visible from the roadway and clearly indicates that the vehicle
32 belongs to or is under contract with a person, an entity, a
33 cooperative, a board, a commission, a district, or a unit of
34 government that provides highway assistance services to
35 motorists, clears travel lanes, or provides temporary
36 maintenance of traffic support for incident response operations.

37 (96) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle
38 automation technology that integrates a sensor array, wireless
39 communications, vehicle controls, and specialized software to



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40 synchronize the acceleration and braking between no more than
41 two truck tractor-semitrailer combinations, while leaving each
42 vehicle's steering control and systems command in the control of
43 the vehicle's driver.

44

45 ===== T I T L E A M E N D M E N T =====

46 And the title is amended as follows:

47 Delete lines 4 - 5

48 and insert:

49 defining and revising the definitions of terms;



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 191 - 373.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 15 - 26

and insert:

certain tasks on the roadside; amending s.



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment

Delete lines 380 - 385
and insert:
stop, or is stopped. Such lighting system shall consist of red
or amber lights mounted in horizontal alignment on the rear of
the vehicle at ~~or near~~ the vertical centerline of the vehicle,
no greater than 12 inches apart, not higher than the lower edge
of the rear window or, if the vehicle has no rear window, not
higher than 100~~72~~ inches from the ground. Such lights



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 392 - 406

and insert:

Section 6. Subsections (1) and (3) of section 316.303,
Florida Statutes, are amended to read:

316.303 Television receivers.—

(1) A ~~Ne~~ motor vehicle may not be operated on the highways
of this state if the vehicle is ~~shall be~~ equipped with
television-type receiving equipment so located that the viewer



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11 or screen is visible from the driver's seat, unless the vehicle
12 is equipped with autonomous technology, as defined in s.
13 316.003, and is being operated in autonomous mode, as provided
14 in s. 316.85(2).

15 (3) This section does not prohibit the use of an electronic
16 display used in conjunction with a vehicle navigation system; an
17 electronic display used by an operator of a vehicle equipped
18 with autonomous technology, as defined in s. 316.003, and
19 operating in autonomous mode, as provided in s. 316.85(2); or an
20 electronic display used by an operator of a vehicle equipped and
21 operating with driver-assistive truck platooning technology, as
22 defined in s. 316.003.

23 Section 7. Subsection (1) of section 316.85, Florida
24 Statutes, is amended to read:

25 316.85 Autonomous vehicles; operation.—

26 (1) A person who possesses a valid driver license may
27 operate an autonomous vehicle in autonomous mode on roads in
28 this state if the vehicle is equipped with autonomous
29 technology, as defined in s. 316.003.

30 Section 8. Section 316.86, Florida Statutes, is amended to
31 read:

32 ~~316.86 Operation of vehicles equipped with autonomous~~
33 ~~technology on roads for testing purposes; financial~~
34 ~~responsibility; Exemption from liability for manufacturer when~~
35 ~~third party converts vehicle.—~~

36 ~~(1) Vehicles equipped with autonomous technology may be~~
37 ~~operated on roads in this state by employees, contractors, or~~
38 ~~other persons designated by manufacturers of autonomous~~
39 ~~technology, or by research organizations associated with~~



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40 ~~accredited educational institutions, for the purpose of testing~~
41 ~~the technology. For testing purposes, a human operator shall be~~
42 ~~present in the autonomous vehicle such that he or she has the~~
43 ~~ability to monitor the vehicle's performance and intervene, if~~
44 ~~necessary, unless the vehicle is being tested or demonstrated on~~
45 ~~a closed course. Before the start of testing in this state, the~~
46 ~~entity performing the testing must submit to the department an~~
47 ~~instrument of insurance, surety bond, or proof of self-insurance~~
48 ~~acceptable to the department in the amount of \$5 million.~~

49 ~~(2)~~ The original manufacturer of a vehicle converted by a
50 third party into an autonomous vehicle is ~~shall~~ not be liable
51 in, and shall have a defense to and be dismissed from, any legal
52 action brought against the original manufacturer by any person
53 injured due to an alleged vehicle defect caused by the
54 conversion of the vehicle, or by equipment installed by the
55 converter, unless the alleged defect was present in the vehicle
56 as originally manufactured.

57 Section 8. Subsection (1) of section 319.145, Florida
58 Statutes, is amended to read:

59 319.145 Autonomous vehicles.—

60 (1) An autonomous vehicle registered in this state must
61 continue to meet applicable federal standards and regulations
62 for such a motor vehicle. The vehicle must ~~shall~~:

63 (a) Have a system to safely alert the operator if an
64 autonomous technology failure is detected while the autonomous
65 technology is engaged. When an alert is given, the system must:

66 1. Require the operator to take control of the autonomous
67 vehicle; or

68 2. If the operator does not, or is not able to, take



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69 control of the autonomous vehicle, be capable of bringing the
70 vehicle to a complete stop ~~Have a means to engage and disengage~~
71 ~~the autonomous technology which is easily accessible to the~~
72 ~~operator.~~

73 (b) Have a means, inside the vehicle, to visually indicate
74 when the vehicle is operating in autonomous mode.

75 ~~(c) Have a means to alert the operator of the vehicle if a~~
76 ~~technology failure affecting the ability of the vehicle to~~
77 ~~safely operate autonomously is detected while the vehicle is~~
78 ~~operating autonomously in order to indicate to the operator to~~
79 ~~take control of the vehicle.~~

80 (c) ~~(d)~~ Be capable of being operated in compliance with the
81 applicable traffic and motor vehicle laws of this state.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete lines 29 - 31

86 and insert:

87 316.303, F.S.; providing exceptions to the prohibition
88 against certain television-type receiving equipment in
89 vehicles; amending s. 316.85, F.S.; revising the
90 circumstances under which a licensed driver is
91 authorized to operate an autonomous vehicle in
92 autonomous mode; amending s. 316.86, F.S.; deleting a
93 provision authorizing the operation of vehicles
94 equipped with autonomous technology on roads in this
95 state for testing purposes by certain persons or
96 research organizations; deleting a requirement that a
97 human operator be present in an autonomous vehicle for



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98 testing purposes; deleting certain financial
99 responsibility requirements for entities performing
100 such testing; amending s. 319.145, F.S.; revising
101 provisions relating to required equipment and
102 operation of autonomous vehicles; amending s. 320.02,
103 F.S.; increasing



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 419 - 435.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 35 - 37

and insert:

exceptions to such notification; amending s. 320.07,



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 546 - 645.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 60 - 68

and insert:

mental condition; providing an



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 645 and 646

insert:

Section 16. Paragraph (c) of subsection (7) of section
339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
develop a long-range transportation plan that addresses at least
a 20-year planning horizon. The plan must include both long-



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11 range and short-range strategies and must comply with all other
12 state and federal requirements. The prevailing principles to be
13 considered in the long-range transportation plan are: preserving
14 the existing transportation infrastructure; enhancing Florida's
15 economic competitiveness; and improving travel choices to ensure
16 mobility. The long-range transportation plan must be consistent,
17 to the maximum extent feasible, with future land use elements
18 and the goals, objectives, and policies of the approved local
19 government comprehensive plans of the units of local government
20 located within the jurisdiction of the M.P.O. Each M.P.O. is
21 encouraged to consider strategies that integrate transportation
22 and land use planning to provide for sustainable development and
23 reduce greenhouse gas emissions. The approved long-range
24 transportation plan must be considered by local governments in
25 the development of the transportation elements in local
26 government comprehensive plans and any amendments thereto. The
27 long-range transportation plan must, at a minimum:

28 (c) Assess capital investment and other measures necessary
29 to:

30 1. Ensure the preservation of the existing metropolitan
31 transportation system including requirements for the operation,
32 resurfacing, restoration, and rehabilitation of major roadways
33 and requirements for the operation, maintenance, modernization,
34 and rehabilitation of public transportation facilities; and

35 2. Make the most efficient use of existing transportation
36 facilities to relieve vehicular congestion, improve safety, and
37 maximize the mobility of people and goods. Such efforts must
38 include, but are not limited to, consideration of infrastructure
39 and technological improvements necessary to accommodate advances



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40 in vehicle technology, such as autonomous technology and other
41 developments.

42
43 In the development of its long-range transportation plan, each
44 M.P.O. must provide the public, affected public agencies,
45 representatives of transportation agency employees, freight
46 shippers, providers of freight transportation services, private
47 providers of transportation, representatives of users of public
48 transit, and other interested parties with a reasonable
49 opportunity to comment on the long-range transportation plan.

50 The long-range transportation plan must be approved by the
51 M.P.O.

52 Section 17. Paragraph (c) is added to subsection (3) of
53 section 339.64, Florida Statutes, and paragraph (a) of
54 subsection (4) of that section is amended, to read:

55 339.64 Strategic Intermodal System Plan.—

56 (3)

57 (c) The department shall coordinate with federal, regional,
58 and local partners, as well as industry representatives, to
59 consider infrastructure and technological improvements necessary
60 to accommodate advances in vehicle technology, such as
61 autonomous technology and other developments, in Strategic
62 Intermodal System facilities.

63 (4) The Strategic Intermodal System Plan shall include the
64 following:

65 (a) A needs assessment that must include, but is not
66 limited to, consideration of infrastructure and technological
67 improvements necessary to accommodate advances in vehicle
68 technology, such as autonomous technology and other



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69 developments.

70

71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete lines 68 - 69

74 and insert:

75 of an ignition interlock device; amending s. 339.175,
76 F.S.; requiring certain long-range transportation
77 plans to include assessment of capital investment and
78 other measures necessary to make the most efficient
79 use of existing transportation facilities to improve
80 safety; requiring the assessments to include
81 consideration of infrastructure and technological
82 improvements necessary to accommodate advances in
83 vehicle technology; providing an

By the Committee on Transportation; and Senator Brandes

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 316.003, F.S.;
4 defining the terms "service patrol vehicle" and
5 "driver-assistive truck platooning technology";
6 amending s. 316.0895, F.S.; providing that provisions
7 prohibiting a driver from following certain vehicles
8 within a specified distance do not apply to truck
9 tractor-semitrailer combinations under certain
10 circumstances; amending s. 316.126, F.S.; requiring
11 the driver of every other vehicle to take specified
12 actions if a utility service vehicle displaying any
13 visual signals or a service patrol vehicle displaying
14 amber rotating or flashing lights is performing
15 certain tasks on the roadside; amending s. 316.193,
16 F.S.; requiring, as of a specified date, that the
17 court order a certain qualified sobriety and drug
18 monitoring program in addition to the placement of an
19 ignition interlock device; deleting provisions
20 relating to a qualified sobriety and drug monitoring
21 program; directing the department to adopt rules
22 providing for the implementation of the use of certain
23 qualified sobriety and drug monitoring programs;
24 redefining the terms "qualified sobriety and drug
25 monitoring program" and "evidence-based program";
26 providing requirements for the program; amending s.
27 316.235, F.S.; revising requirements relating to a
28 deceleration lighting system for buses; amending s.
29 316.303, F.S.; providing exceptions to the prohibition
30 against certain television-type receiving equipment in
31 vehicles; amending s. 320.02, F.S.; increasing
32 the timeframe within which the owner of any motor

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33 vehicle registered in the state must notify the
34 department of a change of address; providing
35 exceptions to such notification; amending s. 320.055,
36 F.S.; revising the renewal period for certain motor
37 vehicles subject to registration; amending s. 320.07,
38 F.S.; prohibiting a law enforcement officer from
39 issuing a citation for a specified violation until a
40 certain date; amending s. 322.051, F.S.; requiring the
41 department to issue or renew an identification card to
42 certain juvenile offenders; requiring that the
43 department's mobile issuing units process certain
44 identification cards; amending s. 322.19, F.S.;
45 increasing the timeframe within which certain persons
46 must obtain a replacement driver license or
47 identification card that reflects a change in his or
48 her legal name; providing exceptions to such
49 requirement; increasing the timeframe within which
50 certain persons must obtain a replacement driver
51 license or identification card that reflects a change
52 in the legal residence or mailing address in his or
53 her application, license, or card; amending s. 322.21,
54 F.S.; exempting certain juvenile offenders from a
55 specified fee for an original, renewal, or replacement
56 identification card; amending s. 322.221, F.S.;
57 requiring the department to issue an identification
58 card at no cost at the time a person's driver license
59 is suspended or revoked due to his or her physical or
60 mental condition; amending s. 322.271, F.S.; providing
61 that a certain qualified sobriety and drug monitoring

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62 program shall be ordered by the court on or after a
63 specified date in addition to the placement of an
64 ignition interlock device; amending s. 322.2715, F.S.;
65 providing that a certain qualified sobriety and drug
66 monitoring program shall be used by the department on
67 or after a specified date in addition to the placement
68 of an ignition interlock device; providing an
69 effective date.
70

71 Be It Enacted by the Legislature of the State of Florida:
72

73 Section 1. Subsections (94) and (95) are added to section
74 316.003, Florida Statutes, to read:

75 316.003 Definitions.—The following words and phrases, when
76 used in this chapter, shall have the meanings respectively
77 ascribed to them in this section, except where the context
78 otherwise requires:

79 (94) SERVICE PATROL VEHICLE.—A motor vehicle that bears an
80 emblem or markings with the wording "SERVICE VEHICLE" which is
81 visible from the roadway and clearly indicates that the vehicle
82 belongs to or is under contract with a person, an entity, a
83 cooperative, a board, a commission, a district, or a unit of
84 government that provides highway assistance services to
85 motorists, clears travel lanes, or provides temporary
86 maintenance of traffic support for incident response operations.

87 (95) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle
88 automation technology that integrates a sensor array, wireless
89 communications, vehicle controls, and specialized software to
90 synchronize the acceleration and braking between no more than

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91 two truck tractor-semitrailer combinations, while leaving each
92 vehicle's steering control and systems command in the control of
93 the vehicle's driver.

94 Section 2. Subsection (2) of section 316.0895, Florida
95 Statutes, is amended to read:

96 316.0895 Following too closely.—

97 (2) It is unlawful for the driver of any motor truck, motor
98 truck drawing another vehicle, or vehicle towing another vehicle
99 or trailer, when traveling upon a roadway outside of a business
100 or residence district, to follow within 300 feet of another
101 motor truck, motor truck drawing another vehicle, or vehicle
102 towing another vehicle or trailer. ~~The provisions of This~~
103 subsection may shall not be construed to prevent overtaking and
104 passing, nor does it nor shall the same apply upon any lane
105 specially designated for use by motor trucks or other slow-
106 moving vehicles. This subsection does not apply to two truck
107 tractor-semitrailer combinations equipped and connected with
108 driver-assistive truck platooning technology, as defined in s.
109 316.003, and operating on a multilane limited access facility,
110 if:

111 (a) The owner or operator first submits to the department
112 an instrument of insurance, a surety bond, or proof of self-
113 insurance acceptable to the department in the amount of \$1
114 million;

115 (b) The vehicles are equipped with an external indication,
116 visible to surrounding motorists, that the vehicles are engaged
117 in truck platooning; and

118 (c) The vehicles are not required to be placarded pursuant
119 to 49 C.F.R. parts 171-179.

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120 Section 3. Section 316.126, Florida Statutes, is amended to
121 read:

122 316.126 Operation of vehicles and actions of pedestrians on
123 approach of an authorized emergency, sanitation, ~~or~~ utility
124 service vehicle, or service patrol vehicle.-

125 (1) (a) Upon the immediate approach of an authorized
126 emergency vehicle, while en route to meet an existing emergency,
127 the driver of every other vehicle shall, when such emergency
128 vehicle is giving audible signals by siren, exhaust whistle, or
129 other adequate device, or visible signals by the use of
130 displayed blue or red lights, yield the right-of-way to the
131 emergency vehicle and shall immediately proceed to a position
132 parallel to, and as close as reasonable to the closest edge of
133 the curb of the roadway, clear of any intersection and shall
134 stop and remain in position until the authorized emergency
135 vehicle has passed, unless otherwise directed by a law
136 enforcement officer.

137 (b) If an authorized emergency vehicle displaying any
138 visual signals is parked on the roadside, a sanitation vehicle
139 is performing a task related to the provision of sanitation
140 services on the roadside, a utility service vehicle displaying
141 any visual signals is performing a task related to the provision
142 of utility services on the roadside, ~~or~~ a wrecker displaying
143 amber rotating or flashing lights is performing a recovery or
144 loading on the roadside, or a service patrol vehicle displaying
145 amber rotating or flashing lights is performing official duties
146 or services on the roadside, the driver of every other vehicle,
147 as soon as it is safe:

148 1. Shall vacate the lane closest to the emergency vehicle,

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149 sanitation vehicle, utility service vehicle, ~~or wrecker~~, or
150 service patrol vehicle when driving on an interstate highway or
151 other highway with two or more lanes traveling in the direction
152 of the emergency vehicle, sanitation vehicle, utility service
153 vehicle, ~~or wrecker~~, or service patrol vehicle except when
154 otherwise directed by a law enforcement officer. If such
155 movement cannot be safely accomplished, the driver shall reduce
156 speed as provided in subparagraph 2.

157 2. Shall slow to a speed that is 20 miles per hour less
158 than the posted speed limit when the posted speed limit is 25
159 miles per hour or greater; or travel at 5 miles per hour when
160 the posted speed limit is 20 miles per hour or less, when
161 driving on a two-lane road, except when otherwise directed by a
162 law enforcement officer.

163 (c) The Department of Highway Safety and Motor Vehicles
164 shall provide an educational awareness campaign informing the
165 motoring public about the Move Over Act. The department shall
166 provide information about the Move Over Act in all newly printed
167 driver license educational materials.

168 (2) Every pedestrian using the road right-of-way shall
169 yield the right-of-way until the authorized emergency vehicle
170 has passed, unless otherwise directed by a law enforcement
171 officer.

172 (3) An authorized emergency vehicle, when en route to meet
173 an existing emergency, shall warn all other vehicular traffic
174 along the emergency route by an audible signal, siren, exhaust
175 whistle, or other adequate device or by a visible signal by the
176 use of displayed blue or red lights. While en route to such
177 emergency, the emergency vehicle shall otherwise proceed in a

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178 manner consistent with the laws regulating vehicular traffic
179 upon the highways of this state.

180 (4) This section does not diminish or enlarge any rules of
181 evidence or liability in any case involving the operation of an
182 emergency vehicle.

183 (5) This section does not relieve the driver of an
184 authorized emergency vehicle from the duty to drive with due
185 regard for the safety of all persons using the highway.

186 (6) A violation of this section is a noncriminal traffic
187 infraction, punishable pursuant to chapter 318 as either a
188 moving violation for infractions of subsection (1) or subsection
189 (3), or as a pedestrian violation for infractions of subsection
190 (2).

191 Section 4. Subsection (2), paragraph (c) of subsection (4),
192 paragraph (j) of subsection (6), and subsection (11) of section
193 316.193, Florida Statutes, are amended, and subsection (15) is
194 added to that section, to read:

195 316.193 Driving under the influence; penalties.—

196 (2) (a) Except as provided in paragraph (b), subsection (3),
197 or subsection (4), any person who is convicted of a violation of
198 subsection (1) shall be punished:

199 1. By a fine of:

200 a. Not less than \$500 or more than \$1,000 for a first
201 conviction.

202 b. Not less than \$1,000 or more than \$2,000 for a second
203 conviction; and

204 2. By imprisonment for:

205 a. Not more than 6 months for a first conviction.

206 b. Not more than 9 months for a second conviction.

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207 3. For a second conviction, by mandatory placement for a
208 period of at least 1 year, at the convicted person's sole
209 expense, of an ignition interlock device approved by the
210 department in accordance with s. 316.1938 upon all vehicles that
211 are individually or jointly leased or owned and routinely
212 operated by the convicted person, when the convicted person
213 qualifies for a permanent or restricted license. The
214 installation of such device may not occur before July 1, 2003.
215 Effective October 1, 2016, the court shall order a qualified
216 sobriety and drug monitoring program as defined in subsection
217 (15) and authorized by 23 U.S.C. s. 164 in addition to the
218 placement of an ignition interlock device required by this
219 section.

220 (b)1. Any person who is convicted of a third violation of
221 this section for an offense that occurs within 10 years after a
222 prior conviction for a violation of this section commits a
223 felony of the third degree, punishable as provided in s.
224 775.082, s. 775.083, or s. 775.084. In addition, the court shall
225 order the mandatory placement for a period of not less than 2
226 years, at the convicted person's sole expense, of an ignition
227 interlock device approved by the department in accordance with
228 s. 316.1938 upon all vehicles that are individually or jointly
229 leased or owned and routinely operated by the convicted person,
230 when the convicted person qualifies for a permanent or
231 restricted license. The installation of such device may not
232 occur before July 1, 2003. Effective October 1, 2016, the court
233 shall order a qualified sobriety and drug monitoring program as
234 defined in subsection (15) and authorized by 23 U.S.C. s. 164 in
235 addition to the placement of an ignition interlock device

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236 required by this section.

237 2. Any person who is convicted of a third violation of this
238 section for an offense that occurs more than 10 years after the
239 date of a prior conviction for a violation of this section shall
240 be punished by a fine of not less than \$2,000 or more than
241 \$5,000 and by imprisonment for not more than 12 months. In
242 addition, the court shall order the mandatory placement for a
243 period of at least 2 years, at the convicted person's sole
244 expense, of an ignition interlock device approved by the
245 department in accordance with s. 316.1938 upon all vehicles that
246 are individually or jointly leased or owned and routinely
247 operated by the convicted person, when the convicted person
248 qualifies for a permanent or restricted license. The
249 installation of such device may not occur before July 1, 2003.
250 Effective October 1, 2016, the court shall order a qualified
251 sobriety and drug monitoring program as defined in subsection
252 (15) and authorized by 23 U.S.C. s. 164 in addition to the
253 placement of an ignition interlock device required by this
254 section.

255 3. Any person who is convicted of a fourth or subsequent
256 violation of this section, regardless of when any prior
257 conviction for a violation of this section occurred, commits a
258 felony of the third degree, punishable as provided in s.
259 775.082, s. 775.083, or s. 775.084. However, the fine imposed
260 for such fourth or subsequent violation may be not less than
261 \$2,000.

262 (c) In addition to the penalties in paragraph (a), the
263 court may order placement, at the convicted person's sole
264 expense, of an ignition interlock device approved by the

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265 department in accordance with s. 316.1938 for at least 6
266 continuous months upon all vehicles that are individually or
267 jointly leased or owned and routinely operated by the convicted
268 person if, at the time of the offense, the person had a blood-
269 alcohol level or breath-alcohol level of .08 or higher.
270 Effective October 1, 2016, the court shall order a qualified
271 sobriety and drug monitoring program as defined in subsection
272 (15) and authorized by 23 U.S.C. s. 164 in addition to the
273 placement of an ignition interlock device required by this
274 section.

275 (4) Any person who is convicted of a violation of
276 subsection (1) and who has a blood-alcohol level or breath-
277 alcohol level of 0.15 or higher, or any person who is convicted
278 of a violation of subsection (1) and who at the time of the
279 offense was accompanied in the vehicle by a person under the age
280 of 18 years, shall be punished:

281 (c) In addition to the penalties in paragraphs (a) and (b),
282 the court shall order the mandatory placement, at the convicted
283 person's sole expense, of an ignition interlock device approved
284 by the department in accordance with s. 316.1938 upon all
285 vehicles that are individually or jointly leased or owned and
286 routinely operated by the convicted person for not less than 6
287 continuous months for the first offense and for not less than 2
288 continuous years for a second offense, when the convicted person
289 qualifies for a permanent or restricted license. Effective
290 October 1, 2016, the court shall order a qualified sobriety and
291 drug monitoring program as defined in subsection (15) and
292 authorized by 23 U.S.C. s. 164 in addition to the placement of
293 an ignition interlock device required by this section.

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294 (6) With respect to any person convicted of a violation of
295 subsection (1), regardless of any penalty imposed pursuant to
296 subsection (2), subsection (3), or subsection (4):

297 (j)~~1.~~ Notwithstanding the provisions of this section, s.
298 316.1937, and s. 322.2715 relating to ignition interlock devices
299 required for second or subsequent offenders, ~~in order to~~
300 ~~strengthen the pretrial and posttrial options available to~~
301 ~~prosecutors and judges,~~ the court shall ~~may~~ order, ~~if deemed~~
302 ~~appropriate,~~ that a person participate in a qualified sobriety
303 and drug monitoring program, as defined in subsection (15)
304 ~~subparagraph 2.~~, in addition to the ignition interlock device
305 requirement. Participation is ~~shall be~~ at the person's sole
306 expense.

307 ~~2. As used in this paragraph, the term "qualified sobriety~~
308 ~~and drug monitoring program" means an evidence-based program,~~
309 ~~approved by the department, in which participants are regularly~~
310 ~~tested for alcohol and drug use. As the court deems appropriate,~~
311 ~~the program may monitor alcohol or drugs through one or more of~~
312 ~~the following modalities: breath testing twice a day; continuous~~
313 ~~transdermal alcohol monitoring in cases of hardship; or random~~
314 ~~blood, breath, urine, or oral fluid testing. Testing modalities~~
315 ~~that provide the best ability to sanction a violation as close~~
316 ~~in time as reasonably feasible to the occurrence of the~~
317 ~~violation should be given preference. This paragraph does not~~
318 ~~preclude a court from ordering an ignition interlock device as a~~
319 ~~testing modality.~~

320 ~~3. For purposes of this paragraph, the term "evidence-based~~
321 ~~program" means a program that satisfies the requirements of at~~
322 ~~least two of the following:~~

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323 ~~a. The program is included in the federal registry of~~
324 ~~evidence-based programs and practices.~~

325 ~~b. The program has been reported in a peer-reviewed journal~~
326 ~~as having positive effects on the primary targeted outcome.~~

327 ~~c. The program has been documented as effective by informed~~
328 ~~experts and other sources.~~

329
330 For the purposes of this section, any conviction for a violation
331 of s. 327.35; a previous conviction for the violation of former
332 s. 316.1931, former s. 860.01, or former s. 316.028; or a
333 previous conviction outside this state for driving under the
334 influence, driving while intoxicated, driving with an unlawful
335 blood-alcohol level, driving with an unlawful breath-alcohol
336 level, or any other similar alcohol-related or drug-related
337 traffic offense, is also considered a previous conviction for
338 violation of this section. However, in satisfaction of the fine
339 imposed pursuant to this section, the court may, upon a finding
340 that the defendant is financially unable to pay either all or
341 part of the fine, order that the defendant participate for a
342 specified additional period of time in public service or a
343 community work project in lieu of payment of that portion of the
344 fine which the court determines the defendant is unable to pay.
345 In determining such additional sentence, the court shall
346 consider the amount of the unpaid portion of the fine and the
347 reasonable value of the services to be ordered; however, the
348 court may not compute the reasonable value of services at a rate
349 less than the federal minimum wage at the time of sentencing.

350 (11) The Department of Highway Safety and Motor Vehicles is
351 directed to adopt rules providing for the implementation of the

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352 use of ignition interlock devices and qualified sobriety and
353 drug monitoring programs defined in subsection (15).

354 (15) As used in this chapter and chapter 322, the term
355 "qualified sobriety and drug monitoring program" means an
356 evidence-based program, approved by the department, in which
357 participants are regularly tested for alcohol and drug use. As
358 the court deems appropriate, the program may monitor alcohol or
359 drugs through one or more of the following modalities: breath
360 testing twice a day; continuous transdermal alcohol monitoring
361 in cases of hardship; or random blood, breath, urine, drug
362 patch, or oral fluid testing. Testing modalities that detect a
363 violation as soon after it occurs as is reasonably feasible
364 should be given preference. Participation is at the person's
365 sole expense. The term "evidence-based program" means a program
366 that satisfies at least two of the following requirements:

367 (a) The program is included in the federal registry of
368 evidence-based programs and practices.

369 (b) The program has been reported in a peer-reviewed
370 journal as having positive effects on the primary targeted
371 outcome.

372 (c) The program has been documented as effective by
373 informed experts and other sources.

374 Section 5. Subsection (5) of section 316.235, Florida
375 Statutes, is amended to read:

376 316.235 Additional lighting equipment.—

377 (5) A bus, ~~as defined in s. 316.003(3),~~ may be equipped
378 with a deceleration lighting system that ~~which~~ cautions
379 following vehicles that the bus is slowing, is preparing to
380 stop, or is stopped. Such lighting system shall consist of two

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381 red or amber lights mounted in horizontal alignment on the rear
382 of the vehicle at ~~or near~~ the vertical centerline of the
383 vehicle, no greater than 12 inches apart, not higher than the
384 lower edge of the rear window or, if the vehicle has no rear
385 window, not higher than 72 inches from the ground. Such lights
386 shall be visible from a distance of not less than 300 feet to
387 the rear in normal sunlight. Lights are permitted to light and
388 flash during deceleration, braking, or standing and idling of
389 the bus. Vehicular hazard warning flashers may be used in
390 conjunction with or in lieu of a rear-mounted deceleration
391 lighting system.

392 Section 6. Subsections (1) and (3) of section 316.303,
393 Florida Statutes, are amended to read:

394 316.303 Television receivers.—

395 (1) A ~~No~~ motor vehicle may not be operated on the highways
396 of this state if the vehicle is ~~shall be~~ equipped with
397 television-type receiving equipment so located that the viewer
398 or screen is visible from the driver's seat, unless the vehicle
399 is equipped with autonomous technology, as defined in s.
400 316.003, and is being operated in autonomous mode, as provided
401 in s. 316.85(2).

402 (3) This section does not prohibit the use of an electronic
403 display used in conjunction with a vehicle navigation system, or
404 an electronic display used by an operator of a vehicle equipped
405 and operating with driver-assistive truck platooning technology,
406 as defined in s. 316.003.

407 Section 7. Subsection (4) of section 320.02, Florida
408 Statutes, is amended to read:

409 320.02 Registration required; application for registration;

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410 forms.—

411 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
412 944.607, and 985.4815, the owner of any motor vehicle registered
413 in the state shall notify the department in writing of any
414 change of address within 30 ~~20~~ days of such change. The
415 notification shall include the registration license plate
416 number, the vehicle identification number (VIN) or title
417 certificate number, year of vehicle make, and the owner's full
418 name.

419 Section 8. Paragraph (a) of subsection (1) of section
420 320.055, Florida Statutes, is amended to read:

421 320.055 Registration periods; renewal periods.—The
422 following registration periods and renewal periods are
423 established:

424 (1) (a) For a motor vehicle subject to registration under s.
425 320.08(1), (2), (3), (5) (b), (c), (d), or (f), (6) (a), (7), (8),
426 (9), or (10) and owned by a natural person, the registration
427 period begins the first day of the birth month of the owner and
428 ends the last day of the month immediately preceding the owner's
429 birth month in the succeeding year. If such vehicle is
430 registered in the name of more than one person, the birth month
431 of the person whose name first appears on the registration shall
432 be used to determine the registration period. For a vehicle
433 subject to this registration period, the renewal period is the
434 ~~30-day~~ period ending at midnight on the last day of the vehicle
435 owner's ~~date of birth~~ month.

436 Section 9. Paragraph (a) of subsection (3) of section
437 320.07, Florida Statutes, is amended to read:

438 320.07 Expiration of registration; renewal required;

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439 penalties.—

440 (3) The operation of any motor vehicle without having
441 attached thereto a registration license plate and validation
442 stickers, or the use of any mobile home without having attached
443 thereto a mobile home sticker, for the current registration
444 period shall subject the owner thereof, if he or she is present,
445 or, if the owner is not present, the operator thereof to the
446 following penalty provisions:

447 (a) Any person whose motor vehicle or mobile home
448 registration has been expired for a period of 6 months or less
449 commits a noncriminal traffic infraction, punishable as a
450 nonmoving violation as provided in chapter 318. However, a law
451 enforcement officer may not issue a citation for a violation
452 under this paragraph until midnight on the last day of the
453 owner's birth month of the year the registration expires.

454 Section 10. Subsection (9) of section 322.051, Florida
455 Statutes, is amended to read:

456 322.051 Identification cards.—

457 (9) Notwithstanding any other provision of this section or
458 s. 322.21 to the contrary, the department shall issue or renew a
459 card at no charge to a person who presents evidence satisfactory
460 to the department that he or she is homeless as defined in s.
461 414.0252(7), to a juvenile offender who is in the custody or
462 under the supervision of the Department of Juvenile Justice and
463 receiving services pursuant to s. 985.461, to an inmate
464 receiving a card issued pursuant to s. 944.605(7), or, if
465 necessary, to an inmate receiving a replacement card if the
466 department determines that he or she has a valid state
467 identification card. If the replacement state identification

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468 card is scheduled to expire within 6 months, the department may
469 also issue a temporary permit valid for at least 6 months after
470 the release date. The department's mobile issuing units shall
471 process the identification cards for juvenile offenders and
472 inmates at no charge, as provided by s. 944.605 (7) (a) and (b).

473 Section 11. Subsections (1) and (2) of section 322.19,
474 Florida Statutes, are amended to read:

475 322.19 Change of address or name.—

476 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
477 944.607, and 985.4815, whenever any person, after applying for
478 or receiving a driver license or identification card, changes
479 his or her legal name, that person must within 30 ~~10~~ days
480 thereafter obtain a replacement license or card that reflects
481 the change.

482 (2) If a ~~Whenever~~ any person, after applying for or
483 receiving a driver license or identification card, changes the
484 legal residence or mailing address in the application, ~~or~~
485 license, or card, the person must, within 30 ~~10~~ calendar days
486 after making the change, obtain a replacement license or card
487 that reflects the change. A written request to the department
488 must include the old and new addresses and the driver license or
489 identification card number. Any person who has a valid, current
490 student identification card issued by an educational institution
491 in this state is presumed not to have changed his or her legal
492 residence or mailing address. This subsection does not affect
493 any person required to register a permanent or temporary address
494 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.
495 943.0435.

496 Section 12. Paragraph (f) of subsection (1) of section

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497 322.21, Florida Statutes, is amended to read:

498 322.21 License fees; procedure for handling and collecting
499 fees.—

500 (1) Except as otherwise provided herein, the fee for:

501 (f) An original, renewal, or replacement identification
502 card issued pursuant to s. 322.051 is \$25, except that an
503 applicant who presents evidence satisfactory to the department
504 that he or she is homeless as defined in s. 414.0252(7); ~~or~~ his
505 or her annual income is at or below 100 percent of the federal
506 poverty level; or he or she is a juvenile offender who is in the
507 custody or under the supervision of the Department of Juvenile
508 Justice, is receiving services pursuant to s. 985.461, and whose
509 identification card is issued by the department's mobile issuing
510 units is exempt from such fee. Funds collected from fees for
511 original, renewal, or replacement identification cards shall be
512 distributed as follows:

513 1. For an original identification card issued pursuant to
514 s. 322.051, the fee shall be deposited into the General Revenue
515 Fund.

516 2. For a renewal identification card issued pursuant to s.
517 322.051, \$6 shall be deposited into the Highway Safety Operating
518 Trust Fund, and \$19 shall be deposited into the General Revenue
519 Fund.

520 3. For a replacement identification card issued pursuant to
521 s. 322.051, \$9 shall be deposited into the Highway Safety
522 Operating Trust Fund, and \$16 shall be deposited into the
523 General Revenue Fund. Beginning July 1, 2015, or upon completion
524 of the transition of the driver license issuance services, if
525 the replacement identification card is issued by the tax

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526 collector, the tax collector shall retain the \$9 that would
527 otherwise be deposited into the Highway Safety Operating Trust
528 Fund and the remaining revenues shall be deposited into the
529 General Revenue Fund.

530 Section 13. Subsection (3) of section 322.221, Florida
531 Statutes, is amended to read:

532 322.221 Department may require reexamination.—

533 (3) (a) Upon the conclusion of such examination or
534 reexamination the department shall take action as may be
535 appropriate and may suspend or revoke the license of such person
536 or permit him or her to retain such license, or may issue a
537 license subject to restrictions as permitted under s. 322.16.
538 Refusal or neglect of the licensee to submit to such examination
539 or reexamination shall be ground for suspension or revocation of
540 his or her license.

541 (b) If the department suspends or revokes the license of a
542 person due to his or her physical or mental condition, the
543 department shall issue an identification card to the person at
544 the time of the license suspension or revocation. The department
545 may not charge fees for the issuance of the identification card.

546 Section 14. Paragraph (e) of subsection (2) of section
547 322.271, Florida Statutes, is amended to read:

548 322.271 Authority to modify revocation, cancellation, or
549 suspension order.—

550 (2) At such hearing, the person whose license has been
551 suspended, canceled, or revoked may show that such suspension,
552 cancellation, or revocation causes a serious hardship and
553 precludes the person from carrying out his or her normal
554 business occupation, trade, or employment and that the use of

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555 the person's license in the normal course of his or her business
556 is necessary to the proper support of the person or his or her
557 family.

558 (e) The department, based upon review of the licensee's
559 application for reinstatement, may require use of an ignition
560 interlock device pursuant to s. 322.2715. Effective October 1,
561 2016, a qualified sobriety and drug monitoring program as
562 defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164
563 shall be ordered by the court in addition to the placement of
564 the ignition interlock device.

565 Section 15. Subsections (1), (3), and (4) of section
566 322.2715, Florida Statutes, are amended to read:

567 322.2715 Ignition interlock device.—

568 (1) Before issuing a permanent or restricted driver license
569 under this chapter, the department shall require the placement
570 of a department-approved ignition interlock device for any
571 person convicted of committing an offense of driving under the
572 influence as specified in subsection (3), except that
573 consideration may be given to those individuals having a
574 documented medical condition that would prohibit the device from
575 functioning normally. If a medical waiver has been granted for a
576 convicted person seeking a restricted license, the convicted
577 person shall not be entitled to a restricted license until the
578 required ignition interlock device installation period under
579 subsection (3) expires, in addition to the time requirements
580 under s. 322.271. If a medical waiver has been approved for a
581 convicted person seeking permanent reinstatement of the driver
582 license, the convicted person must be restricted to an
583 employment-purposes-only license and be supervised by a licensed

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584 DUI program until the required ignition interlock device
585 installation period under subsection (3) expires. An interlock
586 device shall be placed on all vehicles that are individually or
587 jointly leased or owned and routinely operated by the convicted
588 person. Effective October 1, 2016, a qualified sobriety and drug
589 monitoring program as defined in s. 316.193(15) and authorized
590 by 23 U.S.C. s. 164 shall be used by the department in addition
591 to the placement of an ignition interlock device required by
592 this section.

593 (3) If the person is convicted of:

594 (a) A first offense of driving under the influence under s.
595 316.193 and has an unlawful blood-alcohol level or breath-
596 alcohol level as specified in s. 316.193(1), the ignition
597 interlock device may be installed for at least 6 continuous
598 months.

599 (b) A first offense of driving under the influence under s.
600 316.193 and has an unlawful blood-alcohol level or breath-
601 alcohol level as specified in s. 316.193(4), or if a person is
602 convicted of a violation of s. 316.193 and was at the time of
603 the offense accompanied in the vehicle by a person younger than
604 18 years of age, the person shall have the ignition interlock
605 device installed for at least 6 continuous months for the first
606 offense and for at least 2 continuous years for a second
607 offense.

608 (c) A second offense of driving under the influence, the
609 ignition interlock device shall be installed for a period of at
610 least 1 continuous year.

611 (d) A third offense of driving under the influence which
612 occurs within 10 years after a prior conviction for a violation

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613 of s. 316.193, the ignition interlock device shall be installed
614 for a period of at least 2 continuous years.

615 (e) A third offense of driving under the influence which
616 occurs more than 10 years after the date of a prior conviction,
617 the ignition interlock device shall be installed for a period of
618 at least 2 continuous years.

619 (f) A fourth or subsequent offense of driving under the
620 influence, the ignition interlock device shall be installed for
621 a period of at least 5 years.

622

623 Effective October 1, 2016, for the offenses specified in this
624 subsection, a qualified sobriety and drug monitoring program as
625 defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164
626 shall be used by the department in addition to the placement of
627 an ignition interlock device required by this section.

628 (4) If the court fails to order the mandatory placement of
629 the ignition interlock device or fails to order for the
630 applicable period the mandatory placement of an ignition
631 interlock device under s. 316.193 or s. 316.1937 at the time of
632 imposing sentence or within 30 days thereafter, the department
633 shall immediately require that the ignition interlock device be
634 installed as provided in this section, except that consideration
635 may be given to those individuals having a documented medical
636 condition that would prohibit the device from functioning
637 normally. Effective October 1, 2016, a qualified sobriety and
638 drug monitoring program as defined in s. 316.193(15) and
639 authorized by 23 U.S.C. s. 164 shall be used by the department
640 in addition to the placement of an ignition interlock device
641 required by this section. This subsection applies to the

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642 reinstatement of the driving privilege following a revocation,
643 suspension, or cancellation that is based upon a conviction for
644 the offense of driving under the influence which occurs on or
645 after July 1, 2005.

646 Section 16. This act shall take effect October 1, 2016.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 1534

INTRODUCER: Senator Simmons

SUBJECT: Housing Assistance

DATE: February 10, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Favorable
2.	Gusky	Miller	ATD	Pre-meeting
3.			AP	

I. Summary:

SB 1534 makes numerous changes to laws related to housing assistance, including housing for individuals and families who are homeless. The bill:

- Amends the State Apartment Incentive Loan (SAIL) Program to change the reservation requirements for the specified tenant groups to reflect projected need.
- Amends provisions relating to the State Office on Homelessness and the Challenge Grant Program that provides grants to lead agencies of homeless assistance continuums of care, including:
 - Requiring that expenditures of leveraged funds or resources are permitted only for eligible activities committed on one project which have not been used as leverage or match for another project;
 - Removing the requirement that award levels for Challenge Grants be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas; and
 - Requiring any funding distributed to the lead agencies be based on overall performance and achievement of specified objectives, including the number of persons or households that are no longer homeless, the rate of recidivism to homelessness, and the number of persons who obtain gainful employment.
- Expresses legislative intent to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing homelessness for individuals and families who do not require the intense level of support provided in the permanent supportive housing model and requires Rapid ReHousing to be added to the components of a continuum of care plan.
- Provides exceptions to the restriction on counties and eligible municipalities related to expenditures of State Housing Initiatives Partnership (SHIP) Program distributions for ongoing rent subsidies.
- Provides that up to 25 percent of the SHIP Program funds made available in a county or municipality may be reserved for rental housing.

- Expresses legislative intent to encourage the state entity that administers funds from the National Housing Trust Fund to propose an allocation plan that includes strategies to reduce statewide homelessness.
- Makes several changes to laws relating to housing authorities, which include:
 - Prohibiting housing authorities, regardless of when they were created, from applying to the federal government to acquire through the exercise of the power of eminent domain any projects, units, or vouchers of another established housing authority;
 - Exempting housing authorities from the provisions of s. 215.425, F.S., which addresses extra compensation, bonuses and severance pay; and
 - Removing the requirement that housing authorities must submit a copy of the biennial financial reports submitted to the federal government to the governing body and the Auditor General.

The bill has an indeterminate, but expected insignificant, fiscal impact on state and local governments. While programs that provide services to homeless persons may receive additional resources, the private sector impact of the bill is indeterminate.

The bill has an effective date of July 1, 2016.

II. Present Situation:

Housing for Individuals with Lower Incomes

In 1986¹ the Legislature found that:

- Decent, safe, and sanitary housing for individuals of very low income, low income, and moderate income is a critical need in the state;
- New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need;
- Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help eradicate slum conditions and provide housing for very-low-income persons, low-income persons, and moderate-income persons as a matter of public purpose; and
- Public-private partnerships are an essential means of bringing together resources to provide affordable housing.²

As a result of these findings, the Legislature determined that legislation was urgently needed to alleviate crucial problems related to housing shortages for individuals with very low,³ low⁴ and

¹ Chapter 86-192, Laws of Fla.

² Section 420.6015, F.S.

³ “Very-low-income persons” means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater.

⁴ “Low-income persons” means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater.

moderate⁵ incomes. In 1986, part VI of ch. 420, F.S., was titled as the “Florida Affordable Care Act of 1986”⁶ and programs and funding mechanisms were created over the years to help remedy low-income housing issues.

State Apartment Incentive Loan (SAIL) Program

The SAIL program was created by the Legislature in 1988⁷ for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.⁸

The SAIL program provides low-interest loans on a competitive basis to affordable housing developers each year. This funding often serves to bridge the gap between the primary financing and the total cost of the development. SAIL program funds are available to individuals, public entities, and not-for-profit or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very-low-income individuals and families.⁹

SAIL program funds must be distributed in a manner that meets the need and demand for very-low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available. The SAIL program funding is reserved for use within statutorily defined counties (large, medium, and small)¹⁰ and for properties providing units for specified tenant groups. The University of Florida’s Shimberg Center for Housing Studies prepares the rental housing market study for the Florida Finance Housing Corporation (FHFC).¹¹ Below is a comparison of the actual need based on the 2013 Rental Market Study compared to the current statutory reservation requirements for the specified tenant groups.

⁵ “Moderate-income persons” means one or more persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the household is located, whichever is greater.

⁶ Chapter 86-192, Laws of Fla., Part VI, was subsequently renamed the “Affordable Housing Planning and Community Assistance Act.” Chapter 92-317, Laws of Fla.

⁷ Chapter 88-376, Laws of Florida.

⁸ Section 420.5087, F.S.

⁹ Florida Housing Finance Corporation, *State Apartment Incentive Loan Program*, available at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0173 (last visited Jan. 21, 2016).

¹⁰ Section 420.5087(1), F.S., provides that funds must be allocated to the following categories of counties: counties that have a population of 845,000 or more (“large”); counties that have a population of more than 100,000 but less than 825,000 (“medium”); and counties that have a population of 100,000 or less (“small”).

¹¹ Shimberg Center for Housing Studies, University of Florida, *2013 Rental Market Study: Affordable Rental Housing Needs*, April 7, 2013.

Specified Tenant Group	Actual Percentage of Total Households in Need	Current Statutory Reservation Requirements ¹²
Commercial fishing workers and farmworker households	4 percent	Not less than 10 percent
Persons who are homeless	10 percent	Not less than 5 percent
Persons with special needs	13 percent	Not more than 10 percent
Elder persons	20 percent	Not less than 10 percent
Families	53 percent	Not less than 10 percent

During the first 6 months of loan or loan guarantee availability, SAIL program funds are required to be reserved for use by sponsors who provide the required housing set-aside for specified tenant groups. Under current law, the statutory requirement to reserve funds for the commercial fishing worker and farmworker household tenant group significantly exceeds the actual housing need for this group. The current statutory “cap” on the reservation for the persons with special needs (no more than 10 percent) does not allow the program to address the actual housing need for this group (13 percent) during the first 6 months of loan or loan guarantee availability.

Funding for the SAIL Program is subject to an annual appropriation.¹³

State Office on Homelessness

In 2001, the Florida Legislature created the State Office on Homelessness (office) within the Department of Children and Families (DCF) to serve as a central point of contact within state government on homelessness. The office is responsible for coordinating resources and programs across all levels of government, and with private providers that serve the homeless. It also manages targeted state grants to support the implementation of local homeless service continuum of care plans.¹⁴

Council on Homelessness

The inter-agency Council on Homelessness (council) was also created in 2001. The 17-member council is charged with developing recommendations on how to reduce homelessness statewide and advising the State Office on Homelessness.¹⁵

Local Coalitions for the Homeless

The DCF is required to establish local coalitions to plan, network, coordinate, and monitor the delivery of services to the homeless.¹⁶ Groups and organizations provided the opportunity to participate in such coalitions include:

- Organizations and agencies providing mental health and substance abuse services;
- County health departments and community health centers;
- Organizations and agencies providing food, shelter, or other services targeted to the homeless;

¹² Section 420.5087, F.S.

¹³ *Id.*

¹⁴ Section 420.622(1), F.S.

¹⁵ *Id.*

¹⁶ Section 420.623, F.S.

- Local law enforcement agencies;
- Local workforce development boards;
- County and municipal governments;
- Local public housing authorities;
- Local school districts;
- Local organizations and agencies serving specific subgroups of the homeless population such as veterans, victims of domestic violence, persons with HIV/AIDS, and runaway youth; and
- Local community-based care alliances.¹⁷

Continuum of Care

A local coalition serves as the lead agency for the local homeless assistance continuum of care (CoC).¹⁸ A local CoC is a framework for a comprehensive and seamless array of emergency, transitional, and permanent housing, and services to address the various needs of the homeless and those at risk of homelessness.¹⁹ The purpose of a CoC is to help communities or regions envision, plan, and implement comprehensive and long-term solutions.²⁰

The DCF interacts with the state's 28 CoCs through the office, which serves as the state's central point of contact on homelessness. The office has designated local entities to serve as lead agencies for local planning efforts to create homeless assistance CoC systems. The office has made these designations in consultation with the local homeless coalitions and the Florida offices of the federal Department of Housing and Urban Development (HUD).

The CoC planning effort is an ongoing process that addresses all subpopulations of the homeless. The development of a local CoC plan is a prerequisite to applying for federal housing grants through HUD. The plan also makes the community eligible to compete for the state's Challenge Grants and Homeless Housing Assistance Grants.²¹

Challenge Grants

The office is authorized to accept and administer moneys appropriated to it to provide Challenge Grants annually to designated lead agencies of homeless assistance CoCs.²² The office may award grants in an amount of up to \$500,000 per lead agency.²³ A lead agency may spend a maximum of 8 percent of its funding on administrative costs. To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated area.²⁴

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 420.624, F.S.

²⁰ *Id.*

²¹ Florida Department of Children and Families, *Lead Agencies*, available at: <http://www.myflfamilies.com/service-programs/homelessness/lead-agencies> (last visited Jan. 21, 2016).

²² "Section 420.621(1), F.S., defines "Continuum of Care" to mean the community components needed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness."

²³ Section 420.622, F.S.

²⁴ *Id.*

Pursuant to s. 420.624, F.S., the DCF provides funding for local homeless assistance CoC, which is a framework for providing an array of emergency, transitional, and permanent housing, and services to address the various needs of homeless persons and persons at risk of becoming homeless. There is no statutorily identified funding source for this program.²⁵

Pursuant to s. 420.606(3), F.S., the DEO provides training and technical assistance to staff of state and local government entities, community-based organizations, and persons forming such organizations for the purpose of developing new housing and rehabilitating existing housing that is affordable for very-low-income persons, low-income persons, and moderate-income persons. There is no statutorily identified funding source for this program.²⁶

Homeless Housing Assistance Grants

The office is authorized to accept and administer moneys appropriated to it to provide Homeless Housing Assistance Grants annually to lead agencies of local homeless assistance CoC. The grants may not exceed \$750,000 per project and an applicant may spend a maximum of 5 percent of its funding on administrative costs. The grant funds must be used to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons. The funds available for the eligible grant activities may be appropriated, received from donations, gifts, or from any public or private source.²⁷

Rapid ReHousing

Rapid ReHousing is a model for providing housing for individuals and families who are homeless. The model places a priority on moving a family or individual experiencing homelessness into permanent housing as quickly as possible, hopefully within 30 days of a client becoming homeless and entering a program. While originally focused primarily on people experiencing homelessness due to short-term financial crises, programs across the country have begun to assist individuals and families who are traditionally perceived as more difficult to serve. This includes people with limited or no income, survivors of domestic violence, and those with substance abuse issues. Although the duration of financial assistance may vary, many programs find that, on average, 4 to 6 months of financial assistance is sufficient to stably re-house a household.²⁸

Since federal funding for rapid re-housing first became available in 2008, a number of communities, including Palm Beach County, Florida, that prioritized rapid re-housing as a response to homelessness have seen decreases in the amount of time that households spend homeless, less recidivism, and improved permanent housing outcomes relative to other available interventions.²⁹

There are three core components of rapid re-housing: housing identification, rent and move-in assistance (financial), and rapid re-housing case management and services. While all three

²⁵ Department of Economic Opportunity, *House Bill 379 Analysis*, (January 22, 2015).

²⁶ *Id.*

²⁷ *Id.*

²⁸ National Alliance to End Homelessness, *Rapid Re-Housing: A History and Core Components*, (2014), available at: <http://www.endhomelessness.org/library/entry/rapid-re-housing-a-history-and-core-components> (last visited Jan. 21, 2016).

²⁹ *Id.*

components are present and available in effective rapid re-housing programs, there are instances where the components are provided by different entities or agencies, or where a household does not utilize all three.³⁰ A key element of rapid re-housing is the “Housing First” philosophy, which offers housing without preconditions such as employment, income, lack of a criminal background, or sobriety. If issues such as these need to be addressed, the household can address them most effectively once they are in housing.³¹

State Housing Initiatives Partnership (SHIP) Program

The SHIP Program was created in 1992³² to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very-low, low, and moderate-income families and is administered by the Florida Housing Finance Corporation (FHFC). A dedicated funding source for this program was established by the passage of the 1992 William E. Sadowski Affordable Housing Act. The SHIP Program is funded through a statutory distribution of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund. Subject to specific appropriation, funds are distributed quarterly to local governments participating in the program under an established formula.³³

National Housing Trust Fund

In July 2008, the federal Housing and Economic Recovery Act was signed into law,³⁴ establishing a National Housing Trust Fund (NHTF or trust fund), among other housing-related provisions. Although the National Housing Trust Fund has been established, a permanent funding stream has not been secured.³⁵

The goal of the trust fund is to provide ongoing, permanent, dedicated, and sufficient sources of revenue to build, rehabilitate, and preserve 1.5 million units of housing for the lowest-income families, including people experiencing homelessness, over the next 10 years. The NHTF particularly aims to increase and preserve the supply of rental housing that is affordable for extremely³⁶ and very-low-income households, and increase homeownership opportunities for those households. To prevent funding for the NHTF from competing with existing HUD programs, this revenue is expected to be generated separately from the current federal appropriations process.³⁷

³⁰ *Id.*

³¹ The Florida Legislature expressed the intent to encourage homeless continuums of care to adopt the Housing First approach to ending homelessness for individuals and families in 2009. See s. 420.6275, F.S.

³² Chapter 92-317, Laws of Fla.

³³ Section 420.9073, F.S.

³⁴ Public Law 110-289.

³⁵ The National Alliance to End Homelessness. *National Housing Trust Fund*, available at: http://www.endhomelessness.org/pages/national_housing_trust_fund (last visited Jan. 21, 2016).

³⁶ “Extremely-low-income persons” means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 30 percent of the median annual adjusted gross income for households within the state. The FHFC may adjust this amount annually by rule to provide that in lower-income counties, extremely-low income may exceed 30 percent of area median income and that in higher-income counties, extremely-low income may be less than 30 percent of area median income.

³⁷ The National Alliance to End Homelessness, *National Housing Trust Fund*, available at: http://www.endhomelessness.org/pages/national_housing_trust_fund (last visited Jan. 21, 2016).

Housing Authorities and Eminent Domain

A housing authority has the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes.³⁸ Property already devoted to a public use may be acquired in like manner, so long as no real property belonging to the city, the county, the state, or any political subdivision is acquired without its consent.

III. Effect of Proposed Changes:

Section 1 amends s. 420.5087, F.S., relating to the State Apartment Incentive Loan (SAIL) Program, to change the reservation requirements for three of the five tenant groups. The set-aside for the persons who are in the homeless tenant group is increased from not less than 5 percent to at least 10 percent. The cap of not “more than 10 percent” for the persons with special needs tenant group is replaced with at least 10 percent. The bill requires that at least 10 percent of SAIL Program funds available must be reserved for four of the five tenant groups. At least 5 percent of available SAIL Program funds must be reserved for the commercial fishing workers and farmworkers tenant group.

Section 2 amends s. 420.622, F.S., relating to the State Office on Homelessness (office) and the Council on Homelessness (council), to:

- Require the office, in coordination with other entities, to produce an inventory of state homeless programs instead of the currently required program and financial plan.
- Require the office to establish a task force to make recommendations related to the implementation of a statewide Homeless Management Information System (HMIS). The task force must make its recommendations to the council by December 31, 2016.
- Require, rather than allow, the office and the council to accept and administer moneys appropriated for annual Challenge Grants.
- Remove the requirement that award levels for Challenge Grants be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas.
- Provide requirements related to expenditures of leveraged funds or resources. These funds may only be used for eligible activities committed on one project which have not been used as leverage or match for any other project.
- Require the office, in conjunction with the council, to establish performance measures and specific objectives to evaluate the performance and outcomes of lead agencies that receive grant funds.
- Require any funding distributed to the lead agencies be based on overall performance and achievement of specified objectives, including the number of persons or households that are no longer homeless, the rate of recidivism to homelessness, and the number of persons who obtain gainful employment.

Section 3 amends s. 420.624, F.S., relating to the local homeless assistance continuum of care (CoC), to require the office and the council to include a methodology for assessing performance and outcomes and data reporting in the CoC plan that communities seeking to implement a local

³⁸ Section 421.12, F.S. An authority may exercise the power of eminent domain pursuant to ch. 73 and ch. 74, F.S.

homeless assistance continuum of care are encouraged to develop. The bill also requires Rapid ReHousing to be added to the components of a continuum of care plan.

Section 4 creates s. 420.6265, F.S., relating to Rapid ReHousing, to express legislative intent to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing homelessness for individuals and families who do not require the intense level of support provided in the permanent supportive housing model.³⁹ The bill also statutorily prescribes the Rapid Rehousing Methodology.

Section 5 amends s. 420.9071(26), F.S., relating to the definition of “rent subsidies,” to allow initial assistance for tenants, such as grants or loans for security and utility deposits.

Section 6 amends s. 420.9072, F.S., relating to the State Housing Initiatives Partnership (SHIP) Program, to provide that a county or an eligible municipality may not spend its portion of the local housing distribution to provide ongoing rent subsidies with the exception of:

- Security and utility deposit assistance.
- Eviction prevention not to exceed rent for 6 months.
- A rent subsidy program for very-low-income households that meet specified qualifications.

Section 7 amends s. 420.9075, F.S., relating to local housing assistance plans and partnerships, to:

- Add “Lead agencies of local homeless assistance continuums of care” as part of the partnership process to participate in the SHIP Program.
- Add language to encourage eligible municipalities to develop a strategy for providing program funds to reduce homelessness.
- Provide that up to 25 percent of the SHIP Program funds made available in a county or municipality may be reserved for rental housing.
- Require a county or eligible municipality to include a description of efforts to reduce homelessness in the annual report that must be submitted to the FHFC.

Section 8 creates s. 420.9089, F.S., relating to the NHTF, to express legislative intent to encourage the state entity that administers funds from the NHTF to propose an allocation plan that includes strategies to reduce statewide homelessness. The Florida Housing Finance Corporation (FHFC) is the state entity designated by the Governor to administer funds made available to the state from the National Housing Trust Fund (NHTF). The U.S. Department of Housing and Urban Development (HUD) will officially release the NHTF grant amount for each state in April 2016.⁴⁰ Each state must adopt an Allocation Plan that has been developed through a public process involving citizen participation, and may include strategies to address

³⁹ Permanent supportive housing is for individuals who need long-term housing assistance with supportive services in order to stay housed. Individuals and families living in supportive housing often have long histories of homelessness and face persistent obstacles to maintaining housing, such as a serious mental illness, a substance use disorder, or a chronic medical problem. Many supportive housing tenants face more than one of these serious conditions. See United States Interagency Council on Homelessness, *Permanent Supportive Housing*, available at <https://www.usich.gov/solutions/housing/permanent-supportive-housing> (last visited Jan. 21, 2016).

⁴⁰ Florida Housing Finance Corporation, *SB 1534 Summary/Comment* (Jan. 13, 2016)(on file with the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development).

homelessness.⁴¹ The funding must be used primarily to assist households with specified incomes and 90 percent of the funds must be used to preserve and increase the supply of rental housing.⁴²

Section 9 amends s. 421.04, F.S., to prohibit housing authorities, regardless of when they were created, from applying to the federal government to acquire through the power of eminent domain any projects, units, or vouchers of another established housing authority, irrespective of each housing authority's area of operation.

Section 10 amends s. 421.05, F.S., to provide that housing authorities are exempt from the provisions of s. 215.425, F.S. Section 215.425, F.S., addresses extra compensation, bonuses, and severance pay.

Section 11 amends s. 421.091, F.S., to exempt housing authorities from reporting requirements of s. 218.32, F.S., which requires each local government to submit an annual financial report for the previous fiscal year to the Department of Financial Services. Housing authorities would still be responsible for submitting a biennial financial accounting and audit, made by a certified public accountant, to the federal government, but would not be required to provide that report to the governing body of the housing authority or the Auditor General.

Section 12 provides an effective date of July 1, 2016.

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:

While programs that serve homeless persons may receive additional resources, the private sector impact of the bill is indeterminate.

⁴¹ *Id.*

⁴² *Id.*

C. Government Sector Impact:

The bill has an indeterminate, but expected to be insignificant, fiscal impact on state and local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 420.5087, 420.622, 420.624, 420.9071, 420.9072, 420.9075, 421.04, 421.05, and 421.091 of the Florida Statutes.

This bill creates sections 420.6265 and 420.9089 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete lines 86 - 618

and insert:

Section 1. Subsection (36) of section 420.503, Florida
Statutes, is amended to read:

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

(36) "Service provider," except as otherwise defined in s.
420.512(5), means a law firm, investment bank, certified public
accounting firm, auditor, trustee bank, credit underwriter,



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11 homeowner loan servicer, or any other provider of services to
12 the corporation which offers to perform or performs services to
13 the corporation or other provider for fees in excess of \$35,000
14 ~~\$25,000~~ in the aggregate during any fiscal year of the
15 corporation. The term includes the agents, officers, principals,
16 and professional employees of the service provider.

17 Section 2. Paragraphs (a) and (b) of subsection (22) of
18 section 420.507, Florida Statutes, are amended, present
19 paragraphs (d) through (i) of that subsection are redesignated
20 as (e) through (j), respectively, a new paragraph (d) is added
21 to that subsection, and subsection (35) of that section is
22 amended, to read:

23 420.507 Powers of the corporation.—The corporation shall
24 have all the powers necessary or convenient to carry out and
25 effectuate the purposes and provisions of this part, including
26 the following powers which are in addition to all other powers
27 granted by other provisions of this part:

28 (22) To develop and administer the State Apartment
29 Incentive Loan Program. In developing and administering that
30 program, the corporation may:

31 (a) Make first, second, and other subordinated mortgage
32 loans including variable or fixed rate loans subject to
33 contingent interest for all State Apartment Incentive Loans
34 provided in this chapter based upon available cash flow of the
35 projects. The corporation shall make loans exceeding 25 percent
36 of project cost only to nonprofit organizations and public
37 bodies that are able to secure grants, donations of land, or
38 contributions from other sources and to projects meeting the
39 criteria of subparagraph 1. Mortgage loans shall be made



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40 available at the following rates of interest:

41 1. Zero to 3 percent interest for sponsors of projects that
42 set aside at least 80 percent of their total units for residents
43 qualifying as farmworkers, commercial fishing workers, the
44 homeless as defined in s. 420.621, or persons with special needs
45 as defined in s. 420.0004(13) over the life of the loan.

46 2. Zero to 3 percent interest based on the pro rata share
47 of units set aside for homeless residents or persons with
48 special needs if the total of such units is less than 80 percent
49 of the units in the borrower's project.

50 3. One to 9 percent interest for sponsors of projects
51 targeted at populations other than farmworkers, commercial
52 fishing workers, ~~the homeless persons~~, or persons with special
53 needs.

54 (b) Make loans exceeding 25 percent of project cost when
55 the project serves extremely-low-income persons or projects as
56 provided in paragraph (d).

57 (d) In counties or rural areas of counties that do not have
58 existing units set aside for homeless persons, forgive
59 indebtedness for loans provided to create permanent rental
60 housing units for persons who are homeless, as defined in s.
61 420.621(5), or for persons residing in time-limited transitional
62 housing or institutions as a result of a lack of permanent,
63 affordable housing. Such developments must be supported by a
64 local homeless assistance continuum of care developed under s.
65 420.624; be developed by nonprofit applicants; be small
66 properties as defined by corporation rule; and be a project in
67 the local housing assistance continuum of care plan recognized
68 by the State Office on Homelessness.



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69 (35) To preclude from further participation in any of the
70 corporation's programs, ~~for a period of up to 2 years,~~ any
71 applicant or affiliate of an applicant which has made a material
72 misrepresentation or engaged in fraudulent actions in connection
73 with any application for a corporation program.

74 Section 3. Subsections (1) and (3), paragraphs (b), (f),
75 and (k) of subsection (6), and subsection (10) of section
76 420.5087, Florida Statutes, are amended to read:

77 420.5087 State Apartment Incentive Loan Program.—There is
78 hereby created the State Apartment Incentive Loan Program for
79 the purpose of providing first, second, or other subordinated
80 mortgage loans or loan guarantees to sponsors, including for-
81 profit, nonprofit, and public entities, to provide housing
82 affordable to very-low-income persons.

83 (1) Program funds shall be made available through a
84 competitive solicitation process ~~distributed over successive 3-~~
85 ~~year periods~~ in a manner that meets the need and demand for
86 very-low-income housing throughout the state. That need and
87 demand must be determined by using the most recent statewide
88 low-income rental housing market studies conducted every 3 years
89 ~~available at the beginning of each 3-year period.~~ However, at
90 least 10 percent of the program funds, as calculated on an
91 annual basis, ~~distributed during a 3-year period~~ must be made
92 available ~~allocated~~ to each of the following categories of
93 counties, ~~as determined by using the population statistics~~
94 published in the most recent edition of the Florida Statistical
95 Abstract:

96 (a) Counties that have a population of 825,000 or more.

97 (b) Counties that have a population of more than 100,000



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98 but less than 825,000.

99 (c) Counties that have a population of 100,000 or less.

100

101 Any increase in funding required to reach the 10-percent minimum
102 shall be taken from the county category that has the largest
103 portion of the funding allocation. The corporation shall adopt
104 rules that ~~which~~ establish an equitable process for distributing
105 any portion of the 10 percent of program funds made available
106 ~~allocated~~ to the county categories specified in this subsection
107 which remains unallocated ~~at the end of a 3-year period~~.

108 Counties that have a population of 100,000 or less shall be
109 given preference under these rules.

110 (3) During the first 6 months of loan or loan guarantee
111 availability, program funds shall be made available ~~reserved~~ for
112 use by sponsors who provide the housing set-aside required in
113 subsection (2) for the tenant groups designated in this
114 subsection. The ~~reservation of funds~~ made available to each of
115 these groups shall be determined using the most recent statewide
116 very-low-income rental housing market study available at the
117 time of publication of each notice of fund availability required
118 by paragraph (6) (b). The ~~reservation of funds~~ made available
119 within each notice of fund availability to the tenant groups in
120 paragraphs (b)-(e) ~~(a), (b), and (e)~~ may not be less than 10
121 percent of the funds available at that time. Any increase in
122 funding required to reach the required ~~10-percent~~ minimum must
123 be taken from the tenant group that would receive ~~has~~ the
124 largest percentage of available funds in accordance with the
125 study ~~reservation~~. The ~~reservation of funds~~ made available
126 within each notice of fund availability to the tenant group in



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127 paragraph (a) ~~(e)~~ may not be less than 5 percent of the funds
128 available at that time. ~~The reservation of funds within each~~
129 ~~notice of fund availability to the tenant group in paragraph (d)~~
130 ~~may not be more than 10 percent of the funds available at that~~
131 ~~time.~~ The tenant groups are:

132 (a) Commercial fishing workers and farmworkers;

133 (b) Families;

134 (c) Persons who are homeless;

135 (d) Persons with special needs; and

136 (e) Elderly persons. Ten percent of the amount made

137 available ~~reserved~~ for the elderly shall ~~be reserved to~~ provide
138 loans to sponsors of housing for the elderly for the purpose of
139 making building preservation, health, or sanitation repairs or
140 improvements which are required by federal, state, or local
141 regulation or code, or lifesafety or security-related repairs or
142 improvements to such housing. Such a loan may not exceed
143 \$750,000 per housing community for the elderly. In order to
144 receive the loan, the sponsor of the housing community must make
145 a commitment to match at least 5 percent of the loan amount to
146 pay the cost of such repair or improvement. The corporation
147 shall establish the rate of interest on the loan, which may not
148 exceed 3 percent, and the term of the loan, which may not exceed
149 15 years; however, if the lien of the corporation's encumbrance
150 is subordinate to the lien of another mortgagee, then the term
151 may be made coterminous with the longest term of the superior
152 lien. The term of the loan shall be based on a credit analysis
153 of the applicant. The corporation may forgive indebtedness for a
154 share of the loan attributable to the units in a project
155 reserved for extremely-low-income elderly by nonprofit



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156 organizations, as defined in s. 420.0004(5), where the project
157 has provided affordable housing to the elderly for 15 years or
158 more. The corporation shall establish, by rule, the procedure
159 and criteria for receiving, evaluating, and competitively
160 ranking all applications for loans under this paragraph. A loan
161 application must include evidence of the first mortgagee's
162 having reviewed and approved the sponsor's intent to apply for a
163 loan. A nonprofit organization or sponsor may not use the
164 proceeds of the loan to pay for administrative costs, routine
165 maintenance, or new construction.

166 (6) On all state apartment incentive loans, except loans
167 made to housing communities for the elderly to provide for
168 lifesafety, building preservation, health, sanitation, or
169 security-related repairs or improvements, the following
170 provisions shall apply:

171 (b) The corporation shall publish a notice of fund
172 availability in a publication of general circulation throughout
173 the state. Such notice shall be published at least 60 days prior
174 to the application deadline and shall provide notice of the
175 availability ~~temporary reservations~~ of funds established in
176 subsection (3).

177 (f) The review committee established by corporation rule
178 pursuant to this subsection shall make recommendations to the
179 board of directors of the corporation regarding program
180 participation under the State Apartment Incentive Loan Program.
181 The corporation board shall make the final decisions regarding
182 which applicants shall become program participants based on the
183 scores received in the competitive process, further review of
184 applications, and the recommendations of the review committee.



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185 The corporation board shall approve or reject applications for
186 loans and shall determine the tentative loan amount available to
187 each applicant selected for participation in the program. The
188 actual loan amount shall be determined pursuant to rule adopted
189 pursuant to s. 420.507(22)(i) ~~s. 420.507(22)(h)~~.

190 (k) Rent controls shall ~~not be allowed on any project~~
191 ~~except as required in conjunction with the issuance of tax-~~
192 ~~exempt bonds or federal low-income housing tax credits and~~
193 ~~except when the sponsor has committed to set aside units for~~
194 ~~extremely low-income persons, in which case rents shall be set~~
195 ~~restricted at the income set-aside levels committed to by the~~
196 ~~sponsor at the level applicable income limitations established~~
197 ~~by the corporation for federal low-income tax credits.~~

198 ~~(10)(a) Notwithstanding subsection (3), for the 2015-2016~~
199 ~~fiscal year, the reservation of funds for the tenant groups~~
200 ~~within each notice of fund availability shall be:~~

201 ~~1. Not less than 10 percent of the funds available at that~~
202 ~~time for the following tenant groups:~~

- 203 ~~a. Families;~~
- 204 ~~b. Persons who are homeless;~~
- 205 ~~e. Persons with special needs; and~~
- 206 ~~d. Elderly persons.~~

207 ~~2. Not less than 5 percent of the funds available at that~~
208 ~~time for the commercial fishing workers and farmworkers tenant~~
209 ~~group.~~

210 ~~(b) This subsection expires July 1, 2016.~~

211 Section 4. Subsection (5) of section 420.511, Florida
212 Statutes, is amended to read:

213 420.511 Strategic business plan; long-range program plan;



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214 annual report; audited financial statements.-

215 (5) The Auditor General shall conduct an operational audit
216 of the accounts and records of the corporation and provide a
217 written report on the audit to the President of the Senate and
218 the Speaker of the House of Representatives by December 1, 2016.
219 ~~Both the corporation's business plan and annual report must~~
220 ~~recognize the different fiscal periods under which the~~
221 ~~corporation, the state, the Federal Government, and local~~
222 ~~governments operate.~~

223 Section 5. Paragraphs (a) and (b) of subsection (3) and
224 subsections (4), (5), and (6) of section 420.622, Florida
225 Statutes, are amended to read:

226 420.622 State Office on Homelessness; Council on
227 Homelessness.-

228 (3) The State Office on Homelessness, pursuant to the
229 policies set by the council and subject to the availability of
230 funding, shall:

231 (a) Coordinate among state, local, and private agencies and
232 providers to produce a statewide consolidated inventory program
233 ~~and financial plan~~ for the state's entire system of homeless
234 programs which incorporates regionally developed plans. Such
235 programs include, but are not limited to:

236 1. Programs authorized under the Stewart B. McKinney
237 Homeless Assistance Act of 1987, 42 U.S.C. ss. 11371 et seq.,
238 and carried out under funds awarded to this state; and

239 2. Programs, components thereof, or activities that assist
240 persons who are homeless or at risk for homelessness.

241 (b) Collect, maintain, and make available information
242 concerning persons who are homeless or at risk for homelessness,



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243 including demographics information, current services and
244 resources available, the cost and availability of services and
245 programs, and the met and unmet needs of this population. All
246 entities that receive state funding must provide access to all
247 data they maintain in summary form, with no individual
248 identifying information, to assist the council in providing this
249 information. The State Office on Homelessness shall establish a
250 task force to make recommendations regarding the implementation
251 of a statewide Homeless Management Information System (HMIS).
252 The task force shall define the conceptual framework of such a
253 system; study existing statewide HMIS models; establish an
254 inventory of local HMIS systems, including providers and license
255 capacity; examine the aggregated reporting being provided by
256 local continuums of care; complete an analysis of current
257 continuum of care resources; and provide recommendations on the
258 costs and benefits of implementing a statewide HMIS. The task
259 force shall also make recommendations regarding the development
260 of a statewide, centralized coordinated assessment system in
261 conjunction with the implementation of a statewide HMIS. The
262 task force findings must be reported to the Council on
263 Homelessness no later than December 31, 2016. ~~The council shall~~
264 ~~explore the potential of creating a statewide Management~~
265 ~~Information System (MIS), encouraging the future participation~~
266 ~~of any bodies that are receiving awards or grants from the~~
267 ~~state, if such a system were adopted, enacted, and accepted by~~
268 ~~the state.~~

269 (4) The State Office on Homelessness, with the concurrence
270 of the Council on Homelessness, shall ~~may~~ accept and administer
271 moneys appropriated to it to provide annual "Challenge Grants"



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272 to lead agencies of homeless assistance continuums of care
273 designated by the State Office on Homelessness pursuant to s.
274 420.624. The department shall establish varying levels of grant
275 awards up to \$500,000 per lead agency. ~~Award levels shall be~~
276 ~~based upon the total population within the continuum of care~~
277 ~~catchment area and reflect the differing degrees of homelessness~~
278 ~~in the catchment planning areas.~~ The department, in consultation
279 with the Council on Homelessness, shall specify a grant award
280 level in the notice of the solicitation of grant applications.

281 (a) To qualify for the grant, a lead agency must develop
282 and implement a local homeless assistance continuum of care plan
283 for its designated catchment area. The continuum of care plan
284 must implement a coordinated assessment or central intake system
285 to screen, assess, and refer persons seeking assistance to the
286 appropriate service provider. The lead agency shall also
287 document the commitment of local government and private
288 organizations to provide matching funds or in-kind support in an
289 amount equal to the grant requested. Expenditures of leveraged
290 funds or resources, including third-party cash or in-kind
291 contributions, are permitted only for eligible activities
292 committed on one project which have not been used as leverage or
293 match for any other project or program and must be certified
294 through a written commitment.

295 (b) Preference must be given to those lead agencies that
296 have demonstrated the ability of their continuum of care to
297 provide quality services to homeless persons and the ability to
298 leverage federal homeless-assistance funding under the Stewart
299 B. McKinney Act and private funding for the provision of
300 services to homeless persons.



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301 (c) Preference must be given to lead agencies in catchment
302 areas with the greatest need for the provision of housing and
303 services to the homeless, relative to the population of the
304 catchment area.

305 (d) The grant may be used to fund any of the housing,
306 program, or service needs included in the local homeless
307 assistance continuum of care plan. The lead agency may allocate
308 the grant to programs, services, or housing providers that
309 implement the local homeless assistance continuum care plan. The
310 lead agency may provide subgrants to a local agency to implement
311 programs or services or provide housing identified for funding
312 in the lead agency's application to the department. A lead
313 agency may spend a maximum of 8 percent of its funding on
314 administrative costs.

315 (e) The lead agency shall submit a final report to the
316 department documenting the outcomes achieved by the grant in
317 enabling persons who are homeless to return to permanent housing
318 thereby ending such person's episode of homelessness.

319 (5) The State Office on Homelessness, with the concurrence
320 of the Council on Homelessness, may administer moneys
321 appropriated to it to provide homeless housing assistance grants
322 annually to lead agencies for local homeless assistance
323 continuum of care, as recognized by the State Office on
324 Homelessness, to acquire, construct, or rehabilitate
325 transitional or permanent housing units for homeless persons.
326 These moneys shall consist of any sums that the state may
327 appropriate, as well as money received from donations, gifts,
328 bequests, or otherwise from any public or private source, which
329 are intended to acquire, construct, or rehabilitate transitional



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330 or permanent housing units for homeless persons.

331 (a) Grant applicants shall be ranked competitively.
332 Preference must be given to applicants who leverage additional
333 private funds and public funds, particularly federal funds
334 designated for the acquisition, construction, or rehabilitation
335 of transitional or permanent housing for homeless persons; who
336 acquire, build, or rehabilitate the greatest number of units; or
337 ~~and~~ who acquire, build, or rehabilitate in catchment areas
338 having the greatest need for housing for the homeless relative
339 to the population of the catchment area.

340 (b) Funding for any particular project may not exceed
341 \$750,000.

342 (c) Projects must reserve, for a minimum of 10 years, the
343 number of units acquired, constructed, or rehabilitated through
344 homeless housing assistance grant funding to serve persons who
345 are homeless at the time they assume tenancy.

346 (d) No more than two grants may be awarded annually in any
347 given local homeless assistance continuum of care catchment
348 area.

349 (e) A project may not be funded which is not included in
350 the local homeless assistance continuum of care plan, as
351 recognized by the State Office on Homelessness, for the
352 catchment area in which the project is located.

353 (f) The maximum percentage of funds that the State Office
354 on Homelessness and each applicant may spend on administrative
355 costs is 5 percent.

356 (6) The State Office on Homelessness, in conjunction with
357 the Council on Homelessness, shall establish performance
358 measures and specific objectives by which it may ~~to~~ evaluate the



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359 ~~effective~~ performance and outcomes of lead agencies that receive
360 grant funds. Any funding through the State Office on
361 Homelessness shall be distributed to lead agencies based on
362 their overall performance and their achievement of specified
363 objectives. Each lead agency for which grants are made under
364 this section shall provide the State Office on Homelessness a
365 thorough evaluation of the effectiveness of the program in
366 achieving its stated purpose. In evaluating the performance of
367 the lead agencies, the State Office on Homelessness shall base
368 its criteria upon the program objectives, goals, and priorities
369 that were set forth by the lead agencies in their proposals for
370 funding. Such criteria may include, but not be limited to, the
371 number of persons or households that are no longer homeless, the
372 rate of recidivism to homelessness, and the number of persons
373 who obtain gainful employment ~~homeless individuals provided~~
374 ~~shelter, food, counseling, and job training.~~

375 Section 6. Subsections (3), (7), and (8) of section
376 420.624, Florida Statutes, are amended to read:

377 420.624 Local homeless assistance continuum of care.-

378 (3) Communities or regions seeking to implement a local
379 homeless assistance continuum of care are encouraged to develop
380 and annually update a written plan that includes a vision for
381 the continuum of care, an assessment of the supply of and demand
382 for housing and services for the homeless population, and
383 specific strategies and processes for providing the components
384 of the continuum of care. The State Office on Homelessness, in
385 conjunction with the Council on Homelessness, shall include in
386 the plan a methodology for assessing performance and outcomes.
387 The State Office on Homelessness shall supply a standardized



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388 format for written plans, including the reporting of data.
389 (7) The components of a continuum of care plan should
390 include:
391 (a) Outreach, intake, and assessment procedures in order to
392 identify the service and housing needs of an individual or
393 family and to link them with appropriate housing, services,
394 resources, and opportunities;
395 (b) Emergency shelter, in order to provide a safe, decent
396 alternative to living in the streets;
397 (c) Transitional housing;
398 (d) Supportive services, designed to assist with the
399 development of the skills necessary to secure and retain
400 permanent housing;
401 (e) Permanent supportive housing;
402 (f) Rapid ReHousing, as specified in s. 420.6265;
403 (g)~~(f)~~ Permanent housing;
404 (h)~~(g)~~ Linkages and referral mechanisms among all
405 components to facilitate the movement of individuals and
406 families toward permanent housing and self-sufficiency;
407 (i)~~(h)~~ Services and resources to prevent housed persons
408 from becoming or returning to homelessness; and
409 (j)~~(i)~~ An ongoing planning mechanism to address the needs
410 of all subgroups of the homeless population, including but not
411 limited to:
412 1. Single adult males;
413 2. Single adult females;
414 3. Families with children;
415 4. Families with no children;
416 5. Unaccompanied children and youth;



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- 417 6. Elderly persons;
418 7. Persons with drug or alcohol addictions;
419 8. Persons with mental illness;
420 9. Persons with dual or multiple physical or mental
421 disorders;
422 10. Victims of domestic violence; and
423 11. Persons living with HIV/AIDS.

424 (8) Continuum of care plans must promote participation by
425 all interested individuals and organizations and may not exclude
426 individuals and organizations on the basis of race, color,
427 national origin, sex, handicap, familial status, or religion.
428 Faith-based organizations must be encouraged to participate. To
429 the extent possible, these components must ~~should~~ be coordinated
430 and integrated with other mainstream health, social services,
431 and employment programs for which homeless populations may be
432 eligible, including Medicaid, State Children's Health Insurance
433 Program, Temporary Assistance for Needy Families, Food
434 Assistance Program, and services funded through the Mental
435 Health and Substance Abuse Block Grant, the Workforce Investment
436 Act, and the welfare-to-work grant program.

437 Section 7. Section 420.6265, Florida Statutes, is created
438 to read:

439 420.6265 Rapid ReHousing.-

440 (1) LEGISLATIVE FINDINGS AND INTENT.-

441 (a) The Legislature finds that Rapid ReHousing is a
442 strategy of using temporary financial assistance and case
443 management to quickly move an individual or family out of
444 homelessness and into permanent housing.

445 (b) The Legislature also finds that public and private



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446 solutions to homelessness in the past have focused on providing
447 individuals and families who are experiencing homelessness with
448 emergency shelter, transitional housing, or a combination of
449 both. While emergency shelter and transitional housing programs
450 may provide critical access to services for individuals and
451 families in crisis, the programs often fail to address their
452 long-term needs.

453 (c) The Legislature further finds that most households
454 become homeless as a result of a financial crisis that prevents
455 individuals and families from paying rent or a domestic conflict
456 that results in one member being ejected or leaving without
457 resources or a plan for housing.

458 (d) The Legislature further finds that Rapid ReHousing is
459 an alternative approach to the current system of emergency
460 shelter or transitional housing which tends to reduce the length
461 of time a person is homeless and has proven to be cost
462 effective.

463 (e) It is therefore the intent of the Legislature to
464 encourage homeless continuums of care to adopt the Rapid
465 ReHousing approach to preventing homelessness for individuals
466 and families who do not require the intense level of supports
467 provided in the permanent supportive housing model.

468 (2) RAPID REHOUSING METHODOLOGY.—

469 (a) The Rapid ReHousing response to homelessness differs
470 from traditional approaches to addressing homelessness by
471 focusing on each individual's or family's barriers to housing.
472 By using this approach, communities can significantly reduce the
473 amount of time that individuals and families are homeless and
474 prevent further episodes of homelessness.



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475 (b) In Rapid ReHousing, an individual or family is
476 identified as being homeless, temporary assistance is provided
477 to allow the individual or family to obtain permanent housing as
478 quickly as possible, and, if needed, assistance is provided to
479 allow the individual or family to retain housing.

480 (c) The objective of Rapid ReHousing is to provide
481 assistance for as short a term as possible so that the
482 individual or family receiving assistance does not develop a
483 dependency on the assistance.

484 Section 8. Subsections (16), (25), and (26) of section
485 420.9071, Florida Statutes, are amended to read:

486 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
487 term:

488 (16) "Local housing incentive strategies" means local
489 regulatory reform or incentive programs to encourage or
490 facilitate affordable housing production, which include at a
491 minimum, assurance that permits ~~as defined in s. 163.3164~~ for
492 affordable housing projects are expedited to a greater degree
493 than other projects, as provided in s. 163.3177(6)(f)3.; an
494 ongoing process for review of local policies, ordinances,
495 regulations, and plan provisions that increase the cost of
496 housing prior to their adoption; and a schedule for implementing
497 the incentive strategies. Local housing incentive strategies may
498 also include other regulatory reforms, such as those enumerated
499 in s. 420.9076 or those recommended by the affordable housing
500 advisory committee in its triennial evaluation of the
501 implementation of affordable housing incentives, and adopted by
502 the local governing body.

503 (25) "Recaptured funds" means funds that are recouped by a



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504 county or eligible municipality in accordance with the recapture
505 provisions of its local housing assistance plan pursuant to s.
506 420.9075(5)(i) ~~s. 420.9075(5)(h)~~ from eligible persons or
507 eligible sponsors, which funds were not used for assistance to
508 an eligible household for an eligible activity, when there is a
509 default on the terms of a grant award or loan award.

510 (26) "Rent subsidies" means ongoing monthly rental
511 assistance. ~~The term does not include initial assistance to~~
512 ~~tenants, such as grants or loans for security and utility~~
513 ~~deposits.~~

514 Section 9. Paragraph (b) of subsection (3) and subsection
515 (7) of section 420.9072, Florida Statutes, are amended to read:

516 420.9072 State Housing Initiatives Partnership Program.—The
517 State Housing Initiatives Partnership Program is created for the
518 purpose of providing funds to counties and eligible
519 municipalities as an incentive for the creation of local housing
520 partnerships, to expand production of and preserve affordable
521 housing, to further the housing element of the local government
522 comprehensive plan specific to affordable housing, and to
523 increase housing-related employment.

524 (3)

525 (b) Within 45 ~~30~~ days after receiving a plan, the review
526 committee shall review the plan and either approve it or
527 identify inconsistencies with the requirements of the program.
528 The corporation shall assist a local government in revising its
529 plan if it initially proves to be inconsistent with program
530 requirements. A plan that is revised by the local government to
531 achieve consistency with program requirements shall be reviewed
532 within 45 ~~30~~ days after submission. The deadlines for submitting



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533 original and revised plans shall be established by corporation
534 rule; however, the corporation shall not require submission of a
535 new local housing assistance plan to implement amendments to
536 this act until the currently effective plan expires.

537 (7)(a) A county or an eligible municipality must expend its
538 portion of the local housing distribution only to implement a
539 local housing assistance plan or as provided in this subsection.
540 ~~A county or an eligible municipality may not expend its portion~~
541 ~~of the local housing distribution to provide rent subsidies;~~
542 ~~however, this does not prohibit the use of funds for security~~
543 ~~and utility deposit assistance.~~

544 (b) A county or an eligible municipality may not expend its
545 portion of the local housing distribution to provide ongoing
546 rent subsidies, except for:

- 547 1. Security and utility deposit assistance.
548 2. Eviction prevention not to exceed 6 months' rent.
549 3. A rent subsidy program for very-low-income households
550 with at least one adult who is a person with special needs as
551 defined in s. 420.0004 or homeless as defined in s. 420.621. The
552 period of rental assistance may not exceed 12 months for any
553 eligible household.

554 Section 10. Paragraph (a) of subsection (2) of section
555 420.9075, Florida Statutes, is amended, paragraph (f) is added
556 to subsection (3) of that section, paragraph (e) of subsection
557 (4) of that section is amended, present paragraphs (b) through
558 (l) of subsection (5) of that section are redesignated as
559 paragraphs (c) through (m), respectively, present paragraph (l)
560 of that subsection is amended, and a new paragraph (b) is added
561 to that subsection, paragraph (i) is added to subsection (10) of



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562 that section, and paragraph (b) of subsection (13) of that
563 section is amended, to read:

564 420.9075 Local housing assistance plans; partnerships.—

565 (2) (a) Each county and each eligible municipality
566 participating in the State Housing Initiatives Partnership
567 Program shall encourage the involvement of appropriate public
568 sector and private sector entities as partners in order to
569 combine resources to reduce housing costs for the targeted
570 population. This partnership process should involve:

- 571 1. Lending institutions.
- 572 2. Housing builders and developers.
- 573 3. Nonprofit and other community-based housing and service
574 organizations.
- 575 4. Providers of professional services relating to
576 affordable housing.
- 577 5. Advocates for low-income persons, including, but not
578 limited to, homeless people, the elderly, and migrant
579 farmworkers.
- 580 6. Real estate professionals.
- 581 7. Other persons or entities who can assist in providing
582 housing or related support services.
- 583 8. Lead agencies of local homeless assistance continuums of
584 care.

585 (3)

586 (f) Each county and eligible municipality is encouraged to
587 develop a strategy within its local housing assistance plan
588 which provides program funds for reducing homelessness.

589 (4) Each local housing assistance plan is governed by the
590 following criteria and administrative procedures:



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591 (e) The staff or entity that has administrative authority
592 for implementing a local housing assistance plan assisting
593 rental developments shall annually monitor and determine tenant
594 eligibility or, to the extent another governmental entity or
595 corporation program provides periodic ~~the same~~ monitoring and
596 determination, a municipality, county, or local housing
597 financing authority may rely on such monitoring and
598 determination of tenant eligibility. However, any loan or grant
599 in the original amount of \$10,000 ~~3,000~~ or less is ~~shall not be~~
600 subject to these annual monitoring and determination of tenant
601 eligibility requirements.

602 (5) The following criteria apply to awards made to eligible
603 sponsors or eligible persons for the purpose of providing
604 eligible housing:

605 (b) Up to 25 percent of the funds made available in each
606 county and eligible municipality from the local housing
607 distribution may be reserved for rental housing for eligible
608 persons or for the purposes enumerated in s. 420.9072(7)(b).

609 (m) ~~(l)~~ Funds from the local housing distribution not used
610 to meet the criteria established in paragraph (a) or paragraph
611 (c) ~~(b)~~ or not used for the administration of a local housing
612 assistance plan must be used for housing production and finance
613 activities, including, but not limited to, financing
614 preconstruction activities or the purchase of existing units,
615 providing rental housing, and providing home ownership training
616 to prospective home buyers and owners of homes assisted through
617 the local housing assistance plan.

618 1. Notwithstanding the provisions of paragraphs (a) and (c)
619 ~~(b)~~, program income as defined in s. 420.9071(24) may also be



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620 used to fund activities described in this paragraph.

621 2. When preconstruction due-diligence activities conducted
622 as part of a preservation strategy show that preservation of the
623 units is not feasible and will not result in the production of
624 an eligible unit, such costs shall be deemed a program expense
625 rather than an administrative expense if such program expenses
626 do not exceed 3 percent of the annual local housing
627 distribution.

628 3. If both an award under the local housing assistance plan
629 and federal low-income housing tax credits are used to assist a
630 project and there is a conflict between the criteria prescribed
631 in this subsection and the requirements of s. 42 of the Internal
632 Revenue Code of 1986, as amended, the county or eligible
633 municipality may resolve the conflict by giving precedence to
634 the requirements of s. 42 of the Internal Revenue Code of 1986,
635 as amended, in lieu of following the criteria prescribed in this
636 subsection with the exception of paragraphs (a) and (f) ~~(e)~~ of
637 this subsection.

638 4. Each county and each eligible municipality may award
639 funds as a grant for construction, rehabilitation, or repair as
640 part of disaster recovery or emergency repairs or to remedy
641 accessibility or health and safety deficiencies. Any other
642 grants must be approved as part of the local housing assistance
643 plan.

644 (10) Each county or eligible municipality shall submit to
645 the corporation by September 15 of each year a report of its
646 affordable housing programs and accomplishments through June 30
647 immediately preceding submittal of the report. The report shall
648 be certified as accurate and complete by the local government's



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649 chief elected official or his or her designee. Transmittal of
650 the annual report by a county's or eligible municipality's chief
651 elected official, or his or her designee, certifies that the
652 local housing incentive strategies, or, if applicable, the local
653 housing incentive plan, have been implemented or are in the
654 process of being implemented pursuant to the adopted schedule
655 for implementation. The report must include, but is not limited
656 to:

657 (i) A description of efforts to reduce homelessness.

658 (13)

659 (b) If, as a result of its review of the annual report, the
660 corporation determines that a county or eligible municipality
661 has failed to implement a local housing incentive strategy, or,
662 if applicable, a local housing incentive plan, it shall send a
663 notice of termination of the local government's share of the
664 local housing distribution by certified mail to the affected
665 county or eligible municipality.

666 1. The notice must specify a date of termination of the
667 funding if the affected county or eligible municipality does not
668 implement the plan or strategy and provide for a local response.
669 A county or eligible municipality shall respond to the
670 corporation within 30 days after receipt of the notice of
671 termination.

672 2. The corporation shall consider the local response that
673 extenuating circumstances precluded implementation and grant an
674 extension to the timeframe for implementation. Such an extension
675 shall be made in the form of an extension agreement that
676 provides a timeframe for implementation. The chief elected
677 official of a county or eligible municipality or his or her



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678 designee shall have the authority to enter into the agreement on
679 behalf of the local government.

680 3. If the county or the eligible municipality has not
681 implemented the incentive strategy or entered into an extension
682 agreement by the termination date specified in the notice, the
683 local housing distribution share terminates, and any uncommitted
684 local housing distribution funds held by the affected county or
685 eligible municipality in its local housing assistance trust fund
686 shall be transferred to the Local Government Housing Trust Fund
687 to the credit of the corporation to administer.

688 4.a. If the affected local government fails to meet the
689 timeframes specified in the agreement, the corporation shall
690 terminate funds. The corporation shall send a notice of
691 termination of the local government's share of the local housing
692 distribution by certified mail to the affected local government.
693 The notice shall specify the termination date, and any
694 uncommitted funds held by the affected local government shall be
695 transferred to the Local Government Housing Trust Fund to the
696 credit of the corporation to administer.

697 b. If the corporation terminates funds to a county, but an
698 eligible municipality receiving a local housing distribution
699 pursuant to an interlocal agreement maintains compliance with
700 program requirements, the corporation shall thereafter
701 distribute directly to the participating eligible municipality
702 its share calculated in the manner provided in ss. ~~s.~~ 420.9072
703 and 420.9073.

704 c. Any county or eligible municipality whose local
705 distribution share has been terminated may subsequently elect to
706 receive directly its local distribution share by adopting the



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707 ordinance, resolution, and local housing assistance plan in the
708 manner and according to the procedures provided in ss. 420.907-
709 420.9079.

710 Section 11. Subsection (2), paragraph (a) of subsection
711 (4), and paragraph (b) of subsection (7) of section 420.9076,
712 Florida Statutes, are amended to read:

713 420.9076 Adoption of affordable housing incentive
714 strategies; committees.—

715 (2) The governing board of a county or municipality shall
716 appoint the members of the affordable housing advisory committee
717 ~~by resolution~~. Pursuant to the terms of any interlocal
718 agreement, a county and municipality may create and jointly
719 appoint an advisory committee ~~to prepare a joint plan~~. The local
720 action ordinance adopted pursuant to s. 420.9072 which creates
721 the advisory committee and appoints ~~or the resolution appointing~~
722 the advisory committee members must name at least 8 but not more
723 than 11 ~~provide for 11~~ committee members and specify their
724 terms. The committee must consist of one representative from at
725 least six of the categories below ~~include~~:

726 (a) A ~~One~~ citizen who is actively engaged in the
727 residential home building industry in connection with affordable
728 housing.

729 (b) A ~~One~~ citizen who is actively engaged in the banking or
730 mortgage banking industry in connection with affordable housing.

731 (c) A ~~One~~ citizen who is a representative of those areas of
732 labor actively engaged in home building in connection with
733 affordable housing.

734 (d) A ~~One~~ citizen who is actively engaged as an advocate
735 for low-income persons in connection with affordable housing.



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736 (e) A ~~One~~ citizen who is actively engaged as a for-profit
737 provider of affordable housing.

738 (f) A ~~One~~ citizen who is actively engaged as a not-for-
739 profit provider of affordable housing.

740 (g) A ~~One~~ citizen who is actively engaged as a real estate
741 professional in connection with affordable housing.

742 (h) A ~~One~~ citizen who actively serves on the local planning
743 agency pursuant to s. 163.3174. If the local planning agency is
744 comprised of the governing board of the county or municipality,
745 the governing board may appoint a designee who is knowledgeable
746 in the local planning process.

747 (i) A ~~One~~ citizen who resides within the jurisdiction of
748 the local governing body making the appointments.

749 (j) A ~~One~~ citizen who represents employers within the
750 jurisdiction.

751 (k) A ~~One~~ citizen who represents essential services
752 personnel, as defined in the local housing assistance plan.

753
754 ~~If a county or eligible municipality whether due to its small~~
755 ~~size, the presence of a conflict of interest by prospective~~
756 ~~appointees, or other reasonable factor, is unable to appoint a~~
757 ~~citizen actively engaged in these activities in connection with~~
758 ~~affordable housing, a citizen engaged in the activity without~~
759 ~~regard to affordable housing may be appointed. Local governments~~
760 ~~that receive the minimum allocation under the State Housing~~
761 ~~Initiatives Partnership Program may elect to appoint an~~
762 ~~affordable housing advisory committee with fewer than 11~~
763 ~~representatives if they are unable to find representatives who~~
764 ~~meet the criteria of paragraphs (a)-(k).~~



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765 (4) Triennially, the advisory committee shall review the
766 established policies and procedures, ordinances, land
767 development regulations, and adopted local government
768 comprehensive plan of the appointing local government and shall
769 recommend specific actions or initiatives to encourage or
770 facilitate affordable housing while protecting the ability of
771 the property to appreciate in value. The recommendations may
772 include the modification or repeal of existing policies,
773 procedures, ordinances, regulations, or plan provisions; the
774 creation of exceptions applicable to affordable housing; or the
775 adoption of new policies, procedures, regulations, ordinances,
776 or plan provisions, including recommendations to amend the local
777 government comprehensive plan and corresponding regulations,
778 ordinances, and other policies. At a minimum, each advisory
779 committee shall submit a report to the local governing body that
780 includes recommendations on, and triennially thereafter
781 evaluates the implementation of, affordable housing incentives
782 in the following areas:

783 (a) The processing of approvals of development orders or
784 permits, ~~as defined in s. 163.3164,~~ for affordable housing
785 projects is expedited to a greater degree than other projects,
786 as provided in s. 163.3177(6)(f)3.

787
788 The advisory committee recommendations may also include other
789 affordable housing incentives identified by the advisory
790 committee. Local governments that receive the minimum allocation
791 under the State Housing Initiatives Partnership Program shall
792 perform the initial review but may elect to not perform the
793 triennial review.



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794 (7) The governing board of the county or the eligible
795 municipality shall notify the corporation by certified mail of
796 its adoption of an amendment of its local housing assistance
797 plan to incorporate local housing incentive strategies. The
798 notice must include a copy of the approved amended plan.

799 (b) If a county fails to timely adopt an amended local
800 housing assistance plan to incorporate local housing incentive
801 strategies but an eligible municipality receiving a local
802 housing distribution pursuant to an interlocal agreement within
803 the county does timely adopt an amended local housing assistance
804 plan to incorporate local housing incentive strategies, the
805 corporation, after issuance ~~receipt~~ of a notice of termination,
806 shall thereafter distribute directly to the participating
807 eligible municipality its share calculated in the manner
808 provided in s. 420.9073 ~~s. 420.9072~~.

809 Section 12. Section 420.9089, Florida Statutes, is created
810 to read:

811 420.9089 National Housing Trust Fund.—The Legislature finds
812 that more funding for housing to assist individuals and families
813 who are experiencing homelessness or who are at risk of
814 homelessness is needed and encourages the state entity
815 designated to administer funds made available to the state from
816 the National Housing Trust Fund to propose an allocation plan
817 that includes strategies to reduce homelessness and the risk of
818 homelessness in this state. These strategies shall be in
819 addition to strategies developed under s.

820
821 ===== T I T L E A M E N D M E N T =====

822 And the title is amended as follows:



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823 Delete lines 4 - 70
824 and insert:
825 420.503, F.S.; redefining the term "service provider";
826 amending s. 420.507, F.S.; revising the powers that
827 the Florida Housing Finance Corporation may exercise
828 in developing and administering the State Apartment
829 Incentive Loan Program; deleting a specified timeframe
830 in which the corporation may preclude certain
831 applicants or affiliates of an applicant from further
832 participation in any of the corporation's programs;
833 amending s. 420.5087, F.S.; requiring that State
834 Apartment Incentive Loan Program funds be made
835 available through a competitive solicitation process,
836 subject to certain requirements; requiring program
837 funds be made available for use by certain sponsors
838 during the first 6 months of loan or loan guarantee
839 availability, subject to certain requirements;
840 revising requirements related to all state apartment
841 incentive loans, with the exception of certain loans
842 made to housing communities for the elderly; deleting
843 provisions related to the reservation of funds related
844 to certain tenant groups; conforming a cross-
845 reference; amending s. 420.511, F.S.; deleting a
846 requirement that the corporation's business plan and
847 annual report recognize certain fiscal periods;
848 amending s. 420.622, F.S.; requiring that the State
849 Office on Homelessness coordinate among certain
850 agencies and providers to produce a statewide
851 consolidated inventory for the state's entire system



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852 of homeless programs which incorporates regionally
853 developed plans; directing the office to create a task
854 force to make recommendations regarding the
855 implementation of a statewide Homeless Management
856 Information System (HMIS), subject to certain
857 requirements; requiring the task force to include in
858 its recommendations the development of a statewide,
859 centralized coordinated assessment system; requiring
860 the task force to submit a report to the Council on
861 Homelessness by a specified date; deleting the
862 requirement that the Council on Homelessness explore
863 the potential of creating a statewide Homeless
864 Management Information System and encourage future
865 participation of certain award or grant recipients;
866 requiring the State Office on Homelessness to accept
867 and administer moneys appropriated to it to provide
868 annual Challenge Grants to certain lead agencies of
869 homeless assistance continuums of care; removing the
870 requirement that levels of grant awards be based upon
871 the total population within the continuum of care
872 catchment area and reflect the differing degrees of
873 homelessness in the respective areas; allowing
874 expenditures of leveraged funds or resources only for
875 eligible activities, subject to certain requirements;
876 requiring the State Office on Homelessness, in
877 conjunction with the Council on Homelessness, to
878 establish specific objectives by which it may evaluate
879 the outcomes of certain lead agencies; requiring that
880 any funding through the State Office on Homelessness



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881 be distributed to lead agencies based on their
882 performance and achievement of specified objectives;
883 revising the factors that may be included as criteria
884 for evaluating the performance of lead agencies;
885 amending s. 420.624, F.S.; revising requirements for
886 the local homeless assistance continuum of care plan;
887 providing that the components of a continuum of care
888 plan should include Rapid ReHousing; requiring that
889 specified components of a continuum of care plan be
890 coordinated and integrated with other specified
891 services and programs; creating s. 420.6265, F.S.;
892 providing legislative findings and intent relating to
893 Rapid ReHousing; providing a Rapid ReHousing
894 methodology; amending s. 420.9071, F.S.; redefining
895 the terms "local housing incentive strategies" and
896 "rent subsidies"; conforming a cross-reference;
897 amending s. 420.9072, F.S.; increasing the number of
898 days within which a review committee is required to
899 review a local housing assistance plan or plan
900 revision after receiving it; prohibiting a county or
901 an eligible municipality from expending its portion of
902 the local housing distribution to provide ongoing rent
903 subsidies; specifying exceptions; amending s.
904 420.9075, F.S.; providing that a certain partnership
905 process of the State Housing Initiatives Partnership
906 Program should involve lead agencies of local homeless
907 assistance continuums of care; encouraging counties
908 and eligible municipalities to develop a strategy
909 within their local housing assistance plans which



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910 provides program funds for reducing homelessness;
911 revising criteria and administrative procedures
912 governing each local housing assistance plan; revising
913 the criteria that apply to awards made to sponsors or
914 persons for the purpose of providing housing;
915 requiring that a specified report submitted by
916 counties and municipalities include a description of
917 efforts to reduce homelessness; revising the manner in
918 which a certain share that the corporation distributes
919 directly to a participating eligible municipality is
920 calculated; conforming cross-references; amending s.
921 420.9076, F.S.; revising requirements related to the
922 creation and appointment of members of affordable
923 housing advisory committees; revising requirements
924 related to a report submitted by each advisory
925 committee to the local governing body on affordable
926 housing incentives; requiring the corporation, after
927 issuance of a notice of termination, to distribute
928 directly to a participating eligible municipality a
929 county's share under certain circumstances calculated
930 in a specified manner; creating s. 420.9089, F.S.;

By Senator Simmons

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1
2 A bill to be entitled
3 An act relating to housing assistance; amending s.
4 420.5087, F.S.; revising the reservation of funds
5 within each notice of fund availability to specified
6 tenant groups; amending s. 420.622, F.S.; requiring
7 that the State Office on Homelessness coordinate among
8 certain agencies and providers to produce a statewide
9 consolidated inventory for the state's entire system
10 of homeless programs which incorporates regionally
11 developed plans; directing the office to create a task
12 force to make recommendations regarding the
13 implementation of a statewide Homeless Management
14 Information System (HMIS), subject to certain
15 requirements; requiring the task force to include in
16 its recommendations the development of a statewide,
17 centralized coordinated assessment system; requiring
18 the task force to submit a report to the Council on
19 Homelessness by a specified date; deleting the
20 requirement that the Council on Homelessness explore
21 the potential of creating a statewide Homeless
22 Management Information System and encourage future
23 participation of certain award or grant recipients;
24 requiring the State Office on Homelessness to accept
25 and administer moneys appropriated to it to provide
26 annual Challenge Grants to certain lead agencies of
27 homeless assistance continuums of care; removing the
28 requirement that levels of grant awards be based upon
29 the total population within the continuum of care
30 catchment area and reflect the differing degrees of
31 homelessness in the respective areas; allowing
32 expenditures of leveraged funds or resources only for

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33 eligible activities, subject to certain requirements;
34 requiring the State Office on Homelessness, in
35 conjunction with the Council on Homelessness, to
36 establish specific objectives by which it may evaluate
37 the outcomes of certain lead agencies; requiring that
38 any funding through the State Office on Homelessness
39 be distributed to lead agencies based on their
40 performance and achievement of specified objectives;
41 revising the factors that may be included as criteria
42 for evaluating the performance of lead agencies;
43 amending s. 420.624, F.S.; revising requirements for
44 the local homeless assistance continuum of care plan;
45 providing that the components of a continuum of care
46 plan should include Rapid ReHousing; requiring that
47 specified components of a continuum of care plan be
48 coordinated and integrated with other specified
49 services and programs; creating s. 420.6265, F.S.;
50 providing legislative findings and intent relating to
51 Rapid ReHousing; providing a Rapid ReHousing
52 methodology; amending s. 420.9071, F.S.; conforming a
53 provision to changes made by the act; redefining the
54 term "rent subsidies"; amending s. 420.9072, F.S.;
55 prohibiting a county or an eligible municipality from
56 expending its portion of the local housing
57 distribution to provide ongoing rent subsidies;
58 specifying exceptions; amending s. 420.9075, F.S.;
59 providing that a certain partnership process of the
60 State Housing Initiatives Partnership Program should
61 involve lead agencies of local homeless assistance

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62 continuum of care; encouraging counties and eligible
63 municipalities to develop a strategy within their
64 local housing assistance plans which provides program
65 funds for reducing homelessness; revising the criteria
66 that apply to awards made to sponsors or persons for
67 the purpose of providing housing; requiring that a
68 specified report submitted by counties and
69 municipalities include a description of efforts to
70 reduce homelessness; creating s. 420.9089, F.S.;
71 providing legislative findings and intent; amending s.
72 421.04, F.S.; prohibiting a housing authority from
73 applying to the Federal Government to seize projects,
74 units, or vouchers of another established housing
75 authority; amending s. 421.05, F.S.; exempting
76 authorities from s. 215.425, F.S.; amending s.
77 421.091, F.S.; requiring a full financial accounting
78 and audit of public housing agencies to be submitted
79 to the Federal Government pursuant to certain
80 requirements; exempting housing authorities from
81 specified reporting requirements; providing an
82 effective date.

83

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

85

86 Section 1. Subsection (3) of section 420.5087, Florida
87 Statutes, is amended to read:

88 420.5087 State Apartment Incentive Loan Program.—There is
89 hereby created the State Apartment Incentive Loan Program for
90 the purpose of providing first, second, or other subordinated

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91 mortgage loans or loan guarantees to sponsors, including for-
92 profit, nonprofit, and public entities, to provide housing
93 affordable to very-low-income persons.

94 (3) During the first 6 months of loan or loan guarantee
95 availability, program funds shall be reserved for use by
96 sponsors who provide the housing set-aside required in
97 subsection (2) for the tenant groups designated in this
98 subsection. The reservation of funds to each of these groups
99 shall be determined using the most recent statewide very-low-
100 income rental housing market study available at the time of
101 publication of each notice of fund availability required by
102 paragraph (6) (b). The reservation of funds within each notice of
103 fund availability to the tenant groups in paragraphs (b)-(e)
104 ~~(a), (b), and (c)~~ may not be less than 10 percent of the funds
105 available at that time. Any increase in funding required to
106 reach the 10-percent minimum must be taken from the tenant group
107 that has the largest reservation. The reservation of funds
108 within each notice of fund availability to the tenant group in
109 paragraph (a) ~~(e)~~ may not be less than 5 percent of the funds
110 available at that time. ~~The reservation of funds within each~~
111 ~~notice of fund availability to the tenant group in paragraph (d)~~
112 ~~may not be more than 10 percent of the funds available at that~~
113 ~~time.~~ The tenant groups are:

114 (a) Commercial fishing workers and farmworkers;

115 (b) Families;

116 (c) Persons who are homeless;

117 (d) Persons with special needs; and

118 (e) Elderly persons. Ten percent of the amount reserved for
119 the elderly shall be reserved to provide loans to sponsors of

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120 housing for the elderly for the purpose of making building
121 preservation, health, or sanitation repairs or improvements
122 which are required by federal, state, or local regulation or
123 code, or lifesafety or security-related repairs or improvements
124 to such housing. Such a loan may not exceed \$750,000 per housing
125 community for the elderly. In order to receive the loan, the
126 sponsor of the housing community must make a commitment to match
127 at least 5 percent of the loan amount to pay the cost of such
128 repair or improvement. The corporation shall establish the rate
129 of interest on the loan, which may not exceed 3 percent, and the
130 term of the loan, which may not exceed 15 years; however, if the
131 lien of the corporation's encumbrance is subordinate to the lien
132 of another mortgagee, then the term may be made coterminous with
133 the longest term of the superior lien. The term of the loan
134 shall be based on a credit analysis of the applicant. The
135 corporation may forgive indebtedness for a share of the loan
136 attributable to the units in a project reserved for extremely-
137 low-income elderly by nonprofit organizations, as defined in s.
138 420.0004(5), if ~~where~~ the project has provided affordable
139 housing to the elderly for 15 years or more. The corporation
140 shall establish, by rule, the procedure and criteria for
141 receiving, evaluating, and competitively ranking all
142 applications for loans under this paragraph. A loan application
143 must include evidence of the first mortgagee's having reviewed
144 and approved the sponsor's intent to apply for a loan. A
145 nonprofit organization or sponsor may not use the proceeds of
146 the loan to pay for administrative costs, routine maintenance,
147 or new construction.

148 Section 2. Paragraphs (a) and (b) of subsection (3) and

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149 subsections (4), (5), and (6) of section 420.622, Florida
150 Statutes, are amended to read:

151 420.622 State Office on Homelessness; Council on
152 Homelessness.—

153 (3) The State Office on Homelessness, pursuant to the
154 policies set by the council and subject to the availability of
155 funding, shall:

156 (a) Coordinate among state, local, and private agencies and
157 providers to produce a statewide consolidated inventory ~~program~~
158 ~~and financial plan~~ for the state's entire system of homeless
159 programs which incorporates regionally developed plans. Such
160 programs include, but are not limited to:

161 1. Programs authorized under the Stewart B. McKinney
162 Homeless Assistance Act of 1987, 42 U.S.C. ss. 11371 et seq.,
163 and carried out under funds awarded to this state; and

164 2. Programs, components thereof, or activities that assist
165 persons who are homeless or at risk for homelessness.

166 (b) Collect, maintain, and make available information
167 concerning persons who are homeless or at risk for homelessness,
168 including demographics information, current services and
169 resources available, the cost and availability of services and
170 programs, and the met and unmet needs of this population. All
171 entities that receive state funding must provide access to all
172 data they maintain in summary form, with no individual
173 identifying information, to assist the council in providing this
174 information. The State Office on Homelessness shall establish a
175 task force to make recommendations regarding the implementation
176 of a statewide Homeless Management Information System (HMIS).
177 The task force shall define the conceptual framework of such a

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178 system; study existing statewide HMIS models; establish an
179 inventory of local HMIS systems, including providers and license
180 capacity; examine the aggregated reporting being provided by
181 local continuums of care; complete an analysis of current
182 continuum of care resources; and provide recommendations on the
183 costs and benefits of implementing a statewide HMIS. The task
184 force shall also make recommendations regarding the development
185 of a statewide, centralized coordinated assessment system in
186 conjunction with the implementation of a statewide HMIS. The
187 task force findings must be reported to the Council on
188 Homelessness no later than December 31, 2016. ~~The council shall~~
189 ~~explore the potential of creating a statewide Management~~
190 ~~Information System (MIS), encouraging the future participation~~
191 ~~of any bodies that are receiving awards or grants from the~~
192 ~~state, if such a system were adopted, enacted, and accepted by~~
193 ~~the state.~~

194 (4) The State Office on Homelessness, with the concurrence
195 of the Council on Homelessness, shall ~~may~~ accept and administer
196 moneys appropriated to it to provide annual "Challenge Grants"
197 to lead agencies of homeless assistance continuums of care
198 designated by the State Office on Homelessness pursuant to s.
199 420.624. The department shall establish varying levels of grant
200 awards up to \$500,000 per lead agency. ~~Award levels shall be~~
201 ~~based upon the total population within the continuum of care~~
202 ~~catchment area and reflect the differing degrees of homelessness~~
203 ~~in the catchment planning areas.~~ The department, in consultation
204 with the Council on Homelessness, shall specify a grant award
205 level in the notice of the solicitation of grant applications.

206 (a) To qualify for the grant, a lead agency must develop

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207 and implement a local homeless assistance continuum of care plan
208 for its designated catchment area. The continuum of care plan
209 must implement a coordinated assessment or central intake system
210 to screen, assess, and refer persons seeking assistance to the
211 appropriate service provider. The lead agency shall also
212 document the commitment of local government and private
213 organizations to provide matching funds or in-kind support in an
214 amount equal to the grant requested. Expenditures of leveraged
215 funds or resources, including third-party cash or in-kind
216 contributions, are permitted only for eligible activities
217 committed on one project which have not been used as leverage or
218 match for any other project or program and must be certified
219 through a written commitment.

220 (b) Preference must be given to those lead agencies that
221 have demonstrated the ability of their continuum of care to
222 provide quality services to homeless persons and the ability to
223 leverage federal homeless-assistance funding under the Stewart
224 B. McKinney Act and private funding for the provision of
225 services to homeless persons.

226 (c) Preference must be given to lead agencies in catchment
227 areas with the greatest need for the provision of housing and
228 services to the homeless, relative to the population of the
229 catchment area.

230 (d) The grant may be used to fund any of the housing,
231 program, or service needs included in the local homeless
232 assistance continuum of care plan. The lead agency may allocate
233 the grant to programs, services, or housing providers that
234 implement the local homeless assistance continuum care plan. The
235 lead agency may provide subgrants to a local agency to implement

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236 programs or services or provide housing identified for funding
237 in the lead agency's application to the department. A lead
238 agency may spend a maximum of 8 percent of its funding on
239 administrative costs.

240 (e) The lead agency shall submit a final report to the
241 department documenting the outcomes achieved by the grant in
242 enabling persons who are homeless to return to permanent housing
243 thereby ending such person's episode of homelessness.

244 (5) The State Office on Homelessness, with the concurrence
245 of the Council on Homelessness, may administer moneys
246 appropriated to it to provide homeless housing assistance grants
247 annually to lead agencies for local homeless assistance
248 continuum of care, as recognized by the State Office on
249 Homelessness, to acquire, construct, or rehabilitate
250 transitional or permanent housing units for homeless persons.
251 These moneys shall consist of any sums that the state may
252 appropriate, as well as money received from donations, gifts,
253 bequests, or otherwise from any public or private source, which
254 are intended to acquire, construct, or rehabilitate transitional
255 or permanent housing units for homeless persons.

256 (a) Grant applicants shall be ranked competitively.
257 Preference must be given to applicants who leverage additional
258 private funds and public funds, particularly federal funds
259 designated for the acquisition, construction, or rehabilitation
260 of transitional or permanent housing for homeless persons; who
261 acquire, build, or rehabilitate the greatest number of units; or
262 ~~and~~ who acquire, build, or rehabilitate in catchment areas
263 having the greatest need for housing for the homeless relative
264 to the population of the catchment area.

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265 (b) Funding for any particular project may not exceed
266 \$750,000.

267 (c) Projects must reserve, for a minimum of 10 years, the
268 number of units acquired, constructed, or rehabilitated through
269 homeless housing assistance grant funding to serve persons who
270 are homeless at the time they assume tenancy.

271 (d) No more than two grants may be awarded annually in any
272 given local homeless assistance continuum of care catchment
273 area.

274 (e) A project may not be funded which is not included in
275 the local homeless assistance continuum of care plan, as
276 recognized by the State Office on Homelessness, for the
277 catchment area in which the project is located.

278 (f) The maximum percentage of funds that the State Office
279 on Homelessness and each applicant may spend on administrative
280 costs is 5 percent.

281 (6) The State Office on Homelessness, in conjunction with
282 the Council on Homelessness, shall establish performance
283 measures and specific objectives by which it may ~~to~~ evaluate the
284 effective performance and outcomes of lead agencies that receive
285 grant funds. Any funding through the State Office on
286 Homelessness shall be distributed to lead agencies based on
287 their overall performance and their achievement of specified
288 objectives. Each lead agency for which grants are made under
289 this section shall provide the State Office on Homelessness a
290 thorough evaluation of the effectiveness of the program in
291 achieving its stated purpose. In evaluating the performance of
292 the lead agencies, the State Office on Homelessness shall base
293 its criteria upon the program objectives, goals, and priorities

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294 that were set forth by the lead agencies in their proposals for
295 funding. Such criteria may include, but not be limited to, the
296 number of persons or households that are no longer homeless, the
297 rate of recidivism to homelessness, and the number of persons
298 who obtain gainful employment ~~homeless individuals provided~~
299 ~~shelter, food, counseling, and job training.~~

300 Section 3. Subsections (3), (7), and (8) of section
301 420.624, Florida Statutes, are amended to read:

302 420.624 Local homeless assistance continuum of care.—

303 (3) Communities or regions seeking to implement a local
304 homeless assistance continuum of care are encouraged to develop
305 and annually update a written plan that includes a vision for
306 the continuum of care, an assessment of the supply of and demand
307 for housing and services for the homeless population, and
308 specific strategies and processes for providing the components
309 of the continuum of care. The State Office on Homelessness, in
310 conjunction with the Council on Homelessness, shall include in
311 the plan a methodology for assessing performance and outcomes.
312 The State Office on Homelessness shall supply a standardized
313 format for written plans, including the reporting of data.

314 (7) The components of a continuum of care plan should
315 include:

316 (a) Outreach, intake, and assessment procedures in order to
317 identify the service and housing needs of an individual or
318 family and to link them with appropriate housing, services,
319 resources, and opportunities;

320 (b) Emergency shelter, in order to provide a safe, decent
321 alternative to living in the streets;

322 (c) Transitional housing;

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323 (d) Supportive services, designed to assist with the
324 development of the skills necessary to secure and retain
325 permanent housing;

326 (e) Permanent supportive housing;

327 (f) Rapid ReHousing, as specified in s. 420.6265;

328 (g)~~(f)~~ Permanent housing;

329 (h)~~(g)~~ Linkages and referral mechanisms among all
330 components to facilitate the movement of individuals and
331 families toward permanent housing and self-sufficiency;

332 (i)~~(h)~~ Services and resources to prevent housed persons
333 from becoming or returning to homelessness; and

334 (j)~~(i)~~ An ongoing planning mechanism to address the needs
335 of all subgroups of the homeless population, including but not
336 limited to:

- 337 1. Single adult males;
- 338 2. Single adult females;
- 339 3. Families with children;
- 340 4. Families with no children;
- 341 5. Unaccompanied children and youth;
- 342 6. Elderly persons;
- 343 7. Persons with drug or alcohol addictions;
- 344 8. Persons with mental illness;
- 345 9. Persons with dual or multiple physical or mental
346 disorders;
- 347 10. Victims of domestic violence; and
- 348 11. Persons living with HIV/AIDS.

349 (8) Continuum of care plans must promote participation by
350 all interested individuals and organizations and may not exclude
351 individuals and organizations on the basis of race, color,

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352 national origin, sex, handicap, familial status, or religion.
353 Faith-based organizations must be encouraged to participate. To
354 the extent possible, these components must ~~should~~ be coordinated
355 and integrated with other mainstream health, social services,
356 and employment programs for which homeless populations may be
357 eligible, including Medicaid, State Children's Health Insurance
358 Program, Temporary Assistance for Needy Families, Food
359 Assistance Program, and services funded through the Mental
360 Health and Substance Abuse Block Grant, the Workforce Investment
361 Act, and the welfare-to-work grant program.

362 Section 4. Section 420.6265, Florida Statutes, is created
363 to read:

364 420.6265 Rapid ReHousing.-

365 (1) LEGISLATIVE FINDINGS AND INTENT.-

366 (a) The Legislature finds that Rapid ReHousing is a
367 strategy of using temporary financial assistance and case
368 management to quickly move an individual or family out of
369 homelessness and into permanent housing.

370 (b) The Legislature also finds that public and private
371 solutions to homelessness in the past have focused on providing
372 individuals and families who are experiencing homelessness with
373 emergency shelter, transitional housing, or a combination of
374 both. While emergency shelter and transitional housing programs
375 may provide critical access to services for individuals and
376 families in crisis, the programs often fail to address their
377 long-term needs.

378 (c) The Legislature further finds that most households
379 become homeless as a result of a financial crisis that prevents
380 individuals and families from paying rent or a domestic conflict

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381 that results in one member being ejected or leaving without
382 resources or a plan for housing.

383 (d) The Legislature further finds that Rapid ReHousing is
384 an alternative approach to the current system of emergency
385 shelter or transitional housing which tends to reduce the length
386 of time a person is homeless and has proven to be cost
387 effective.

388 (e) It is therefore the intent of the Legislature to
389 encourage homeless continuums of care to adopt the Rapid
390 ReHousing approach to preventing homelessness for individuals
391 and families who do not require the intense level of supports
392 provided in the permanent supportive housing model.

393 (2) RAPID REHOUSING METHODOLOGY.—

394 (a) The Rapid ReHousing response to homelessness differs
395 from traditional approaches to addressing homelessness by
396 focusing on each individual's or family's barriers to housing.
397 By using this approach, communities can significantly reduce the
398 amount of time that individuals and families are homeless and
399 prevent further episodes of homelessness.

400 (b) In Rapid ReHousing, an individual or family is
401 identified as being homeless, temporary assistance is provided
402 to allow the individual or family to obtain permanent housing as
403 quickly as possible, and, if needed, assistance is provided to
404 allow the individual or family to retain housing.

405 (c) The objective of Rapid ReHousing is to provide
406 assistance for as short a term as possible so that the
407 individual or family receiving assistance does not develop a
408 dependency on the assistance.

409 Section 5. Subsections (25) and (26) of section 420.9071,

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410 Florida Statutes, are amended to read:

411 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
412 term:

413 (25) "Recaptured funds" means funds that are recouped by a
414 county or eligible municipality in accordance with the recapture
415 provisions of its local housing assistance plan pursuant to s.
416 420.9075(5)(i) ~~s. 420.9075(5)(h)~~ from eligible persons or
417 eligible sponsors, which funds were not used for assistance to
418 an eligible household for an eligible activity, when there is a
419 default on the terms of a grant award or loan award.

420 (26) "Rent subsidies" means ongoing monthly rental
421 assistance. ~~The term does not include initial assistance to~~
422 ~~tenants, such as grants or loans for security and utility~~
423 ~~deposits.~~

424 Section 6. Subsection (7) of section 420.9072, Florida
425 Statutes, is amended, present subsections (8) and (9) of that
426 section are redesignated as subsections (9) and (10),
427 respectively, and a new subsection (8) is added to that section,
428 to read:

429 420.9072 State Housing Initiatives Partnership Program.—The
430 State Housing Initiatives Partnership Program is created for the
431 purpose of providing funds to counties and eligible
432 municipalities as an incentive for the creation of local housing
433 partnerships, to expand production of and preserve affordable
434 housing, to further the housing element of the local government
435 comprehensive plan specific to affordable housing, and to
436 increase housing-related employment.

437 (7) A county or an eligible municipality must expend its
438 portion of the local housing distribution only to implement a

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439 local housing assistance plan or as provided in this subsection.
440 ~~A county or an eligible municipality may not expend its portion~~
441 ~~of the local housing distribution to provide rent subsidies;~~
442 ~~however, this does not prohibit the use of funds for security~~
443 ~~and utility deposit assistance.~~

444 (8) A county or an eligible municipality may not expend its
445 portion of the local housing distribution to provide ongoing
446 rent subsidies, except for:

447 (a) Security and utility deposit assistance.

448 (b) Eviction prevention not to exceed 6 months' rent.

449 (c) A rent subsidy program for very-low-income households
450 with at least one adult who is a person with special needs as
451 defined in s. 420.0004 or homeless as defined in s. 420.621. The
452 period of rental assistance may not exceed 12 months for any
453 eligible household.

454 Section 7. Paragraph (a) of subsection (2) of section
455 420.9075, Florida Statutes, is amended, paragraph (f) is added
456 to subsection (3) of that section, subsection (5) of that
457 section is amended, and paragraph (i) is added to subsection
458 (10) of that section, to read:

459 420.9075 Local housing assistance plans; partnerships.-

460 (2) (a) Each county and each eligible municipality
461 participating in the State Housing Initiatives Partnership
462 Program shall encourage the involvement of appropriate public
463 sector and private sector entities as partners in order to
464 combine resources to reduce housing costs for the targeted
465 population. This partnership process should involve:

466 1. Lending institutions.

467 2. Housing builders and developers.

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468 3. Nonprofit and other community-based housing and service
469 organizations.

470 4. Providers of professional services relating to
471 affordable housing.

472 5. Advocates for low-income persons, including, but not
473 limited to, homeless people, the elderly, and migrant
474 farmworkers.

475 6. Real estate professionals.

476 7. Other persons or entities who can assist in providing
477 housing or related support services.

478 8. Lead agencies of local homeless assistance continuums of
479 care.

480 (3)

481 (f) Each county and each eligible municipality is
482 encouraged to develop a strategy within its local housing
483 assistance plan which provides program funds for reducing
484 homelessness.

485 (5) The following criteria apply to awards made to eligible
486 sponsors or eligible persons for the purpose of providing
487 eligible housing:

488 (a) At least 65 percent of the funds made available in each
489 county and eligible municipality from the local housing
490 distribution must be reserved for home ownership for eligible
491 persons.

492 (b) Up to 25 percent of the funds made available in each
493 county and eligible municipality from the local housing
494 distribution may be reserved for rental housing for eligible
495 persons or for the purposes enumerated in s. 420.9072(8).

496 (c) ~~(b)~~ At least 75 percent of the funds made available in

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497 each county and eligible municipality from the local housing
498 distribution must be reserved for construction, rehabilitation,
499 or emergency repair of affordable, eligible housing.

500 (d)~~(e)~~ Not more than 20 percent of the funds made available
501 in each county and eligible municipality from the local housing
502 distribution may be used for manufactured housing.

503 (e)~~(d)~~ The sales price or value of new or existing eligible
504 housing may not exceed 90 percent of the average area purchase
505 price in the statistical area in which the eligible housing is
506 located. Such average area purchase price may be that calculated
507 for any 12-month period beginning not earlier than the fourth
508 calendar year before ~~prior to~~ the year in which the award occurs
509 or as otherwise established by the United States Department of
510 the Treasury.

511 (f)~~(e)~~1. All units constructed, rehabilitated, or otherwise
512 assisted with the funds provided from the local housing
513 assistance trust fund must be occupied by very-low-income
514 persons, low-income persons, and moderate-income persons except
515 as otherwise provided in this section.

516 2. At least 30 percent of the funds deposited into the
517 local housing assistance trust fund must be reserved for awards
518 to very-low-income persons or eligible sponsors who will serve
519 very-low-income persons and at least an additional 30 percent of
520 the funds deposited into the local housing assistance trust fund
521 must be reserved for awards to low-income persons or eligible
522 sponsors who will serve low-income persons. This subparagraph
523 does not apply to a county or an eligible municipality that
524 includes, or has included within the previous 5 years, an area
525 of critical state concern designated or ratified by the

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526 Legislature for which the Legislature has declared its intent to
527 provide affordable housing. The exemption created by this act
528 expires on July 1, 2013, and shall apply retroactively.

529 (g)~~(f)~~ Loans shall be provided for periods not exceeding 30
530 years, except for deferred payment loans or loans that extend
531 beyond 30 years which continue to serve eligible persons.

532 (h)~~(g)~~ Loans or grants for eligible rental housing
533 constructed, rehabilitated, or otherwise assisted from the local
534 housing assistance trust fund must be subject to recapture
535 requirements as provided by the county or eligible municipality
536 in its local housing assistance plan unless reserved for
537 eligible persons for 15 years or the term of the assistance,
538 whichever period is longer. Eligible sponsors that offer rental
539 housing for sale before 15 years or that have remaining
540 mortgages funded under this program must give a first right of
541 refusal to eligible nonprofit organizations for purchase at the
542 current market value for continued occupancy by eligible
543 persons.

544 (i)~~(h)~~ Loans or grants for eligible owner-occupied housing
545 constructed, rehabilitated, or otherwise assisted from proceeds
546 provided from the local housing assistance trust fund shall be
547 subject to recapture requirements as provided by the county or
548 eligible municipality in its local housing assistance plan.

549 (j)~~(i)~~ The total amount of monthly mortgage payments or the
550 amount of monthly rent charged by the eligible sponsor or her or
551 his designee must be made affordable.

552 (k)~~(j)~~ The maximum sales price or value per unit and the
553 maximum award per unit for eligible housing benefiting from
554 awards made pursuant to this section must be established in the

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555 local housing assistance plan.

556 (l) ~~(k)~~ The benefit of assistance provided through the State
557 Housing Initiatives Partnership Program must accrue to eligible
558 persons occupying eligible housing. This provision shall not be
559 construed to prohibit use of the local housing distribution
560 funds for a mixed income rental development.

561 (m) ~~(l)~~ Funds from the local housing distribution not used
562 to meet the criteria established in paragraph (a) or paragraph
563 (c) ~~(b)~~ or not used for the administration of a local housing
564 assistance plan must be used for housing production and finance
565 activities, including, but not limited to, financing
566 preconstruction activities or the purchase of existing units,
567 providing rental housing, and providing home ownership training
568 to prospective home buyers and owners of homes assisted through
569 the local housing assistance plan.

570 1. Notwithstanding ~~the provisions of~~ paragraphs (a) and (c)
571 ~~(b)~~, program income as defined in s. 420.9071(24) may also be
572 used to fund activities described in this paragraph.

573 2. When preconstruction due-diligence activities conducted
574 as part of a preservation strategy show that preservation of the
575 units is not feasible and will not result in the production of
576 an eligible unit, such costs shall be deemed a program expense
577 rather than an administrative expense if such program expenses
578 do not exceed 3 percent of the annual local housing
579 distribution.

580 3. If both an award under the local housing assistance plan
581 and federal low-income housing tax credits are used to assist a
582 project and there is a conflict between the criteria prescribed
583 in this subsection and the requirements of s. 42 of the Internal

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584 Revenue Code of 1986, as amended, the county or eligible
585 municipality may resolve the conflict by giving precedence to
586 the requirements of s. 42 of the Internal Revenue Code of 1986,
587 as amended, in lieu of following the criteria prescribed in this
588 subsection with the exception of paragraphs (a) and (f) ~~(e)~~ of
589 this subsection.

590 4. Each county and each eligible municipality may award
591 funds as a grant for construction, rehabilitation, or repair as
592 part of disaster recovery or emergency repairs or to remedy
593 accessibility or health and safety deficiencies. Any other
594 grants must be approved as part of the local housing assistance
595 plan.

596 (10) Each county or eligible municipality shall submit to
597 the corporation by September 15 of each year a report of its
598 affordable housing programs and accomplishments through June 30
599 immediately preceding submittal of the report. The report shall
600 be certified as accurate and complete by the local government's
601 chief elected official or his or her designee. Transmittal of
602 the annual report by a county's or eligible municipality's chief
603 elected official, or his or her designee, certifies that the
604 local housing incentive strategies, or, if applicable, the local
605 housing incentive plan, have been implemented or are in the
606 process of being implemented pursuant to the adopted schedule
607 for implementation. The report must include, but is not limited
608 to:

609 (i) A description of efforts to reduce homelessness.

610 Section 8. Section 420.9089, Florida Statutes, is created
611 to read:

612 420.9089 National Housing Trust Fund.—The Legislature finds

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613 that more funding for housing to assist the homeless is needed
614 and encourages the state entity designated to administer funds
615 made available to the state from the National Housing Trust Fund
616 to propose an allocation plan that includes strategies to reduce
617 homelessness in this state. These strategies to address
618 homelessness shall be in addition to strategies under s.
619 420.5087.

620 Section 9. Subsection (4) is added to section 421.04,
621 Florida Statutes, to read:

622 421.04 Creation of housing authorities.—

623 (4) Regardless of the date of its creation, a housing
624 authority may not apply to the Federal Government to seize any
625 projects, units, or vouchers of another established housing
626 authority, irrespective of each housing authority's areas of
627 operation.

628 Section 10. Subsection (2) of section 421.05, Florida
629 Statutes, is amended to read:

630 421.05 Appointment, qualifications, and tenure of
631 commissioners; hiring of employees.—

632 (2) The powers of each authority shall be vested in the
633 commissioners thereof in office from time to time. A majority of
634 the commissioners shall constitute a quorum of the authority for
635 the purpose of conducting its business and exercising its powers
636 and for all other purposes. Action may be taken by the authority
637 upon a vote of a majority of the commissioners present, unless
638 in any case the bylaws of the authority require a larger number.
639 The mayor with the concurrence of the governing body shall
640 designate ~~which of the commissioners appointed shall be the~~
641 first chair from among the appointed commissioners, but when the

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642 office of the chair of the authority thereafter becomes vacant,
643 the authority shall select a chair from among the ~~its~~
644 commissioners. An authority shall also select from among the ~~its~~
645 commissioners a vice chair, ~~and~~ and it may employ a secretary, who
646 shall be the executive director, technical experts, and such
647 other officers, agents, and employees, permanent and temporary,
648 as it may require and shall determine their qualifications,
649 duties, and compensation. Accordingly, authorities are exempt
650 from s. 215.425. ~~For such legal services as it may require,~~ An
651 authority may call upon the chief law officer of the city or may
652 employ its own counsel and legal staff for legal services. An
653 authority may delegate to one or more of its agents or employees
654 such powers or duties as it may deem proper.

655 Section 11. Subsection (1) of section 421.091, Florida
656 Statutes, is amended to read:

657 421.091 Financial accounting and investments; fiscal year.-

658 (1) A complete and full financial accounting and audit in
659 accordance with federal audit standards of public housing
660 agencies shall be made biennially by a certified public
661 accountant and submitted to the Federal Government in accordance
662 with its policies. Housing authorities are otherwise exempt from
663 the reporting requirements of s. 218.32. ~~A copy of such audit~~
664 ~~shall be filed with the governing body and with the Auditor~~
665 ~~General.~~

666 Section 12. This act shall take effect July 1, 2016.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1544

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Clemens and others

SUBJECT: Natural Hazards

DATE: February 10, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1544 creates an interagency workgroup to address the impacts of natural hazards in this state. Natural hazards are defined to include, but are not limited to, extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The natural hazards interagency workgroup is comprised of a liaison from each agency within the executive branch of state government, each water management district, and the Florida Public Service Commission. The director of the Florida Division of Emergency Management (FDEM), or his or her designee, will serve as both the agency liaison and the coordinator of the workgroup.

The FDEM is responsible for preparing an annual progress report on the implementation of the state's hazard mitigation plan as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2018 and each year thereafter. Each liaison is responsible for ensuring that the workgroup's annual report is posted to their respective agency's website.

The bill has an indeterminate, but expected to be minimal, fiscal impact to state government.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Natural Disasters in Florida

Since 1980, the United States has been affected by 151 weather/climate disasters that resulted in over \$1 billion in damages for each event, costing U.S. taxpayers in excess of \$1 trillion in total damages.¹ Seventeen of those billion dollar disasters were hurricanes or severe flooding events that impacted Florida, causing 2,740 deaths and \$321.5 billion in damages in affected states.² Florida has received 24 major disaster declarations since 2000 and of those 9 were hurricanes, 9 were for severe weather and flooding, 5 were tropical storms, and 1 was for a severe freeze.³

Florida Division of Emergency Management

Florida's Division of Emergency Management (FDEM) administers programs to rapidly apply all available aid to impacted communities stricken by emergency.⁴ The FDEM is responsible for maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. In doing so, the FDEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.⁵

Bureau of Mitigation

Mitigation is the effort to create safer communities by reducing loss of life and property, enabling individuals to recover more rapidly from floods and other disasters, and lessening the financial impacts to local, state, and federal governments.⁶

The FDEM Bureau of Mitigation administers several federal mitigation grant programs, including the Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, Flood Mitigation Assistance Program, Severe Repetitive Loss Program, and the Repetitive Flood Claims Program. The Bureau also administers the Residential Construction Mitigation Program, which is a state mitigation grant program.⁷ Mitigation activities funded by these grants have been successful in avoiding flood losses, reducing the need for public sheltering, and reducing the cost of disaster response and recovery.⁸ Examples of mitigation efforts include elevating or relocating

¹ National Oceanic and Atmospheric Administration, *U.S. Billion-Dollar Weather and Climate Disasters 1980-2015*, available at <http://www.ncdc.noaa.gov/billions/events.pdf> (last visited Jan. 28, 2016).

² *Id.*

³ Federal Emergency Management Agency, *Disaster Declarations*, available at https://www.fema.gov/disasters?field_state_tid_selective=47&field_disaster_type_term_tid=All&field_disaster_declaration_type_value=All&items_per_page=20 (last visited Jan. 28, 2016).

⁴ Section 14.2016, F.S.

⁵ Section 252.35(1), F.S.

⁶ *Id.*

⁷ Florida Division of Emergency Management, *Mitigation*, available at <http://www.floridadisaster.org/Mitigation/index.htm> (last visited Jan. 28, 2016).

⁸ Florida Division of Emergency Management, *State of Florida Enhanced Hazard Mitigation Plan Executive Summary* (2013), available at [http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf) (last visited Jan. 28, 2016).

chronically flood-damaged homes away from flood hazard areas, retrofitting buildings to make them resistant to earthquakes or strong winds, and adopting and enforcing adequate building codes and standards set by local, state, and federal governments.⁹

In addition, to comply with federal regulations, the Bureau of Mitigation routinely updates the state hazard mitigation plan and supports mitigation planning efforts in local communities.

State of Florida Enhanced Hazard Mitigation Plan

The Federal Emergency Management Agency (FEMA) requires all states to have a FEMA-approved hazard mitigation¹⁰ plan as a condition to receive federal disaster assistance.¹¹ As specified in the Robert T. Stafford Disaster Relief and Emergency Assistance Act¹², the state's mitigation plan must:

- Identify the natural hazards, risks, and vulnerabilities of areas in the state;
- Support the development of local mitigation plans;
- Provide technical assistance to local and tribal governments for mitigation planning; and
- Identify and prioritize mitigation actions that the state will support, as resources become available.¹³

The State of Florida Enhanced Hazard Mitigation Plan (plan) identifies potential hazards and vulnerabilities, sets goals, and establishes specific mitigation actions to reduce risks to people, buildings, infrastructure, and the environment.¹⁴ The state must review and update the plan every five years in order to continue program eligibility.¹⁵ Members of the planning team include numerous state agencies, regional planning councils, water management districts, state universities, other government entities, and community stakeholders.¹⁶

Within the plan is a section dedicated to profiling Florida's natural, technological, and man-made hazards in extensive detail. Of those natural hazards, the plan profiles:

- Flooding, to include flash floods, inland floods, and coastal floods;
- Tropical cyclones, to include storm surge;
- Severe storms and tornadoes;
- Wildfires;

⁹ Federal Emergency Management Agency, *The Disaster Process & Disaster Aid Programs*. Available at:

<http://www.fema.gov/disaster-process-disaster-aid-programs>

¹⁰ A hazard is any event or condition with the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural loss, environmental damage, business interruption, or other structural and financial loss. See Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan*, 2 (2013), available at

[http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf)

(last visited Jan. 27, 2016); Hazard mitigation is defined as any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards. See 44 C.F.R. s. 201.2.

¹¹ *Id.*

¹² 42 U.S.C. 5121 et seq.

¹³ 42 U.S.C. s.5165(c).

¹⁴ Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan* (2013), available at

[http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20\(final%20draft\).pdf](http://www.floridadisaster.org/Mitigation/State/documents/2013stateplan/Executive%20Summary%20(final%20draft).pdf)

(last visited Jan. 27, 2016).

¹⁵ 44 C.F.R. s. 201.3(3).

¹⁶ Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan, Appendix B: Planning Process Documentation* (Aug. 2013).

- Drought;
- Extreme heat;
- Winter storms and freezes;
- Erosion;
- Sinkholes, earthquakes, and landslides;
- Tsunamis; and
- Solar storms.

III. Effect of Proposed Changes:

The bill creates s. 252.3655, F.S., to establish a natural hazards interagency workgroup. This workgroup is tasked with sharing information on the current and potential impacts of natural hazards throughout the state, coordinating the ongoing efforts of state agencies in addressing the impacts of natural hazards, and collaborating on statewide initiatives to address the impacts of natural hazards.

The term “natural hazards” includes, but is not limited to, extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The workgroup is comprised of a liaison from each agency within the executive branch of state government, each water management district, and the Florida Public Service Commission. The director of the Florida Division of Emergency Management (FDEM), or his or her designee, will serve as both the agency liaison and the coordinator of the workgroup.

The FDEM is responsible for preparing an annual progress report on behalf of the workgroup on the implementation of the state’s hazard mitigation plan, as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2018 and each year thereafter. Each liaison is responsible for ensuring that the workgroup’s annual report is posted to their respective agency’s website. The report shall, at a minimum:

- Assess the relevance, level, and significance of current agency efforts to address the impacts of natural hazards; and
- Strategize and prioritize ongoing efforts to address the impacts of natural hazards.

The bill provides an effective date of July 1, 2016.

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:

The bill may increase the workload for existing agency personnel who are designated as an agency's liaison to the natural hazards interagency workgroup. The bill directs the FDEM, as the coordinator of the workgroup, to produce an annual report on behalf of the workgroup. The FDEM indicates that they are unable to determine a fiscal impact for the bill based on the information provided at this time.¹⁷

The fiscal impact of the bill is indeterminate, but expected to be minimal, and will be covered within the existing resources of the participating agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 252.3655 of the Florida Statutes.

IX. Additional Information:

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

CS by Military and Veterans Affairs, Space, and Domestic Security on February 1, 2016:

The CS makes the following changes:

¹⁷ Email from the FDEM (February 4, 2016)(on file with the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development).

- Renames the “weather interagency workgroup” the “natural hazards interagency workgroup” and replaces the term “weather events” with “natural hazards” elsewhere in the bill.
- Clarifies the workgroup membership and defines the role of the participating agency liaisons.
- Requires the workgroup to meet on a quarterly basis.
- Requires the Division of Emergency Management to produce the workgroup’s annual report on behalf of the workgroup.
- Removes the requirement for the workgroup to produce a vulnerability assessment as part of its annual report.
- Changes the due date of the first annual report to January 1, 2018.

B. Amendments:

None.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senators Clemens, Bullard, and Soto

583-02863-16

20161544c1

1 A bill to be entitled

2 An act relating to natural hazards; creating s.
3 252.3655, F.S.; creating an interagency workgroup to
4 share information, coordinate ongoing efforts, and
5 collaborate on initiatives relating to natural
6 hazards; defining the term "natural hazards";
7 requiring certain agencies to designate liaisons to
8 the workgroup; designating the director of the
9 Division of Emergency Management or his or her
10 designee as the liaison to and coordinator of the
11 workgroup; specifying duties and responsibilities of
12 each liaison and the workgroup; requiring the division
13 to prepare an annual report; specifying report
14 requirements; requiring each agency liaison to ensure
15 that the report is posted on his or her agency's
16 website; requiring the workgroup to submit the report
17 to the Governor and the Legislature; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 252.3655, Florida Statutes, is created
23 to read:

24 252.3655 Natural hazards interagency workgroup.—

25 (1) (a) An interagency workgroup is created for the purpose
26 of sharing information on the current and potential impacts of
27 natural hazards throughout the state, coordinating the ongoing
28 efforts of state agencies in addressing the impacts of natural
29 hazards, and collaborating on statewide initiatives to address
30 the impacts of natural hazards. As used in this section, the
31 term "natural hazards" includes, but is not limited to, extreme

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20161544c1

32 heat, drought, wildfire, sea-level change, high tides, storm
33 surge, saltwater intrusion, stormwater runoff, flash floods,
34 inland flooding, and coastal flooding.

35 (b) Each agency within the executive branch of state
36 government, each water management district, and the Florida
37 Public Service Commission shall select from within such agency a
38 person to be designated as the agency liaison to the workgroup.

39 (c) The director of the Division of Emergency Management or
40 his or her designee shall serve as the liaison to and
41 coordinator of the workgroup.

42 (d) Each liaison shall provide information from his or her
43 respective agency on the current and potential impacts of
44 natural hazards to his or her agency, agency resources available
45 to mitigate against natural hazards, and efforts made by the
46 agency to address the impacts of natural hazards.

47 (e) The workgroup shall meet in person or by teleconference
48 on a quarterly basis to share information, leverage agency
49 resources, coordinate ongoing efforts, and provide information
50 for inclusion in the annual progress report submitted pursuant
51 to subsection (2).

52 (2) (a) On behalf of the workgroup, the Division of
53 Emergency Management shall prepare an annual progress report on
54 the implementation of the state's hazard mitigation plan,
55 developed and submitted in accordance with 42 U.S.C. s. 5165 and
56 any implementing regulations, as it relates to natural hazards.
57 At a minimum, the annual progress report must:

58 1. Assess the relevance, level, and significance of current
59 agency efforts to address the impacts of natural hazards; and

60 2. Strategize and prioritize ongoing efforts to address the

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61 impacts of natural hazards.

62 (b) Each liaison is responsible for ensuring that the
63 workgroup's annual progress report is posted on his or her
64 agency's website.

65 (c) By January 1, 2018, and each year thereafter, the
66 workgroup shall submit the annual progress report to the
67 Governor, the President of the Senate, and the Speaker of the
68 House of Representatives.

69 Section 2. This act shall take effect July 1, 2016.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1688

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Sachs

SUBJECT: Florida Veterans Foundation

DATE: February 10, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1688 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to collect, for the Florida Veterans Foundation (foundation), a voluntary contribution of \$1 or more per applicant through the motor vehicle registration, driver license and identification card, and marine vessel registration application forms.

The bill also exempts the foundation from the statutory requirement to submit an application and application fee to the DHSMV 90 days prior to the legislative session to establish the voluntary contributions sought in the bill.

According to the DHSMV, the cost for programming and implementation is estimated to be \$49,822.50 and the cost to redesign and develop new applications forms is \$55,040.¹ These costs are expected to be absorbed within existing resources.

The bill takes effect July 1, 2016.

¹ E-mail correspondence with the Department of Highway Safety and Motor Vehicles on Jan. 27, 2016 (on file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

II. Present Situation: Effect of Proposed Changes:

The application forms for motor vehicle registration and renewal, a driver license or replacement driver license, identification card, or marine vessel registration all provide a voluntary contributions section that allows applicants the opportunity to make a donation by checking a box on the form.²

The Florida law specifically authorize which organizations can receive a voluntary contribution. Section 320.023, F.S. establishes the requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S. establishes similar requirements for driver license and identification card applications.³ Both sections require:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee⁴, not to exceed \$10,000, to defray the DHSMV's cost for reviewing the application and developing the voluntary contribution check off, if authorized;
- A marketing strategy outlining short-term and long-term marketing plans for the contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.

This information must be submitted to the DHSMV at least 90 days before the next regular session of the Legislature convenes.

The Florida Veterans Foundation

The Florida Department of Veterans Affairs (FDVA) was authorized during the 2008 Regular Session to establish a direct-support organization in order to provide assistance, funding, and support for the department in carrying out its mission.⁵ Incorporated in June of 2008, the Florida Veterans Foundation (foundation) carries out a number of activities that serve, support, and advocate for Florida veterans.

The foundation's main mission is to provide emergency assistance to Florida veterans and their families who, through no fault of their own, are experiencing financial difficulties that cannot be resolved by the veteran or other veteran service organizations.⁶ Other activities of the foundation include:

- Operating and participating in Homeless Veteran Stand Downs;

² Sections 320.02(8), (14), and (15), F.S., provide motor vehicle registration applicants with 23 options for voluntary contributions. Section 322.08(7), F.S., provides driver license and identification card applicants with 20 options for voluntary contributions. Sections 328.72(11) and (16), F.S., provide boat registration applicants with 3 options for voluntary contributions.

³ There are no similar application requirements in Florida law to allow an organization to obtain a voluntary contribution on boat registration forms.

⁴ State funds may not be used to pay the application fee. See s. 320.023(b), F.S.

⁵ Ch. 2008-84, s. 1, L.O.F. (creating s. 292.055, F.S.)

⁶ The Florida Veterans Foundation website, available at <http://www.floridaveteransfoundation.org/> (last visited Jan. 22, 2016).

- Providing guidance and information services regarding Florida veteran benefits and Federal veteran benefits;
- Printing and distributing the FDVA's Florida Veterans' Benefit Guide;
- Providing veteran employment information; and
- Overseeing projects such as the Florida Veterans' Hall of Fame⁷ and the Florida Veterans' Walk of Honor and Memorial Garden.⁸

Funding for the foundation comes from donations received as a result of fundraising efforts.⁹ The foundation previously received a portion of the revenue generated from the sale of the Florida Salutes Veterans specialty license plate, but this distribution ended 48 months after the foundation was incorporated.¹⁰

III. Effect of Proposed Changes:

CS/SB 1688 authorizes the DHSMV to include language permitting a voluntary contribution of \$1 or more per applicant to the Florida Veterans Foundation (foundation) on the application forms for:

- Motor vehicle registrations and renewals;
- Original, renewal, or replacement driver licenses or identification cards; and
- Marine vessel registrations.

The contributions will be distributed by the DHSMV to the foundation.

The bill also exempts the foundation from the requirements in ss. 320.02 and 320.08, F.S., which require the foundation to submit an application and application fee to the DHSMV 90 days prior to the legislative session to establish the voluntary contribution on the motor vehicle registration, and on driver license and identification card forms.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷ See section 265.003, F.S.

⁸ See section 265.0031, F.S.

⁹ See *supra* note 5.

¹⁰ Section 320.08058(4)(b)1., F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under the bill, individuals may choose to donate to the Florida Veterans Foundation, which will benefit that organization.

C. Government Sector Impact:

CS/SB 1688 waives both \$10,000 application fees required in s. 320.23, F.S. (motor vehicle registration application forms) and s. 322.081, F.S. (driver license and identification card applications), which are intended to defray the DHSMV's costs to review and develop voluntary checkoffs.

According to the DHSMV, the cost for programming and implementation is estimated to be \$49,822.50 and the cost to redesign and develop new application forms is \$55,040.¹¹ These costs are expected to be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.02, 322.08, 328.72.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on January 26, 2016:

The CS exempts the Florida Veterans Foundation from the statutory requirement to submit an application and application fee to the DHSMV 90 days prior to the start of the

¹¹ E-mail correspondence with the Department of Highway Safety and Motor Vehicles on Jan. 27, 2016 (on file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

legislative session in order to include a voluntary contribution on the motor vehicle registration, driver license, and identification card forms.

B. Amendments:

None.

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



813644

LEGISLATIVE ACTION

Senate

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. .
. .
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. .

House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Sachs) recommended the following:

Senate Amendment (with title amendment)

Before line 13

insert:

Section 1. Subsection (1) of section 265.003, Florida
Statutes, is amended to read:

265.003 Florida Veterans' Hall of Fame.—

(1) It is the intent of the Legislature to recognize and
honor those military veterans who, through their works and lives
during or after military service, have made a significant



813644

11 contribution to the State of Florida. As used in this section,
12 the term "veteran" or "military veteran" also includes a
13 servicemember of the Florida National Guard.
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete line 2

18 and insert:

19 An act relating to Florida veterans; amending s.
20 265.003, F.S.; clarifying the term "veteran" or
21 "military veteran";

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Sachs

583-02602-16

20161688c1

1 A bill to be entitled

2 An act relating to the Florida Veterans Foundation;
3 amending ss. 320.02, 322.08, and 328.72, F.S.;
4 providing for voluntary contributions of a minimum
5 specified amount per applicant for certain motor
6 vehicle registrations, driver licenses or
7 identification cards, and boat registrations to the
8 Florida Veterans Foundation; conforming a cross-
9 reference; providing an effective date.

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

12
13 Section 1. Paragraph (v) is added to subsection (15) of
14 section 320.02, Florida Statutes, to read:

15 320.02 Registration required; application for registration;
16 forms.-

17 (15)

18 (v) Notwithstanding s. 320.023, the application form for
19 motor vehicle registration and renewal of registration must
20 include language authorizing a voluntary contribution of \$1 or
21 more per applicant, which shall be distributed by the department
22 to the Florida Veterans Foundation. The application fee required
23 under s. 320.023 for an organization that seeks authorization to
24 establish a voluntary contribution does not apply to this
25 paragraph.

26
27 For the purpose of applying the service charge provided in s.
28 215.20, contributions received under this subsection are not
29 income of a revenue nature.

30 Section 2. Subsection (8) of section 322.08, Florida
31 Statutes, is amended to read:

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32 322.08 Application for license; requirements for license
33 and identification card forms.—

34 (8) The application form for an original, renewal, or
35 replacement driver license or identification card must include
36 language permitting the following:

37 (a) A voluntary contribution of \$1 per applicant, which
38 contribution shall be deposited into the Health Care Trust Fund
39 for organ and tissue donor education and for maintaining the
40 organ and tissue donor registry.

41 (b) A voluntary contribution of \$1 per applicant, which
42 shall be distributed to the Florida Council of the Blind.

43 (c) A voluntary contribution of \$2 per applicant, which
44 shall be distributed to the Hearing Research Institute,
45 Incorporated.

46 (d) A voluntary contribution of \$1 per applicant, which
47 shall be distributed to the Juvenile Diabetes Foundation
48 International.

49 (e) A voluntary contribution of \$1 per applicant, which
50 shall be distributed to the Children's Hearing Help Fund.

51 (f) A voluntary contribution of \$1 per applicant, which
52 shall be distributed to Family First, a nonprofit organization.

53 (g) A voluntary contribution of \$1 per applicant to Stop
54 Heart Disease, which shall be distributed to the Florida Heart
55 Research Institute, a nonprofit organization.

56 (h) A voluntary contribution of \$1 per applicant to Senior
57 Vision Services, which shall be distributed to the Florida
58 Association of Agencies Serving the Blind, Inc., a not-for-
59 profit organization.

60 (i) A voluntary contribution of \$1 per applicant for

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20161688c1

61 services for persons with developmental disabilities, which
62 shall be distributed to The Arc of Florida.

63 (j) A voluntary contribution of \$1 to the Ronald McDonald
64 House, which shall be distributed each month to Ronald McDonald
65 House Charities of Tampa Bay, Inc.

66 (k) Notwithstanding s. 322.081, a voluntary contribution of
67 \$1 per applicant, which shall be distributed to the League
68 Against Cancer/La Liga Contra el Cancer, a not-for-profit
69 organization.

70 (l) A voluntary contribution of \$1 per applicant to Prevent
71 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
72 Inc., a nonprofit organization.

73 (m) A voluntary contribution of \$1 per applicant, which
74 shall be distributed to Prevent Blindness Florida, a not-for-
75 profit organization, to prevent blindness and preserve the sight
76 of the residents of this state.

77 (n) Notwithstanding s. 322.081, a voluntary contribution of
78 \$1 per applicant to the state homes for veterans, to be
79 distributed on a quarterly basis by the department to the State
80 Homes for Veterans Trust Fund, which is administered by the
81 Department of Veterans' Affairs.

82 (o) A voluntary contribution of \$1 per applicant to the
83 Disabled American Veterans, Department of Florida, which shall
84 be distributed quarterly to Disabled American Veterans,
85 Department of Florida, a nonprofit organization.

86 (p) A voluntary contribution of \$1 per applicant for Autism
87 Services and Supports, which shall be distributed to Achievement
88 and Rehabilitation Centers, Inc., Autism Services Fund.

89 (q) A voluntary contribution of \$1 per applicant to Support

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90 Our Troops, which shall be distributed to Support Our Troops,
91 Inc., a Florida not-for-profit organization.

92 (r) A voluntary contribution of \$1 or more per applicant,
93 which shall be distributed to the Auto Club Group Traffic Safety
94 Foundation, Inc., a not-for-profit organization.

95 (s) Notwithstanding s. 322.081, a voluntary contribution of
96 \$1 per applicant to aid the homeless. Contributions made
97 pursuant to this paragraph shall be deposited into the Grants
98 and Donations Trust Fund of the Department of Children and
99 Families and used by the State Office on Homelessness to
100 supplement grants made under s. 420.622(4) and (5), provide
101 information to the public about homelessness in the state, and
102 provide literature for homeless persons seeking assistance.

103 (t) A voluntary contribution of \$1 or more per applicant to
104 End Breast Cancer, which shall be distributed to the Florida
105 Breast Cancer Foundation.

106 (u) Notwithstanding s. 322.081, a voluntary contribution of
107 \$1 or more per applicant, which shall be distributed to the
108 Florida Veterans Foundation. The application fee required under
109 s. 322.081 for an organization that seeks authorization to
110 establish a voluntary contribution does not apply to this
111 paragraph.

112
113 A statement providing an explanation of the purpose of the trust
114 funds shall also be included. For the purpose of applying the
115 service charge provided under s. 215.20, contributions received
116 under paragraphs (b)-(u) ~~(b)-(t)~~ are not income of a revenue
117 nature.

118 Section 3. Subsection (11) of section 328.72, Florida

583-02602-16

20161688c1

119 Statutes, is amended to read:

120 328.72 Classification; registration; fees and charges;
121 surcharge; disposition of fees; fines; marine turtle stickers.-

122 (11) VOLUNTARY CONTRIBUTIONS.-

123 (a) The application form for boat registration shall
124 include a provision to allow each applicant to indicate a desire
125 to pay an additional voluntary contribution to the Save the
126 Manatee Trust Fund to be used for the purposes specified in s.
127 379.2431(4). This contribution shall be in addition to all other
128 fees and charges. The amount of the request for a voluntary
129 contribution solicited shall be \$2 or \$5 per registrant. A
130 registrant who provides a voluntary contribution of \$5 or more
131 shall be given a sticker or emblem by the tax collector to
132 display, which signifies support for the Save the Manatee Trust
133 Fund. All voluntary contributions shall be deposited in the Save
134 the Manatee Trust Fund and shall be used for the purposes
135 specified in s. 379.2431(4).

136 (b) The form shall also include language permitting a
137 voluntary contribution of \$5 per applicant, which contribution
138 shall be transferred into the Election Campaign Financing Trust
139 Fund. A statement providing an explanation of the purpose of the
140 trust fund shall also be included.

141 (c) The form shall also include language permitting a
142 voluntary contribution of \$1 or more per applicant, which
143 contribution shall be transferred to the Florida Veterans
144 Foundation.

145 Section 4. This act shall take effect July 1, 2016.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1646

INTRODUCER: Commerce and Tourism Committee and Senator Latvala

SUBJECT: Economic Development

DATE: February 10, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Askey</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1646 makes several changes to the state’s economic development programs to increase accountability and efficiency.

Related to economic development incentives programs, the bill:

- Revises definitions of “cumulative capital investment,” “economic benefit,” and “average private sector wage in the area” across the state’s economic development incentive programs.
- Regarding incentive contracts, the bill:
 - Limits incentive contract terms to 10 years,
 - Requires contracts to embody the written descriptions provided to the Legislature,
 - Requires contracts to include provisions requiring the capital investment made for the project remain in the state for the duration of the contract, and
 - Requires the Department of Economic Opportunity (DEO) to provide notice of executed contracts to the Legislature.
- Requires incentive reports to include information on jobs created and retained that provide health benefits.
- Renames the Quick Action Closing Fund as the “Florida Enterprise Fund,” and makes the following changes to the program:
 - Lowers the required economic benefits (return on investment) from 5 to 1, to 3 to 1.
 - Requires that projects create at least 10 jobs.
 - Requires local financial support of at least 20 percent of the award.
 - Prohibits payment before performance conditions are met.

- Extends the Qualified Defense and Space Contractors Tax Refund program to 2018 and allows businesses to receive refunds for activity in 2014 if the business failed to timely submit information and meets other conditions.
- Clarifies for the Qualified Target Industry Tax Refund program that payments are not refunds of taxes, but that the taxes paid serve as limitations on the amount of incentive payments a business may receive.

Related to the sports industry in Florida, the bill:

- Moves the Florida Sports Foundation from Enterprise Florida, Inc., (EFI) to the Department of Economic Opportunity (DEO).
 - Revises the membership of the governing board of the Florida Sports Foundation.
 - Deletes residency requirement for participants of the Sunshine State Games and the Florida Senior Games.
 - Conforms distributions from sports-related license plates to be made to the Florida Sports Foundation.
- Repeals expired provisions related to an International Game Fish Association World Center facility.

The bill reforms the state's entertainment industry development efforts by:

- Moving the DEO Office of Film and Entertainment (OFE) to EFI, and renaming it the Division of Film and Entertainment (division).
- Creating the Entertainment Action Fund, from which approved production companies may receive funds from the program for qualified expenditures in the state.
- Changing the repeal date of the entertainment industry financial incentive program to April 1, 2016, and prohibiting program tax credits from being awarded after that date.
- Revising the entertainment industry sales tax exemption certificate program to prohibit backdating of tax exemption certificates.
- Prohibiting a production company from benefiting from both the Entertainment Action Fund and the sales tax exemption certificate program for the same production.

The bill does not provide an appropriation for the Entertainment Action Fund program. The DEO will not be able to implement the program unless funding is included in the Fiscal Year 2016-2017 General Appropriations Act.

The extension of the Qualified Defense Contractor and Space Flight Business Tax Refund (QDSC) program to allow the DEO to certify applications through June 30, 2018, will have a negative impact to state revenues. Funds to make payments for this refund program are appropriated in the General Appropriations Act each year. The bill will have an indeterminate, but positive, fiscal impact to businesses that are certified to participate in the QDSC program.

The bill will have an indeterminate, but expected to be minimal, impact to the DEO and EFI; any additional costs are expected to be absorbed within existing resources.

Except as otherwise expressly provided, the bill provides an effective date of upon becoming a law.

II. Present Situation:

For the purposes of this bill analysis, the Present Situation will be addressed in the Effect of Proposed Changes section below.

III. Effect of Proposed Changes:

Economic Development Incentive Programs

Current Situation

Florida has a number of incentive programs intended to promote economic development in the state. These programs are collectively referred to as the economic development “toolkit” and come in a variety of forms including tax refunds, tax credits, tax exemptions, and cash grants.

The Qualified Target Industry Business Tax Refund (QTI) program is designed to attract high wage jobs in targeted industries to the state.¹ The target industries are identified by the Department of Economic Opportunity (DEO) using such criteria as future growth, stability, high wages, market and resource independence, industrial base diversification, and positive economic impact. Approved QTI projects have contractual performance measures with specific milestones to be verified prior to payment of any tax refunds. This incentive requires 20 percent of the award to come from the local government. QTI businesses are eligible for tax refunds in the amount of eligible taxes that were paid by the business. The program is funded through a specific annual appropriation.²

The Qualified Defense Contractor and Space Flight Business Tax Refund (QDSC) program is designed to attract high wage jobs in the space and defense industries.³ As with the QTI refund, 20 percent of the award comes from the local government. As with other programs, the QDSC tax refunds are awarded after contractual performance-based milestones are met and verified by the state. The program is funded through a specific annual appropriation. Currently, an applicant cannot be certified as qualified after June 30, 2014, but any agreements in effect after that date continue in accordance with their terms.

The QTI and QDSC programs share a \$35 million cap on tax refund payments, per fiscal year.

The Capital Investment Tax Credit (CITC) is designed to attract and grow capital-intensive industries in Florida.⁴ Eligible projects must be in designated high-impact portions of certain sectors, determined by the DEO, including clean energy, biomedical technology, financial services, information or silicon technology, or transportation equipment manufacturing. Corporate headquarters facilities are also eligible. The DEO reported that \$21.5 million in tax credits were claimed in 2014.⁵ The annual credit can be provided for up to 20 years against corporate income tax liability.

¹ Section 288.106, F.S.

² Section 288.095, F.S.

³ Section 288.1045, F.S.

⁴ Section 220.191, F.S.

⁵ Department of Economic Opportunity, *DEO: 2015 Incentives Report*, December 30, 2015, (on file with the Commerce and Tourism Committee).

To apply for the CITC, a business must meet cumulative capital investment requirements, among other criteria. For the purposes of the CITC tax credit “cumulative capital investment” is defined as the total capital investment in land, buildings, and equipment made in connection with a qualifying project during the period from the beginning of construction of the project to the commencement of operations.

The High Impact Performance Incentive (HIPI)⁶ grant program is designed to spur capital investment and job creation in the same high-impact sectors as for the CITC tax credit. The cash grant is reserved for major facilities operating in designated portions of high-impact sectors. The program has an annual cap of \$30 million for scheduled performance grant payments. This program authorizes the recapture of funds if a business fails to meet its contractual performance requirements.

The Quick Action Closing (QAC) Fund grant program is designed to be a competitive “deal closing” tool for negotiations where the state’s other incentives are not enough to incentivize a business to remain, locate, or expand in the state.⁷ Under current law, in order to be eligible for QAC funds a project must meet five criteria:

- Be in a qualified target industry;
- Have a positive economic benefit ratio of at least 5 to 1;
- Be an inducement to the project’s location or expansion in the state;
- Pay an average annual wage of at least 125 percent of the area-wide or statewide private sector average wage; and
- Be supported by the local community in which the project is to be located.

A waiver of eligibility requirements can be considered if certain criteria are met.⁸

A QAC project must have a performance based contract requiring specific scheduled milestones and annual compliance requirements. The program authorizes sanctions and penalties for failure to perform. The DEO reports that \$44.2 million in grant incentives was approved in Fiscal Year 2014-15.⁹

The Innovation Incentive Program (IIP) is designed to empower the state to compete effectively for research and development, innovation business, or alternative and renewable energy projects.¹⁰ The state makes long-term investments in industry clusters critical to the state’s future economic diversification. The projects have contractual performance measures and milestones that must be achieved before grant payment. The contracts also include a reinvestment provision, requiring recipients to pay a portion of earned royalty revenues back to the state for investment in existing state trust funds. A 1 to 1 local match is also required, and the project must ultimately result in a cumulative break-even economic benefit within a 20-year period. The DEO reports

⁶ Section 288.108, F.S.

⁷ Section 288.1088, F.S.

⁸ Section 288.1088(3)(a), F.S.

⁹ *Supra* note 5, at 18.

¹⁰ Section 288.1089, F.S.

that as of 2015, for the life of the program nine companies have been awarded funds of \$455.7 million.¹¹

The Office of Economic Development and Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA) are required to provide a detailed analysis of state economic development programs according to a recurring schedule established in law.¹² The EDR must evaluate and determine the economic benefits, as defined in s. 288.005(1), F.S., of each program over the previous 3 years. For the purposes of EDR's analysis, the calculation of economic benefits is the same as the state's return on investment.

Effect of Proposed Changes

Qualified Target Industry Tax Refund Program

Section 12 amends s. 288.106, F.S., to clarify that the QTI "tax refund" program is not a repayment of taxes, but that taxes paid operate as a limitation on the incentive payments a business can receive.

Qualified Defense and Space Contractor Tax Refund Program

Section 11 amends s. 288.1045, F.S., to extend the expiration date for applicants to become certified as qualified to participate in the program to June 30, 2018. The bill also amends that section to allow a business that does not submit documentation requested by the DEO and as required by the agreement to claim an approved refund if:

- The business submits the documentation to the DEO;
- The business provides a written statement to the DEO detailing the extenuating circumstances that resulted in the failure to timely submit documentation required by the agreement;
- Funds appropriated for the program remain available;
- The business was scheduled to submit information to the DEO between January 1, 2014, and December 31, 2104; and
- The business has met all other requirements in the agreement.

Florida Enterprise Fund (formerly QAC)

Section 14 amends s. 288.1088, F.S., to rename the "Quick Action Closing Fund" as the "Florida Enterprise Fund." The bill amends eligibility criteria to require projects to have a positive economic benefit ratio of at least 3 to 1 and create at least 10 new jobs.

The bill also requires that local support include a resolution adopted by the governing board of the county or municipality in which the project is located. The resolution must include a commitment of local financial support similar to current law requirements for the QTI and QDSC programs. The bill defines "local financial support" as funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the Florida Enterprise Fund award to the business. The state share of the award cannot be more than 80 percent.

¹¹ *Supra* note 5, at 27.

¹² Section 288.0001, F.S.

Local financial support can include any tax abatement granted to a business or the appraised market value of municipal or county land conveyed or provided at a discount to the business. The DEO is prohibited from entering into a contract with a business if the local financial support resolution is not passed within a certain timeframe. The bill prohibits a business from providing over 5 percent of the local financial support, and prohibits funds appropriated from the General Revenue Fund or any state trust fund from being used for local financial support.

Prior to payment under the Florida Enterprise Fund, a business must meet and report on contract performance criteria. The bill expands the list of performance criteria that must be included in a Florida Enterprise Fund contract to include the amount of local financial support that will be annually available and will be paid into the Economic Development Trust Fund. The bill prohibits payment to a business unless the required local financial support is paid into the Economic Development Trust Fund.

The bill provides that if a local government and EFI request a waiver of criteria required for a project to be eligible to receive funds from the program, a written request must be sent to the DEO explaining the reasons for the request. Additionally, the DEO must write an explanation regarding the reasons for an approval of any such request. The bill requires that after the Governor approves an applicant, the DEO will issue a letter certifying the applicant is qualified for an award.

Sections 6 and 9 amend ss. 288.0001 and 288.076, F.S., respectively, to make conforming changes related to the name change of the QAC program to the Florida Enterprise Fund.

Section 6 amends s. 288.0001, F.S., to add a report on the retention of Major League Baseball (MLB) spring training baseball franchises under s. 288.11631, F.S., to the list of reports required by the economic development programs evaluation schedule beginning January 1, 2018, and every 3 years thereafter.¹³

Economic Development Incentives Account

Current Situation

Under current law, funds are appropriated to the Economic Development Incentives Account within the Economic Development Trust Fund for the purpose of the QDSC and the QTI programs, and related local financial support. Economic Development Incentives Account funds can only be used to pay tax refunds and make other payments authorized for the QDSC, QTI, and Brownfield Redevelopment Tax Refund programs.¹⁴

Effect of Proposed Changes

Section 10 amends s. 288.095, F.S., to allow local financial support associated with the Florida Enterprise Fund (formerly QAC) to be deposited into the Economic Development Incentives Account. The bill also authorizes payments for the Florida Enterprise Fund to be made out of the Economic Development Incentives Account.

¹³ Section 288.0001, F.S.

¹⁴ Section 288.095, F.S.

Incentive Contract Administration and Evaluation

Current Situation

The DEO is generally responsible for overseeing the incentive application and certification approval process, and for incentive agreement and contract management.

The DEO evaluates each incentive application to determine the economic benefits of the proposed award of state incentives proposed for the project. Currently, “economic benefits” are defined as the direct, indirect, and induced gains in state revenues as a percentage of the state’s investment. The state’s investment includes state grants, tax exemptions, tax refunds, tax credits and other state incentives.¹⁵ The Office of Economic and Demographic Research (EDR) establishes the methodology and model used to calculate the economic benefits. An amended definition of “economic benefits” may be developed by the EDR.¹⁶

The DEO must approve or disapprove of an incentive application and issue a certification letter within 10 business days of application *submission*.¹⁷

The DEO is responsible for entering into incentive contracts or agreements with businesses and overseeing the performance of those contracts. Currently, incentive contracts must specify the following:

- The total amount of the award;
- The performance conditions that must be met to obtain the award;
- The schedule for payment; and
- Sanctions that would apply for failure to meet performance conditions.
- Contracts may also include representations, warranties and other covenants.¹⁸

Current law does not require incentive contracts to specify the duration of the contract nor require any capital investment made by the business to remain in the state for the duration of the contract. In addition, current law does not specifically allow for QAC and HIPI agreements to be amended. However, under certain circumstances an IIP award agreement can be amended.

Effect of Proposed Changes

Section 7 amends s. 288.005, F.S., to include a definition for “average private sector wage in the area,” effectively standardizing use of the term for economic development programs. The term is defined to mean the statewide average wage in the private sector or the average of all private sector wages in the county or standard metropolitan area in which the project is located, as determined by the DEO. The bill makes conforming changes to reflect the new definition in the:

- Capital Investment Tax Credit program (**Section 4**);¹⁹
- Research and Development Tax Credit program (**Section 5**);²⁰

¹⁵ Section 288.005, F.S.

¹⁶ Section 288.061, F.S.

¹⁷ With the exception of the QAC and the IIP.

¹⁸ Section 288.061, F.S.

¹⁹ Section 220.191, F.S.

²⁰ Section 220.196, F.S.

- Qualified Defense Contractor and Space Flight Business Tax Refund program (**Section 11**);²¹
- Qualified Target Industry Tax Refund program (**Section 12**);²²
- Florida Enterprise Fund (FEF), formerly the Quick Action Closing Fund, program (**Section 14**);²³ and
- Innovation Incentive Program (**Section 15**)²⁴.

The bill revises several definitions to effectively standardize the requirement that no public or state funds can be counted when determining the economic benefit or return on investment of an incentive project, specifically:

- **Section 4** amends s. 220.191, F.S., related to the CITC tax credit, to clarify that the definition of “cumulative capital investment” is the total capital investment in land, buildings, and equipment made by, *or on behalf of*, the qualifying business in connection with a qualifying project during the period from the beginning construction of the project or the commencement of operations. The amended definition clarifies that the term does not include funds granted to or spent on behalf of the qualifying business by the state, a local government, or other governmental entity; funds appropriated in the General Appropriations Act (GAA); or funds otherwise provided to the qualifying business by a state agency, local government, or other governmental entity.
- **Section 13** amends s. 288.108, F.S., related to the HIPI program, to clarify that the term “cumulative investment” does not include funds granted to or spent on behalf of the qualifying business by the state, a local government, or other governmental entity; funds appropriated in the GAA; or funds otherwise provided to the qualifying business by a state agency, local government, or other governmental entity.
- **Sections 7 and 9** amends ss. 288.005(3) and 288.076(1)(e), F.S., respectively, related to definitions and return on investment reporting, to clarify that the “state investment” includes all state funds spent or foregone to benefit a business, including state funds appropriated to public and private entities, in addition to state grants, tax exemptions, tax refunds, tax credits, and any other source of state funds reasonably known to the DEO at the time of the approval

Section 8 amends s. 288.061, F.S., related to the economic development incentive application process to:

- Allow the DEO 10 business days from receiving a *complete* application, rather than a *submitted* application, to approve or disapprove the application and issue a certification letter.
- Require the EDR’s amended definition of “economic benefits,” to include all state funds spent or forgone to benefit the business, including state funds appropriated to public and private entities, to the extent that those funds are reasonably known by the DEO at the time of approval. The bill also directs the EDR to include guidelines for the appropriate application of the DEO’s internal model.
- Require the DEO to consider all cumulative capital investment for the purpose of evaluating an incentive application. However, the DEO is prohibited from attributing state funds to the capital investment made by the business when calculating the economic benefit of an award.

²¹ Section 288.1045, F.S.

²² Section 288.106, F.S.

²³ Section 288.1088, F.S.

²⁴ Section 288.1089, F.S.

Section 8 further amends s. 288.061, F.S., to:

- Prohibit the DEO from entering into economic development incentive agreements or contracts that exceed 10 years. However, the bill provides that the DEO may enter into successive agreements or contracts for a project to extend the first 10-year term, contingent upon the successful completion of the previous agreement or contract. Agreements and contracts for the CITC tax credit and IIP projects are not subject to the restriction on the 10 year term.
- Specify that contracts and agreements that require the business to make a capital investment must also require that such investment remain in the state for the duration of the agreement or contract. The bill exempts investments made in transportation-related assets specifically used for the purpose of transporting goods and employees from the requirement.
- Require the DEO to provide a notice, including an updated description and evaluation, to the Legislature upon final execution of each incentive contract or agreement. The bill requires HIPI, FEF (formerly QAC), and IIP contracts to embody the information included in the written description and evaluation presented to the Legislature.

Currently, the DEO and Enterprise Florida, Inc. (EFI) are required to report information pertaining to each incentive program on the DEO's incentive portal (an online listing of all incentive contracts with specified information) and EFI's annual incentive report. **Sections 9 and 30** amend ss. 288.076 and 288.907, F.S., respectively, to require that DEO's incentives portal and EFI's annual incentives report include data on the number of jobs created and retained and the number of jobs created and retained that provide health benefits.

Florida Sports Foundation

Current Situation

The Florida Sports Foundation (FSF) was a direct-support organization of the Office of Tourism Trade and Economic Development, prior to the governmental reorganization that created the DEO and restructured EFI.²⁵ The FSF serves as the official sports promotion and development organization for the state and currently is housed within EFI as the Division of Sports Industry Development. The FSF's mission is to:

- Assist communities in the state with securing, hosting and retaining, sporting events that generate economic impact and sports-tourism for the state;
- Provide Floridians opportunities to participate in the Sunshine State Games and Florida Senior Games;
- Serve as the state's leading source for sports-tourism research and information;
- Assist in the promotion of targeted leisure sport industries in the state; and
- Assist national and state governing bodies to promote amateur sports development through the Sunshine State Games and hosting events in the state.

Effect of Proposed Changes

Section 20 revives, reenacts, and amends s. 288.1229, F.S., to house the FSF within the DEO. The DEO is directed to contract with the FSF by July 1, 2016.

²⁵ Chapter 2011-142, L.O.F.

The bill specifies that the foundation's board of directors must consist of 20 members appointed by the Governor, which include:

- Ten members representing Florida major league franchises of Major League Baseball, National Basketball Association, National Football League, Arena Football League, National Hockey League, and Major League Soccer teams domiciled in this state;
- A member representing Florida's Sports Commissions;
- A member representing the boating and fishing industries in Florida;
- A member representing the golf industry in Florida;
- A member representing Major League Baseball spring training;
- A member representing the auto racing industry in Florida; and
- Five members at-large.

The bill repeals or transfers all duties and responsibilities related to the sports industry from EFI. These repeals include the requirement for an individual with sports marketing expertise to serve on the EFI board of directors, requiring EFI to market the state for sports, and requiring a Division of Sports Industry Development within EFI (**Sections 16, 28, 29, 31, amending ss. 288.11621, 288.901, 288.9015, and 299.92, F.S., respectively**). Further, the bill amends s. 20.60, F.S., the statute which creates the DEO, to reflect DEO's responsibilities with respect to the FSF (**Section 1**).

Section 33 transfers responsibilities and distributions related to sports-related specialty license plates in s. 320.08058, F.S., from EFI to the FSF. The affected specialty license plates are:

- Florida United States Olympic Committee license plate;
- Florida Professional Sports Team license plate;
- Florida Golf license plate;
- Florida NASCAR license plate; and
- Florida Tennis license plate.

Section 33 also removes the requirement that the FSF use proceeds from the Florida Professional Sports Team license plate to promote and develop education programs in state schools.

Office of Film and Entertainment

Current Situation

The Office of Film and Entertainment (OFE) within the DEO develops, markets, promotes, and provides services to Florida's entertainment industry, including serving as a liaison between the industry and government entities and facilitating access to filming locations.²⁶ The Commissioner of Film and Entertainment is selected through a national search and must meet certain qualifications. The OFE is assisted by the Florida Film and Entertainment Advisory Council (council), which is composed of 17 members, of which seven members are appointed by the Governor, and five members each are appointed by the President of the Senate and the Speaker of the House of Representatives.²⁷

²⁶ Section 288.1251, F.S. See also OFE website, available at <http://www.filminflorida.com/about/vm.asp> (last visited January 21, 2016).

²⁷ Section 288.1252, F.S.

The OFE gathers statistical information related to the state's entertainment industry; provides information and services to businesses, communities, organizations, and individuals engaged in entertainment industry activities; administers field offices outside the state; and coordinates with regional offices maintained by counties and regions of the state. The OFE is also required to develop a 5-year strategic plan to guide its activities, which is updated on an annual basis and aligns with the DEO's Strategic Plan for Economic Development. The OFE's mission is to build, support, and market the entertainment industry in Florida.

Effect of Proposed Changes

Section 22 renumbers and amends s. 288.1251, F.S., as s. 288.913, F.S., to rename the OFE as the Division of Film and Entertainment (division) and house it within EFI. The bill clarifies and revises the responsibilities of the division and requirements for the 5-year plan.

EFI's board of directors is required to annually review and approve the 5-year plan developed by the division. The bill requires the president of EFI to appoint a film and entertainment commissioner, who is subject to confirmation by the Senate. The commissioner is required to have a record of high-level involvement in production deals and contact with industry decision makers, among other criteria.

Section 24 renumbers and amends s. 288.1253, F.S., related to travel and entertainment expenses incurred by employees of the division, as s. 288.915, F.S. Additionally, the bill prohibits the division and its employees and representatives from accepting any complimentary travel, accommodations, meeting space, meals, equipment, transportation, or other goods and services from any entity, or employee, designee, or representative of such entity, which has received, applied to receive, or anticipates to receive, any funds from the Entertainment Action Fund created under s. 288.1256, F.S. Failure to abide by this prohibition is subject to the penalties provided for in s. 112.317, F.S.

Section 23 renumbers and amends s. 288.1552, F.S., as s. 288.914, F.S., to conform to changes made by the bill. Additionally, the bill reduces the number of members on the advisory council from 17 to 11, with five members appointed by the Governor and three members each appointed by the President of the Senate and the Speaker of the House of Representatives. Current members may serve out the remainder of their terms, but upon vacancy or the conclusion of a term, members must be appointed in accordance with the section. The bill provides that the advisory council will review the administration of programs related to the strategic plan, make recommendations on state agency or local government actions that may have an impact on the entertainment industry, advise on the promulgation of rules related to the entertainment industry, and appear on its own behalf before boards, commissions, departments, or other government agencies.

Entertainment Action Fund

Effect of Proposed Changes

The bill creates s. 288.1256, F.S., as the Entertainment Action Fund (**Section 26**) and provides that the fund is created within the DEO in order to:

- Respond to extraordinary opportunities;
- Compete effectively to attract and retain production companies; and
- Provide favorable conditions for the growth of the entertainment industry in the state.

Production companies may submit applications to the division to receive funds. The division must set application periods and accept applications for at least 3 months of a period. There may be multiple application periods in a single fiscal year depending on the availability of funds. The DEO is directed to prescribe an application form with specific required information to aid in the review and evaluation of project criteria.

The division reviews and evaluates applications to identify competitive projects for approval. The evaluation criteria, listed in order of priority, are:

- The number of state residents to be employed in full and part-time positions related to the project and the average wages paid;
- The amount of qualified, and unqualified, expenditures to be made in the state;
- Planned or executed contracts with production facilities in the state for production activity;
- The amount of capital investment, especially fixed capital, made directly by the production company in this state related to a project;
- The duration of the project;
- The amount of principal photography that will occur in an underutilized county;
- The extent to which the state will be promoted by the production company;
- The employment of in-state students and recent graduates;
- Any plans to work with in-state higher education institutions;
- Any local support, financial or otherwise;
- If the project is about the state, or positively reflects on the state;
- A review of the production company's past activity in the state;
- A production company's number of productions already made and overall commitment to the state;
- Expected contributions to the state's economy; and
- The effect of any award on the viability of a project and the possibility of the project being undertaken in the state.

A production must have financing in place in order to qualify for an award. Any award cannot constitute more than 30 percent of qualified expenditures in the state and cannot be used for wages paid to nonresidents. No requirements of this program may be waived.

Similar to the current QAC program, the DEO must make a recommendation to the Governor within 7 days of reviewing an application. Recommendations must include performance conditions required to obtain any funds. The Governor may approve any project requiring less than \$2 million in funding without consulting the Legislature. For projects requiring funding between \$2 million and \$5 million, the Governor must submit a written description and evaluation of the project to the chair and vice chair of the Legislative Budget Commission (LBC) at least 10 days before giving final approval. The LBC, President of the Senate, or Speaker of the House of Representatives may direct the Governor to avoid release of funds until the LBC or the Legislature addresses the issue. For projects requiring over \$5 million in funding, LBC approval is required before any funds can be released.

Upon approval, the DEO and the production company must enter into an agreement specifying;

- The total funds awarded and scheduled payments;
- The performance conditions required to obtain payments;
- The methodology for validating performance conditions;
- That the DEO may review and verify company records to ascertain compliance;
- Sanctions for failure to meet performance conditions; and
- That fund payments are contingent upon appropriation by the Legislature.

Once the Governor has approved a project, agreements must be signed by all parties within 90 days and the production must start within 1 year. Production companies cannot receive an award from the fund and benefit from sales tax exemptions in s. 288.1258, F.S., for the same production.

The DEO cannot approve awards in excess of the amount, if any, appropriated in a fiscal year. For the first 6 months, the DEO will set aside 50 percent of any amount appropriated to the program to be used for awarding applications received on or after January 1st of each fiscal year. The DEO cannot accept applications or conditionally commit awards in a period where there has been no appropriation. The bill provides for the reimbursement of costs and penalties associated with fraudulent claims.

The DEO must validate contractor performance and include such findings in an annual report required to be submitted on November 1st of each year.

This program expires on July 1, 2026. Agreements in existence on that date continue in accordance with their terms.

The bill does not provide an appropriation for the Entertainment Action Fund program.

Other Entertainment Industry Incentive Programs

Current Situation

In 2003, the Legislature created the Entertainment Industry Financial Incentive Program,²⁸ which is a 6-year program that began July 1, 2010, and sunsets June 30, 2016. The program provides tax credits for qualified expenditures related to filming and production activities in Florida. These tax credits may be applied against the corporate income tax or sales and use taxes. Additionally these tax credits may be transferred or sold one time.²⁹

Over the 6 year period, a total of \$296 million in tax credits were authorized. Annual limitations for tax credits were set at:

- \$53.5 million in Fiscal Year 2010-11;
- \$74.5 million in Fiscal Year 2011-12; and

²⁸ Section 288.1254, F.S. See ch. 2003-81, L.O.F. In 2010, the incentive program was changed from a cash reimbursement type program to the current form. See ch. 2010-147, L.O.F.

²⁹ Also, tax credits may be relinquished to the Department of Revenue for 90 percent of the amount of the relinquished tax credit.

- \$42 million in each Fiscal Year 2012-13, 2013-14, 2014-15, and 2015-16.³⁰

The OFE reports that all of the tax credits authorized for the 6-year period have been certified (*allocated to certified productions*).³¹

Entertainment industry qualified production companies are eligible for several exemptions from taxes under ch. 212, F.S. A qualified production company can obtain a certificate to avoid paying tax at the point of sale, rather than claiming a refund after paying the tax.³² Qualified production companies are exempt from paying sales tax for the following:

- *Lease or rental of real property* that is used as an integral part of an activity or service performed directly in connection with the production of a qualified motion picture (the term “activity or service” includes photography, casting, location scouting, and designing sets).³³
- *Fabrication labor* when a producer uses his or her own equipment and personnel to produce a qualified motion picture.³⁴
- *Purchase or lease of motion picture and video equipment and sound recording equipment* used in Florida for motion picture or television production or for the production of master tapes or master records.³⁵
- *Sale, lease, storage, or use of blank master tapes, records, films, and video tapes.*³⁶

The OFE reviews and approves applications for the exemptions and the Department of Revenue (DOR) issues certificates of exemption to the production companies.

Effect of Proposed Changes

Section 25 bill amends s. 288.1254, F.S., the entertainment industry financial incentive program, to change the repeal date of the program from July 1, 2016 to April 1, 2016, and provide that no credits certified before the repeal date may be awarded after the repeal date. The DOR must deny any credit claimed on a tax return if the credit was awarded on or after the repeal date.

Section 27 amends s. 288.1258, F.S., to clarify that the sales tax exemption certificate exempts purchases made on or after the date that a completed application is filed with the DOR. The bill provides that production companies that receive a sales tax exemption certificate under s. 288.1258, F.S., may not also receive benefits from the newly created Entertainment Action Fund under s. 288.1256, F.S. The bill clarifies the renewal and reporting processes for the 1-year and 90-day certificates.

Additionally, the bill amends cross references in the definition of “entertainment industry” in s. 288.125, F.S., (**Section 21**) and in s. 477.0135, F.S. (**Section 34**).

³⁰ Section 288.1254(7), F.S. In 2012, an additional year was added to the program. See s. 15, ch. 2012-32, L.O.F.

³¹ Office of Economic and Demographic Research, The Florida Legislature, *Return on Investment for the Entertainment Industry Incentive Programs* (January, 2015).

³² Section 288.1258, F.S. See also Department of Revenue, Film in Florida Sales Tax Exemption, available at http://dor.myflorida.com/dor/taxes/film_in_florida.html (last visited January 21, 2016).

³³ Section 212.031(1)(a)9., F.S.

³⁴ Section 212.06(1)(b), F.S., provides a definition of the term “qualified motion picture” for purposes of ch. 212, F.S.

³⁵ Section 212.08(5)(f), F.S.

³⁶ Section 212.08(12), F.S.

Defense Grant Programs

Present Situation

Section 288.980, F.S., establishes grant programs designed to aid defense-dependent communities throughout the state, administered by Enterprise Florida, Inc., (EFI) and the Department of Economic Opportunity (DEO). Among these programs are the Florida Defense Reinvestment Grant Program (DRG)³⁷ and the Defense Infrastructure Grant Program (DIG).³⁸

The DIG program competitively funds local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Authorized DIG projects include, but are not limited to, those relating to encroachment, transportation and access, utilities, communications, housing, environment, and security.

In 2004, the Legislature created the DIG program in s. 288.980(4), F.S, with a provision that the now-defunct Office of Tourism, Trade, and Economic Development (OTTED) *could require* a match by the county or local community grant applicants.³⁹ However, s. 288.980(2)(c)2., F.S., was added in 2004 to provide that OTTED *must require*, with one exception that a grant applicant agree to match at least 30 percent of any grant awarded.⁴⁰ This apparent conflict between the required grant match for DRG projects and permissive grant match for DIG projects has existed since 2004. According to EFI, in administering the two programs, the DEO and EFI require the 30 percent match for DRG projects only, and the 30 percent match requirement is appropriate for the DRG program, not the DIG program.

Effect of Proposed Changes

Section 39 of the bill amends s. 288.980, F.S., to remove the 30 percent match requirement for grants awarded under the Defense Infrastructure Grant Program. The bill clarifies that the 30 percent match requirement applies only to the Defense Reinvestment Grant Program for applicants that are defense-dependent counties and cities, and local economic development councils located in those communities.

Miscellaneous Changes

The bill repeals the following obsolete provisions:

- Provision in the CITC program allowing a waiver between July 1, 2011, and June 30, 2014, under certain circumstances (**Section 4**).
- Provision in the Sports Development program allowing an application for state funding for new facilities or projects commenced before July 1, 2014 (Section 17, amending s. 288.11625, F.S.).
- The International Game Fish Association World Center, as all distributions to the International Game Fish Association have been made (**Sections 3, 6, and 19, amending ss. 212.20(6)(d)6.d., s. 288.0001(2)(b)4., and 288.1169, F.S., respectively**).

³⁷ Section 288.980(4), F.S.

³⁸ Section 288.980(5), F.S.

³⁹ Chapter 2004-230, L.O.F.

⁴⁰ This 30 percent match requirement has remained in law since 2004, and is currently codified at s. 288.980(3)(c)2., F.S.

Additionally the bill makes clarifying, conforming, or technical changes in s. 288.076, F.S., related to the return on investment reporting for economic development programs (**Section 9**); s. 288.1089, F.S., related to the Innovation Incentive Program (**Section 15**); s. 288.11625, F.S., related to the sports development program (**Section 17**); and s. 288.11631, F.S., related to the Retention of MLB spring training baseball franchises program (**Section 18**).

Effective Date

The bill is effective upon becoming law, except as otherwise expressly provided for in the bill. The provisions related to the Florida Sports Foundation are effective July 1, 2016.

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:

The extension of the Qualified Defense Contractor and Space Flight tax refund program to allow the Department of Economic Opportunity (DEO) to certify applications through June 30, 2018, will have a negative impact to state revenues. Funds to make payments for this refund program are appropriated in the General Appropriations Act each year.

B. Private Sector Impact:

The bill will have an indeterminate, but positive, fiscal impact to businesses that are certified to participate in the Qualified Defense Contractor and Space Flight tax refund program.

C. Government Sector Impact:

The bill does not provide an appropriation for the Entertainment Action Fund program. The DEO will not be able to implement the program unless funding is included in the Fiscal Year 2016-2017 General Appropriations Act.

The bill will have an indeterminate, but expected to be minimal, fiscal impact to the DEO and Enterprise Florida, Inc.; any additional costs are expected to be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.60, 196.012, 212.20, 220.191, 220.196, 288.0001, 288.005, 288.061, 288.076, 288.095, 288.1045, 288.106, 288.108, 288.1088, 288.1089, 288.11621, 288.11625, 288.11631, 288.125, 288.1254, 288.1258, 288.901, 288.9015, 288.907, 288.92, 288.980, 320.08058, and 477.0135.

This bill revives, re-enacts, and amends section 288.1229 of the Florida Statutes.

This bill substantially amends and renumbers the following sections of the Florida Statutes: 288.1251 as 288.913, 288.1252 as 288.914, and 288.1253 as 288.915.

This bill creates section 288.1256 of the Florida Statutes.

This bill repeals section 288.1169 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Commerce and Tourism on January 25, 2016:**

- The CS renames the Quick Action Closing Fund as the “Florida Enterprise Fund,” and makes the following changes to the fund:
 - Lowers the required return on investment (ROI) from 5 to 1, to 3 to 1.
 - Requires that projects create at least 10 jobs.
 - Requires that 20 percent of the award comes from local financial support.
- The bill requires that all state funds used to benefit a business be included in the ROI for calculating projects’ economic benefits.
- For all incentive programs, the bill:
 - Clarifies that when calculating projects’ economic benefits a business’s capital investment does not include any public funds;
 - Requires capital investment made by a business to remain in the state for the duration of the incentives contract;
 - Limits the duration of contracts to 10 years; and
 - Requires the DEO to provide a notice to the Legislature of executed contracts.
- The bill extends certification for the QDSC program to June 30, 2018 and allows for late filings in 2014 to be claimed under certain conditions. The bill clarifies that the

“tax refund” program is not a repayment of taxes but taxes paid operate as a limitation on the incentive award amount.

- The bill requires that the incentive project reports by the DEO, and the annual incentives report by EFI, include data on the number of jobs created and retained and the number of jobs created and retained that provide health benefits.
- The bill updates the board requirements for the Florida Sports Foundation to reflect their current board. The bill also removes the requirement that the foundation use proceeds from the Florida Professional Sports Team license plate to promote and develop education programs in state schools.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (g) is added to subsection (4) of
section 20.60, Florida Statutes, to read:

20.60 Department of Economic Opportunity; creation; powers
and duties.—

(4) The purpose of the department is to assist the Governor
in working with the Legislature, state agencies, business



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11 leaders, and economic development professionals to formulate and
12 implement coherent and consistent policies and strategies
13 designed to promote economic opportunities for all Floridians.
14 To accomplish such purposes, the department shall:

15 (g) Notwithstanding part I of chapter 287, contract with
16 the direct-support organization created under s. 288.1229 to
17 guide, stimulate, and promote the sports industry in this state,
18 to promote the participation of residents of this state in
19 amateur athletic competition, and to promote this state as a
20 host for national and international amateur athletic
21 competitions.

22 Section 2. Paragraphs (b) and (g) of subsection (1) of
23 section 220.191, Florida Statutes, are amended to read:

24 220.191 Capital investment tax credit.—

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

26 (b) "Cumulative capital investment" means the total capital
27 investment in land, buildings, and equipment made by the
28 qualifying business in connection with a qualifying project
29 during the period from the beginning of construction of the
30 project to the commencement of operations. The term does not
31 include funds granted to or spent on behalf of the qualifying
32 business by the state, a local government, or other governmental
33 entity; funds appropriated in the General Appropriations Act; or
34 funds otherwise provided to the qualifying business by a state
35 agency, local government, or other governmental entity.

36 (g) "Qualifying project" means a facility in this state
37 meeting one or more of the following criteria:

38 1. A new or expanding facility in this state which creates
39 at least 100 new jobs in this state and is in one of the high-



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40 impact sectors identified by Enterprise Florida, Inc., and
41 certified by the Department of Economic Opportunity pursuant to
42 s. 288.108(6), including, but not limited to, aviation,
43 aerospace, automotive, and silicon technology industries.
44 ~~However, between July 1, 2011, and June 30, 2014, the~~
45 ~~requirement that a facility be in a high-impact sector is waived~~
46 ~~for any otherwise eligible business from another state which~~
47 ~~locates all or a portion of its business to a Disproportionally~~
48 ~~Affected County. For purposes of this section, the term~~
49 ~~"Disproportionally Affected County" means Bay County, Escambia~~
50 ~~County, Franklin County, Gulf County, Okaloosa County, Santa~~
51 ~~Rosa County, Walton County, or Wakulla County.~~

52 2. A new or expanded facility in this state which is
53 engaged in a target industry designated pursuant to the
54 procedure specified in s. 288.106(2) and which is induced by
55 this credit to create or retain at least 1,000 jobs in this
56 state, provided that at least 100 of those jobs are new, pay an
57 annual average wage of at least 130 percent of the average
58 private sector wage in the area as defined in s. 288.005(1) ~~s.~~
59 ~~288.106(2)~~, and make a cumulative capital investment of at least
60 \$100 million. Jobs may be considered retained only if there is
61 significant evidence that the loss of jobs is imminent.
62 Notwithstanding subsection (2), annual credits against the tax
63 imposed by this chapter may not exceed 50 percent of the
64 increased annual corporate income tax liability or the premium
65 tax liability generated by or arising out of a project
66 qualifying under this subparagraph. A facility that qualifies
67 under this subparagraph for an annual credit against the tax
68 imposed by this chapter may take the tax credit for a period not



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69 to exceed 5 years.

70 3. A new or expanded headquarters facility in this state
71 which locates in an enterprise zone and brownfield area and is
72 induced by this credit to create at least 1,500 jobs which on
73 average pay at least 200 percent of the statewide average annual
74 private sector wage, as published by the Department of Economic
75 Opportunity, and which new or expanded headquarters facility
76 makes a cumulative capital investment in this state of at least
77 \$250 million.

78 Section 3. Paragraphs (a), (b), and (e) of subsection (2)
79 of section 288.0001, Florida Statutes, are amended to read:

80 288.0001 Economic Development Programs Evaluation.—The
81 Office of Economic and Demographic Research and the Office of
82 Program Policy Analysis and Government Accountability (OPPAGA)
83 shall develop and present to the Governor, the President of the
84 Senate, the Speaker of the House of Representatives, and the
85 chairs of the legislative appropriations committees the Economic
86 Development Programs Evaluation.

87 (2) The Office of Economic and Demographic Research and
88 OPPAGA shall provide a detailed analysis of economic development
89 programs as provided in the following schedule:

90 (a) By January 1, 2014, and every 3 years thereafter, an
91 analysis of the following:

92 1. The capital investment tax credit established under s.
93 220.191.

94 2. The qualified target industry tax refund established
95 under s. 288.106.

96 3. The brownfield redevelopment bonus refund established
97 under s. 288.107.



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98 4. High-impact business performance grants established
99 under s. 288.108.

100 5. The Florida Enterprise Program ~~Quick Action Closing Fund~~
101 established under s. 288.1088.

102 6. The Innovation Incentive Program established under s.
103 288.1089.

104 7. Enterprise Zone Program incentives established under ss.
105 212.08(5) and (15), 212.096, 220.181, and 220.182.

106 8. The New Markets Development Program established under
107 ss. 288.991-288.9922.

108 (b) By January 1, 2015, and every 3 years thereafter, an
109 analysis of the following:

110 1. The entertainment industry financial incentive program
111 established under s. 288.1254.

112 2. The entertainment industry sales tax exemption program
113 established under s. 288.1258.

114 3. The Florida Tourism Industry Marketing Corporation ~~VISIT~~
115 ~~Florida~~ and its programs established or funded under ss.
116 288.122, 288.1226, 288.12265, and 288.124.

117 4. The Florida Sports Foundation and related programs
118 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
119 288.1168, ~~288.1169~~, and 288.1171.

120 (e) Beginning January 1, 2018, and every 3 years
121 thereafter, an analysis of the Sports Development Program
122 established under s. 288.11625 and the retention of Major League
123 Baseball spring training baseball franchises under s. 288.11631.

124 Section 4. Present subsection (1) of section 288.005,
125 Florida Statutes, is amended, and present subsections (3)
126 through (6) of that section are redesignated as subsections (4)



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127 through (7), respectively, and a new subsection (1) is added to
128 that section, to read:

129 288.005 Definitions.—As used in this chapter, the term:

130 (1) "Average private sector wage in the area" means the
131 statewide average wage in the private sector or the average of
132 all private sector wages in the county or in the standard
133 metropolitan area in which the project is located, as determined
134 by the department.

135 (3)~~(1)~~ "Economic benefits" means the direct, indirect, and
136 induced gains in state revenues as a percentage of the state's
137 investment. The state's investment includes all state funds
138 spent or foregone to benefit a business, including state funds
139 appropriated to public and private entities, state grants, tax
140 exemptions, tax refunds, tax credits, and other state
141 incentives.

142 Section 5. Subsections (1), (3), (4), (5), (8), and (9) of
143 section 288.047, Florida Statutes, are amended to read:

144 288.047 Quick-response training for economic development.—

145 (1) The Quick-Response Training Program is created to
146 provide grants to meet the workforce-skill needs of existing,
147 new, and expanding businesses and industries. The program shall
148 be administered by CareerSource Florida, Inc., in conjunction
149 with ~~Enterprise Florida, Inc., and~~ the Department of Economic
150 Opportunity Education. CareerSource Florida, Inc., shall adopt
151 guidelines for the administration of this program, ~~shall~~ provide
152 technical services, and ~~shall~~ identify businesses that seek
153 services through the program. CareerSource Florida, Inc., shall
154 ~~may contract with Enterprise Florida, Inc., or~~ administer this
155 program ~~directly, if it is determined that such an arrangement~~



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156 ~~maximizes the amount of the Quick Response grant going to direct~~
157 ~~services.~~

158 (3) (a) CareerSource Florida, Inc., may accept applications
159 for grant requests for funding under the program. Requests for
160 funding may be submitted ~~to the Quick-Response Training Program~~
161 by a specific business or industry, through a school district
162 director of career education or community college occupational
163 dean on behalf of a business or industry, or through official
164 state or local economic development efforts. Priority for grants
165 shall be given to businesses and industries in rural areas of
166 opportunity and other rural areas; in distressed inner-city
167 areas; in brownfield areas; or that seek to significantly
168 upgrade employee skills or avoid a significant layoff. In
169 allocating funds for the purposes of the program, CareerSource
170 Florida, Inc., shall establish criteria for approval of requests
171 for funding and shall select the entity that provides the most
172 efficient, cost-effective instruction meeting such criteria.
173 Program funds may be allocated to a career center, community
174 college, or state university. Program funds may be allocated to
175 private postsecondary institutions only after a review that
176 includes, but is not limited to, accreditation and licensure
177 documentation and prior approval by CareerSource Florida, Inc.
178 (b) Instruction funded through the program must terminate
179 when participants demonstrate competence at the level specified
180 in the request; however, the grant term may not exceed 24
181 months. Costs and expenditures for the Quick-Response Training
182 Program must be documented and separated from those incurred by
183 the training provider. The grant agreement must provide for the
184 payment of funds on a reimbursable basis.



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185 (4) CareerSource Florida, Inc., may enter into grant
186 agreements as provided under this section, but the total amount
187 of obligations for payment may not exceed \$30 million for any
188 24-month period. The total amount of reimbursements approved for
189 payment by CareerSource Florida, Inc., must be based on actual
190 performance under the grant agreement and may not exceed the
191 amount appropriated to CareerSource Florida, Inc., for such
192 purpose in a fiscal year. The department shall transfer funds to
193 CareerSource Florida, Inc., as needed to make reimbursement
194 payments. If sufficient funds are not provided in the General
195 Appropriations Act to satisfy the reimbursements approved for
196 payment by CareerSource Florida, Inc., in a fiscal year,
197 CareerSource Florida, Inc., shall pay reimbursements from the
198 appropriation for the following fiscal year. ~~For the first 6~~
199 ~~months of each fiscal year, CareerSource Florida, Inc., shall~~
200 ~~set aside 30 percent of the amount appropriated by the~~
201 ~~Legislature for the Quick-Response Training Program to fund~~
202 ~~instructional programs for businesses located in an enterprise~~
203 ~~zone or brownfield area. Any unencumbered funds remaining~~
204 ~~undisbursed from this set-aside at the end of the 6-month period~~
205 ~~may be used to provide funding for a program that qualifies for~~
206 ~~funding pursuant to this section.~~

207 (5) ~~Prior to the allocation of funds for a request made~~
208 ~~pursuant to this section, CareerSource Florida, Inc., shall~~
209 ~~prepare a grant agreement with ~~between~~ the business or industry~~
210 ~~requesting funds, ~~the educational institution receiving funding~~~~
211 ~~through the program, and CareerSource Florida, Inc. An~~
212 educational institution providing administrative assistance or
213 receiving grant funding under this section may be included as a



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214 party to the grant agreement. The ~~Such~~ agreement must include,
215 but is not limited to:

216 (a) An identification of the personnel necessary to conduct
217 the instructional program, the qualifications of such personnel,
218 and the respective responsibilities of the parties for paying
219 costs associated with the employment of such personnel.

220 (b) An identification of the estimated length of the
221 instructional program.

222 (c) An identification of all direct, training-related
223 costs, including tuition and fees, curriculum development, books
224 and classroom materials, and overhead or indirect costs, not to
225 exceed 5 percent of the grant amount.

226 (d) An identification of special program requirements that
227 are not addressed otherwise in the agreement.

228 (e) Permission to access information specific to the wages
229 and performance of participants upon the completion of
230 instruction for evaluation purposes. Information which, if
231 released, would disclose the identity of the person to whom the
232 information pertains or disclose the identity of the person's
233 employer is confidential and exempt from ~~the provisions of s.~~
234 119.07(1). The agreement must specify that any evaluations
235 published subsequent to the instruction may not identify the
236 employer or any individual participant.

237 (8) The Quick-Response Training Program may ~~is created to~~
238 provide assistance to participants in the welfare transition
239 program. CareerSource Florida, Inc., may award quick-response
240 training grants and develop applicable guidelines for the
241 training of participants in the welfare transition program. In
242 addition to a local economic development organization, grants



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243 must be endorsed by the applicable regional workforce board.

244 (a) Training funded pursuant to this subsection may not
245 exceed 12 months, and may be provided by the local community
246 college, school district, regional workforce board, or the
247 business employing the participant, including on-the-job
248 training. Training will provide entry-level skills to new
249 workers, including those employed in retail, who are
250 participants in the welfare transition program.

251 (b) Participants trained pursuant to this subsection must
252 be employed at a job paying at least the state minimum wage \$6
253 per hour.

254 (c) Funds made available pursuant to this subsection may be
255 expended in connection with the relocation of a business from
256 one community to another if approved by CareerSource Florida,
257 Inc.

258 (9) Notwithstanding any other provision of law, ~~eligible~~
259 matching contributions received during the fiscal year from a
260 business or an industry participating in ~~under this section from~~
261 the Quick-Response Training Program may be counted toward the
262 private sector support of Enterprise Florida, Inc., under s.
263 288.904.

264 Section 6. Section 288.061, Florida Statutes, is amended to
265 read:

266 288.061 Economic development incentive application process;
267 evaluation, approval, and contract requirements.-

268 (1) Beginning January 1, 2017, the department shall
269 prescribe a form upon which an application for an incentive must
270 be made. At a minimum, the incentive application must include
271 all of the following:



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272 (a) The applicant's federal employer identification number,
273 reemployment assistance account number, and state sales tax
274 registration number. If such numbers are not available at the
275 time of application, they must be submitted to the department in
276 writing before the disbursement of any economic incentive
277 payments or the grant of any tax credits or refunds.

278 (b) The applicant's signature.

279 (c) The location in this state at which the project is or
280 will be located.

281 (d) The anticipated commencement date and duration of the
282 project.

283 (e) A description of the type of business activity,
284 product, or research and development undertaken by the
285 applicant, including the six-digit North American Industry
286 Classification System code for all activities included in the
287 project.

288 (f) An attestation verifying that the information provided
289 on the application is true and accurate.

290 (2) ~~(1)~~ Upon receiving a submitted economic development
291 incentive application, the Division of Strategic Business
292 Development of the department ~~of Economic Opportunity~~ and
293 designated staff of Enterprise Florida, Inc., shall review the
294 application to ensure that the application is complete, whether
295 and what type of state and local permits may be necessary for
296 the applicant's project, whether it is possible to waive such
297 permits, and what state incentives and amounts of such
298 incentives may be available to the applicant. The department
299 shall recommend to the executive director to approve or
300 disapprove an applicant business. If review of the application



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301 demonstrates that the application is incomplete, the executive
302 director shall notify the applicant business within the first 5
303 business days after receiving the application.

304 (3) (a) ~~(2)~~ Beginning July 1, 2013, The department shall
305 review and evaluate each economic development incentive
306 application for the economic benefits of the proposed award of
307 state incentives proposed for the project. Such review must
308 occur before the department approves an economic development
309 incentive application and each time an agreement or a contract
310 is amended, modified, or extended by the department.

311 (b) As used in this subsection, the term "economic
312 benefits" has the same meaning as in s. 288.005. The Office of
313 Economic and Demographic Research shall establish the
314 methodology and model used to calculate the economic benefits,
315 including guidelines for the appropriate application of the
316 department's internal model. For purposes of this requirement,
317 an amended definition of the term "economic benefits" may be
318 developed by the Office of Economic and Demographic Research.
319 However, the amended definition must reflect the requirement of
320 s. 288.005 that the calculation of the state's investment
321 include all state funds spent or foregone to benefit the
322 business, including state funds appropriated to public and
323 private entities, to the extent that those funds should
324 reasonably be known to the department at the time of approval.

325 (c) For the purpose of calculating the economic benefits of
326 the proposed award of state incentives for the project, the
327 department may not attribute to the business any capital
328 investment made by the business using state funds. However, for
329 the purpose of evaluating an economic development incentive



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330 application, the department shall consider the cumulative
331 capital investment, as defined in s. 220.191.

332 (4) The department's evaluation of the application also
333 must include all of the following:

334 (a) A financial analysis of the company, including
335 information regarding liens and pending or ongoing litigation,
336 credit ratings, and regulatory filings.

337 (b) A review of any independent evaluations of the company.

338 (c) A review of the historical market performance of the
339 company.

340 (d) A review of the latest audit of the company's financial
341 statement and the related auditor management letter.

342 (e) A review of any other audits that are related to the
343 internal controls or management of the company.

344 (f) A review of the corporate governance and management
345 structure of the company.

346 (g) A review of performance in connection with any
347 incentives previously awarded by the state or a local
348 government.

349 (h) Any other review deemed necessary by the department.

350 (5) (a) ~~(3)~~ Within 10 business days after the department
351 receives a complete ~~the submitted~~ economic development incentive
352 application, the executive director shall approve or disapprove
353 the application. Except for ss. 288.108, 288.1088, and 288.1089,
354 the executive director shall ~~and~~ issue a letter of certification
355 to the applicant which includes a justification of that
356 decision, unless the business requests an extension of ~~that~~
357 time.

358 (b) For ss. 288.108, 288.1088, and 288.1089, within 7



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359 business days after the executive director approves or
360 disapproves a complete economic development incentive
361 application, the executive director shall recommend to the
362 Governor approval or disapproval of the application. If the
363 recommendation is for approval, the recommendation must include
364 the total amount of the award; the anticipated project
365 performance conditions, including, but not limited to, net new
366 employment in the state, average salary, and total capital
367 investment incurred by the business; a baseline of current
368 service and a measure of enhanced capability; the methodology
369 for validating performance; the schedule of performance grant
370 payments; and sanctions for failure to meet performance
371 conditions, including any clawback provisions.

372 (6) (a) Upon approval by the Governor or certification by
373 the department, the department and the applicant shall enter
374 into an agreement or a contract. The ~~contract or agreement or~~
375 contract with the applicant must specify the total amount of the
376 award; ~~the~~ the performance conditions that must be met to obtain
377 the award, including, but not limited to, net new employment in
378 the state, average salary, and total capital investment incurred
379 by the business; the schedule for performance and payment; the
380 methodology for validating performance and the date by which the
381 business must submit proof of performance to the department; a
382 process for amending, modifying, or extending the agreement or
383 contract; ~~and~~ and sanctions that would apply for failure to meet
384 performance conditions. Any agreement or contract with the
385 applicant must require that the applicant use the workforce
386 information systems implemented under s. 445.011 to advertise
387 job openings created as a result of the state incentive



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388 agreement or contract. Any agreement or contract that requires
389 the business to make a capital investment must also require that
390 such investment remain in this state for the duration of the
391 agreement or contract, with the exception of an investment made
392 in transportation-related assets specifically used for the
393 purpose of transporting goods or employees. The department may
394 enter into one agreement or contract covering all of the state
395 incentives that are being provided to the applicant. The
396 agreement or contract must provide that release of funds is
397 contingent upon sufficient appropriation of funds by the
398 Legislature.

399 (b) The department may not enter into an agreement or a
400 contract that has a term of more than 10 years. However, the
401 department may enter into a successive agreement or contract for
402 a specific project to extend the initial 10-year term if each
403 successive agreement or contract is contingent upon the
404 successful completion of the previous agreement or contract.
405 This paragraph does not apply to an agreement or a contract for
406 a project receiving a capital investment tax credit under s.
407 220.191 or an Innovation Incentive Program award under s.
408 288.1089.

409 (c) The department shall provide a notice, including an
410 updated description and evaluation, to the Legislature upon the
411 final execution of each agreement or contract. Any agreement or
412 contract executed by the department for a project under s.
413 288.108, s. 288.1088, or s. 288.1089 must embody performance
414 conditions and timelines that were in the written description
415 and evaluation submitted to the Legislature.

416 (7) ~~(b)~~ The release of funds for the incentive or incentives



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417 awarded to the applicant depends upon the statutory requirements
418 of the particular incentive program. The department may only
419 make a payment to a business after the department verifies that
420 the business has met the required project performance conditions
421 and statutory requirements, and only in the year in which the
422 payment is scheduled to be paid pursuant to the agreement or
423 contract. The department may not transfer outside of the state
424 treasury any funds appropriated by the Legislature for incentive
425 programs except as expressly provided in the General
426 Appropriations Act or to make a payment as scheduled in an
427 agreement or contract.

428 (8)-(4) The department shall validate contractor performance
429 and report such validation in the annual incentives report
430 required under s. 288.907.

431 (9)-(5)(a) The executive director may not approve an
432 economic development incentive application unless the
433 application includes a signed written declaration by the
434 applicant which states that the applicant has read the
435 information in the application and that the information is true,
436 correct, and complete to the best of the applicant's knowledge
437 and belief.

438 (b) After an economic development incentive application is
439 approved, the awardee shall provide, in each year that the
440 department is required to validate contractor performance, a
441 signed written declaration. The written declaration must state
442 that the awardee has reviewed the information and that the
443 information is true, correct, and complete to the best of the
444 awardee's knowledge and belief.

445 (10)-(6) The department is authorized to adopt rules to



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446 implement this section.

447 Section 7. Paragraphs (a), (c), and (e) of subsection (1),
448 subsection (2), paragraph (e) of subsection (3), subsection (6),
449 and paragraph (a) of subsection (7) of section 288.076, Florida
450 Statutes, are amended to read:

451 288.076 Return on investment reporting for economic
452 development programs.-

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

454 (a) "Jobs" has the same meaning as provided in s.
455 288.106(2) ~~s. 288.106(2)(i)~~.

456 (c) "Project" has the same meaning as provided in s.
457 288.106(2) ~~s. 288.106(2)(m)~~.

458 (e) "State investment" means all state funds spent or
459 foregone to benefit a business, including state funds
460 appropriated to public and private entities, any state grants,
461 tax exemptions, tax refunds, tax credits, and any other source
462 of state funds which should reasonably be known to the
463 department at the time of approval ~~or other state incentives~~
464 ~~provided to a business under a program administered by the~~
465 ~~department~~, including the capital investment tax credit under s.
466 220.191.

467 (2) (a) The department shall maintain a website for the
468 purpose of publishing the information described in this section.
469 The information required to be published under this section must
470 be provided in a format accessible to the public which enables
471 users to search for and sort specific data and to easily view
472 and retrieve all data at once.

473 (b) The department must publish a summary document that
474 provides for all active contracts the information required under



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475 subparagraphs (3)(b)1. and 2. and paragraphs (3)(e) and (f),
476 including verified results. The summary document must be updated
477 quarterly and easily accessible on the website.

478 (3) Within 48 hours after expiration of the period of
479 confidentiality for project information deemed confidential and
480 exempt pursuant to s. 288.075, the department shall publish the
481 following information pertaining to each project:

482 (e) *Project performance goals.*—

483 1. The incremental direct jobs attributable to the project,
484 identifying the number of jobs generated and the number of jobs
485 retained.

486 2. The number of jobs generated and the number of jobs
487 retained by the project, and for projects commencing after
488 October 1, 2013, the average annual wage of persons holding such
489 jobs and the number of jobs generated and the number of jobs
490 retained which provide health benefits for the employee.

491 3. The incremental direct capital investment in the state
492 generated by the project.

493 4. The schedule of performance that the business is
494 required to meet and the schedule of payments by the state under
495 the terms of the contract. If a schedule is changed due to a
496 contract amendment, modification, or extension, such change
497 shall be noted.

498 (6) Annually, the department shall publish information
499 relating to the progress of Florida Enterprise Program Quick
500 Action Closing Fund projects, including the average number of
501 days between the date the department receives a completed
502 application and the date on which the application is approved.

503 (7) (a) Within 48 hours after expiration of the period of



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504 confidentiality provided under s. 288.075, the department shall
505 publish the contract or agreement described in s. 288.061,
506 redacted to protect the participant business from disclosure of
507 information that remains confidential or exempt by law. Within
508 48 hours after approval, the department shall publish any
509 amendment, modification, or extension to a contract or
510 agreement, redacted to protect the participant business from
511 disclosure of information that remains confidential or exempt by
512 law.

513 Section 8. Subsection (2) and paragraph (c) of subsection
514 (3) of section 288.095, Florida Statutes, are amended, and
515 subsections (4) and (5) are added to that section, to read:

516 288.095 Economic Development Trust Fund.—

517 (2) There is created, within the Economic Development Trust
518 Fund, the Economic Development Incentives Account. The Economic
519 Development Incentives Account consists of moneys appropriated
520 to the account for purposes of the tax incentives programs
521 authorized under ss. 288.1045 and 288.106, and transferred from
522 local governments for the purposes of the local financial
523 support provided under ss. 288.1045, ~~and~~ 288.106, and 288.1088.
524 Moneys in the Economic Development Incentives Account may only
525 be expended pursuant to Legislative appropriation or an approved
526 amendment to the department's operating budget pursuant to
527 chapter 216 ~~shall be subject to the provisions of s.~~
528 216.301(1)(a). Notwithstanding s. 216.301, and pursuant to s.
529 216.351, any balance in the account at the end of a fiscal year
530 remains in the account and is available for carrying out the
531 purposes of the account.

532 (3)



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533 (c) Moneys in the Economic Development Incentives Account
534 may be used only to pay tax refunds and make other payments
535 authorized under s. 288.1045, s. 288.106, ~~or~~ s. 288.107, or s.
536 288.1088.

537 (4) There is created, within the Economic Development Trust
538 Fund, the Florida Enterprise Fund Account. The Florida
539 Enterprise Fund Account consists of moneys appropriated to the
540 account for purposes of the incentives programs authorized under
541 ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
542 288.1089. Moneys in the Florida Enterprise Fund Account may only
543 be expended pursuant to Legislative appropriation or an approved
544 amendment to the department's operating budget pursuant to
545 chapter 216. Notwithstanding s. 216.301, and pursuant to s.
546 216.351, any balance in the account at the end of a fiscal year
547 remains in the account and is available for carrying out the
548 purposes of the account. Notwithstanding s. 17.61(3)(c), the
549 department shall transfer interest earnings on a quarterly basis
550 to the State Economic Enhancement and Development Trust Fund.

551 (a) By January 2 of each year, the department shall provide
552 to the Legislature a list of potential claims for payment that
553 may be filed in the following fiscal year under ss. 288.0659,
554 288.1045, 288.106, 288.107, 288.108, 288.1088, and 288.1089.

555 (b) By March 1 of each year, the department shall provide
556 to the Legislature a list of actual claims for payment filed in
557 the following fiscal year under ss. 288.0659, 288.1045, 288.106,
558 288.107, 288.108, 288.1088, and 288.1089.

559 (5) (a) There is created, within the Economic Development
560 Trust Fund, the Quick Action Closing Fund Escrow Account. The
561 Quick Action Closing Fund Escrow Account consists of moneys



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562 transferred from Enterprise Florida, Inc., which were held in an
563 escrow account on June 30, 2016, for approved contracts or
564 agreements under s. 288.1088 and moneys for contracts or
565 agreements under s. 288.1088 approved on or after July 1, 2016.

566 (b) Moneys in the account are appropriated to make payments
567 pursuant to agreements or contracts for projects authorized
568 under s. 288.1088, or to make the transfers required pursuant to
569 paragraph (d) or (e). Notwithstanding s. 216.301, and pursuant
570 to s. 216.351, any balance in the account at the end of a fiscal
571 year remains in the account and is available for carrying out
572 the purposes of the account.

573 (c) The department may make a payment from the account
574 after an independent third party has verified that an applicant
575 has satisfied all of the requirements of the agreement or
576 contract and the department has determined that an applicant
577 meets the required project performance criteria and that a
578 payment is due.

579 (d) The department shall determine, within 15 days after
580 the end of each calendar quarter, whether moneys are in the
581 account which are associated with an agreement or contract
582 entered into pursuant to s. 288.1088 that the department has
583 terminated, that has otherwise expired, or for which a business
584 has not met performance conditions required by the agreement or
585 contract. Any such funds held in the account must be returned to
586 the State Economic Enhancement and Development Trust Fund within
587 10 days after the determination.

588 (e) Moneys in the account shall be managed and invested to
589 generate the maximum amount of interest earnings, consistent
590 with the requirement that the moneys be available to make



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591 payments as required pursuant to Quick Action Closing Fund
592 contracts or agreements. Notwithstanding s. 17.61(3)(c), the
593 department shall transfer interest earnings on a quarterly basis
594 to the State Economic Enhancement and Development Trust Fund.

595 Section 9. By July 10, 2016, Enterprise Florida, Inc.,
596 shall transfer any funds held in an escrow account on June 30,
597 2016, for approved Quick Action Closing Fund agreements or
598 contracts to the department for deposit in the Quick Action
599 Closing Fund Escrow Account within the Economic Development
600 Trust Fund.

601 Section 10. Paragraphs (b), (j), and (k) of subsection (1)
602 and paragraphs (b), (c), (d), (e), and (j) of subsection (3) of
603 section 288.1045, Florida Statutes, are amended, paragraph (i)
604 is added to subsection (5) of that section, and subsection (7)
605 of that section is amended, to read:

606 288.1045 Qualified defense contractor and space flight
607 business tax refund program.—

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

609 ~~(b) "Average wage in the area" means the average of all~~
610 ~~wages and salaries in the state, the county, or in the standard~~
611 ~~metropolitan area in which the business unit is located.~~

612 (i)(j) "Local financial support" means funding from local
613 sources, public or private, which is paid to the Economic
614 Development Trust Fund and which is equal to 20 percent of the
615 annual tax refund for a qualified applicant.

616 1. Local financial support may include excess payments made
617 to a utility company under a designated program to allow
618 decreases in service by the utility company under conditions,
619 regardless of when application is made.



620 2. A qualified applicant may not provide, directly or
621 indirectly, more than 5 percent of such funding in any fiscal
622 year. The sources of such funding may not include, directly or
623 indirectly, state funds appropriated from the General Revenue
624 Fund or any state trust fund, excluding tax revenues shared with
625 local governments pursuant to law.

626 3. A qualified applicant may not receive more than 80
627 percent of its total tax refunds from state funds that are
628 allowed the applicant under this section.

629 4. The department may grant a waiver to a local government
630 that reduces the required amount of local financial support for
631 a project to 10 percent of the annual tax refund award or that
632 eliminates the required amount of local financial support for a
633 project located in an area designated by the Governor as a rural
634 area of opportunity pursuant to s. 288.0656. To be eligible to
635 receive a waiver that reduces or eliminates the required amount
636 of local financial support, a local government must provide the
637 department with:

638 a. A resolution adopted by the governing body of the county
639 or municipality in whose jurisdiction the project will be
640 located, requesting that the applicant's project be waived from
641 the local financial support requirement.

642 b. A statement prepared by a certified public accountant,
643 as that term is defined in s. 473.302, which describes the
644 financial constraints preventing the local government from
645 providing the local financial support required by this section.
646 This sub-subparagraph does not apply to a county considered to
647 be fiscally constrained pursuant to s. 218.67(1).

648 ~~(k) "Local financial support exemption option" means the~~



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649 ~~option to exercise an exemption from the local financial support~~
650 ~~requirement available to any applicant whose project is located~~
651 ~~in a county designated by the Rural Economic Development~~
652 ~~Initiative, if the county commissioners of the county in which~~
653 ~~the project will be located adopt a resolution requesting that~~
654 ~~the applicant's project be exempt from the local financial~~
655 ~~support requirement. Any applicant that exercises this option is~~
656 ~~not eligible for more than 80 percent of the total tax refunds~~
657 ~~allowed such applicant under this section.~~

658 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
659 DETERMINATION.—

660 (b) Applications for certification based on the
661 consolidation of a Department of Defense contract or a new
662 Department of Defense contract must be submitted to the
663 department as prescribed by the department and must include, but
664 are not limited to, the following information:

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

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

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

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



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

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

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

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

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

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

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

706 12. Any additional information requested by the department.



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

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

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

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

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

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

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

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

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

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

735 10. A brief statement concerning the applicant's need for



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736 tax refunds, and the proposed uses of such refunds by the
737 applicant.

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

751 12. Any additional information requested by the department.

752 (d) Applications for certification based on a contract for
753 reuse of a defense-related facility must be submitted to the
754 department as prescribed by the department and must include, but
755 are not limited to, the following information:

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

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

761 3. The business entity holding a valid Department of
762 Defense contract or branch of the Armed Forces of the United
763 States that previously occupied the facility, and the date such
764 entity last occupied the facility.



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

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

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

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

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

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

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

784 11. A resolution adopted by the governing board of the
785 county or municipality in which the project will be located,
786 which recommends the applicant be approved as a qualified
787 applicant, and which indicates that the necessary commitments of
788 local financial support for the applicant exist. ~~Before the~~
789 ~~adoption of the resolution, the county commission may review the~~
790 ~~proposed public or private sources of such support and determine~~
791 ~~whether the proposed sources of local financial support can be~~
792 ~~provided or, for any applicant whose project is located in a~~
793 ~~county designated by the Rural Economic Development Initiative,~~



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794 ~~a resolution adopted by the county commissioners of such county~~
795 ~~requesting that the applicant's project be exempt from the local~~
796 ~~financial support requirement.~~

797 12. Any additional information requested by the department.

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

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

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

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

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

818 5. A business unit of the applicant must have derived not
819 less than 60 percent of its gross receipts in this state from
820 Department of Defense contracts or space flight business
821 contracts over the applicant's last fiscal year, and must have
822 derived not less than an average of 60 percent of its gross



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823 receipts in this state from Department of Defense contracts or
824 space flight business contracts over the 5 years preceding the
825 date an application is submitted pursuant to this section. This
826 subparagraph does not apply to any application for certification
827 based on a contract for reuse of a defense-related facility.

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

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

834 (j) Applications for certification based upon a new space
835 flight business contract or the consolidation of a space flight
836 business contract must be submitted to the department as
837 prescribed by the department and must include, but are not
838 limited to, the following information:

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

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

844 3. The new space flight business contract number, the space
845 flight business contract numbers of the contract to be
846 consolidated, or the request-for-proposal number of a proposed
847 space flight business contract.

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

851 5. The commencement date for project operations under the



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852 contract in this state.

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

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

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

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

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

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

879 12. Any additional information requested by the department.

880 (5) ANNUAL CLAIM FOR REFUND.-



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881 (i)1. If a business fails to timely submit documentation
882 requested by the department as required in the agreement between
883 the business and the department and such failure results in the
884 department withholding an otherwise approved refund, then the
885 business may receive the approved refund if:

886 a. The business submits the documentation to the
887 department.

888 b. The business provides a written statement to the
889 department detailing the extenuating circumstances that resulted
890 in the failure to timely submit the documentation required by
891 the agreement.

892 c. Funds appropriated under this section remain available.

893 d. The business was scheduled under the terms of the
894 agreement to submit information to the department between
895 January 1, 2014, and December 31, 2014.

896 e. The business has met all other requirements of the
897 agreement.

898 2. This paragraph expires December 31, 2017.

899 (7) EXPIRATION.—An applicant may not be certified as
900 qualified under this section after June 30, 2018 ~~2014~~. A tax
901 refund agreement existing on that date shall continue in effect
902 in accordance with its terms.

903 Section 11. Paragraphs (c), (j), (k), and (q) of subsection
904 (2), paragraph (b) of subsection (4), paragraph (b) of
905 subsection (5), subsection (8), and subsection (9) of section
906 288.106, Florida Statutes, are amended to read:

907 288.106 Tax refund program for qualified target industry
908 businesses.—

909 (2) DEFINITIONS.—As used in this section:



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910 ~~(c) "Average private sector wage in the area" means the~~
911 ~~statewide private sector average wage or the average of all~~
912 ~~private sector wages and salaries in the county or in the~~
913 ~~standard metropolitan area in which the business is located.~~

914 ~~(i)-(j)~~ "Local financial support" means funding from local
915 sources, public or private, which ~~that~~ is paid to the Economic
916 Development Trust Fund and which ~~that~~ is equal to 20 percent of
917 the annual tax refund for a qualified target industry business.

918 1. A qualified target industry business may not provide,
919 directly or indirectly, more than 5 percent of such funding in
920 any fiscal year. The sources of such funding may not include,
921 directly or indirectly, state funds appropriated from the
922 General Revenue Fund or any state trust fund, excluding tax
923 revenues shared with local governments pursuant to law.

924 2. A qualified target industry business may not receive
925 more than 80 percent of its total tax refunds from state funds
926 that are allowed the business under this section.

927 3. The department may grant a waiver to a local government
928 that reduces the required amount of local financial support for
929 a project to 10 percent of the annual tax refund award or that
930 eliminates the required amount of local financial support for a
931 project located in an area designated by the Governor as a rural
932 area of opportunity pursuant to s. 288.0656. To be eligible to
933 receive a waiver that reduces or eliminates the required amount
934 of local financial support, a local government must provide the
935 department with:

936 a. A resolution adopted by the governing body of the county
937 or municipality in whose jurisdiction the project will be
938 located, requesting that the applicant's project be waived from



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939 the local financial support requirement.

940 b. A statement prepared by a certified public accountant,
941 as that term is defined in s. 473.302, which describes the
942 financial constraints preventing the local government from
943 providing the local financial support required by this section.
944 This sub-subparagraph does not apply to a county considered
945 fiscally constrained pursuant to s. 218.67(1).

946 ~~(k) "Local financial support exemption option" means the~~
947 ~~option to exercise an exemption from the local financial support~~
948 ~~requirement available to any applicant whose project is located~~
949 ~~in a brownfield area, a rural city, or a rural community. Any~~
950 ~~applicant that exercises this option is not eligible for more~~
951 ~~than 80 percent of the total tax refunds allowed such applicant~~
952 ~~under this section.~~

953 (p) (q) "Target industry business" means a corporate
954 headquarters business or any business that is engaged in one of
955 the target industries identified pursuant to the following
956 criteria developed by the department in consultation with
957 Enterprise Florida, Inc.:

958 1. Future growth.—Industry forecasts should indicate strong
959 expectation for future growth in both employment and output,
960 according to the most recent available data. Special
961 consideration should be given to businesses that export goods
962 to, or provide services in, international markets and businesses
963 that replace domestic and international imports of goods or
964 services.

965 2. Stability.—The industry should not be subject to
966 periodic layoffs, whether due to seasonality or sensitivity to
967 volatile economic variables such as weather. The industry should



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968 also be relatively resistant to recession, so that the demand
969 for products of this industry is not typically subject to
970 decline during an economic downturn.

971 3. High wage.—The industry should pay relatively high wages
972 compared to statewide or area averages.

973 4. Market and resource independent.—The location of
974 industry businesses should not be dependent on Florida markets
975 or resources as indicated by industry analysis, except for
976 businesses in the renewable energy industry.

977 5. Industrial base diversification and strengthening.—The
978 industry should contribute toward expanding or diversifying the
979 state's or area's economic base, as indicated by analysis of
980 employment and output shares compared to national and regional
981 trends. Special consideration should be given to industries that
982 strengthen regional economies by adding value to basic products
983 or building regional industrial clusters as indicated by
984 industry analysis. Special consideration should also be given to
985 the development of strong industrial clusters that include
986 defense and homeland security businesses.

987 6. Positive economic impact.—The industry is expected to
988 have strong positive economic impacts on or benefits to the
989 state or regional economies. Special consideration should be
990 given to industries that facilitate the development of the state
991 as a hub for domestic and global trade and logistics.

992
993 The term does not include any business engaged in retail
994 industry activities; any electrical utility company as defined
995 in s. 366.02(2); any phosphate or other solid minerals
996 severance, mining, or processing operation; any oil or gas



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997 exploration or production operation; or any business subject to
998 regulation by the Division of Hotels and Restaurants of the
999 Department of Business and Professional Regulation. Any business
1000 within NAICS code 5611 or 5614, office administrative services
1001 and business support services, respectively, or any business
1002 within NAICS code 611310 which offers only baccalaureate or
1003 higher degree programs that address health care workforce demand
1004 may be considered a target industry business only after the
1005 local governing body and Enterprise Florida, Inc., make a
1006 determination that the community where the business may locate
1007 has conditions affecting the fiscal and economic viability of
1008 the local community or area, including but not limited to,
1009 factors such as low per capita income, high unemployment, high
1010 underemployment, and a lack of year-round stable employment
1011 opportunities, and such conditions may be improved by the
1012 location of such a business to the community. By January 1 of
1013 every 3rd year, beginning January 1, 2011, the department, in
1014 consultation with Enterprise Florida, Inc., economic development
1015 organizations, the State University System, local governments,
1016 employee and employer organizations, market analysts, and
1017 economists, shall review and, as appropriate, revise the list of
1018 such target industries and submit the list to the Governor, the
1019 President of the Senate, and the Speaker of the House of
1020 Representatives.

1021 (4) APPLICATION AND APPROVAL PROCESS.—

1022 (b) To qualify for review by the department, the
1023 application of a target industry business must, at a minimum,
1024 establish the following to the satisfaction of the department:

1025 1.a. The jobs proposed to be created under the application,



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1026 pursuant to subparagraph (a)4., must pay an estimated annual
1027 average wage equaling at least 115 percent of the average
1028 private sector wage in the area where the business is to be
1029 located ~~or the statewide private sector average wage~~. The
1030 governing board of the local governmental entity providing the
1031 local financial support of the jurisdiction where the qualified
1032 target industry business is to be located shall notify the
1033 department and Enterprise Florida, Inc., which calculation of
1034 the average private sector wage in the area must be used as the
1035 basis for the business's wage commitment. In determining the
1036 average annual wage, the department shall include only new
1037 proposed jobs, and wages for existing jobs shall be excluded
1038 from this calculation.

1039 b. The department may waive the average wage requirement at
1040 the request of the local governing body recommending the project
1041 and Enterprise Florida, Inc. The department may waive the wage
1042 requirement for a project located in a brownfield area
1043 designated under s. 376.80, in a rural city, in a rural
1044 community, in an enterprise zone, or for a manufacturing project
1045 at any location in the state if the jobs proposed to be created
1046 pay an estimated annual average wage equaling at least 100
1047 percent of the average private sector wage in the area where the
1048 business is to be located, only if the merits of the individual
1049 project or the specific circumstances in the community in
1050 relationship to the project warrant such action. If the local
1051 governing body and Enterprise Florida, Inc., make such a
1052 recommendation, it must be transmitted in writing and must
1053 include an explanation of, ~~and~~ the specific justification for
1054 the waiver recommendation ~~must be explained~~. If the department



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1055 elects to waive the wage requirement, the waiver must be stated
1056 in writing and must include an explanation of, ~~and~~ the reasons
1057 for granting the waiver ~~must be explained.~~

1058 2. The target industry business's project must result in
1059 the creation of at least 10 jobs at the project and, in the case
1060 of an expansion of an existing business, must result in a net
1061 increase in employment of at least 10 percent at the business.
1062 At the request of the local governing body recommending the
1063 project and Enterprise Florida, Inc., the department may waive
1064 this requirement for a business in a rural community or
1065 enterprise zone if the merits of the individual project or the
1066 specific circumstances in the community in relationship to the
1067 project warrant such action. If the local governing body and
1068 Enterprise Florida, Inc., make such a request, the request must
1069 be transmitted in writing and must include an explanation of,
1070 ~~and~~ the specific justification for the request ~~must be~~
1071 ~~explained.~~ If the department elects to grant the request, the
1072 grant must be stated in writing, ~~and~~ explain why the request was
1073 granted ~~the reason for granting the request must be explained.~~

1074 3. The business activity or product for the applicant's
1075 project must be within an industry identified by the department
1076 as a target industry business that contributes to the economic
1077 growth of the state and the area in which the business is
1078 located, that produces a higher standard of living for residents
1079 of this state in the new global economy, or that can be shown to
1080 make an equivalent contribution to the area's and state's
1081 economic progress.

1082 (5) TAX REFUND AGREEMENT.—

1083 (b) Compliance with the terms and conditions of the



1084 agreement is a condition precedent for the receipt of a tax
1085 refund each year. The failure to comply with the terms and
1086 conditions of the tax refund agreement results in the loss of
1087 eligibility for receipt of all tax refunds previously authorized
1088 under this section and the revocation by the department of the
1089 certification of the business entity as a qualified target
1090 industry business, unless the business is eligible to receive
1091 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~
1092 ~~the department grants the business an economic recovery~~
1093 ~~extension.~~

1094 ~~1. A qualified target industry business may submit a~~
1095 ~~request to the department for an economic recovery extension.~~
1096 ~~The request must provide quantitative evidence demonstrating how~~
1097 ~~negative economic conditions in the business's industry, the~~
1098 ~~effects of a named hurricane or tropical storm, or specific acts~~
1099 ~~of terrorism affecting the qualified target industry business~~
1100 ~~have prevented the business from complying with the terms and~~
1101 ~~conditions of its tax refund agreement.~~

1102 ~~2. Upon receipt of a request under subparagraph 1., the~~
1103 ~~department has 45 days to notify the requesting business, in~~
1104 ~~writing, whether its extension has been granted or denied. In~~
1105 ~~determining whether an extension should be granted, the~~
1106 ~~department shall consider the extent to which negative economic~~
1107 ~~conditions in the requesting business's industry have occurred~~
1108 ~~in the state or the effects of a named hurricane or tropical~~
1109 ~~storm or specific acts of terrorism affecting the qualified~~
1110 ~~target industry business have prevented the business from~~
1111 ~~complying with the terms and conditions of its tax refund~~
1112 ~~agreement. The department shall consider current employment~~



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1113 ~~statistics for this state by industry, including whether the~~
1114 ~~business's industry had substantial job loss during the prior~~
1115 ~~year, when determining whether an extension shall be granted.~~

1116 ~~3. As a condition for receiving a prorated refund under~~
1117 ~~paragraph (6) (e) or an economic recovery extension under this~~
1118 ~~paragraph, a qualified target industry business must agree to~~
1119 ~~renegotiate its tax refund agreement with the department to, at~~
1120 ~~a minimum, ensure that the terms of the agreement comply with~~
1121 ~~current law and the department's procedures governing~~
1122 ~~application for and award of tax refunds. Upon approving the~~
1123 ~~award of a prorated refund or granting an economic recovery~~
1124 ~~extension, the department shall renegotiate the tax refund~~
1125 ~~agreement with the business as required by this subparagraph.~~
1126 ~~When amending the agreement of a business receiving an economic~~
1127 ~~recovery extension, the department may extend the duration of~~
1128 ~~the agreement for a period not to exceed 2 years.~~

1129 ~~4. A qualified target industry business may submit a~~
1130 ~~request for an economic recovery extension to the department in~~
1131 ~~lieu of any tax refund claim scheduled to be submitted after~~
1132 ~~January 1, 2009, but before July 1, 2012.~~

1133 ~~5. A qualified target industry business that receives an~~
1134 ~~economic recovery extension may not receive a tax refund for the~~
1135 ~~period covered by the extension.~~

1136 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~
1137 ~~in the best interest of the public for reasons of facilitating~~
1138 ~~economic development, growth, or new employment opportunities~~
1139 ~~within a Disproportionally Affected County, the department may,~~
1140 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
1141 ~~or local financial support eligibility requirements and allow a~~



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1142 ~~qualified target industry business from another state which~~
1143 ~~relocates all or a portion of its business to a~~
1144 ~~Disproportionally Affected County to receive a tax refund~~
1145 ~~payment of up to \$6,000 multiplied by the number of jobs~~
1146 ~~specified in the tax refund agreement under subparagraph~~
1147 ~~(5) (a) 1. over the term of the agreement. Prior to granting such~~
1148 ~~waiver, the executive director of the department shall file with~~
1149 ~~the Governor a written statement of the conditions and~~
1150 ~~circumstances constituting the reason for the waiver. Such~~
1151 ~~business shall be eligible for the additional tax refund~~
1152 ~~payments specified in subparagraph (3) (b) 4. if it meets the~~
1153 ~~criteria. As used in this section, the term "Disproportionally~~
1154 ~~Affected County" means Bay County, Escambia County, Franklin~~
1155 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
1156 ~~County, or Wakulla County.~~

1157 (9) INCENTIVE PAYMENTS.—The incentive payments made to a
1158 business pursuant to this section are not repayments of the
1159 actual taxes paid to the state or to a local government by the
1160 business. The amount of state and local government taxes paid by
1161 a business serve as a limitation on the amount of incentive
1162 payments a business may receive.

1163 (10) EXPIRATION.—An applicant may not be certified as
1164 qualified under this section after June 30, 2020. A tax refund
1165 agreement existing on that date shall continue in effect in
1166 accordance with its terms.

1167 Section 12. Paragraphs (b) and (c) of subsection (2) and
1168 subsection (5) of section 288.108, Florida Statutes, are amended
1169 to read:

1170 288.108 High-impact business.—



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1171 (2) DEFINITIONS.—As used in this section, the term:
1172 (b) “Cumulative investment” means the total investment in
1173 buildings and equipment made by a qualified high-impact business
1174 since the beginning of construction of such facility. The term
1175 does not include funds granted to or spent on behalf of the
1176 qualifying business by the state, a local government, or other
1177 governmental entity; funds appropriated in the General
1178 Appropriations Act; or funds otherwise provided to the
1179 qualifying business by a state agency, local government, or
1180 other governmental entity.

1181 (c) “Eligible high-impact business” means a business in one
1182 of the high-impact sectors identified by Enterprise Florida,
1183 Inc., ~~and certified by the department as provided in subsection~~
1184 ~~(5)~~, which is making a cumulative investment in the state of at
1185 least \$50 million and creating at least 50 new full-time
1186 equivalent jobs in the state or a research and development
1187 facility making a cumulative investment of at least \$25 million
1188 and creating at least 25 new full-time equivalent jobs. Such
1189 investment and employment must be achieved in a period not to
1190 exceed 3 years after the date the business enters into an
1191 agreement with the department as provided in subsection (5) ~~is~~
1192 certified as a qualified high-impact business.

1193 (5) APPLICATIONS; REVIEW, APPROVAL, AND CERTIFICATION
1194 PROCESS; GRANT AGREEMENT.—

1195 (a) The department shall review an application pursuant to
1196 s. 288.061 which is received from any eligible high-impact
1197 business, as defined in subsection (2), for consideration as a
1198 qualified high-impact business before the business has made a
1199 decision to locate or expand a facility in this state. The



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1200 business must provide the following information:

1201 1. A complete description of the type of facility, business
1202 operations, and product or service associated with the project.

1203 2. The number of full-time equivalent jobs that will be
1204 created by the project and the average annual wage of those
1205 jobs.

1206 3. The cumulative amount of investment to be dedicated to
1207 this project within 3 years.

1208 4. A statement concerning any special impacts the facility
1209 is expected to stimulate in the sector, the state, or regional
1210 economy and in state universities and community colleges.

1211 5. A statement concerning the role the grant will play in
1212 the decision of the applicant business to locate or expand in
1213 this state.

1214 6. Any additional information requested by the department.

1215 (b) 1. Applications shall be reviewed ~~and certified~~ pursuant
1216 to s. 288.061.

1217 2. The project must have an economic benefit ratio of at
1218 least 1 to 1.

1219 (c) The executive director of the department shall
1220 recommend to the Governor approval or disapproval of a project
1221 pursuant to s. 288.061. The Governor may approve a high-impact
1222 business performance grant of less than \$2 million without
1223 consulting the Legislature and shall provide a written
1224 description and evaluation of the approved project to the
1225 President of the Senate and the Speaker of the House of
1226 Representatives within 1 business day after approval.

1227 (d) For any high-impact business performance grant awarded
1228 funding in the amount of \$2 million or more, the Governor shall



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1229 provide a written description and evaluation of the project to
1230 the President of the Senate and the Speaker of the House of
1231 Representatives at least 14 days before approving the project.
1232 If the President of the Senate or the Speaker of the House of
1233 Representatives timely advises the Governor, in writing, that
1234 his or her planned or proposed action exceeds the delegated
1235 authority of the Governor or is contrary to legislative policy
1236 or intent, the Governor shall instruct the department to
1237 immediately suspend any action planned or proposed.

1238 (e) A written description and evaluation of an amendment, a
1239 modification, or an extension of an executed agreement which
1240 results in a 0.5-point or greater reduction in the economic
1241 benefit ratio of the project must be provided to the President
1242 of the Senate and the Speaker of the House of Representatives
1243 within 1 business day after approval. An amendment, a
1244 modification, or an extension may not be made to an executed
1245 agreement if:

1246 1. Such action would result in an economic benefit ratio
1247 less than 1 to 1.

1248 2. The award of state funds outlined in the agreement has
1249 not been reduced by a proportionate amount.

1250 (f) Upon the approval of the Governor, the department shall
1251 certify the applicant as a high-impact business and ~~the~~
1252 ~~qualified high-impact business shall~~ enter into a performance
1253 grant agreement with the qualified high-impact business pursuant
1254 to s. 288.061 ~~setting forth the conditions for payment of the~~
1255 ~~qualified high-impact business performance grant. The agreement~~
1256 ~~shall include the total amount of the qualified high-impact~~
1257 ~~business facility performance grant award, the performance~~



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1258 ~~conditions that must be met to obtain the award, including the~~
1259 ~~employment, average salary, investment, the methodology for~~
1260 ~~determining if the conditions have been met, and the schedule of~~
1261 ~~performance grant payments.~~

1262 (g) The department shall validate contractor performance
1263 and report such validation in the annual incentives report
1264 required by s. 288.907. The agreement shall require the
1265 qualified high-impact business to submit proof of performance
1266 within a certain period of time from the required date of
1267 performance provided in the agreement, not to exceed 90 days.

1268 Section 13. Section 288.1088, Florida Statutes, are amended
1269 to read:

1270 288.1088 Florida Enterprise Program ~~Quick Action Closing~~
1271 ~~Fund.~~—

1272 (1) (a) The Legislature finds that attracting, retaining,
1273 and providing favorable conditions for the growth of certain
1274 high-impact business facilities, privately developed critical
1275 rural infrastructure, or key facilities in economically
1276 distressed urban or rural communities which provide widespread
1277 economic benefits to the public through high-quality employment
1278 opportunities in such facilities or in related facilities
1279 attracted to the state, through the increased tax base provided
1280 by the high-impact facility and related businesses, through an
1281 enhanced entrepreneurial climate in the state and the resulting
1282 business and employment opportunities, and through the
1283 stimulation and enhancement of the state's universities and
1284 community colleges. In the global economy, there exists serious
1285 and fierce international competition for these facilities, and
1286 in most instances, when all available resources for economic



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1287 development have been used, the state continues to encounter
1288 severe competitive disadvantages in vying for these business
1289 facilities. Florida's rural areas must provide a competitive
1290 environment for business in the information age. This often
1291 requires an incentive to make it feasible for private investors
1292 to provide infrastructure in those areas.

1293 (b) The Legislature finds that the conclusion of the space
1294 shuttle program and the gap in civil human space flight will
1295 result in significant job losses that will negatively impact
1296 families, companies, the state and regional economies, and the
1297 capability level of this state's aerospace workforce. Thus, the
1298 Legislature also finds that this loss of jobs is a matter of
1299 state interest and great public importance. The Legislature
1300 further finds that it is in the state's interest for provisions
1301 to be made in incentive programs for economic development to
1302 maximize the state's ability to mitigate these impacts and to
1303 develop a more diverse aerospace economy.

1304 (c) The Legislature therefore declares that sufficient
1305 resources shall be available to respond to extraordinary
1306 economic opportunities and to compete effectively for these
1307 high-impact business facilities, critical private infrastructure
1308 in rural areas, and key businesses in economically distressed
1309 urban or rural communities, and that up to 20 percent of these
1310 resources may be used for projects to retain or create high-
1311 technology jobs that are directly associated with developing a
1312 more diverse aerospace economy in this state.

1313 (2) There is created within the department the Florida
1314 Enterprise Program ~~Quick Action Closing Fund~~. Projects eligible
1315 for receipt of funds from the program must ~~Quick Action Closing~~



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1316 ~~Fund shall:~~

1317 (a) Be in an industry identified as a target industry
1318 pursuant to the procedure specified as referenced in s. 288.106.

1319 (b) Have a positive economic benefit ratio of at least 2.5
1320 to 1 ~~5 to 1~~.

1321 (c) Be an inducement to the project's location or expansion
1322 in the state.

1323 (d) Pay an average annual wage of at least 125 percent of
1324 the average areawide or statewide private sector average wage in
1325 the area or, for a project to be located in an area designated
1326 as a rural area of opportunity, an average annual wage of at
1327 least 100 percent of the average private sector wage in the
1328 area.

1329 (e) Be supported by the local community in which the
1330 project is to be located. Support must include a resolution
1331 adopted by the governing board of the county or municipality in
1332 which the project will be located, which resolution recommends
1333 that the project be approved and specifies that the commitments
1334 of local financial support necessary for the business exist.
1335 Before the passage of such resolution, the department may also
1336 accept an official letter from an authorized local economic
1337 development agency that endorses the proposed project and
1338 pledges that sources of local financial support for such project
1339 exist. For the purposes of making pledges of local financial
1340 support under this paragraph, the authorized local economic
1341 development agency shall be officially designated by the passage
1342 of a one-time resolution by the local governing board. For
1343 purposes of this section, the term "local financial support"
1344 means funding from local sources, public or private, which is



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1345 paid to the Economic Development Trust Fund and which is equal
1346 to 20 percent of the Florida Enterprise Program award to a
1347 business.

1348 1. A business may not provide, directly or indirectly, more
1349 than 5 percent of such funding in any fiscal year. The sources
1350 of such funding may not include, directly or indirectly, state
1351 funds appropriated from the General Revenue Fund or any state
1352 trust fund, excluding tax revenues shared with local governments
1353 pursuant to law.

1354 2. A business may not receive more than 80 percent of its
1355 total award under this section from state funds.

1356 3. The department may grant a waiver to a local government
1357 that reduces the required amount of local financial support for
1358 a project to 10 percent of the award or that eliminates the
1359 required amount of local financial support for a project located
1360 in an area designated by the Governor as a rural area of
1361 opportunity pursuant to s. 288.0656. To be eligible to receive a
1362 waiver that reduces or eliminates the required amount of local
1363 financial support, a local government must provide the
1364 department with:

1365 a. A resolution adopted by the governing body of the county
1366 or municipality in whose jurisdiction the project will be
1367 located, requesting that the applicant's project be waived from
1368 the local financial support requirement.

1369 b. A statement prepared by a certified public accountant,
1370 as that term is defined in s. 473.302, which describes the
1371 financial constraints preventing the local government from
1372 providing the local financial support required by this section.

1373 This sub-subparagraph does not apply to a county considered



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1374 fiscally constrained pursuant to s. 218.67(1).

1375 (f) Create at least 10 new jobs.

1376 (3) (a) The department and Enterprise Florida, Inc., shall
1377 jointly review applications pursuant to s. 288.061 and determine
1378 the eligibility of each project consistent with the criteria in
1379 subsection (2). Waiver of the criteria in subsection (2) ~~these~~
1380 ~~criteria~~ may not be considered except as provided in subsection
1381 (2) (e) under the following criteria:

1382 ~~1. Based on extraordinary circumstances;~~

1383 ~~2. In order to mitigate the impact of the conclusion of the~~
1384 ~~space shuttle program; or~~

1385 ~~3. In rural areas of opportunity if the project would~~
1386 ~~significantly benefit the local or regional economy.~~

1387 (4) (b) The department shall evaluate individual proposals
1388 for high-impact business facilities. Such evaluation must
1389 include, but need not be limited to:

1390 (a) 1. A description of the type of facility or
1391 infrastructure, its operations, and the associated product or
1392 service associated with the facility.

1393 (b) 2. The number of full-time-equivalent jobs that will be
1394 created by the facility and the total estimated average annual
1395 wages of those jobs or, in the case of privately developed rural
1396 infrastructure, the types of business activities and jobs
1397 stimulated by the investment.

1398 (c) 3. The cumulative amount of investment to be dedicated
1399 to the facility within a specified period.

1400 (d) 4. A statement of any special impacts the facility is
1401 expected to stimulate in a particular business sector in the
1402 state or regional economy or in the state's universities and



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1403 community colleges.

1404 ~~(e)5.~~ A statement of the role the incentive is expected to
1405 play in the decision of the applicant business to locate or
1406 expand in this state or for the private investor to provide
1407 critical rural infrastructure.

1408 ~~(f)6.~~ A report evaluating the quality and value of the
1409 company submitting a proposal. The report must include:

1410 ~~1.a.~~ A financial analysis of the company, including an
1411 evaluation of the company's short-term liquidity ratio as
1412 measured by its assets to liabilities ~~liability~~, the company's
1413 profitability ratio, and the company's long-term solvency as
1414 measured by its debt-to-equity ratio;

1415 ~~2.b.~~ The historical market performance of the company;

1416 ~~3.c.~~ A review of any independent evaluations of the
1417 company;

1418 ~~4.d.~~ A review of the latest audit of the company's
1419 financial statement and the related auditor's management letter;
1420 and

1421 ~~5.e.~~ A review of any other types of audits that are related
1422 to the internal and management controls of the company.

1423 (g) The amount of local financial support for the project.

1424 ~~(5) (a)-(c)1. Within 7 business days after evaluating a~~
1425 ~~project,~~ The executive director of the department shall
1426 recommend to the Governor approval or disapproval of a project
1427 pursuant to s. 288.061 ~~for receipt of funds from the Quick~~
1428 ~~Action Closing Fund. In recommending a project, the department~~
1429 ~~shall include proposed performance conditions that the project~~
1430 ~~must meet to obtain incentive funds.~~

1431 ~~2.~~ The Governor may approve a project ~~projects~~ without



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1432 consulting the Legislature for a project awarded projects
1433 ~~requiring~~ less than \$2 million in funding and shall provide a
1434 written description and evaluation of the approved project to
1435 the President of the Senate and the Speaker of the House of
1436 Representatives within 1 business day after approval.

1437 (b) For a project recommended for approval for an award of
1438 \$2 million or more, the Governor shall provide a written
1439 description and evaluation of the project to the President of
1440 the Senate and the Speaker of the House of Representatives at
1441 least 14 days before approving an award. If the President of the
1442 Senate or the Speaker of the House of Representatives timely
1443 advises the Governor, in writing, that his or her planned or
1444 proposed action exceeds the delegated authority of the Governor
1445 or is contrary to legislative policy or intent, the Governor
1446 shall instruct the department to immediately suspend any action
1447 planned or proposed.

1448 ~~3. For projects requiring funding in the amount of \$2~~
1449 ~~million to \$5 million, the Governor shall provide a written~~
1450 ~~description and evaluation of a project recommended for approval~~
1451 ~~to the chair and vice chair of the Legislative Budget Commission~~
1452 ~~at least 10 days prior to giving final approval for a project.~~
1453 ~~The recommendation must include proposed performance conditions~~
1454 ~~that the project must meet in order to obtain funds.~~

1455 ~~4. If the chair or vice chair of the Legislative Budget~~
1456 ~~Commission or the President of the Senate or the Speaker of the~~
1457 ~~House of Representatives timely advises the Executive Office of~~
1458 ~~the Governor, in writing, that such action or proposed action~~
1459 ~~exceeds the delegated authority of the Executive Office of the~~
1460 ~~Governor or is contrary to legislative policy or intent, the~~



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1461 ~~Executive Office of the Governor shall void the release of funds~~
1462 ~~and instruct the department to immediately change such action or~~
1463 ~~proposed action until the Legislative Budget Commission or the~~
1464 ~~Legislature addresses the issue. Notwithstanding such~~
1465 ~~requirement, any project exceeding \$5 million must be approved~~
1466 ~~by the Legislative Budget Commission prior to the funds being~~
1467 ~~released.~~

1468 (c) A written description and evaluation of an amendment, a
1469 modification, or an extension of an executed contract which
1470 results in a 0.5-point or greater reduction in the economic
1471 benefit ratio of the project must be provided to the President
1472 of the Senate and the Speaker of the House of Representatives
1473 within 1 business day after approval. An amendment, a
1474 modification, or an extension may not be made to an executed
1475 contract if:

1476 1. Such action would result in an economic benefit ratio
1477 less than 2.5 to 1.

1478 2. The award of state funds outlined in the contract has
1479 not been reduced by a proportionate amount.

1480 (6)~~(d)~~ Upon the approval of the Governor, the department
1481 and the business shall enter into a contract pursuant to s.
1482 288.061 that sets forth the conditions for payment of moneys
1483 from the fund. Such payment may not be made to the business
1484 until the scheduled performance conditions have been achieved.
1485 The contract must also include the minimum and maximum amount of
1486 funds that may be awarded, if applicable the total amount of
1487 funds awarded; the performance conditions that must be met to
1488 obtain the award, including, but not limited to, net new
1489 employment in the state, average salary, and total capital



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1490 investment related to the minimum and maximum number of jobs
1491 that will be created, if applicable; a demonstration of
1492 ~~demonstrate~~ a baseline of current service and a measure of
1493 enhanced capability; ~~the methodology for validating performance;~~
1494 the amount of local financial support that will be annually
1495 available and that will be paid into the Economic Development
1496 Trust Fund ~~the schedule of payments from the fund; and sanctions~~
1497 ~~for failure to meet performance conditions.~~ The contract must
1498 provide that payment of moneys from the fund is contingent upon
1499 sufficient appropriation of funds by the Legislature. The
1500 department may not enter into a contract with a business if the
1501 local financial support resolution is not passed by the local
1502 governing body within 90 days after the department has issued
1503 the letter of certification.

1504 (7)(e) The department shall validate contractor performance
1505 and report such validation in the annual incentives report
1506 required under s. 288.907. The contract shall require the
1507 business to submit proof of performance within a certain period
1508 of time from the required date of performance provided in the
1509 contract, not to exceed 90 days.

1510 (8)(a)(4) Funds appropriated by the Legislature for
1511 purposes of implementing this section shall be placed in reserve
1512 and may only be released pursuant to the legislative
1513 consultation and review requirements set forth in this section.

1514 (b) A scheduled payment from the fund may not be approved
1515 for a business unless the required local financial support has
1516 been paid into the account for that project. Funding from local
1517 sources includes any tax abatement granted to that business
1518 under s. 196.1995 or the appraised market value of municipal or



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1519 county land conveyed or provided at a discount to that business.
1520 The amount of any scheduled payment from the fund to such
1521 business approved under this section must be reduced by the
1522 amount of any such tax abatement granted or the value of the
1523 land granted. A report listing all sources of the local
1524 financial support shall be provided to the department when such
1525 support is paid to the account.

1526 Section 14. Paragraph (b) of subsection (2), subsection
1527 (4), subsection (7), and paragraph (b) of subsection (8) of
1528 section 288.1089, Florida Statutes, are amended to read:

1529 288.1089 Innovation Incentive Program.—

1530 (2) As used in this section, the term:

1531 ~~(b) "Average private sector wage" means the statewide~~
1532 ~~average wage in the private sector or the average of all private~~
1533 ~~sector wages in the county or in the standard metropolitan area~~
1534 ~~in which the project is located as determined by the department.~~

1535 (4) To qualify for review by the department, the applicant
1536 must, at a minimum, establish the following to the satisfaction
1537 of the department:

1538 (a) The jobs created by the project must pay an estimated
1539 annual average wage equaling at least 130 percent of the average
1540 private sector wage in the area. The department may waive this
1541 average wage requirement at the request of Enterprise Florida,
1542 Inc., for a project located in a rural area, a brownfield area,
1543 or an enterprise zone, when the merits of the individual project
1544 or the specific circumstances in the community in relationship
1545 to the project warrant such action. A recommendation for waiver
1546 by Enterprise Florida, Inc., must include a specific
1547 justification for the waiver and be transmitted to the



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1548 department in writing. If the department elects to waive the
1549 wage requirement, the waiver must be stated in writing and
1550 explain the reasons for granting the waiver ~~must be explained~~.

1551 (b) A research and development project must:

1552 1. Serve as a catalyst for an emerging or evolving
1553 technology cluster.

1554 2. Demonstrate a plan for significant higher education
1555 collaboration.

1556 3. Provide the state, at a minimum, a cumulative break-even
1557 economic benefit within a 20-year period.

1558 4. Be provided with a one-to-one match from the local
1559 community. The match requirement may be reduced or waived in
1560 rural areas of opportunity or reduced in rural areas, brownfield
1561 areas, and enterprise zones. A local government that requests a
1562 waiver that reduces or eliminates the one-to-one match shall
1563 provide the department with a statement prepared by a Florida
1564 certified public accountant, as defined in s. 473.302, which
1565 describes the financial constraints preventing the local
1566 government from meeting the local financial support requirement
1567 of this section. This subparagraph does not apply to a county
1568 considered fiscally constrained pursuant to s. 218.67(1).

1569 (c) An innovation business project in this state, other
1570 than a research and development project, must:

1571 1.a. Result in the creation of at least 1,000 direct, new
1572 jobs at the business; or

1573 b. Result in the creation of at least 500 direct, new jobs
1574 if the project is located in a rural area, a brownfield area, or
1575 an enterprise zone.

1576 2. Have an activity or product that is within an industry



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1577 that is designated as a target industry business under s.
1578 288.106 or a designated sector under s. 288.108.

1579 3.a. Have a cumulative investment of at least \$500 million
1580 within a 5-year period; or

1581 b. Have a cumulative investment that exceeds \$250 million
1582 within a 10-year period if the project is located in a rural
1583 area, brownfield area, or an enterprise zone.

1584 4. Be provided with a one-to-one match from the local
1585 community. The match requirement may be reduced or waived in
1586 rural areas of opportunity or reduced in rural areas, brownfield
1587 areas, and enterprise zones. A local government that requests a
1588 waiver that reduces or eliminates the one-to-one match shall
1589 provide the department with a statement prepared by a Florida
1590 certified public accountant, as defined in s. 473.302, which
1591 describes the financial constraints preventing the local
1592 government from meeting the local financial support requirement
1593 of this section. This subparagraph does not apply to a county
1594 considered fiscally constrained pursuant to s. 218.67(1).

1595 (d) For an alternative and renewable energy project in this
1596 state, the project must:

1597 1. Demonstrate a plan for significant collaboration with an
1598 institution of higher education.~~†~~

1599 2. Provide the state, at a minimum, a cumulative break-even
1600 economic benefit within a 20-year period.~~†~~

1601 3. Include matching funds provided by the applicant or
1602 other available sources. The match requirement may be reduced or
1603 waived in rural areas of opportunity or reduced in rural areas,
1604 brownfield areas, and enterprise zones.~~†~~

1605 4. Be located in this state.~~†~~~~and~~



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1606 5. Provide at least 35 direct, new jobs that pay an
1607 estimated annual average wage that equals at least 130 percent
1608 of the average private sector wage in the area.

1609 (7)(a) The executive director of the department shall
1610 recommend to the Governor approval or disapproval of a project
1611 pursuant to s. 288.061. The Governor may approve a project
1612 awarded less than \$2 million in funding without consulting the
1613 Legislature and shall provide a written description and
1614 evaluation of the approved project to the President of the
1615 Senate and the Speaker of the House of Representatives within 1
1616 business day after approval. Upon receipt of the evaluation and
1617 recommendation from the department, the Governor shall approve
1618 or deny an award. In recommending approval of an award, the
1619 department shall include proposed performance conditions that
1620 the applicant must meet in order to obtain incentive funds and
1621 any other conditions that must be met before the receipt of any
1622 incentive funds. The Governor shall consult with the President
1623 of the Senate and the Speaker of the House of Representatives
1624 before giving approval for an award. Upon review and approval of
1625 an award by the Legislative Budget Commission, the Executive
1626 Office of the Governor shall release the funds.

1627 (b) For a project recommended for approval for an award of
1628 \$2 million or more, the Governor shall provide a written
1629 description and evaluation of the project to the President of
1630 the Senate and the Speaker of the House of Representatives at
1631 least 14 days before approving an award. If the President of the
1632 Senate or the Speaker of the House of Representatives timely
1633 advises the Governor, in writing, that his or her planned or
1634 proposed action exceeds the delegated authority of the Governor



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1635 or is contrary to legislative policy or intent, the Governor
1636 shall instruct the department to immediately suspend any action
1637 planned or proposed.

1638 (c) A written description and evaluation of an amendment, a
1639 modification, or an extension of an executed agreement which
1640 results in a 0.5-point or greater reduction in the economic
1641 benefit ratio of the project must be provided to the President
1642 of the Senate and the Speaker of the House of Representatives
1643 within 1 business day after approval. An amendment, a
1644 modification, or an extension may not be made to an executed
1645 agreement if:

1646 1. Such action would result in an economic benefit ratio
1647 less than 1 to 1.

1648 2. The award of state funds outlined in the agreement has
1649 not been reduced by a proportionate amount.

1650 (8) (a) After the conditions set forth in subsection (7)
1651 have been met, ~~the department shall issue a letter certifying~~
1652 ~~the applicant as qualified for an award.~~ the department and the
1653 award recipient shall enter into an agreement pursuant to s.
1654 288.061 ~~that sets forth the conditions for payment of the~~
1655 ~~incentive funds.~~ The agreement must also include, ~~at a minimum:~~

1656 ~~1. The total amount of funds awarded.~~

1657 ~~2. The performance conditions that must be met in order to~~
1658 ~~obtain the award or portions of the award, including, but not~~
1659 ~~limited to, net new employment in the state, average wage, and~~
1660 ~~total cumulative investment.~~

1661 ~~3. Demonstration of a baseline of current service and a~~
1662 ~~measure of enhanced capability.~~

1663 ~~4. The methodology for validating performance.~~



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1664 ~~5. The schedule of payments.~~
1665 ~~6. Sanctions for failure to meet performance conditions,~~
1666 ~~including any clawback provisions.~~
1667 ~~(b) Additionally, agreements signed on or after July 1,~~
1668 ~~2009, must include the following provisions:~~
1669 ~~2.1.~~ Notwithstanding subsection (4), a requirement that the
1670 jobs created by the recipient of the incentive funds pay an
1671 annual average wage at least equal to the relevant industry's
1672 annual average wage or at least 130 percent of the average
1673 private sector wage in the area, whichever is greater.
1674 ~~3.2.~~ A reinvestment requirement. Each recipient of an award
1675 shall reinvest up to 15 percent of net royalty revenues,
1676 including revenues from spin-off companies and the revenues from
1677 the sale of stock it receives from the licensing or transfer of
1678 inventions, methods, processes, and other patentable discoveries
1679 conceived or reduced to practice using its facilities in Florida
1680 or its Florida-based employees, in whole or in part, and to
1681 which the recipient of the grant becomes entitled during the 20
1682 years following the effective date of its agreement with the
1683 department. Each recipient of an award also shall reinvest up to
1684 15 percent of the gross revenues it receives from naming
1685 opportunities associated with any facility it builds in this
1686 state. Reinvestment payments shall commence no later than 6
1687 months after the recipient of the grant has received the final
1688 disbursement under the contract and shall continue until the
1689 maximum reinvestment, as specified in the contract, has been
1690 paid. Reinvestment payments shall be remitted to the department
1691 for deposit in the Biomedical Research Trust Fund for companies
1692 specializing in biomedicine or life sciences, or in the Economic



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1693 Development Trust Fund for companies specializing in fields
1694 other than biomedicine or the life sciences. If these trust
1695 funds no longer exist at the time of the reinvestment, the
1696 state's share of reinvestment shall be deposited in their
1697 successor trust funds as determined by law. Each recipient of an
1698 award shall annually submit a schedule of the shares of stock
1699 held by it as payment of the royalty required by this paragraph
1700 and report on any trades or activity concerning such stock. Each
1701 recipient's reinvestment obligations survive the expiration or
1702 termination of its agreement with the state.

1703 ~~4.3.~~ Requirements for the establishment of internship
1704 programs or other learning opportunities for educators and
1705 secondary, postsecondary, graduate, and doctoral students.

1706 ~~5.4.~~ A requirement that the recipient submit quarterly
1707 reports and annual reports related to activities and performance
1708 to the department, according to standardized reporting periods.

1709 ~~6.5.~~ A requirement for an annual accounting to the
1710 department of the expenditure of funds disbursed under this
1711 section.

1712 ~~6. A process for amending the agreement.~~

1713 (9) The department shall validate the performance of an
1714 innovation business, a research and development facility, or an
1715 alternative and renewable energy business that has received an
1716 award. The agreement shall require the innovation business to
1717 submit proof of performance within a certain period of time from
1718 the required date of performance provided in the agreement, not
1719 to exceed 90 days. At the conclusion of the innovation incentive
1720 award agreement, or its earlier termination, the department
1721 shall include in the annual incentives report required under s.



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1722 288.907 a detailed description of whether the recipient of the
1723 innovation incentive grant achieved its specified outcomes.

1724 Section 15. Subsection (5) is added to section 288.1097,
1725 Florida Statutes, to read:

1726 288.1097 Qualified job training organizations;
1727 certification; duties.—

1728 (5) Notwithstanding s. 624.4625(1)(b), a qualified job
1729 training organization that has been certified is eligible to
1730 participate in a self-insurance fund authorized by s. 624.4625.

1731 Section 16. Effective upon becoming law, section 288.1169,
1732 Florida Statutes, is repealed.

1733 Section 17. Effective upon becoming law, subsections (1),
1734 and (3), paragraphs (c), (d), (e), (f), (g), and (i) of
1735 subsection (4), paragraph (a) of subsection (5), paragraph (d)
1736 of subsection (6), subsections (7) and (9), and subsections (11)
1737 through (14) of section 288.11625, Florida Statutes, are amended
1738 to read:

1739 288.11625 Sports development.—

1740 (1) ADMINISTRATION.—The department shall serve as the state
1741 agency responsible for screening applicants for state funding
1742 under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~

1743 (3) PURPOSE.—The purpose of this section is to provide
1744 applicants state funding under s. 212.20(6)(d)6.e. ~~s.~~
1745 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
1746 reconstructing, renovating, or improving a facility.

1747 (4) APPLICATION AND CERTIFICATION APPROVAL ~~APPROVAL~~ PROCESS.—

1748 (c) Within 60 days after receipt of a completed
1749 application, the department shall complete its evaluation of the
1750 application as provided under subsection (5) ~~and notify the~~



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1751 ~~applicant in writing of the department's decision to recommend~~
1752 ~~approval of the applicant by the Legislature or to deny the~~
1753 ~~application.~~

1754 (d) By each February 1, the department shall rank the
1755 applicants and ~~provide to the Legislature the list of the~~
1756 ~~recommended applicants~~ in ranked order of projects most likely
1757 to positively impact the state based on criteria established
1758 under this section. The list must include the department's
1759 evaluation of the applicant.

1760 (e) ~~A recommended applicant's request for funding must be~~
1761 ~~approved by the Legislature, enacted by a general law or~~
1762 ~~conforming bill approved by the Governor in the manner provided~~
1763 ~~in s. 8, Art. III of the State Constitution. After enactment,~~
1764 The department must certify an applicant and its ~~approved~~
1765 request for funding, except as provided in paragraph (6)(f). The
1766 ~~approved~~ request for funding must be certified as an annual
1767 distribution amount, and the department must notify the
1768 Department of Revenue of the initial certification and the
1769 distribution amount.

1770 1. An application by a unit of local government which is
1771 ~~approved by the Legislature and subsequently~~ certified by the
1772 department remains certified for the duration of the
1773 beneficiary's agreement with the applicant or for 30 years,
1774 whichever is less, provided the certified applicant has an
1775 agreement with a beneficiary at the time of initial
1776 certification by the department.

1777 2. An application by a beneficiary or other applicant which
1778 is ~~approved by the Legislature and subsequently~~ certified by the
1779 department remains certified for the duration of the



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1780 beneficiary's agreement with the unit of local government that
1781 owns the underlying property or for 30 years, whichever is less,
1782 provided the certified applicant has an agreement with the unit
1783 of local government at the time of initial certification by the
1784 department.

1785 3. An applicant that is previously certified pursuant to
1786 this section does not need ~~legislative approval~~ certification
1787 each year to receive state funding.

1788 (f) An applicant that is ~~recommended by the department but~~
1789 not certified ~~approved by the Legislature~~ may reapply and shall
1790 update any information in the original application as required
1791 by the department.

1792 (g) The department may certify ~~recommend~~ no more than one
1793 distribution under this section for any applicant, facility, or
1794 beneficiary at a time. A facility or beneficiary may not be the
1795 subject of more than one distribution under s. 212.20 at any
1796 time for any state-administered sports-related program,
1797 including s. 288.1162, s. 288.11621, s. 288.11631, or this
1798 section. This limitation does not apply if the applicant
1799 demonstrates that the beneficiary that is the subject of the
1800 distribution under s. 212.20 no longer plays at the facility
1801 that is the subject of the application under this section.

1802 (i) An application may be submitted to the department for
1803 evaluation and certification ~~recommendation~~ if the existing
1804 beneficiary has completed or will complete the terms of an
1805 existing distribution under chapter 212 for an existing facility
1806 before a distribution can be made.

1807 (5) EVALUATION PROCESS.—

1808 (a) Before certifying ~~recommending~~ an applicant to receive



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1809 a state distribution under s. 212.20(6)(d)6.e. ~~s.~~
1810 ~~212.20(6)(d)6.f.~~, the department must verify that:

1811 1. The applicant or beneficiary is responsible for the
1812 construction, reconstruction, renovation, or improvement of a
1813 facility and obtained at least three bids for the project.

1814 2. If the applicant is not a unit of local government, a
1815 unit of local government holds title to the property on which
1816 the facility and project are, or will be, located.

1817 3. If the applicant is a unit of local government in whose
1818 jurisdiction the facility is, or will be, located, the unit of
1819 local government has an exclusive intent agreement to negotiate
1820 in this state with the beneficiary.

1821 4. A unit of local government in whose jurisdiction the
1822 facility is, or will be, located supports the application for
1823 state funds. Such support must be verified by the adoption of a
1824 resolution, after a public hearing, that the project serves a
1825 public purpose.

1826 5. The applicant or beneficiary has not previously
1827 defaulted or failed to meet any statutory requirements of a
1828 previous state-administered sports-related program under s.
1829 288.1162, s. 288.11621, s. 288.11631, or this section.
1830 Additionally, the applicant or beneficiary is not currently
1831 receiving state distributions under s. 212.20 for the facility
1832 that is the subject of the application, unless the applicant
1833 demonstrates that the franchise that applied for a distribution
1834 under s. 212.20 no longer plays at the facility that is the
1835 subject of the application.

1836 6. The applicant or beneficiary has sufficiently
1837 demonstrated a commitment to employ residents of this state,



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1838 contract with Florida-based firms, and purchase locally
1839 available building materials to the greatest extent possible.

1840 7. If the applicant is a unit of local government, the
1841 applicant has a certified copy of a signed agreement with a
1842 beneficiary for the use of the facility. If the applicant is a
1843 beneficiary, the beneficiary must enter into an agreement with
1844 the department. The applicant's or beneficiary's agreement must
1845 also require the following:

1846 a. The beneficiary must reimburse the state for state funds
1847 that will be distributed if the beneficiary relocates or no
1848 longer occupies or uses the facility as the facility's primary
1849 tenant before the agreement expires. Reimbursements must be sent
1850 to the Department of Revenue for deposit into the General
1851 Revenue Fund.

1852 b. The beneficiary must pay for signage or advertising
1853 within the facility. The signage or advertising must be placed
1854 in a prominent location as close to the field of play or
1855 competition as is practicable, must be displayed consistent with
1856 signage or advertising in the same location and of like value,
1857 and must feature Florida advertising approved by the Florida
1858 Tourism Industry Marketing Corporation.

1859 8. The project will commence within 12 months after
1860 receiving state funds or did not commence before January 1,
1861 2013.

1862 (6) DISTRIBUTION.—

1863 (d) The department shall notify the Department of Revenue
1864 of the applicant's initial certification, and the Department of
1865 Revenue shall begin distributions within 45 days after such
1866 notification or upon a date specified by the department as



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1867 requested by the ~~approved~~ applicant, whichever is later.

1868 (7) CONTRACT.—An applicant ~~approved by the Legislature and~~
1869 certified by the department must enter into a contract with the
1870 department which:

1871 (e) Requires the applicant to reimburse the state by
1872 electing to do one of the following:

1873 1. After all distributions have been made, reimburse at the
1874 end of the contract term any amount by which the total
1875 distributions made under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~
1876 exceed actual new incremental state sales taxes generated by
1877 sales at the facility during the contract, plus a 5 percent
1878 penalty on that amount.

1879 2. After the applicant begins to submit the independent
1880 analysis under paragraph (c), reimburse each year any amount by
1881 which the previous year's annual distribution exceeds 75 percent
1882 of the actual new incremental state sales taxes generated by
1883 sales at the facility.

1884
1885 Any reimbursement due to the state must be made within 90 days
1886 after the applicable distribution under this paragraph. If the
1887 applicant is unable or unwilling to reimburse the state for such
1888 amount, the department may place a lien on the applicant's
1889 facility. If the applicant is a municipality or county, it may
1890 reimburse the state from its half-cent sales tax allocation, as
1891 provided in s. 218.64(3). Reimbursements must be sent to the
1892 Department of Revenue for deposit into the General Revenue Fund.

1893 (9) REPORTS.—

1894 (a) On or before November 1 of each year, an applicant
1895 certified under this section ~~and approved~~ to receive state funds



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1896 must submit to the department any information required by the
1897 department. The department shall summarize this information for
1898 inclusion in an ~~its~~ annual report to the Legislature ~~under~~
1899 ~~paragraph (4) (d)~~.

1900 (b) Every 5 years after an applicant receives its first
1901 monthly distribution, the department must verify that the
1902 applicant is meeting the program requirements. If the applicant
1903 fails to meet these requirements, the department shall notify
1904 the Governor and the Legislature in its next annual report ~~under~~
1905 ~~paragraph (4) (d)~~ that the requirements are not being met and
1906 recommend future action. The department shall take into
1907 consideration extenuating circumstances that may have prevented
1908 the applicant from meeting the program requirements, such as
1909 force majeure events or a significant economic downturn.

1910 ~~(11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS~~
1911 ~~COMMENCED BEFORE JULY 1, 2014. Notwithstanding paragraph (4) (c),~~
1912 ~~the Legislative Budget Commission may approve an application for~~
1913 ~~state funds by an applicant for a new facility or a project~~
1914 ~~commenced between March 1, 2013, and July 1, 2014. Such an~~
1915 ~~application may be submitted after May 1, 2014. The department~~
1916 ~~must review the application and recommend approval to the~~
1917 ~~Legislature or deny the application. The Legislative Budget~~
1918 ~~Commission may approve applications on or after January 1, 2015.~~
1919 ~~The department must certify the applicant within 45 days of~~
1920 ~~approval by the Legislative Budget Commission. State funds may~~
1921 ~~not be distributed until the department notifies the Department~~
1922 ~~of Revenue that the applicant was approved by the Legislative~~
1923 ~~Budget Commission and certified by the department. An applicant~~
1924 ~~certified under this subsection is subject to the provisions and~~



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1925 ~~requirements of this section. An applicant that fails to meet~~
1926 ~~the conditions of this subsection may reapply during future~~
1927 ~~application periods.~~

1928 (11)~~(12)~~ REPAYMENT OF DISTRIBUTIONS.—An applicant that is
1929 certified under this section may be subject to repayment of
1930 distributions upon the occurrence of any of the following:

1931 (a) An applicant's beneficiary has broken the terms of its
1932 agreement with the applicant and relocated from the facility or
1933 no longer occupies or uses the facility as the facility's
1934 primary tenant. The beneficiary must reimburse the state for
1935 state funds that will be distributed, plus a 5 percent penalty
1936 on that amount, if the beneficiary relocates before the
1937 agreement expires.

1938 (b) A determination by the department that an applicant has
1939 submitted information or made a representation that is
1940 determined to be false, misleading, deceptive, or otherwise
1941 untrue. The applicant must reimburse the state for state funds
1942 that have been and will be distributed, plus a 5 percent penalty
1943 on that amount, if such determination is made. If the applicant
1944 is a municipality or county, it may reimburse the state from its
1945 half-cent sales tax allocation, as provided in s. 218.64(3).

1946 (c) Repayment of distributions must be sent to the
1947 Department of Revenue for deposit into the General Revenue Fund.

1948 (12)~~(13)~~ HALTING OF PAYMENTS.—The applicant may request in
1949 writing at least 20 days before the next monthly distribution
1950 that the department halt future payments. The department shall
1951 immediately notify the Department of Revenue to halt future
1952 payments.

1953 (13)~~(14)~~ RULEMAKING.—The department may adopt rules to



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1954 implement this section.

1955 Section 18. The amendments made to s. 288.11625, Florida
1956 Statutes, apply to applications received, evaluated, and
1957 recommended for approval by the Department of Economic
1958 Opportunity in Fiscal Year 2015-2016.

1959 Section 19. Notwithstanding the repeal of section 288.1229,
1960 Florida Statutes, in s. 485, chapter 2011-142, Laws of Florida,
1961 section 288.1229, Florida Statutes, is revived, reenacted, and
1962 amended to read:

1963 288.1229 Promotion and development of sports-related
1964 industries and amateur athletics; direct-support organization
1965 established; powers and duties.-

1966 (1) The Department of Economic Opportunity shall establish
1967 a direct-support organization known as the Florida Sports
1968 Foundation. The foundation shall ~~The Office of Tourism, Trade,~~
1969 ~~and Economic Development may authorize a direct-support~~
1970 ~~organization to assist the~~ department ~~office~~ in:

1971 (a) The promotion and development of the sports industry
1972 and related industries for the purpose of improving the economic
1973 presence of these industries in Florida.

1974 (b) The promotion of amateur athletic participation for the
1975 citizens of Florida and the promotion of Florida as a host for
1976 national and international amateur athletic competitions for the
1977 purpose of encouraging and increasing the direct and ancillary
1978 economic benefits of amateur athletic events and competitions.

1979 (c) The retention of professional sports franchises,
1980 including the spring training operations of Major League
1981 Baseball.

1982 (2) The Florida Sports Foundation ~~To be authorized as a~~



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1983 ~~direct support organization, an organization~~ must:

1984 (a) Be incorporated as a corporation not for profit

1985 pursuant to chapter 617.

1986 (b)1. Be governed by a board of directors, which must

1987 consist of 20 ~~up to 15~~ members appointed by the Governor, which

1988 include:

1989 a. Ten members representing Florida major league franchises

1990 of Major League Baseball, National Basketball Association,

1991 National Football League, National Hockey League, and Major

1992 League Soccer teams domiciled in this state.

1993 b. A member representing Florida Sports Commissions.

1994 c. A member representing the boating and fishing industries

1995 in Florida.

1996 d. A member representing the golf industry in Florida.

1997 e. A member representing Major League Baseball spring

1998 training.

1999 f. A member representing the auto racing industry in

2000 Florida.

2001 g. Five members at-large and ~~up to 15 members appointed by~~

2002 ~~the existing board of directors.~~ In making at-large

2003 appointments, the governor ~~board~~ must consider a potential

2004 member's background in community service and sports activism in,

2005 and financial support of, the sports industry, professional

2006 sports, or organized amateur athletics. Members must be

2007 residents of the state and highly knowledgeable about or active

2008 in professional or organized amateur sports.

2009 2. The board must contain representatives of all

2010 geographical regions of the state and must represent ethnic and

2011 gender diversity. The terms of office of the members shall be 4



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2012 years. No member may serve more than two consecutive terms. The
2013 Governor may remove any member for cause and shall fill all
2014 vacancies that occur.

2015 (c) Have as its purpose, as stated in its articles of
2016 incorporation, to receive, hold, invest, and administer
2017 property; to raise funds and receive gifts; and to promote and
2018 develop the sports industry and related industries for the
2019 purpose of increasing the economic presence of these industries
2020 in Florida.

2021 (d) Have a prior determination by the department ~~Office of~~
2022 ~~Tourism, Trade, and Economic Development~~ that the organization
2023 will benefit the department ~~office~~ and act in the best interests
2024 of the state as a direct-support organization to the department
2025 ~~office~~.

2026 (3) The Florida Sports Foundation shall operate under
2027 contract with the department. The department shall enter into a
2028 contract with the foundation by July 1, 2016. The contract must
2029 provide ~~Office of Tourism, Trade, and Economic Development shall~~
2030 ~~contract with the organization and shall include in the contract~~
2031 that:

2032 (a) The department ~~office~~ may review the foundation's
2033 ~~organization's~~ articles of incorporation.

2034 (b) The foundation ~~organization~~ shall submit an annual
2035 budget proposal to the department ~~office~~, on a form provided by
2036 the department ~~office~~, in accordance with department ~~office~~
2037 procedures for filing budget proposals based upon the
2038 recommendation of the department ~~office~~.

2039 (c) Any funds that the foundation ~~organization~~ holds in
2040 trust will revert to the state upon the expiration or



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2041 cancellation of the contract.

2042 (d) The foundation organization is subject to an annual
2043 financial and performance review by the department office to
2044 determine whether the foundation organization is complying with
2045 the terms of the contract and whether it is acting in a manner
2046 consistent with the goals of the department office and in the
2047 best interests of the state.

2048 (e) The fiscal year of the foundation begins organization
2049 ~~will begin~~ July 1 of each year and ends end June 30 of the next
2050 ensuing year.

2051 (4) The department Office of Tourism, Trade, and Economic
2052 ~~Development~~ may allow the foundation organization to use the
2053 property, facilities, personnel, and services of the department
2054 ~~office~~ if the foundation organization provides equal employment
2055 opportunities to all persons regardless of race, color,
2056 religion, sex, age, or national origin, subject to the approval
2057 of the executive director of the department office.

2058 (5) The foundation organization shall provide for an annual
2059 financial audit in accordance with s. 215.981.

2060 (6) The foundation organization is not granted any taxing
2061 power.

2062 ~~(7) In exercising the power provided in this section, the~~
2063 ~~Office of Tourism, Trade, and Economic Development may authorize~~
2064 ~~and contract with the direct-support organization existing on~~
2065 ~~June 30, 1996, and authorized by the former Florida Department~~
2066 ~~of Commerce to promote sports-related industries. An appointed~~
2067 ~~member of the board of directors of such direct-support~~
2068 ~~organization as of June 30, 1996, may serve the remainder of his~~
2069 ~~or her unexpired term.~~



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2070 ~~(7)-(8)~~ To promote amateur sports and physical fitness, the
2071 foundation direct-support organization shall:

2072 (a) Develop, foster, and coordinate services and programs
2073 for amateur sports for the people of Florida.

2074 (b) Sponsor amateur sports workshops, clinics, conferences,
2075 and other similar activities.

2076 (c) Give recognition to outstanding developments and
2077 achievements in, and contributions to, amateur sports.

2078 (d) Encourage, support, and assist local governments and
2079 communities in the development of or hosting of local amateur
2080 athletic events and competitions.

2081 (e) Promote Florida as a host for national and
2082 international amateur athletic competitions.

2083 (f) Develop a statewide programs program of amateur
2084 athletic competition to be known as the "Florida Senior Games"
2085 and the "Sunshine State Games."

2086 (g) Continue the successful amateur sports programs
2087 previously conducted by the Florida Governor's Council on
2088 Physical Fitness and Amateur Sports created under former s.
2089 14.22.

2090 (h) Encourage and continue the use of volunteers in its
2091 amateur sports programs to the maximum extent possible.

2092 (i) Develop, foster, and coordinate services and programs
2093 designed to encourage the participation of Florida's youth in
2094 Olympic sports activities and competitions.

2095 (j) Foster and coordinate services and programs designed to
2096 contribute to the physical fitness of the citizens of Florida.

2097 ~~(8)-(9)~~(a) The Sunshine State Games and Florida Senior Games
2098 shall both be patterned after the Summer Olympics with



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2099 variations as necessitated by availability of facilities,
2100 equipment, and expertise. The games shall be designed to
2101 encourage the participation of athletes representing a broad
2102 range of age groups, skill levels, and Florida communities.
2103 ~~Participants shall be residents of this state. Regional~~
2104 ~~competitions shall be held throughout the state, and the top~~
2105 ~~qualifiers in each sport shall proceed to the final competitions~~
2106 ~~to be held at a site in the state with the necessary facilities~~
2107 ~~and equipment for conducting the competitions.~~

2108 (b) The department ~~Executive Office of the Governor~~ is
2109 authorized to permit the use of property, facilities, and
2110 personal services of or at any State University System facility
2111 or institution by the direct-support organization operating the
2112 Sunshine State Games and Florida Senior Games. For the purposes
2113 of this paragraph, personal services includes full-time or part-
2114 time personnel as well as payroll processing.

2115 Section 20. Section 288.125, Florida Statutes, is amended
2116 to read:

2117 288.125 Definition of term "entertainment industry."—For
2118 the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,
2119 288.914, and 288.915 ~~ss. 288.1251-288.1258~~, the term
2120 "entertainment industry" means those persons or entities engaged
2121 in the operation of motion picture or television studios or
2122 recording studios; those persons or entities engaged in the
2123 preproduction, production, or postproduction of motion pictures,
2124 made-for-television movies, television programming, digital
2125 media projects, commercial advertising, music videos, or sound
2126 recordings; and those persons or entities providing products or
2127 services directly related to the preproduction, production, or



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2128 postproduction of motion pictures, made-for-television movies,
2129 television programming, digital media projects, commercial
2130 advertising, music videos, or sound recordings, including, but
2131 not limited to, the broadcast industry.

2132 Section 21. Section 288.1251, Florida Statutes, is
2133 renumbered as section 288.913, Florida Statutes, and amended to
2134 read:

2135 288.913 ~~288.1251~~ Promotion and development of entertainment
2136 industry; Division ~~Office~~ of Film and Entertainment; creation;
2137 purpose; powers and duties.—

2138 (1) CREATION.—

2139 ~~(a)~~ The Division of Film and Entertainment ~~There is hereby~~
2140 ~~created within~~ Enterprise Florida, Inc., ~~the department the~~
2141 ~~Office of Film and Entertainment~~ for the purpose of developing,
2142 recruiting, marketing, promoting, and providing services to the
2143 state's entertainment industry. The division shall serve as a
2144 liaison between the entertainment industry and other state and
2145 local governmental agencies, local film commissions, and labor
2146 organizations.

2147 (2) ~~(b)~~ COMMISSIONER.—The president of Enterprise Florida,
2148 Inc., shall appoint the film and entertainment commissioner, who
2149 is subject to confirmation by the Senate, within 90 days after
2150 the effective date of this act ~~department shall conduct a~~
2151 ~~national search for a qualified person to fill the position of~~
2152 ~~Commissioner of Film and Entertainment when the position is~~
2153 ~~vacant. The executive director of the department has the~~
2154 responsibility to hire the film commissioner. The commissioner
2155 is subject to the requirements of s. 288.901(1)(c).

2156 Qualifications for the film commissioner include, but are not



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2157 limited to, the following:

2158 (a)1. At least 5 years' A working knowledge of and
2159 experience with the equipment, personnel, financial, and day-to-
2160 day production operations of the industries to be served by the
2161 division Office of Film and Entertainment;

2162 (b)2. Marketing and promotion experience related to the
2163 film and entertainment industries to be served;

2164 (c)3. Experience working with a variety of individuals
2165 representing large and small entertainment-related businesses,
2166 industry associations, local community entertainment industry
2167 liaisons, and labor organizations; and

2168 (d)4. Experience working with a variety of state and local
2169 governmental agencies; and-

2170 (e) A record of high-level involvement in production deals
2171 and contacts with industry decisionmakers.

2172 (3)(2) POWERS AND DUTIES.-

2173 (a) In the performance of its duties, the Division Office
2174 of Film and Entertainment, in performance of its duties, shall
2175 develop and periodically:

2176 1. In consultation with the Florida Film and Entertainment
2177 Advisory Council, update a 5-year the strategic plan every 5
2178 years to guide the activities of the division Office of Film and
2179 Entertainment in the areas of entertainment industry
2180 development, marketing, promotion, liaison services, field
2181 office administration, and information. The plan must shall:

2182 a. be annual in construction and ongoing in nature.

2183 1. At a minimum, the plan must address the following:

2184 a.b. Include recommendations relating to The organizational
2185 structure of the division, including any field offices outside



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2186 the state office.

2187 b. The coordination of the division with local or regional
2188 offices maintained by counties and regions of the state, local
2189 film commissions, and labor organizations, and the coordination
2190 of such entities with each other to facilitate a working
2191 relationship.

2192 c. Strategies to identify, solicit, and recruit
2193 entertainment production opportunities for the state, including
2194 implementation of programs for rural and urban areas designed to
2195 develop and promote the state's entertainment industry.

2196 ~~d.e. Include~~ An annual budget projection for the division
2197 ~~office~~ for each year of the plan.

2198 ~~d. Include an operational model for the office to use in~~
2199 ~~implementing programs for rural and urban areas designed to:~~
2200 ~~(I) develop and promote the state's entertainment industry.~~
2201 ~~(II) Have the office serve as a liaison between the~~
2202 ~~entertainment industry and other state and local governmental~~
2203 ~~agencies, local film commissions, and labor organizations.~~
2204 ~~(III) Gather statistical information related to the state's~~
2205 ~~entertainment industry.~~

2206 ~~e.(IV) Provision of~~ Provide information and service to
2207 businesses, communities, organizations, and individuals engaged
2208 in entertainment industry activities.

2209 ~~(V) Administer field offices outside the state and~~
2210 ~~coordinate with regional offices maintained by counties and~~
2211 ~~regions of the state, as described in sub-sub-subparagraph (II),~~
2212 ~~as necessary.~~

2213 ~~f.e. Include~~ Performance standards and measurable outcomes
2214 for the programs to be implemented by the division office.



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2215 2. The plan shall be annually reviewed and approved by the
2216 board of directors of Enterprise Florida, Inc.

2217 ~~f. Include an assessment of, and make recommendations on,~~
2218 ~~the feasibility of creating an alternative public private~~
2219 ~~partnership for the purpose of contracting with such a~~
2220 ~~partnership for the administration of the state's entertainment~~
2221 ~~industry promotion, development, marketing, and service~~
2222 ~~programs.~~

2223 ~~2. Develop, market, and facilitate a working relationship~~
2224 ~~between state agencies and local governments in cooperation with~~
2225 ~~local film commission offices for out-of-state and indigenous~~
2226 ~~entertainment industry production entities.~~

2227 ~~3. Implement a structured methodology prescribed for~~
2228 ~~coordinating activities of local offices with each other and the~~
2229 ~~commissioner's office.~~

2230 (b) The division shall also:

2231 ~~1.4.~~ Represent the state's indigenous entertainment
2232 industry to key decisionmakers within the national and
2233 international entertainment industry, and to state and local
2234 officials.

2235 ~~2.5.~~ Prepare an inventory and analysis of the state's
2236 entertainment industry, including, but not limited to,
2237 information on crew, related businesses, support services, job
2238 creation, talent, and economic impact and coordinate with local
2239 offices to develop an information tool for common use.

2240 ~~3.6.~~ Identify, solicit, and recruit entertainment
2241 production opportunities for the state.

2242 ~~4.7.~~ Assist rural communities and other small communities
2243 in the state in developing the expertise and capacity necessary



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2244 for such communities to develop, market, promote, and provide
2245 services to the state's entertainment industry.

2246 ~~(c)(b)~~ The division ~~Office of Film and Entertainment~~, in
2247 the performance of its duties, may:

2248 1. Conduct or contract for specific promotion and marketing
2249 functions, including, but not limited to, production of a
2250 statewide directory, production and maintenance of a ~~an Internet~~
2251 website, establishment and maintenance of a toll-free telephone
2252 number, organization of trade show participation, and
2253 appropriate cooperative marketing opportunities.

2254 2. Conduct its affairs, carry on its operations, establish
2255 offices, and exercise the powers granted by this act in any
2256 state, territory, district, or possession of the United States.

2257 3. Carry out any program of information, special events, or
2258 publicity designed to attract the entertainment industry to
2259 Florida.

2260 4. Develop relationships and leverage resources with other
2261 public and private organizations or groups in their efforts to
2262 publicize to the entertainment industry in this state, other
2263 states, and other countries the depth of Florida's entertainment
2264 industry talent, crew, production companies, production
2265 equipment resources, related businesses, and support services,
2266 including the establishment of and expenditure for a program of
2267 cooperative advertising with these public and private
2268 organizations and groups in accordance with the provisions of
2269 chapter 120.

2270 5. Provide and arrange for reasonable and necessary
2271 promotional items and services for such persons as the division
2272 ~~office~~ deems proper in connection with the performance of the



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2273 promotional and other duties of the division office.

2274 6. Prepare an ~~annual~~ economic impact analysis on
2275 entertainment industry-related activities in the state.

2276 7. Request or accept any grant, payment, or gift of funds
2277 or property made by this state, the United States, or any
2278 department or agency thereof, or by any individual, firm,
2279 corporation, municipality, county, or organization, for ~~any or~~
2280 ~~all of~~ the purposes of the division's Office of Film and
2281 ~~Entertainment's~~ 5-year strategic plan or those ~~permitted~~
2282 activities authorized by ~~enumerated in~~ this paragraph. Such
2283 funds shall be deposited in a separate account with Enterprise
2284 Florida, Inc., the Grants and Donations Trust Fund of the
2285 ~~Executive Office of the Governor~~ for use by the division Office
2286 ~~of Film and Entertainment~~ in carrying out its responsibilities
2287 and duties ~~as delineated in law~~. The division office may expend
2288 such funds in accordance with the terms and conditions of any
2289 such grant, payment, or gift in the pursuit of its
2290 administration or in support of fulfilling its duties and
2291 responsibilities. The division office shall separately account
2292 for the public funds and the private funds deposited into the
2293 account trust fund.

2294 Section 22. Section 288.1252, Florida Statutes, is
2295 renumbered as section 288.914, Florida Statutes, and amended to
2296 read:

2297 288.914 ~~288.1252~~ Florida Film and Entertainment Advisory
2298 Council; ~~creation~~; purpose; membership; powers and duties.—

2299 ~~(1) CREATION. There is created within the department, for~~
2300 ~~administrative purposes only, the Florida Film and Entertainment~~
2301 ~~Advisory Council.~~



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2302 (1)~~(2)~~ CREATION AND PURPOSE.—The Florida Film and
2303 Entertainment Advisory Council is created ~~purpose of the Council~~
2304 ~~is~~ to serve as an advisory body to the Division of Film and
2305 Entertainment within Enterprise Florida, Inc., and department
2306 ~~and to the Office of Film and Entertainment~~ to provide these
2307 ~~offices with~~ industry insight and expertise related to
2308 developing, marketing, and promoting, ~~and providing service to~~
2309 the state's entertainment industry.

2310 (2)~~(3)~~ MEMBERSHIP.—

2311 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be
2312 appointed by the Governor, 3 ~~5~~ to be appointed by the President
2313 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the
2314 House of Representatives.

2315 (b) When making appointments to the council, the Governor,
2316 the President of the Senate, and the Speaker of the House of
2317 Representatives shall appoint persons who are residents of the
2318 state and who are highly knowledgeable of, active in, and
2319 recognized as leaders in Florida's motion picture, television,
2320 video, sound recording, or other entertainment industries. These
2321 persons must ~~shall~~ include, but need not be limited to,
2322 representatives of local film commissions, representatives of
2323 entertainment associations, a representative of the broadcast
2324 industry, representatives of labor organizations in the
2325 entertainment industry, and board chairs, presidents, chief
2326 executive officers, chief operating officers, or persons of
2327 comparable executive position or stature of leading or otherwise
2328 important entertainment industry businesses and offices. Council
2329 members must ~~shall~~ be appointed in such a manner as to equitably
2330 represent the broadest spectrum of the entertainment industry



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2331 and geographic areas of the state.

2332 (c) Council members shall serve for 4-year terms. A council
2333 member serving as of July 1, 2016, may serve the remainder of
2334 his or her term, but upon the conclusion of the term or upon
2335 vacancy, the appointment must be made in accordance with this
2336 section.

2337 (d) Subsequent appointments shall be made by the official
2338 who appointed the council member whose expired term is to be
2339 filled.

2340 (e) In addition to the 11 ~~17~~ appointed members ~~of the~~
2341 ~~council~~, 1 representative from each of Enterprise Florida, Inc.,
2342 CareerSource Florida, Inc., and VISIT Florida shall serve as ex
2343 officio, nonvoting members of the council.

2344 (f) Absence from three consecutive meetings shall result in
2345 automatic removal from the council.

2346 (g) A vacancy on the council shall be filled for the
2347 remainder of the unexpired term by the official who appointed
2348 the vacating member.

2349 (h) No more than one member of the council may be an
2350 employee of any one company, organization, or association.

2351 (i) Any member shall be eligible for reappointment but may
2352 not serve more than two consecutive terms.

2353 (3) ~~(4)~~ MEETINGS; ORGANIZATION.—

2354 (a) The council shall meet at least no less frequently than
2355 once each quarter of the calendar year, and but may meet more
2356 often as determined necessary set by the council.

2357 (b) The council shall annually elect from its appointed
2358 membership one member to serve as chair ~~of the council~~ and one
2359 member to serve as vice chair. The Division ~~Office~~ of Film and



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2360 Entertainment shall provide staff assistance to the council,
2361 which must ~~shall~~ include, but need not be limited to, keeping
2362 records of the proceedings of the council, and serving as
2363 custodian of all books, documents, and papers filed with the
2364 council.

2365 (c) A majority of the members of the council constitutes
2366 ~~shall constitute~~ a quorum.

2367 (d) Members of the council shall serve without
2368 compensation, but are ~~shall be~~ entitled to reimbursement for per
2369 diem and travel expenses in accordance with s. 112.061 while in
2370 performance of their duties.

2371 (4) ~~(5)~~ POWERS AND DUTIES.—The Florida Film and
2372 Entertainment Advisory Council has ~~shall have all~~ the power
2373 ~~powers necessary or convenient~~ to carry out and effectuate the
2374 ~~purposes and provisions of~~ this act, including, but not limited
2375 to, the power to:

2376 (a) Adopt bylaws for the governance of its affairs and the
2377 conduct of its business.

2378 (b) Advise the Division and ~~consult with the Office~~ of Film
2379 and Entertainment on the content, development, and
2380 implementation of the division's 5-year strategic plan ~~to guide~~
2381 ~~the activities of the office.~~

2382 (c) ~~Review the Commissioner of Film and Entertainment's~~
2383 ~~administration of the programs related to the strategic plan,~~
2384 ~~and~~ Advise the Division of Film and Entertainment ~~commissioner~~
2385 on the division's programs and any changes that might be made to
2386 better meet the strategic plan.

2387 (d) Consider and study the needs of the entertainment
2388 industry for the purpose of advising the Division of Film and



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2389 ~~Entertainment film commissioner and the department.~~

2390 (e) Identify ~~and make recommendations on~~ state agency and
2391 local government actions that may have an impact on the
2392 entertainment industry or that may appear to industry
2393 representatives as ~~an~~ official state or local actions ~~action~~
2394 affecting production in the state, and advise the Division of
2395 Film and Entertainment of such actions.

2396 (f) Consider all matters submitted to it by the Division of
2397 Film and Entertainment ~~film commissioner and the department.~~

2398 ~~(g) Advise and consult with the film commissioner and the~~
2399 ~~department, at their request or upon its own initiative,~~
2400 ~~regarding the promulgation, administration, and enforcement of~~
2401 ~~all laws and rules relating to the entertainment industry.~~

2402 ~~(g)(h)~~ Suggest policies and practices ~~for the conduct of~~
2403 ~~business by the Office of Film and Entertainment or by the~~
2404 ~~department~~ that will improve interaction with internal
2405 ~~operations affecting~~ the entertainment industry and will enhance
2406 related state ~~the~~ economic development initiatives ~~of the state~~
2407 ~~for the industry.~~

2408 ~~(i) Appear on its own behalf before boards, commissions,~~
2409 ~~departments, or other agencies of municipal, county, or state~~
2410 ~~government, or the Federal Government.~~

2411 Section 23. Section 288.1253, Florida Statutes, is
2412 renumbered as section 288.915, Florida Statutes, and amended to
2413 read:

2414 288.915 ~~288.1253~~ Travel and entertainment expenses.—

2415 (1) As used in this section, the term "travel expenses"
2416 means the actual, necessary, and reasonable costs of
2417 transportation, meals, lodging, and incidental expenses normally



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2418 incurred by an employee of the Division Office of Film and
2419 Entertainment within Enterprise Florida, Inc., as which costs
2420 are defined and prescribed by ~~rules adopted by the~~ department
2421 rule, subject to approval by the Chief Financial Officer.

2422 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the
2423 department shall adopt rules by which the Division of Film and
2424 Entertainment ~~it~~ may make expenditures by reimbursement to~~+~~ the
2425 Governor, the Lieutenant Governor, security staff of the
2426 Governor or Lieutenant Governor, the Commissioner of Film and
2427 Entertainment, or staff of the Division Office of Film and
2428 Entertainment for travel expenses or entertainment expenses
2429 incurred by such individuals solely and exclusively in
2430 connection with the performance of the statutory duties of the
2431 division Office of Film and Entertainment. The rules are subject
2432 to approval by the Chief Financial Officer before adoption. The
2433 rules shall require the submission of paid receipts, or other
2434 proof of expenditure prescribed by the Chief Financial Officer,
2435 with any claim for reimbursement.

2436 (3) The Division Office of Film and Entertainment shall
2437 include in the annual report for the entertainment industry
2438 ~~financial incentive~~ program required under s. 288.1256(10) ~~s.~~
2439 ~~288.1254(10)~~ a report of the division's office's expenditures
2440 for the previous fiscal year. The report must consist of a
2441 summary of all travel, entertainment, and incidental expenses
2442 incurred within the United States and all travel, entertainment,
2443 and incidental expenses incurred outside the United States, as
2444 well as a summary of all successful projects that developed from
2445 such travel.

2446 (4) The Division Office of Film and Entertainment and its



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2447 employees and representatives, when authorized, may accept and
2448 use complimentary travel, accommodations, meeting space, meals,
2449 equipment, transportation, and any other goods or services
2450 necessary for or beneficial to the performance of the division's
2451 ~~office's~~ duties and purposes, so long as such acceptance or use
2452 is not in conflict with part III of chapter 112. The department
2453 shall, by rule, develop internal controls to ensure that such
2454 goods or services accepted or used pursuant to this subsection
2455 are limited to those that will assist solely and exclusively in
2456 the furtherance of the division's ~~office's~~ goals and are in
2457 compliance with part III of chapter 112. Notwithstanding this
2458 subsection, the division and its employees and representatives
2459 may not accept any complimentary travel, accommodations, meeting
2460 space, meals, equipment, transportation, or other goods or
2461 services from an entity or a party, including an employee, a
2462 designee, or a representative of such entity or party, which has
2463 received, has applied to receive, or anticipates that it will
2464 receive through an application, funds under s. 288.1256. If the
2465 division or its employee or representative accepts such goods or
2466 services, the division or its employee or representative is
2467 subject to the penalties provided in s. 112.317.

2468 (5) A ~~Any~~ claim submitted under this section is not
2469 required to be sworn to before a notary public or other officer
2470 authorized to administer oaths, but a ~~any~~ claim authorized or
2471 required to be made under any provision of this section shall
2472 contain a statement that the expenses were actually incurred as
2473 necessary travel or entertainment expenses in the performance of
2474 official duties of the Division ~~Office~~ of Film and Entertainment
2475 and shall be verified by written declaration that it is true and



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2476 correct as to every material matter. A ~~Any~~ person who willfully
2477 makes and subscribes to a any claim that ~~which~~ he or she does
2478 not believe to be true and correct as to every material matter
2479 or who willfully aids or assists in, procures, or counsels or
2480 advises with respect to, the preparation or presentation of a
2481 claim pursuant to this section which ~~that~~ is fraudulent or false
2482 as to any material matter, whether such falsity or fraud is with
2483 the knowledge or consent of the person authorized or required to
2484 present the claim, commits a misdemeanor of the second degree,
2485 punishable as provided in s. 775.082 or s. 775.083. Whoever
2486 receives a reimbursement by means of a false claim is civilly
2487 liable, in the amount of the overpayment, for the reimbursement
2488 of the public fund from which the claim was paid.

2489 Section 24. Paragraph (a) of subsection (5), paragraph (c)
2490 of subsection (9), and subsection (10) of section 288.1254,
2491 Florida Statutes, are amended to read:

2492 288.1254 Entertainment industry financial incentive
2493 program.—

2494 (5) TRANSFER OF TAX CREDITS.—

2495 (a) *Authorization.*—Upon application to ~~the Office of Film~~
2496 ~~and Entertainment~~ and approval by the department, a certified
2497 production company, or a partner or member that has received a
2498 distribution under paragraph (4)(g), may elect to transfer, in
2499 whole or in part, any unused credit amount granted under this
2500 section. An election to transfer any unused tax credit amount
2501 under chapter 212 or chapter 220 must be made no later than 5
2502 years after the date the credit is awarded, after which period
2503 the credit expires and may not be used. The department shall
2504 notify the Department of Revenue of the election and transfer.



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2505 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
2506 CREDITS; FRAUDULENT CLAIMS.—

2507 (c) *Forfeiture of tax credits.*—A determination by the
2508 Department of Revenue, as a result of an audit pursuant to
2509 paragraph (a) or from information received from the department
2510 ~~Office of Film and Entertainment~~, that an applicant received tax
2511 credits pursuant to this section to which the applicant was not
2512 entitled is grounds for forfeiture of previously claimed and
2513 received tax credits. The applicant is responsible for returning
2514 forfeited tax credits to the Department of Revenue, and such
2515 funds shall be paid into the General Revenue Fund of the state.
2516 Tax credits purchased in good faith are not subject to
2517 forfeiture unless the transferee submitted fraudulent
2518 information in the purchase or failed to meet the requirements
2519 in subsection (5).

2520 (10) ANNUAL REPORT.—Each November 1, the department ~~Office~~
2521 ~~of Film and Entertainment~~ shall submit an annual report for the
2522 previous fiscal year to the Governor, the President of the
2523 Senate, and the Speaker of the House of Representatives which
2524 outlines the incentive program's return on investment and
2525 economic benefits to the state. The report must also include an
2526 estimate of the full-time equivalent positions created by each
2527 production that received tax credits under this section and
2528 information relating to the distribution of productions
2529 receiving credits by geographic region and type of production.
2530 The report must also include the expenditures report required
2531 under s. 288.915(3) ~~s. 288.1253(3)~~ and the information
2532 describing the relationship between tax exemptions and
2533 incentives to industry growth required under s. 288.1258(5).



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2534 Section 25. Effective upon becoming law, subsection (11) of
2535 section 288.1254, Florida Statutes, is amended to read:

2536 288.1254 Entertainment industry financial incentive
2537 program.—

2538 (11) REPEAL.—This section is repealed April 1, 2016 ~~July 1,~~
2539 ~~2016~~, except that:

2540 (a) Tax credits certified under paragraph (3) (d) before
2541 April 1, 2016 ~~July 1, 2016~~, may be awarded under paragraph
2542 (3) (f) on or after April 1, 2016 ~~July 1, 2016~~, if the other
2543 requirements of this section are met.

2544 1. A qualified production must facilitate the submittal of
2545 all required information under subparagraph (3) (f)1. to the
2546 department by August 1, 2016. A qualified production that does
2547 not meet this requirement may not be awarded tax credits. A
2548 waiver of the deadline is not permitted.

2549 2. The department must complete the review of the
2550 accountant's submittal, report the final verified amount of
2551 actual qualified expenditures, and determine and approve the
2552 final tax credit award amount to each certified applicant based
2553 on the final verified amount of actual qualified expenditures as
2554 required in subparagraph (3) (f)2. by June 30, 2017. Tax credits
2555 may not be awarded to any qualified production if the
2556 determination and approval is not made by June 30, 2017. A
2557 wavier of the deadline is not permitted.

2558 3. The Department of Revenue shall deny any credit claimed
2559 on a tax return when that credit was awarded on or after July 1,
2560 2017.

2561 (b)1. The department must publish a report on its website
2562 by May 30, 2016, providing the number of:



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2563 a. Certified productions that submitted data substantiating
2564 each qualified expenditure as required under sub-subparagraph
2565 (3) (f) 1.a.;

2566 b. Certified productions currently under review by
2567 independent certified public accountants as required under sub-
2568 subparagraphs (3) (f) 1.a. and b.;

2569 c. Compliance audits submitted by the accountants and
2570 currently under review by the department as required under sub-
2571 subparagraph (3) (f) 1.b.; and

2572 d. Final tax credit award determinations and approvals that
2573 the department has made as required under sub-subparagraph
2574 (3) (f) 1.a. and subparagraph (3) (f) 2.

2575 2. The department must update the report on its website by
2576 September 1, 2016, and December 30, 2016.

2577 (c) Notwithstanding paragraph (7) (c), tax credits may not
2578 be certified on or after April 1, 2016, and the Department of
2579 Revenue shall deny any credit claimed on a tax return when that
2580 credit was certified under paragraph (3) (d) on or after April 1,
2581 2016.

2582 (d) ~~(b)~~ Tax credits carried forward under paragraph (4) (e)
2583 remain valid for the period specified.

2584 (e) ~~(e)~~ Subsections (5), (8), and (9) shall remain in effect
2585 until July 1, 2021.

2586 Section 26. Section 288.1256, Florida Statutes, is created
2587 to read:

2588 288.1256 Entertainment Action Fund.—

2589 (1) The Entertainment Action Fund is created within the
2590 department in order to respond to extraordinary opportunities
2591 and to compete effectively with other states to attract and



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2592 retain production companies and to provide favorable conditions
2593 for the growth of the entertainment industry in this state.
2594 (2) As used in this section, the term:
2595 (a) "Division" means the Division of Film and Entertainment
2596 within Enterprise Florida, Inc.
2597 (b) "Principal photography" means the filming of major or
2598 significant components of a project which involve lead actors.
2599 (c) "Production" means a theatrical, direct-to-video, or
2600 direct-to-Internet motion picture; a made-for-television motion
2601 picture; visual effects or digital animation sequences produced
2602 in conjunction with a motion picture; a commercial; a music
2603 video; an industrial or educational film; an infomercial; a
2604 documentary film; a television pilot program; a presentation for
2605 a television pilot program; a television series, including, but
2606 not limited to, a drama, a reality show, a comedy, a soap opera,
2607 a telenovela, a game show, an awards show, or a miniseries
2608 production; a direct-to-Internet television series; or a digital
2609 media project by the entertainment industry. One season of a
2610 television series is considered one production. The term does
2611 not include a weather or market program; a sporting event or a
2612 sporting event broadcast; a gala; a production that solicits
2613 funds; a home shopping program; a political program; a political
2614 documentary; political advertising; a gambling-related project
2615 or production; a concert production; a local, a regional, or an
2616 Internet-distributed-only news show or current-events show; a
2617 sports news or a sports recap show; a pornographic production;
2618 or any production deemed obscene under chapter 847. A production
2619 may be produced on or by film, tape, or otherwise by means of a
2620 motion picture camera; an electronic camera or device; a tape



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2621 device; a computer; any combination of the foregoing; or any
2622 other means, method, or device.

2623 (d) "Production company" means a corporation, limited
2624 liability company, partnership, or other legal entity engaged in
2625 one or more productions in this state.

2626 (e) "Production expenditures" means the costs of tangible
2627 and intangible property used for, and services performed
2628 primarily and customarily in, production, including
2629 preproduction and postproduction, but excluding costs for
2630 development, marketing, and distribution. The term includes, but
2631 is not limited to:

2632 1. Wages, salaries, or other compensation paid to legal
2633 residents of this state, including amounts paid through payroll
2634 service companies, for technical and production crews,
2635 directors, producers, and performers.

2636 2. Net expenditures for sound stages, backlots, production
2637 editing, digital effects, sound recordings, sets, and set
2638 construction. As used in this paragraph, the term "net
2639 expenditures" means the actual amount of money a project spent
2640 for equipment or other tangible personal property, after
2641 subtracting any consideration received for reselling or
2642 transferring the item after the production ends, if applicable.

2643 3. Net expenditures for rental equipment, including, but
2644 not limited to, cameras and grip or electrical equipment.

2645 4. Up to \$300,000 of the costs of newly purchased computer
2646 software and hardware unique to the project, including servers,
2647 data processing, and visualization technologies, which are
2648 located in and used exclusively in this state for the production
2649 of digital media.



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2650 5. Expenditures for meals, travel, and accommodations.
2651 (f) "Project" means a production in this state meeting the
2652 requirements of this section. The term does not include a
2653 production:
2654 1. In which less than 70 percent of the positions that make
2655 up its production cast and below-the-line production crew are
2656 filled by legal residents of this state, whose residency is
2657 demonstrated by a valid Florida driver license or other state-
2658 issued identification confirming residency, or students enrolled
2659 full-time in an entertainment-related course of study at an
2660 institution of higher education in this state; or
2661 2. That contains obscene content as defined in s.
2662 847.001(10).
2663 (g) "Qualified expenditures" means production expenditures
2664 incurred in this state by a production company for:
2665 1. Goods purchased or leased from, or services, including,
2666 but not limited to, insurance costs and bonding, payroll
2667 services, and legal fees, which are provided by a vendor or
2668 supplier in this state which is registered with the Department
2669 of State or the Department of Revenue, has a physical location
2670 in this state, and employs one or more legal residents of this
2671 state. This does not include rebilled goods or services provided
2672 by an in-state company from out-of-state vendors or suppliers.
2673 If services provided by the vendor or supplier include personal
2674 services or labor, only personal services or labor provided by
2675 residents of this state, evidenced by the required documentation
2676 of residency in this state, qualify.
2677 2. Payments to legal residents of this state in the form of
2678 salary, wages, or other compensation up to a maximum of \$400,000



2679 per resident. A completed declaration of residency in this state
2680 must accompany the documentation submitted to the department for
2681 reimbursement.

2682
2683 For a project involving an event, such as an awards show, the
2684 term does not include expenditures solely associated with the
2685 event itself and not directly required by the production. The
2686 term does not include expenditures incurred before the agreement
2687 is signed. The production company may not include in the
2688 calculation for qualified expenditures the original purchase
2689 price for equipment or other tangible property that is later
2690 sold or transferred by the production company for consideration.
2691 In such cases, the qualified expenditure is the net of the
2692 original purchase price minus the consideration received upon
2693 sale or transfer.

2694 (h) "Underutilized county" means a county in which less
2695 than \$500,000 in qualified expenditures were made in the last 2
2696 fiscal years.

2697 (3) A production company may apply for funds from the
2698 Entertainment Action Fund for a production or successive seasons
2699 of a production. The division shall review and evaluate
2700 applications to determine the eligibility of each project
2701 consistent with the requirements of this section. The division
2702 shall leverage funds to select projects that maximize the return
2703 to the state. The division must accept applications for at least
2704 3 months, and shall provide public notice of the application
2705 period. The division may allow multiple, nonoverlapping
2706 application periods in a fiscal year subject to the availability
2707 of funds. The division shall review and evaluate applications



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2708 timely received during the application period to identify any
2709 competitive projects to recommend for approval as provided in
2710 this section. The division may determine that no applications
2711 were submitted which meet the requirements of this section and
2712 maximize the return to the state.

2713 (4) The division, in its review and evaluation of
2714 applications, must consider the following criteria, which are
2715 listed in order of priority, with the highest priority given to
2716 paragraph (a):

2717 (a) The number of state residents who will be employed in
2718 full-time equivalent and part-time positions related to the
2719 project, the duration of such employment, and the average wages
2720 paid to such residents. Preference shall be given to a project
2721 that expects to pay higher than the statewide average wage.

2722 (b) The amount of qualified and nonqualified expenditures
2723 that will be made in this state.

2724 (c) Planned or executed contracts with production
2725 facilities or soundstages in this state and the percentage of
2726 principal photography or production activity that will occur at
2727 each location.

2728 (d) Planned preproduction and postproduction to occur in
2729 this state.

2730 (e) The amount of capital investment, especially fixed
2731 capital investment, to be made directly by the production
2732 company in this state related to the project and the amount of
2733 any other capital investment to be made in this state related to
2734 the project.

2735 (f) The duration of the project in this state.

2736 (g) The amount and duration of principal photography or



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2737 production activity that will occur in an underutilized county.

2738 (h) The extent to which the production company will promote
2739 Florida, including the production of marketing materials
2740 promoting this state as a tourist destination or a film and
2741 entertainment production destination; placement of state agency
2742 logos in the production and credits; authorized use of
2743 production assets, characters, and themes by this state;
2744 promotional videos for this state included on optical disc
2745 formats; and other marketing integration.

2746 (i) The employment of students enrolled full-time in an
2747 entertainment-related course of study at an institution of
2748 higher education in this state or of graduates from such an
2749 institution within 12 months after graduation.

2750 (j) Plans to work with entertainment industry-related
2751 courses of study at an institution of higher education in this
2752 state.

2753 (k) Local support and any local financial commitment for
2754 the project.

2755 (l) The project is about this state or shows this state in
2756 a positive light.

2757 (m) A review of the production company's past activities in
2758 this state or other states.

2759 (n) The length of time the production company has made
2760 productions in this state, the number of productions the
2761 production company has made in this state, and the production
2762 company's overall commitment to this state. This includes a
2763 production company that is based in this state.

2764 (o) Expected contributions to this state's economy,
2765 consistent with the state strategic economic development plan



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2766 prepared by the department.

2767 (p) The expected effect of the award on the viability of
2768 the project and the probability that the project would be
2769 undertaken in this state if funds are granted to the production
2770 company.

2771 (5) A production company must have financing in place for a
2772 project before it applies for funds under this section.

2773 (6) The department shall prescribe a form upon which an
2774 application must be made to the division. At a minimum, the
2775 application must include:

2776 (a) The applicant's federal employer identification number,
2777 reemployment assistance account number, and state sales tax
2778 registration number, as applicable. If such numbers are not
2779 available at the time of application, they must be submitted to
2780 the department in writing before the disbursement of any
2781 payments.

2782 (b) The signature of the applicant.

2783 (c) A detailed budget of planned qualified and nonqualified
2784 expenditures in this state.

2785 (d) The type and amount of capital investment that will be
2786 made in this state.

2787 (e) The locations in this state where the project will
2788 occur.

2789 (f) The anticipated commencement date and duration of the
2790 project.

2791 (g) The proposed number of state residents and nonstate
2792 residents who will be employed in full-time equivalent and part-
2793 time positions related to the project and wages paid to such
2794 persons.



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2795 (h) The total number of full-time equivalent employees
2796 employed by the production company in this state, if applicable.

2797 (i) Proof of financing for the project.

2798 (j) The amount of promotion of Florida which the production
2799 company will provide for the state.

2800 (k) An attestation verifying that the information provided
2801 on the application is true and accurate.

2802 (l) Any additional information requested by the department
2803 or division.

2804 (7) The division and department must make a recommendation
2805 to the Governor to approve or deny a project pursuant to s.
2806 288.061. An award of funds may constitute up to 30 percent of
2807 qualified expenditures in this state and may not fund wages paid
2808 to nonresidents. The division may recommend an award of funds
2809 that is less than 30 percent of qualified expenditures in this
2810 state. A production must start within 1 year after the date the
2811 project is approved by the Governor. The recommendation must
2812 include the performance conditions that the project must meet to
2813 obtain funds.

2814 (a) The Governor may approve an award of less than \$2
2815 million without consulting the Legislature and shall provide a
2816 written description and evaluation of the approved project to
2817 the President of the Senate and the Speaker of the House of
2818 Representatives within 1 business day after approval.

2819 (b) For a project recommended for approval for an award of
2820 \$2 million or more, the Governor shall provide a written
2821 description and evaluation of the project to the President of
2822 the Senate and the Speaker of the House of Representatives at
2823 least 14 days before approving the award. If the President of



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2824 the Senate or the Speaker of the House of Representatives timely
2825 advises the Governor, in writing, that his or her planned or
2826 proposed action exceeds the delegated authority of the Governor
2827 or is contrary to legislative policy or intent, the Governor
2828 shall instruct the department to immediately suspend any action
2829 planned or proposed.

2830 (c) A written description and evaluation of an amendment, a
2831 modification, or an extension of an executed agreement must be
2832 provided to the President of the Senate and the Speaker of the
2833 House of Representatives within 1 business day after approval.
2834 An amendment, a modification, or an extension may not be made to
2835 an executed agreement if the award of state funds outlined in
2836 the agreement has not been reduced by a proportionate amount.

2837 (8) Upon the approval of the Governor, the department and
2838 the production company shall enter into an agreement pursuant to
2839 s. 288.061 that also specifies:

2840 (a) The performance conditions the production company must
2841 meet to obtain payment of moneys from the fund. Performance
2842 conditions must include the criteria considered in the review
2843 and evaluation of the application. Performance conditions must
2844 relate to activity that occurs in this state.

2845 (b) That the department may review and verify any records
2846 of the production company to ascertain whether that company is
2847 in compliance with this section and the agreement.

2848 (c) That payment of moneys from the fund is contingent upon
2849 sufficient appropriation of funds by the Legislature.

2850 (9) The agreement must be finalized and signed by an
2851 authorized officer of the production company within 90 days
2852 after the Governor's approval. A production company that



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2853 receives funds under this section may not receive benefits under
2854 s. 288.1258 for the same production.

2855 (10) (a) The department shall validate contractor
2856 performance and report such validation in an annual report. The
2857 agreement shall require the production company to submit proof
2858 of performance within a certain period of time from the required
2859 date of performance provided in the agreement, not to exceed 90
2860 days.

2861 (b) Each November 1, the department and the division shall
2862 submit an annual report for the previous fiscal year to the
2863 Governor, the President of the Senate, and the Speaker of the
2864 House of Representatives which outlines the program's return on
2865 investment and economic benefits to the state. The report must
2866 also include an estimate of the full-time equivalent positions
2867 created by each production that received a grant under this
2868 section and information relating to the distribution of
2869 productions receiving credits by geographic region and type of
2870 production. In addition, the report must include the
2871 expenditures report required under s. 288.915, the information
2872 describing the relationship between tax exemptions and
2873 incentives to industry growth required under s. 288.1258(5), and
2874 program performance information required under this section.

2875 (11) The department may not approve awards in excess of the
2876 amount appropriated for a fiscal year. The department must
2877 maintain a schedule of funds to be paid from the appropriation
2878 for the fiscal year that begins on July 1. For the first 6
2879 months of each fiscal year, the department shall set aside 50
2880 percent of the amount appropriated for the fund by the
2881 Legislature. At the end of the 6-month period, these funds are



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2882 available to provide funding under this section for applications
2883 submitted on or after January 1. The department or division may
2884 not accept any applications or conditionally commit funds or
2885 grant priority to a production company if funds are not
2886 available in the current period.

2887 (12) A production company that submits fraudulent
2888 information under this section is liable for reimbursement of
2889 the reasonable costs and fees associated with the review,
2890 processing, investigation, and prosecution of the fraudulent
2891 claim. A production company that receives a payment under this
2892 section through a claim that is fraudulent is liable for
2893 reimbursement of the payment amount, plus a penalty in an amount
2894 double the payment amount. The penalty is in addition to any
2895 criminal penalty for which the production company is liable for
2896 the same acts. The production company is also liable for costs
2897 and fees incurred by the state in investigating and prosecuting
2898 the fraudulent claim.

2899 (13) The department or division may not waive any provision
2900 or provide an extension of time to meet any requirement of this
2901 section.

2902 (14) This section expires on July 1, 2026. An agreement in
2903 existence on that date shall continue in effect in accordance
2904 with its terms.

2905 Section 27. Section 288.1258, Florida Statutes, is amended
2906 to read:

2907 288.1258 Entertainment industry qualified production
2908 companies; application procedure; categories; duties of the
2909 Department of Revenue; records and reports.—

2910 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—



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2911 (a) Any production company engaged in this state in the
2912 production of motion pictures, made-for-TV motion pictures,
2913 television series, commercial advertising, music videos, or
2914 sound recordings may submit an application for exemptions under
2915 ss. 212.031, 212.06, and 212.08 to the Department of Revenue to
2916 be approved by the Department of Economic Opportunity ~~Office of~~
2917 ~~Film and Entertainment~~ as a qualified production company for the
2918 purpose of receiving a sales and use tax certificate of
2919 exemption from the Department of Revenue to exempt purchases on
2920 or after the date that the completed application is filed with
2921 the Department of Revenue.

2922 (b) As used in ~~For the purposes of~~ this section, the term
2923 "qualified production company" means any production company that
2924 has submitted a properly completed application to the Department
2925 of Revenue and that is subsequently qualified by the Department
2926 of Economic Opportunity ~~Office of Film and Entertainment.~~

2927 (2) APPLICATION PROCEDURE.—

2928 (a) The Department of Revenue shall ~~will~~ review all
2929 submitted applications for the required information. Within 10
2930 working days after the receipt of a properly completed
2931 application, the Department of Revenue shall ~~will~~ forward the
2932 completed application to the Department of Economic Opportunity
2933 ~~Office of Film and Entertainment~~ for approval.

2934 (b)1. The Department of Economic Opportunity ~~Office of Film~~
2935 ~~and Entertainment~~ shall establish a process by which an
2936 entertainment industry production company may be approved by the
2937 department ~~office~~ as a qualified production company and may
2938 receive a certificate of exemption from the Department of
2939 Revenue for the sales and use tax exemptions under ss. 212.031,



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2940 212.06, and 212.08. A production company that receives a sales
2941 tax exemption certificate under this section for a production
2942 may not receive benefits under s. 288.1256 for the same
2943 production.

2944 2. Upon determination by the department ~~Office of Film and~~
2945 ~~Entertainment~~ that a production company meets the established
2946 approval criteria and qualifies for exemption, the department
2947 ~~Office of Film and Entertainment~~ shall return the approved
2948 application or application renewal or extension to the
2949 Department of Revenue, which shall issue a certificate of
2950 exemption.

2951 3. The department ~~Office of Film and Entertainment~~ shall
2952 deny an application or application for renewal or extension from
2953 a production company if it determines that the production
2954 company does not meet the established approval criteria.

2955 (c) The department ~~Office of Film and Entertainment~~ shall
2956 develop, with the cooperation of the Department of Revenue, the
2957 Division of Film and Entertainment within Enterprise Florida,
2958 Inc., and local government entertainment industry promotion
2959 agencies, a standardized application form for use in approving
2960 qualified production companies.

2961 1. The application form shall include, but not be limited
2962 to, production-related information on employment, proposed
2963 budgets, planned purchases of items exempted from sales and use
2964 taxes under ss. 212.031, 212.06, and 212.08, a signed
2965 affirmation from the applicant that any items purchased for
2966 which the applicant is seeking a tax exemption are intended for
2967 use exclusively as an integral part of entertainment industry
2968 preproduction, production, or postproduction activities engaged



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2969 in primarily in this state, and a signed affirmation from the
2970 department ~~Office of Film and Entertainment~~ that the information
2971 on the application form has been verified and is correct. In
2972 lieu of information on projected employment, proposed budgets,
2973 or planned purchases of exempted items, a production company
2974 seeking a 1-year certificate of exemption may submit summary
2975 historical data on employment, production budgets, and purchases
2976 of exempted items related to production activities in this
2977 state. Any information gathered from production companies for
2978 the purposes of this section shall be considered confidential
2979 taxpayer information and shall be disclosed only as provided in
2980 s. 213.053.

2981 2. The application form may be distributed to applicants by
2982 the department, the Division ~~Office~~ of Film and Entertainment,
2983 or local film commissions.

2984 (d) All applications, renewals, and extensions for
2985 designation as a qualified production company shall be processed
2986 by the department ~~Office of Film and Entertainment~~.

2987 (e) ~~If In the event that~~ the Department of Revenue
2988 determines that a production company no longer qualifies for a
2989 certificate of exemption, or has used a certificate of exemption
2990 for purposes other than those authorized by this section and
2991 chapter 212, the Department of Revenue shall revoke the
2992 certificate of exemption of that production company, and any
2993 sales or use taxes exempted on items purchased or leased by the
2994 production company during the time such company did not qualify
2995 for a certificate of exemption or improperly used a certificate
2996 of exemption shall become immediately due to the Department of
2997 Revenue, along with interest and penalty as provided by s.



2998 212.12. In addition to the other penalties imposed by law, any
2999 person who knowingly and willfully falsifies an application, or
3000 uses a certificate of exemption for purposes other than those
3001 authorized by this section and chapter 212, commits a felony of
3002 the third degree, punishable as provided in ss. 775.082,
3003 775.083, and 775.084.

3004 (3) CATEGORIES.—

3005 (a)1. A production company may be qualified for designation
3006 as a qualified production company for a period of 1 year if the
3007 company has operated a business in Florida at a permanent
3008 address for a period of 12 consecutive months. Such a qualified
3009 production company shall receive a single 1-year certificate of
3010 exemption from the Department of Revenue for the sales and use
3011 tax exemptions under ss. 212.031, 212.06, and 212.08, which
3012 certificate shall expire 1 year after issuance or upon the
3013 cessation of business operations in the state, at which time the
3014 certificate shall be surrendered to the Department of Revenue.

3015 ~~2. The Office of Film and Entertainment shall develop a~~
3016 ~~method by which~~ A qualified production company may submit a new
3017 application for annually renew a 1-year certificate of exemption
3018 upon the expiration of that company's certificate of exemption;
3019 however, upon approval of the department, such qualified
3020 production company may annually renew the 1-year certificate of
3021 exemption for a period of up to 5 years without submitting
3022 ~~requiring the production company to resubmit~~ a new application
3023 during that 5-year period.

3024 3. Each year, or upon surrender of the certificate of
3025 exemption to the Department of Revenue, the Any qualified
3026 production company shall may submit to the department aggregate



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3027 data for production-related information on employment,
3028 expenditures in this state, capital investment, and purchases of
3029 items exempted from sales and use taxes under ss. 212.031,
3030 212.06, and 212.08 for inclusion in the annual report required
3031 under subsection (5) ~~a new application for a 1-year certificate~~
3032 ~~of exemption upon the expiration of that company's certificate~~
3033 ~~of exemption.~~

3034 (b)1. A production company may be qualified for designation
3035 as a qualified production company for a period of 90 days. Such
3036 production company shall receive a single 90-day certificate of
3037 exemption from the Department of Revenue for the sales and use
3038 tax exemptions under ss. 212.031, 212.06, and 212.08, which
3039 certificate shall expire 90 days after issuance or upon the
3040 cessation of business operations in the state, at which time,
3041 with extensions contingent upon approval of the Office of Film
3042 and Entertainment. the certificate shall be surrendered to the
3043 Department of Revenue upon its expiration.

3044 2. A qualified production company may submit a new
3045 application for a 90-day certificate of exemption each quarter
3046 upon the expiration of that company's certificate of exemption;
3047 however, upon approval of the department, such qualified
3048 production company may renew the 90-day certificate of exemption
3049 for a period of up to 1 year without submitting a new
3050 application during that 1-year period.

3051 3.2. Each 90 days, or upon surrender of the certificate of
3052 exemption to the Department of Revenue, the qualified ~~Any~~
3053 production company shall ~~may~~ submit to the department aggregate
3054 data for production-related information on employment,
3055 expenditures in this state, capital investment, and purchases of



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3056 items exempted from sales and use taxes under ss. 212.031,
3057 212.06, and 212.08 for inclusion in the annual report required
3058 under subsection (5) a new application for a 90-day certificate
3059 of exemption upon the expiration of that company's certificate
3060 of exemption.

3061 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

3062 (a) The Department of Revenue shall review the initial
3063 application and notify the applicant of any omissions and
3064 request additional information if needed. An application shall
3065 be complete upon receipt of all requested information. The
3066 Department of Revenue shall forward all complete applications to
3067 the department Office of Film and Entertainment within 10
3068 working days.

3069 (b) The Department of Revenue shall issue a numbered
3070 certificate of exemption to a qualified production company
3071 within 5 working days of the receipt of an approved application,
3072 application renewal, or application extension from the
3073 department Office of Film and Entertainment.

3074 (c) The Department of Revenue may adopt ~~promulgate~~ such
3075 rules and shall prescribe and publish such forms as may be
3076 necessary to effectuate the purposes of this section or any of
3077 the sales tax exemptions which are reasonably related to the
3078 provisions of this section.

3079 (d) The Department of Revenue is authorized to establish
3080 audit procedures in accordance with the provisions of ss.
3081 212.12, 212.13, and 213.34 which relate to the sales tax
3082 exemption provisions of this section.

3083 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
3084 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department



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3085 ~~Office of Film and Entertainment~~ shall keep annual records from
3086 the information provided on taxpayer applications for tax
3087 exemption certificates and regularly reported as required in
3088 this section ~~beginning January 1, 2001~~. These records also must
3089 reflect a ratio of the annual amount of sales and use tax
3090 exemptions under this section, plus the funds granted incentives
3091 ~~awarded~~ pursuant to s. 288.1256 ~~s. 288.1254~~ to the estimated
3092 amount of funds expended by certified productions. In addition,
3093 the department ~~office~~ shall maintain data showing annual growth
3094 in Florida-based entertainment industry companies and
3095 entertainment industry employment and wages. The employment
3096 information must include ~~an estimate of~~ the full-time equivalent
3097 positions created by each production that received funds tax
3098 ~~credits~~ pursuant to s. 288.1256 ~~s. 288.1254~~. The department
3099 ~~Office of Film and Entertainment~~ shall include this information
3100 in the annual report for the entertainment industry ~~financial~~
3101 ~~incentive~~ program required under s. 288.1256(10) ~~s.~~
3102 ~~288.1254(10)~~.

3103 Section 28. Paragraphs (a) and (b) of subsection (5) of
3104 section 288.901, Florida Statutes, are amended to read:

3105 288.901 Enterprise Florida, Inc.—

3106 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

3107 (a) In addition to the Governor or his or her designee, the
3108 board of directors shall consist of the following appointed
3109 members:

- 3110 1. The Commissioner of Education or his or her designee.
- 3111 2. The Chief Financial Officer or his or her designee.
- 3112 3. The Attorney General or his or her designee.
- 3113 4. The Commissioner of Agriculture or his or her designee.



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3114 5. The chairperson of the board of directors of
3115 CareerSource Florida, Inc.
3116 6. The Secretary of State or his or her designee.
3117 7. The president of CareerSource Florida, Inc.
3118 ~~8.7.~~ Twelve members from the private sector, six of whom
3119 shall be appointed by the Governor, three of whom shall be
3120 appointed by the President of the Senate, and three of whom
3121 shall be appointed by the Speaker of the House of
3122 Representatives. Members appointed by the Governor are subject
3123 to Senate confirmation.

3124 (b) In making their appointments, the Governor, the
3125 President of the Senate, and the Speaker of the House of
3126 Representatives shall ensure that the composition of the board
3127 of directors reflects the diversity of Florida's business
3128 community and is representative of the economic development
3129 goals in subsection (2). The board must include at least one
3130 director for each of the following areas of expertise:
3131 international business, tourism marketing, the space or
3132 aerospace industry, managing or financing a minority-owned
3133 business, manufacturing, finance and accounting, and rural
3134 economic development ~~sports marketing~~.

3135 Section 29. Subsection (1) of section 288.9015, Florida
3136 Statutes, is amended to read:

3137 288.9015 Powers of Enterprise Florida, Inc.; board of
3138 directors.—

3139 (1) Enterprise Florida, Inc., shall integrate its efforts
3140 in business recruitment and expansion, job creation, marketing
3141 the state for tourism ~~and sports~~, and promoting economic
3142 opportunities for minority-owned businesses and promoting



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3143 economic opportunities for rural and distressed urban
3144 communities with those of the department, to create an
3145 aggressive, agile, and collaborative effort to reinvigorate the
3146 state's economy.

3147 Section 30. Paragraph (c) of subsection (1), paragraph (d)
3148 of subsection (2), and subsection (3) of section 288.907,
3149 Florida Statutes, are amended, and subsection (14) is added to
3150 that section, to read:

3151 288.907 Annual incentives report.—By December 30 of each
3152 year, Enterprise Florida, Inc., in conjunction with the
3153 department, shall provide the Governor, the President of the
3154 Senate, and the Speaker of the House of Representatives a
3155 detailed incentives report quantifying the economic benefits for
3156 all of the economic development incentive programs marketed by
3157 Enterprise Florida, Inc. The annual incentives report must
3158 include:

3159 (1) For each incentive program:

3160 (c) The actual amount of private capital invested, the
3161 actual number of jobs created, the actual number of jobs created
3162 which provide health benefits for the employee, the actual
3163 number of jobs retained, the actual number of jobs retained
3164 which provide health benefits for the employee, and actual wages
3165 paid for incentive agreements completed during the previous 3
3166 years for each target industry sector.

3167 (2) For projects completed during the previous state fiscal
3168 year:

3169 (d) The projects for which a tax refund, tax credit, or
3170 cash grant agreement was executed, identifying for each project:

3171 1. The number of jobs committed to be created and the



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3172 number of those jobs that will provide health benefits for the
3173 employee.

3174 2. The number of jobs committed to be retained and the
3175 number of those jobs that will provide health benefits for the
3176 employee.

3177 3.2. The amount of capital investments committed to be
3178 made.

3179 4.3. The annual average wage committed to be paid.

3180 5.4. The amount of state economic development incentives
3181 committed to the project from each incentive program under the
3182 project's terms of agreement with the Department of Economic
3183 Opportunity.

3184 6.5. The amount and type of local matching funds committed
3185 to the project.

3186 (3) For economic development projects that received tax
3187 refunds, tax credits, or cash grants under the terms of an
3188 agreement for incentives:

3189 (a) The number of jobs actually created and the number of
3190 those jobs that provided health benefits for the employee.

3191 (b) The number of jobs actually retained and the number of
3192 those jobs that provided health benefits for the employee.

3193 (c) ~~(b)~~ The amount of capital investments actually made.

3194 (d) ~~(e)~~ The annual average wage paid.

3195 (14) For the previous fiscal year, information relating to
3196 any of the following changes made to an agreement:

3197 (a) Contract extensions.

3198 (b) Amendments or modifications that alter a performance
3199 condition that a project must meet to receive payment.

3200 Section 31. Subsection (1) of section 288.92, Florida



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3201 Statutes, is amended to read:

3202 288.92 Divisions of Enterprise Florida, Inc.—

3203 (1) Enterprise Florida, Inc., may create and dissolve
3204 divisions as necessary to carry out its mission. Each division
3205 shall have distinct responsibilities and complementary missions.
3206 At a minimum, Enterprise Florida, Inc., shall have divisions
3207 related to the following areas:

3208 (a) International Trade and Business Development;

3209 (b) Business Retention and Recruitment;

3210 (c) Tourism Marketing;

3211 (d) Minority Business Development; and

3212 (e) Film and Entertainment ~~Sports Industry Development~~.

3213 Section 32. Paragraph (c) of subsection (3) and subsection
3214 (4) of section 288.980, Florida Statutes, are amended to read:

3215 288.980 Military base retention; legislative intent; grants
3216 program.—

3217 (3)

3218 (c) The department shall require that an applicant:

3219 1. Represent a local government with a military
3220 installation or military installations that could be adversely
3221 affected by federal actions.

3222 ~~2. Agree to match at least 30 percent of any grant awarded.~~

3223 ~~3.~~ Prepare a coordinated program or plan of action
3224 delineating how the eligible project will be administered and
3225 accomplished.

3226 ~~3.4.~~ Provide documentation describing the potential for
3227 changes to the mission of a military installation located in the
3228 applicant's community and the potential impacts such changes
3229 will have on the applicant's community.



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3230 (4) The Florida Defense Reinvestment Grant Program is
3231 established to respond to the need for this state to work in
3232 conjunction with defense-dependent communities in developing and
3233 implementing strategies and approaches that will help
3234 communities support the missions of military installations, and
3235 in developing and implementing alternative economic
3236 diversification strategies to transition from a defense economy
3237 to a nondefense economy. The department shall administer the
3238 program.

3239 (a) Eligible applicants include defense-dependent counties
3240 and cities, and local economic development councils located
3241 within such communities. ~~The program shall be administered by~~
3242 ~~the department and~~ Grant awards may be provided to support
3243 community-based activities that:

3244 1. ~~(a)~~ Protect existing military installations;
3245 2. ~~(b)~~ Diversify or grow the economy of a defense-dependent
3246 community; or

3247 3. ~~(c)~~ Develop plans for the reuse of closed or realigned
3248 military installations, including any plans necessary for
3249 infrastructure improvements needed to facilitate reuse and
3250 related marketing activities.

3251 (b) Applications for grants under paragraph (a) ~~this~~
3252 ~~subsection~~ must include a coordinated program of work or plan of
3253 action delineating how the eligible project will be administered
3254 and accomplished, which must include a plan for ensuring close
3255 cooperation between civilian and military authorities in the
3256 conduct of the funded activities and a plan for public
3257 involvement. An applicant must agree to match at least 30
3258 percent of any grant awarded.



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3259 Section 33. Section 288.9937, Florida Statutes, is amended
3260 to read:

3261 288.9937 Evaluation of programs.—The Office of Economic and
3262 Demographic Research and the Office of Program Policy Analysis
3263 and Government Accountability shall analyze and evaluate, ~~and~~
3264 ~~determine the economic benefits, as defined in s. 288.005, of~~
3265 the first 3 years of the Microfinance Loan Program and the
3266 Microfinance Guarantee Program. The analysis by the Office of
3267 Economic and Demographic Research must determine the economic
3268 benefits, as defined in s. 288.005, and also evaluate the number
3269 of jobs created, the increase or decrease in personal income,
3270 and the impact on state gross domestic product from the direct,
3271 indirect, and induced effects of the state's investment. The
3272 analysis by the Office of Program Policy Analysis and Government
3273 Accountability must ~~also~~ identify any inefficiencies in the
3274 programs and provide recommendations for changes to the
3275 programs. Each ~~The~~ office shall submit a report to the President
3276 of the Senate and the Speaker of the House of Representatives by
3277 January 15 ~~±~~, 2018. This section expires January 31, 2018.

3278 Section 34. Paragraph (a) of subsection (6), paragraph (b)
3279 of subsection (9), paragraph (a) of subsection (35), subsection
3280 (60), and paragraph (b) of subsection (64) of section 320.08058,
3281 Florida Statutes, are amended to read:

3282 320.08058 Specialty license plates.—

3283 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
3284 PLATES.—

3285 (a) Because the United States Olympic Committee has
3286 selected this state to participate in a combined fundraising
3287 program that provides for one-half of all money raised through



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3288 volunteer giving to stay in this state and be administered by
3289 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ to
3290 support amateur sports, and because the United States Olympic
3291 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~
3292 ~~Inc.~~ are nonprofit organizations dedicated to providing
3293 athletes with support and training and preparing athletes of all
3294 ages and skill levels for sports competition, and because the
3295 Florida Sports Foundation ~~Enterprise Florida, Inc.~~ assists in
3296 the bidding for sports competitions that provide significant
3297 impact to the economy of this state, and the Legislature
3298 supports the efforts of the United States Olympic Committee and
3299 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, the
3300 Legislature establishes a Florida United States Olympic
3301 Committee license plate for the purpose of providing a
3302 continuous funding source to support this worthwhile effort.
3303 Florida United States Olympic Committee license plates must
3304 contain the official United States Olympic Committee logo and
3305 must bear a design and colors that are approved by the
3306 department. The word "Florida" must be centered at the top of
3307 the plate.

3308 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

3309 (b) The license plate annual use fees are to be annually
3310 distributed as follows:

3311 1. Fifty-five percent of the proceeds from the Florida
3312 Professional Sports Team plate must be deposited into the
3313 Professional Sports Development Trust Fund within the Department
3314 of Economic Opportunity. These funds must be used solely to
3315 attract and support major sports events in this state. As used
3316 in this subparagraph, the term "major sports events" means, but



3317 is not limited to, championship or all-star contests of Major
3318 League Baseball, the National Basketball Association, the
3319 National Football League, the National Hockey League, Major
3320 League Soccer, the men's and women's National Collegiate
3321 Athletic Association championships ~~Final Four basketball~~
3322 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All
3323 funds must be used to support and promote major sporting events,
3324 and the uses must be approved by the Department of Economic
3325 Opportunity.

3326 2. The remaining proceeds of the Florida Professional
3327 Sports Team license plate must be allocated to the Florida
3328 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be
3329 deposited into the Professional Sports Development Trust Fund
3330 within the Department of Economic Opportunity. These funds must
3331 be used by the Florida Sports Foundation ~~Enterprise Florida,~~
3332 ~~Inc.~~, to promote the economic development of the sports
3333 industry; to distribute licensing and royalty fees to
3334 participating professional sports teams; ~~to promote education~~
3335 ~~programs in Florida schools that provide an awareness of the~~
3336 ~~benefits of physical activity and nutrition standards; to~~
3337 ~~partner with the Department of Education and the Department of~~
3338 ~~Health to develop a program that recognizes schools whose~~
3339 ~~students demonstrate excellent physical fitness or fitness~~
3340 ~~improvement;~~ to institute a grant program for communities
3341 bidding on minor sporting events that create an economic impact
3342 for the state; to distribute funds to Florida-based charities
3343 designated by the Florida Sports Foundation ~~Enterprise Florida,~~
3344 ~~Inc.~~, and the participating professional sports teams; and to
3345 fulfill the sports promotion responsibilities of the Department



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3346 of Economic Opportunity.

3347 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,
3348 shall provide an annual financial audit in accordance with s.
3349 215.981 of its financial accounts and records by an independent
3350 certified public accountant pursuant to the contract established
3351 by the Department of Economic Opportunity as specified in s.
3352 288.1229(5). The auditor shall submit the audit report to the
3353 Department of Economic Opportunity for review and approval. If
3354 the audit report is approved, the Department of Economic
3355 Opportunity shall certify the audit report to the Auditor
3356 General for review.

3357 4. Notwithstanding the provisions of subparagraphs 1. and
3358 2., proceeds from the Professional Sports Development Trust Fund
3359 may also be used for operational expenses of the Florida Sports
3360 Foundation ~~Enterprise Florida, Inc.~~, and financial support of
3361 the Sunshine State Games and Florida Senior Games.

3362 (35) FLORIDA GOLF LICENSE PLATES.—

3363 (a) The Department of Highway Safety and Motor Vehicles
3364 shall develop a Florida Golf license plate as provided in this
3365 section. The word "Florida" must appear at the bottom of the
3366 plate. The Dade Amateur Golf Association, following consultation
3367 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~
3368 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a
3369 revised sample plate for consideration by the department.

3370 (60) FLORIDA NASCAR LICENSE PLATES.—

3371 (a) The department shall develop a Florida NASCAR license
3372 plate as provided in this section. Florida NASCAR license plates
3373 must bear the colors and design approved by the department. The
3374 word "Florida" must appear at the top of the plate, and the term



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3375 "NASCAR" must appear at the bottom of the plate. The National
3376 Association for Stock Car Auto Racing, following consultation
3377 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may
3378 submit a sample plate for consideration by the department.

3379 (b) The license plate annual use fees shall be distributed
3380 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
3381 license plate annual use fees shall be annually allocated as
3382 follows:

3383 1. Up to 5 percent of the proceeds from the annual use fees
3384 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
3385 ~~Inc.~~, for the administration of the NASCAR license plate
3386 program.

3387 2. The National Association for Stock Car Auto Racing shall
3388 receive up to \$60,000 in proceeds from the annual use fees to be
3389 used to pay startup costs, including costs incurred in
3390 developing and issuing the plates. Thereafter, 10 percent of the
3391 proceeds from the annual use fees shall be provided to the
3392 association for the royalty rights for the use of its marks.

3393 3. The remaining proceeds from the annual use fees shall be
3394 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~
3395 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,
3396 will retain 15 percent to support its regional grant program,
3397 attracting sporting events to Florida; 20 percent to support the
3398 marketing of motorsports-related tourism in the state; and 50
3399 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)
3400 charitable organization, to support Florida-based charitable
3401 organizations.

3402 (c) The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,
3403 shall provide an annual financial audit in accordance with s.



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3404 215.981 of its financial accounts and records by an independent
3405 certified public accountant pursuant to the contract established
3406 by the Department of Economic Opportunity as specified in s.
3407 288.1229(5). The auditor shall submit the audit report to the
3408 Department of Economic Opportunity for review and approval. If
3409 the audit report is approved, the Department of Economic
3410 Opportunity shall certify the audit report to the Auditor
3411 General for review.

3412 (64) FLORIDA TENNIS LICENSE PLATES.—

3413 (b) The department shall distribute the annual use fees to
3414 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
3415 license plate annual use fees shall be annually allocated as
3416 follows:

3417 1. Up to 5 percent of the proceeds from the annual use fees
3418 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
3419 ~~Inc.~~ to administer the license plate program.

3420 2. The United States Tennis Association Florida Section
3421 Foundation shall receive the first \$60,000 in proceeds from the
3422 annual use fees to reimburse it for startup costs,
3423 administrative costs, and other costs it incurs in the
3424 development and approval process.

3425 3. Up to 5 percent of the proceeds from the annual use fees
3426 may be used for promoting and marketing the license plates. The
3427 remaining proceeds shall be available for grants by the United
3428 States Tennis Association Florida Section Foundation to
3429 nonprofit organizations to operate youth tennis programs and
3430 adaptive tennis programs for special populations of all ages,
3431 and for building, renovating, and maintaining public tennis
3432 courts.



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3433 Section 35. Subsection (18) of section 177.031, Florida
3434 Statutes, is amended to read:

3435 177.031 Definitions.—As used in this part:

3436 (18) "Subdivision" means the division of land into three or
3437 more lots, parcels, tracts, tiers, blocks, sites, units, or any
3438 other division of land; and includes establishment of new
3439 streets and alleys, additions, and resubdivisions; and, when
3440 appropriate to the context, relates to the process of
3441 subdividing or to the lands or area subdivided. The term
3442 includes nonresidential divisions of land unless a governing
3443 body adopts an ordinance that authorizes nonresidential land
3444 divisions for unplatted lands.

3445 Section 36. Subsection (5) of section 196.1995, Florida
3446 Statutes, is amended to read:

3447 196.1995 Economic development ad valorem tax exemption.—

3448 (5) Upon a majority vote in favor of such authority, the
3449 board of county commissioners or the governing authority of the
3450 municipality, at its discretion, by ordinance may exempt from ad
3451 valorem taxation up to 100 percent of the assessed value of all
3452 improvements to real property made by or for the use of a new
3453 business and of all tangible personal property of such new
3454 business, or up to 100 percent of the assessed value of all
3455 added improvements to real property made to facilitate the
3456 expansion of an existing business and of the net increase in all
3457 tangible personal property acquired to facilitate such expansion
3458 of an existing business. To qualify for this exemption, the
3459 improvements to real property must be made or the tangible
3460 personal property must be added or increased after approval by
3461 motion or resolution of the local governing body, subject to



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3462 ordinance adoption or on or after the day the ordinance is
3463 adopted. However, if the authority to grant exemptions is
3464 approved in a referendum in which the ballot question contained
3465 in subsection (3) appears on the ballot, the authority of the
3466 board of county commissioners or the governing authority of the
3467 municipality to grant exemptions is limited solely to new
3468 businesses and expansions of existing businesses that are
3469 located in an enterprise zone or brownfield area. Property
3470 acquired to replace existing property shall not be considered to
3471 facilitate a business expansion. Replacement or refreshment of
3472 datacenter equipment for a datacenter shall be considered to be
3473 part of a new business for a datacenter that qualifies for this
3474 exemption. The exemption applies only to taxes levied by the
3475 respective unit of government granting the exemption. The
3476 exemption does not apply, however, to taxes levied for the
3477 payment of bonds or to taxes authorized by a vote of the
3478 electors pursuant to s. 9(b) or s. 12, Art. VII of the State
3479 Constitution. Any such exemption shall remain in effect for up
3480 to 10 years with respect to any particular facility, or up to 20
3481 years for a qualifying datacenter, regardless of any change in
3482 the authority of the county or municipality to grant such
3483 exemptions. The exemption shall not be prolonged or extended by
3484 granting exemptions from additional taxes or by virtue of any
3485 reorganization or sale of the business receiving the exemption.

3486 Section 37. Section 189.033, Florida Statutes, is amended
3487 to read:

3488 189.033 Independent special district services in
3489 disproportionally affected county; rate reduction for providers
3490 providing economic benefits.—If the governing body of an



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3491 independent special district that provides water, wastewater,
3492 and sanitation services in a disproportionately affected county,
3493 as provided ~~defined~~ in s. 220.191(1)(g)1. ~~s. 288.106(8)~~,
3494 determines that a new user or the expansion of an existing user
3495 of one or more of its utility systems will provide a significant
3496 benefit to the community in terms of increased job
3497 opportunities, economies of scale, or economic development in
3498 the area, the governing body may authorize a reduction of its
3499 rates, fees, or charges for that user for a specified period of
3500 time. A governing body that exercises this power must do so by
3501 resolution that states the anticipated economic benefit
3502 justifying the reduction as well as the period of time that the
3503 reduction will remain in place.

3504 Section 38. Paragraph (a) of subsection (14) of section
3505 196.012, Florida Statutes, is amended to read:

3506 196.012 Definitions.—For the purpose of this chapter, the
3507 following terms are defined as follows, except where the context
3508 clearly indicates otherwise:

3509 (14) "New business" means:

3510 (a)1. A business or organization establishing 10 or more
3511 new jobs to employ 10 or more full-time employees in this state
3512 which pays, ~~paying~~ an average wage for such new jobs which ~~that~~
3513 is above the average wage in the area and, ~~which~~ principally
3514 engages in any one or more of the following operations:

3515 a. Manufactures, processes, compounds, fabricates, or
3516 produces for sale items of tangible personal property at a fixed
3517 location and which comprises an industrial or manufacturing
3518 plant; or

3519 b. Is a target industry business as defined in s.



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3520 288.106(2) ~~s. 288.106(2)(a)~~;

3521 2. A business or organization establishing 25 or more new
3522 jobs to employ 25 or more full-time employees in this state, the
3523 sales factor of which, as defined by s. 220.15(5), for the
3524 facility with respect to which it requests an economic
3525 development ad valorem tax exemption is less than 0.50 for each
3526 year the exemption is claimed; or

3527 3. An office space in this state owned and used by a
3528 business or organization newly domiciled in this state if~~;~~
3529 ~~provided~~ such office space houses 50 or more full-time employees
3530 of such business or organization and~~;~~ ~~provided that such~~
3531 ~~business or organization office~~ first begins operation on a site
3532 clearly separate from any other commercial or industrial
3533 operation owned by the same business or organization.

3534 Section 39. Effective upon becoming law, paragraph (d) of
3535 subsection (6) of section 212.20, Florida Statutes, is amended
3536 to read:

3537 212.20 Funds collected, disposition; additional powers of
3538 department; operational expense; refund of taxes adjudicated
3539 unconstitutionally collected.—

3540 (6) Distribution of all proceeds under this chapter and ss.
3541 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

3542 (d) The proceeds of all other taxes and fees imposed
3543 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
3544 and (2)(b) shall be distributed as follows:

3545 1. In any fiscal year, the greater of \$500 million, minus
3546 an amount equal to 4.6 percent of the proceeds of the taxes
3547 collected pursuant to chapter 201, or 5.2 percent of all other
3548 taxes and fees imposed pursuant to this chapter or remitted



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3549 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
3550 monthly installments into the General Revenue Fund.

3551 2. After the distribution under subparagraph 1., 8.9744
3552 percent of the amount remitted by a sales tax dealer located
3553 within a participating county pursuant to s. 218.61 shall be
3554 transferred into the Local Government Half-cent Sales Tax
3555 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
3556 transferred shall be reduced by 0.1 percent, and the department
3557 shall distribute this amount to the Public Employees Relations
3558 Commission Trust Fund less \$5,000 each month, which shall be
3559 added to the amount calculated in subparagraph 3. and
3560 distributed accordingly.

3561 3. After the distribution under subparagraphs 1. and 2.,
3562 0.0966 percent shall be transferred to the Local Government
3563 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
3564 to s. 218.65.

3565 4. After the distributions under subparagraphs 1., 2., and
3566 3., 2.0810 percent of the available proceeds shall be
3567 transferred monthly to the Revenue Sharing Trust Fund for
3568 Counties pursuant to s. 218.215.

3569 5. After the distributions under subparagraphs 1., 2., and
3570 3., 1.3653 percent of the available proceeds shall be
3571 transferred monthly to the Revenue Sharing Trust Fund for
3572 Municipalities pursuant to s. 218.215. If the total revenue to
3573 be distributed pursuant to this subparagraph is at least as
3574 great as the amount due from the Revenue Sharing Trust Fund for
3575 Municipalities and the former Municipal Financial Assistance
3576 Trust Fund in state fiscal year 1999-2000, no municipality shall
3577 receive less than the amount due from the Revenue Sharing Trust



3578 Fund for Municipalities and the former Municipal Financial
3579 Assistance Trust Fund in state fiscal year 1999-2000. If the
3580 total proceeds to be distributed are less than the amount
3581 received in combination from the Revenue Sharing Trust Fund for
3582 Municipalities and the former Municipal Financial Assistance
3583 Trust Fund in state fiscal year 1999-2000, each municipality
3584 shall receive an amount proportionate to the amount it was due
3585 in state fiscal year 1999-2000.

3586 6. Of the remaining proceeds:

3587 a. In each fiscal year, the sum of \$29,915,500 shall be
3588 divided into as many equal parts as there are counties in the
3589 state, and one part shall be distributed to each county. The
3590 distribution among the several counties must begin each fiscal
3591 year on or before January 5th and continue monthly for a total
3592 of 4 months. If a local or special law required that any moneys
3593 accruing to a county in fiscal year 1999-2000 under the then-
3594 existing provisions of s. 550.135 be paid directly to the
3595 district school board, special district, or a municipal
3596 government, such payment must continue until the local or
3597 special law is amended or repealed. The state covenants with
3598 holders of bonds or other instruments of indebtedness issued by
3599 local governments, special districts, or district school boards
3600 before July 1, 2000, that it is not the intent of this
3601 subparagraph to adversely affect the rights of those holders or
3602 relieve local governments, special districts, or district school
3603 boards of the duty to meet their obligations as a result of
3604 previous pledges or assignments or trusts entered into which
3605 obligated funds received from the distribution to county
3606 governments under then-existing s. 550.135. This distribution



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3607 specifically is in lieu of funds distributed under s. 550.135
3608 before July 1, 2000.

3609 b. The department shall distribute \$166,667 monthly to each
3610 applicant certified as a facility for a new or retained
3611 professional sports franchise pursuant to s. 288.1162. Up to
3612 \$41,667 shall be distributed monthly by the department to each
3613 certified applicant as defined in s. 288.11621 for a facility
3614 for a spring training franchise. However, not more than \$416,670
3615 may be distributed monthly in the aggregate to all certified
3616 applicants for facilities for spring training franchises.
3617 Distributions begin 60 days after such certification and
3618 continue for not more than 30 years, except as otherwise
3619 provided in s. 288.11621. A certified applicant identified in
3620 this sub-subparagraph may not receive more in distributions than
3621 expended by the applicant for the public purposes provided in s.
3622 288.1162(5) or s. 288.11621(3).

3623 c. Beginning 30 days after notice by the Department of
3624 Economic Opportunity to the Department of Revenue that an
3625 applicant has been certified as the professional golf hall of
3626 fame pursuant to s. 288.1168 and is open to the public, \$166,667
3627 shall be distributed monthly, for up to 300 months, to the
3628 applicant.

3629 ~~d. Beginning 30 days after notice by the Department of~~
3630 ~~Economic Opportunity to the Department of Revenue that the~~
3631 ~~applicant has been certified as the International Game Fish~~
3632 ~~Association World Center facility pursuant to s. 288.1169, and~~
3633 ~~the facility is open to the public, \$83,333 shall be distributed~~
3634 ~~monthly, for up to 168 months, to the applicant. This~~
3635 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~



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3636 ~~lump sum payment of \$999,996 shall be made after certification~~
3637 ~~and before July 1, 2000.~~

3638 ~~d.e.~~ The department shall distribute up to \$83,333 monthly
3639 to each certified applicant as defined in s. 288.11631 for a
3640 facility used by a single spring training franchise, or up to
3641 \$166,667 monthly to each certified applicant as defined in s.
3642 288.11631 for a facility used by more than one spring training
3643 franchise. Monthly distributions begin 60 days after such
3644 certification or July 1, 2016, whichever is later, and continue
3645 for not more than 20 years to each certified applicant as
3646 defined in s. 288.11631 for a facility used by a single spring
3647 training franchise or not more than 25 years to each certified
3648 applicant as defined in s. 288.11631 for a facility used by more
3649 than one spring training franchise. A certified applicant
3650 identified in this sub-subparagraph may not receive more in
3651 distributions than expended by the applicant for the public
3652 purposes provided in s. 288.11631(3).

3653 ~~e.f.~~ Beginning 45 days after notice by the Department of
3654 Economic Opportunity to the Department of Revenue that an
3655 applicant has been ~~approved by the Legislature and~~ certified by
3656 the Department of Economic Opportunity under s. 288.11625 or
3657 upon a date specified by the Department of Economic Opportunity
3658 as provided under s. 288.11625(6)(d), the department shall
3659 distribute each month an amount equal to one-twelfth of the
3660 annual distribution amount certified by the Department of
3661 Economic Opportunity for the applicant. The department may not
3662 distribute more than \$7 million in the 2014-2015 fiscal year or
3663 more than \$13 million annually thereafter under this sub-
3664 subparagraph.



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3665 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,
3666 the department shall distribute \$26,286 monthly to the State
3667 Transportation Trust Fund. Beginning July 1, 2016, the
3668 department shall distribute \$15,333 monthly to the State
3669 Transportation Trust Fund.

3670 7. All other proceeds must remain in the General Revenue
3671 Fund.

3672 Section 40. Paragraph (a) of subsection (2) of section
3673 220.196, Florida Statutes, is amended to read:

3674 220.196 Research and development tax credit.—

3675 (2) TAX CREDIT.—

3676 (a) As provided in this section, a business enterprise is
3677 eligible for a credit against the tax imposed by this chapter if
3678 it:

3679 1. Has qualified research expenses in this state in the
3680 taxable year exceeding the base amount;

3681 2. Claims and is allowed a research credit for such
3682 qualified research expenses under 26 U.S.C. s. 41 for the same
3683 taxable year as subparagraph 1.; and

3684 3. Is a qualified target industry business as defined in s.
3685 288.106(2) ~~s. 288.106(2)(n)~~. Only qualified target industry
3686 businesses in the manufacturing, life sciences, information
3687 technology, aviation and aerospace, homeland security and
3688 defense, cloud information technology, marine sciences,
3689 materials science, and nanotechnology industries may qualify for
3690 a tax credit under this section. A business applying for a
3691 credit pursuant to this section shall include a letter from the
3692 Department of Economic Opportunity certifying whether the
3693 business meets the requirements of this subparagraph with its



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3694 application for credit. The Department of Economic Opportunity
3695 shall provide such a letter upon receiving a request.

3696 Section 41. Subsection (7) of section 288.11621, Florida
3697 Statutes, is amended to read:

3698 288.11621 Spring training baseball franchises.—

3699 (7) STRATEGIC PLANNING.—The department shall request
3700 assistance from the Florida Sports Foundation Enterprise
3701 ~~Florida, Inc.~~, and the Florida Grapefruit League Association to
3702 develop a comprehensive strategic plan to:

3703 (a) Finance spring training facilities.

3704 (b) Monitor and oversee the use of state funds awarded to
3705 applicants.

3706 (c) Identify the financial impact that spring training has
3707 on the state and ways in which to maintain or improve that
3708 impact.

3709 (d) Identify opportunities to develop public-private
3710 partnerships to engage in marketing activities and advertise
3711 spring training baseball.

3712 (e) Identify efforts made by other states to maintain or
3713 develop partnerships with baseball spring training teams.

3714 (f) Develop recommendations for the Legislature to sustain
3715 or improve this state's spring training tradition.

3716 Section 42. Effective upon becoming law, paragraph (c) of
3717 subsection (2) and paragraphs (a), (c), and (d) of subsection
3718 (3) of section 288.11631, Florida Statutes, are amended to read:

3719 288.11631 Retention of Major League Baseball spring
3720 training baseball franchises.—

3721 (2) CERTIFICATION PROCESS.—

3722 (c) Each applicant certified on or after July 1, 2013,



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3723 shall enter into an agreement with the department which:
3724 1. Specifies the amount of the state incentive funding to
3725 be distributed. The amount of state incentive funding per
3726 certified applicant may not exceed \$20 million. However, if a
3727 certified applicant's facility is used by more than one spring
3728 training franchise, the maximum amount may not exceed \$50
3729 million, and the Department of Revenue shall make distributions
3730 to the applicant pursuant to s. 212.20(6)(d)6.d. ~~s.~~
3731 ~~212.20(6)(d)6.e.~~
3732 2. States the criteria that the certified applicant must
3733 meet in order to remain certified. These criteria must include a
3734 provision stating that the spring training franchise must
3735 reimburse the state for any funds received if the franchise does
3736 not comply with the terms of the contract. If bonds were issued
3737 to construct or renovate a facility for a spring training
3738 franchise, the required reimbursement must be equal to the total
3739 amount of state distributions expected to be paid from the date
3740 the franchise violates the agreement with the applicant through
3741 the final maturity of the bonds.
3742 3. States that the certified applicant is subject to
3743 decertification if the certified applicant fails to comply with
3744 this section or the agreement.
3745 4. States that the department may recover state incentive
3746 funds if the certified applicant is decertified.
3747 5. Specifies the information that the certified applicant
3748 must report to the department.
3749 6. Includes any provision deemed prudent by the department.
3750 (3) USE OF FUNDS.—
3751 (a) A certified applicant may use funds provided under s.



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3752 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ only to:

3753 1. Serve the public purpose of constructing or renovating a
3754 facility for a spring training franchise.

3755 2. Pay or pledge for the payment of debt service on, or to
3756 fund debt service reserve funds, arbitrage rebate obligations,
3757 or other amounts payable with respect thereto, bonds issued for
3758 the construction or renovation of such facility, or for the
3759 reimbursement of such costs or the refinancing of bonds issued
3760 for such purposes.

3761 (c) The Department of Revenue may not distribute funds
3762 under s. 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ until July 1,
3763 2016. Further, the Department of Revenue may not distribute
3764 funds to an applicant certified on or after July 1, 2013, until
3765 it receives notice from the department that:

3766 1. The certified applicant has encumbered funds under
3767 either subparagraph (a)1. or subparagraph (a)2.; and

3768 2. If applicable, any existing agreement with a spring
3769 training franchise for the use of a facility has expired.

3770 (d)1. All certified applicants shall place unexpended state
3771 funds received pursuant to s. 212.20(6)(d)6.d. ~~s.~~
3772 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
3773 only as authorized in this section.

3774 2. A certified applicant may request that the department
3775 notify the Department of Revenue to suspend further
3776 distributions of state funds made available under s.
3777 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ for 12 months after
3778 expiration of an existing agreement with a spring training
3779 franchise to provide the certified applicant with an opportunity
3780 to enter into a new agreement with a spring training franchise,



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3781 at which time the distributions shall resume.

3782 3. The expenditure of state funds distributed to an
3783 applicant certified after July 1, 2013, must begin within 48
3784 months after the initial receipt of the state funds. In
3785 addition, the construction or renovation of a spring training
3786 facility must be completed within 24 months after the project's
3787 commencement.

3788 Section 43. Subsection (5) of section 477.0135, Florida
3789 Statutes, is amended to read:

3790 477.0135 Exemptions.—

3791 (5) A license is not required of any individual providing
3792 makeup, special effects, or cosmetology services to an actor,
3793 stunt person, musician, extra, or other talent during a
3794 production recognized by the Department of Economic Opportunity
3795 ~~Office of Film and Entertainment~~ as a project ~~qualified~~
3796 ~~production~~ as defined in s. 288.1256 ~~s. 288.1254(1)~~. Such
3797 services are not required to be performed in a licensed salon.
3798 Individuals exempt under this subsection may not provide such
3799 services to the general public.

3800 Section 44. For the purpose of incorporating the amendment
3801 made by this act to section 288.106, Florida Statutes, in a
3802 reference thereto, subsection (11) of section 159.803, Florida
3803 Statutes, is reenacted to read:

3804 159.803 Definitions.—As used in this part, the term:

3805 (11) "Florida First Business project" means any project
3806 which is certified by the Department of Economic Opportunity as
3807 eligible to receive an allocation from the Florida First
3808 Business allocation pool established pursuant to s. 159.8083.
3809 The Department of Economic Opportunity may certify those



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3810 projects meeting the criteria set forth in s. 288.106(4) (b) or
3811 any project providing a substantial economic benefit to this
3812 state.

3813 Section 45. Except as otherwise expressly provided in this
3814 act and except for this section, which shall take effect upon
3815 this act becoming a law, this act shall take effect July 1,
3816 2016.

3817
3818 ===== T I T L E A M E N D M E N T =====

3819 And the title is amended as follows:

3820 Delete everything before the enacting clause
3821 and insert:

3822 A bill to be entitled
3823 An act relating to economic development; amending s.
3824 20.60, F.S.; requiring the Department of Economic
3825 Opportunity to contract with a direct-support
3826 organization to promote the sports industry and the
3827 participation of residents in certain athletic
3828 competitions in this state and to promote the state as
3829 a host for certain athletic competitions; amending s.
3830 220.191, F.S.; revising the definition of the term
3831 "cumulative capital investment"; deleting an obsolete
3832 provision; conforming a cross-reference; amending s.
3833 288.0001, F.S.; conforming cross-references; requiring
3834 the Office of Economic and Demographic Research and
3835 the Office of Program Policy Analysis and Government
3836 Accountability to provide a detailed analysis of the
3837 retention of Major League Baseball spring training
3838 baseball franchises; amending s. 288.005, F.S.;



3839 defining the term "average private sector wage in the
3840 area"; revising the definition of the term "economic
3841 benefits"; amending s. 288.047, F.S.; revising
3842 purposes of the Quick-Response Training Program;
3843 specifying requirements and limitations with respect
3844 to the approval of applications, the execution of
3845 agreements, and reimbursement amounts under the
3846 program; requiring the Department of Economic
3847 Opportunity to transfer funds to CareerSource Florida,
3848 Inc., if certain conditions exist; eliminating a
3849 required set aside of funds appropriated to the
3850 program; authorizing, rather than requiring, an
3851 educational institution receiving program funding to
3852 be included in the grant agreement prepared by
3853 CareerSource Florida, Inc.; authorizing certain
3854 matching contributions to be counted toward the
3855 private sector support of Enterprise Florida, Inc.;
3856 amending s. 288.061, F.S.; requiring the Department of
3857 Economic Opportunity to prescribe a specified
3858 application form; requiring the incentive application
3859 to include specified information; requiring the
3860 department to review such applications under certain
3861 circumstances; requiring the Office of Economic and
3862 Demographic Research to include certain guidelines for
3863 the calculation of economic benefits; providing
3864 requirements for an amended definition by the office;
3865 prohibiting the department from attributing to a
3866 business certain investments for specified purposes;
3867 requiring the department to consider certain



3868 investments for specified purposes; requiring the
3869 department's evaluation of the application to include
3870 specified information; requiring the executive
3871 director of the department to provide a recommendation
3872 to the Governor during a specified timeframe for
3873 certain projects; providing requirements for certain
3874 recommendations; requiring the department and the
3875 applicant to enter into an agreement or a contract;
3876 providing requirements for the contract or agreement;
3877 prohibiting the department from entering into an
3878 agreement or a contract that has a term of longer than
3879 10 years; authorizing the department to enter into a
3880 successive agreement or contract for a specified
3881 project under certain circumstances; providing
3882 applicability; requiring the department to provide
3883 specified notice to the Legislature upon the final
3884 execution of each contract or agreement; requiring the
3885 return of funds under certain circumstances; amending
3886 s. 288.076, F.S.; revising definitions; conforming
3887 cross-references; providing requirements for
3888 information that the department is required to publish
3889 on a certain website; amending s. 288.095, F.S.;

3890 conforming provisions to changes made by the act;
3891 providing that moneys credited to the Economic
3892 Development Trust Fund Account consist of specified
3893 funds; providing that any balance in the account at
3894 the end of the fiscal year remains in the account and
3895 are available for carrying out the purposes of the
3896 account; creating the Florida Enterprise Fund Account;



3897 providing that moneys credited to the Florida
3898 Enterprise Fund Fund Account consist of specified
3899 funds; providing that any balance in the account at
3900 the end of the fiscal year remains in the account and
3901 are available for carrying out the purposes of the
3902 account; requiring the department to submit certain
3903 information to the Legislature; creating the Quick
3904 Action Closing Fund Escrow Account; providing the
3905 composition of the account; restricting the usage of
3906 moneys in the escrow account to specified payments;
3907 requiring specified funds to be deposited by the
3908 department in the State Economic Enhancement and
3909 Development Trust Funds within a specified period;
3910 requiring funds in the escrow account to be managed
3911 under specified investment practices; requiring that
3912 the funds be made available to make specified
3913 payments; requiring the department to transfer
3914 interest earnings on a quarterly basis to the State
3915 Economic Enhancement and Development Trust Fund;
3916 amending s. 288.1045, F.S.; deleting the definition of
3917 the term "average wage in the area"; revising the
3918 application process for the qualified defense
3919 contractor and space flight business tax refund
3920 program; authorizing a business to receive an approved
3921 refund if the business fails to submit certain
3922 documentation under certain circumstances; extending
3923 an expiration date; conforming provisions to changes
3924 made by the act; amending s. 288.106, F.S.; deleting
3925 the definition of the term "average private sector



3926 wage in the area"; revising terms; revising the
3927 application process for the tax refund program for
3928 qualified target industry businesses; removing
3929 provisions regarding economic recovery extensions of
3930 certain tax refund agreements; making technical
3931 changes; providing that certain incentive payments are
3932 not repayment of actual taxes paid; providing that
3933 actual taxes paid limit the amount of incentive
3934 payments a business may receive; amending s. 288.108,
3935 F.S.; revising definitions; requiring a certain
3936 economic benefit ratio; authorizing the Governor to
3937 approve certain grants without consulting the
3938 Legislature; requiring the Governor to provide written
3939 descriptions and evaluations to the Legislature under
3940 certain circumstances; requiring the Executive Office
3941 of the Governor to take certain action upon the
3942 Legislature's timely advice; providing requirements
3943 for amendments, modifications, or extensions of
3944 certain contracts; requiring the department to
3945 validate certain performance and to report such
3946 validation; requiring the agreement to include certain
3947 information; conforming provisions to changes made by
3948 the act; amending s. 288.1088, F.S.; renaming the
3949 Quick Action Closing Fund as the Florida Enterprise
3950 Program; revising the requirements for projects
3951 eligible for receipt of funds from the fund; requiring
3952 local financial support; defining a term; requiring a
3953 certain waiver request to be transmitted in writing to
3954 the department with an explanation of the specific



3955 justification for the request; requiring the Governor
3956 to provide written descriptions and evaluations to the
3957 Legislature under certain circumstances; requiring the
3958 Executive Office of the Governor to take certain
3959 action upon the Legislature's timely advice; providing
3960 requirements for amendments, modifications, or
3961 extensions of certain contracts; prohibiting the
3962 payment of moneys from the fund to a business until
3963 the scheduled goals have been achieved; revising the
3964 information that must be included in a contract that
3965 sets forth the conditions for payments of moneys from
3966 the fund; conforming provisions to changes made by the
3967 act; amending s. 288.1089, F.S.; deleting the
3968 definition of the term "average private sector wage";
3969 conforming provisions to changes made by the act;
3970 providing requirements for the waiver of certain
3971 requirements for research and development projects,
3972 innovation business projects, and alternative and
3973 renewable energy projects; requiring the department to
3974 provide certain recommendations to the Governor;
3975 authorizing the Governor to approve certain grants
3976 without consulting the Legislature; requiring the
3977 Governor to provide written descriptions and
3978 evaluations to the Legislature under certain
3979 circumstances; requiring the Executive Office of the
3980 Governor to take certain action upon the Legislature's
3981 timely advice; providing requirements for amendments,
3982 modifications, or extensions of certain contracts;
3983 revising the information that must be included in a



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3984 contract that sets forth the conditions for payments
3985 of moneys from the fund; conforming provisions to
3986 changes made by the act; amending s. 288.1097, F.S.;
3987 authorizing a qualified job training organization to
3988 participate in a self-insurance fund; repealing s.
3989 288.1169, F.S., relating to state agency funding of
3990 the International Game Fish Association World Center
3991 facility; amending s. 288.11625, F.S.; requiring
3992 applications to be certified by the department for
3993 distributions, rather than approved by the
3994 Legislature; conforming provisions to changes made by
3995 the act; deleting obsolete provisions; providing
3996 applicability; reviving, reenacting, and amending s.
3997 288.1229, F.S., relating to the promotion and
3998 development of sports-related industries and amateur
3999 athletics; requiring the department to create a
4000 direct-support organization to assist the department
4001 in certain promotion and development; naming the
4002 direct support organization the Florida Sports
4003 Foundation; specifying the purpose of the foundation;
4004 specifying requirements for the foundation, including
4005 appointment of a governing board; requiring that the
4006 foundation operate under written contract with the
4007 department; specifying provisions that must be
4008 included in the contract; providing that the
4009 department may allow the foundation to use certain
4010 facilities, personnel, and services if it complies
4011 with certain provisions; requiring an annual financial
4012 audit of the foundation; specifying duties of the



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4013 foundation; deleting residency requirements for
4014 participants of the Sunshine State Games and Florida
4015 Senior Games; deleting certain competition
4016 requirements; conforming provisions to changes made by
4017 the act; amending s. 288.125, F.S.; revising the
4018 applicability of the term "entertainment industry";
4019 renumbering and amending s. 288.1251, F.S.; renaming
4020 the Office of Film and Entertainment within the
4021 department as the Division of Film and Entertainment
4022 within Enterprise Florida, Inc.; requiring the
4023 division to serve as a liaison between the
4024 entertainment industry and other agencies,
4025 commissions, and organizations; requiring the
4026 president of Enterprise Florida, Inc., to appoint the
4027 film and entertainment commissioner within a specified
4028 period of time; revising the requirements of the
4029 division's strategic plan; renumbering and amending s.
4030 288.1252, F.S.; revising the powers and duties of the
4031 Florida Film and Entertainment Advisory Council;
4032 revising council membership; conforming provisions to
4033 changes made by the act; renumbering and amending s.
4034 288.1253, F.S.; prohibiting the division and its
4035 employees and representatives from accepting specified
4036 accommodations, goods, or services from specified
4037 parties; providing that a person who accepts any such
4038 goods or services is subject to specified penalties;
4039 conforming provisions to changes made by the act;
4040 amending s. 288.1254, F.S.; revising the date of
4041 repeal; authorizing, an award of credits after April



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4042 1, 2016, under certain conditions; requiring the
4043 department to make a determination by a date certain;
4044 requiring the department to publish periodic reports;
4045 prohibiting the award of tax credits after July 1,
4046 2017; requiring the Department of Revenue to deny
4047 certain credits received on or after certain dates;
4048 creating s. 288.1256, F.S.; creating the Entertainment
4049 Action Fund within the Department of Economic
4050 Opportunity; defining terms; authorizing a production
4051 company to apply for funds from the Entertainment
4052 Action Fund in certain circumstances; requiring the
4053 division to review and evaluate applications to
4054 determine the eligibility of each project; requiring
4055 the division to select projects that maximize the
4056 return to the state; requiring certain criteria to be
4057 considered by the division; requiring a production
4058 company to have financing for a project before it
4059 applies for action funds; requiring the department to
4060 prescribe a form for an application with specified
4061 information; requiring that the division and the
4062 department make a recommendation to the Governor to
4063 approve or deny an award within a specified timeframe
4064 after the completion of the review and evaluation;
4065 providing that an award of funds may not constitute
4066 more than a specified percentage of qualified
4067 expenditures in this state; prohibiting the use of
4068 such funds to pay wages to nonresidents; requiring a
4069 production to start within a specified period after it
4070 is approved by the Governor; requiring that the



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4071 recommendation include performance conditions that the
4072 project must meet to obtain funds; authorizing the
4073 Governor to approve certain awards without consulting
4074 the Legislature; requiring the Governor to provide
4075 written descriptions and evaluations to the
4076 Legislature under certain circumstances; requiring the
4077 Executive Office of the Governor to take certain
4078 action upon the Legislature's timely advice; providing
4079 requirements for amendments, modifications, or
4080 extensions of certain contracts; revising the
4081 information that must be included in a contract that
4082 sets forth the conditions for payments of moneys from
4083 the fund; requiring the department and the production
4084 company to enter into a specified agreement after
4085 approval by the Governor; requiring that the agreement
4086 be finalized and signed by an authorized officer of
4087 the production company within a specified period after
4088 approval by the Governor; prohibiting an approved
4089 production company from simultaneously receiving
4090 specified benefits for the same production; requiring
4091 that the department validate contractor performance
4092 and report such validation in the annual report;
4093 prohibiting the department from approving awards in
4094 excess of the amount appropriated for a fiscal year;
4095 requiring the department to maintain a schedule of
4096 funds; prohibiting the department or division from
4097 accepting applications or conditionally committing
4098 funds under certain circumstances; providing that a
4099 production company that submits fraudulent information



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4100 is liable for reimbursement of specified costs;
4101 providing a penalty; prohibiting the department or
4102 division from waiving any provision or providing an
4103 extension of time to meet specified requirements;
4104 providing an expiration date; amending s. 288.1258,
4105 F.S.; conforming provisions to changes made by the
4106 act; prohibiting an approved production company from
4107 simultaneously receiving benefits under specified
4108 provisions for the same production; requiring the
4109 department to develop a standardized application form
4110 in cooperation with the division and other agencies;
4111 requiring the production company to submit aggregate
4112 data on specified topics; authorizing a production
4113 company to renew its certificate of exemption for a
4114 specified period; amending s. 288.901, F.S.; revising
4115 the members of the board of directors of Enterprise
4116 Florida, Inc.; amending s. 288.907 , F.S.; requiring
4117 reporting on the number of jobs that provide health
4118 benefits to employees; requiring reporting on
4119 amendments, modifications, or extensions of certain
4120 contracts; amending s. 288.92, F.S.; revising the
4121 required divisions within Enterprise Florida, Inc. ;
4122 amending s. 288.980, F.S.; authorizing grant awards
4123 for activities that grow the economy of a defense-
4124 dependent community; making technical changes;
4125 amending s. 288.9937, F.S.; requiring the Office of
4126 Program Policy Analysis and Government Accountability
4127 to analyze and evaluate certain programs for a
4128 specified period; requiring the Office of Economic and



4129 Demographic Research to determine the economic
4130 benefits of certain programs; requiring the Office of
4131 Program Policy Analysis and Government Accountability
4132 to identify inefficiencies in certain programs and to
4133 recommend changes to such programs; revising the date
4134 by which each office must submit a report to certain
4135 persons; amending s. 320.08058, F.S.; conforming
4136 provisions to changes made by the act; amending uses
4137 of the proceeds of the Florida Professional Sports
4138 Team license plate; amending s. 177.031, F.S.;
4139 revising the term "subdivision"; amending s. 196.1995,
4140 F.S.; providing that replacement or refreshment of
4141 datacenter equipment is exempt from ad valorem
4142 taxation under certain circumstances; amending ss.
4143 189.033, 196.012, 212.20, 220.196, 288.11631,
4144 288.9015, and 477.0135, F.S.; conforming provisions to
4145 changes made by the act; deleting obsolete provisions;
4146 reenacting s. 159.803(11), F.S., relating to the
4147 definition of the term "Florida First Business
4148 Project," to incorporate the amendment made to s.
4149 288.106, F.S., in reference thereto; providing
4150 effective dates.



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

1 **Senate Amendment to Amendment (176818) (with title**
2 **amendment)**

3
4 Between lines 21 and 22
5 insert:

6 Section 2. Subsection (13) of section 163.08, Florida
7 Statutes, is amended to read:

8 163.08 Supplemental authority for improvements to real
9 property.—

10 (13) Within ~~At least~~ 30 days after ~~before~~ entering into a



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11 financing agreement, the property owner shall provide to the
12 holders or loan servicers of any existing mortgages encumbering
13 or otherwise secured by the property a notice of the owner's
14 intent to enter into a financing agreement together with the
15 maximum principal amount to be financed and the maximum annual
16 assessment necessary to repay that amount. A verified copy or
17 other proof of such notice shall be provided to the local
18 government. A provision in any agreement between a mortgagee or
19 other lienholder and a property owner, or otherwise now or
20 hereafter binding upon a property owner, which allows for
21 acceleration of payment of the mortgage, note, or lien or other
22 unilateral modification solely as a result of entering into a
23 financing agreement as provided for in this section is not
24 enforceable. This subsection does not limit the authority of the
25 holder or loan servicer to increase the required monthly escrow
26 by an amount necessary to annually pay the qualifying
27 improvement assessment.

28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Between lines 3829 and 3830

32 insert:

33 163.08, F.S.; revising the timeframe within which a
34 property owner is required to provide certain notice
35 to holders or loan servicers of a mortgage encumbering
36 or secured by the owner's property; amending s.



432388

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

1 **Senate Amendment to Amendment (176818) (with title**
2 **amendment)**

3
4 Between lines 21 and 22
5 insert:

6 Section 2. Subsections (8) and (13) of section 163.08,
7 Florida Statutes, are amended to read:

8 163.08 Supplemental authority for improvements to real
9 property.—

10 (8) A local government may enter into a financing agreement



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11 only with the record owner of the affected property. Any
12 financing agreement entered into pursuant to this section or a
13 summary memorandum of such agreement shall be recorded in the
14 public records of the county within which the property is
15 located by the sponsoring unit of local government within 5 days
16 after execution of the agreement. The assessment to be levied on
17 the property under the agreement does not have priority over a
18 previously recorded lien ~~The recorded agreement shall provide~~
19 ~~constructive notice that the assessment to be levied on the~~
20 ~~property constitutes a lien of equal dignity to county taxes and~~
21 ~~assessments from the date of recordation.~~

22 (13) Within ~~At least~~ 30 days after ~~before~~ entering into a
23 financing agreement, the property owner shall provide to the
24 holders or loan servicers of any existing mortgages encumbering
25 or otherwise secured by the property a notice of the owner's
26 intent to enter into a financing agreement together with the
27 maximum principal amount to be financed and the maximum annual
28 assessment necessary to repay that amount. A verified copy or
29 other proof of such notice shall be provided to the local
30 government. ~~A provision in any agreement between a mortgagee or~~
31 ~~other lienholder and a property owner, or otherwise now or~~
32 ~~hereafter binding upon a property owner, which allows for~~
33 ~~acceleration of payment of the mortgage, note, or lien or other~~
34 ~~unilateral modification solely as a result of entering into a~~
35 ~~financing agreement as provided for in this section is not~~
36 ~~enforceable.~~ This subsection does not limit the authority of the
37 holder or loan servicer to increase the required monthly escrow
38 by an amount necessary to annually pay the qualifying
39 improvement assessment.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Between lines 3829 and 3830

insert:

163.08, F.S.; providing that certain assessments on a property do not have priority over a previously recorded lien; deleting a requirement that the recorded agreement provide certain constructive notice; revising the timeframe within which a property owner is required to provide certain notice to holders or loan servicers of a mortgage encumbering or secured by the owner's property; amending s.



216156

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/10/2016	.	
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	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

1 **Senate Amendment (with title amendment)**

2 Between lines 228 and 229
3 insert:

4 Section 2. Subsection (13) of section 163.08, Florida
5 Statutes, is amended to read:

6 163.08 Supplemental authority for improvements to real
7 property.—

8 (13) Within ~~At least~~ 30 days after ~~before~~ entering into a
9 financing agreement, the property owner shall provide to the



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10 holders or loan servicers of any existing mortgages encumbering
11 or otherwise secured by the property a notice of the owner's
12 intent to enter into a financing agreement together with the
13 maximum principal amount to be financed and the maximum annual
14 assessment necessary to repay that amount. A verified copy or
15 other proof of such notice shall be provided to the local
16 government. A provision in any agreement between a mortgagee or
17 other lienholder and a property owner, or otherwise now or
18 hereafter binding upon a property owner, which allows for
19 acceleration of payment of the mortgage, note, or lien or other
20 unilateral modification solely as a result of entering into a
21 financing agreement as provided for in this section is not
22 enforceable. This subsection does not limit the authority of the
23 holder or loan servicer to increase the required monthly escrow
24 by an amount necessary to annually pay the qualifying
25 improvement assessment.

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Between lines 8 and 9

30 insert:

31 163.08, F.S.; revising the timeframe within which a
32 property owner is required to provide certain notice
33 to holders or loan servicers of a mortgage encumbering
34 the owner's property; amending s.

By the Committee on Commerce and Tourism; and Senator Latvala

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1 A bill to be entitled
2 An act relating to economic development; amending s.
3 20.60, F.S.; requiring the Department of Economic
4 Opportunity to contract with a direct-support
5 organization to promote the sports industry and the
6 participation of residents in certain athletic
7 competitions in this state and to promote the state as
8 a host for certain athletic competitions; amending s.
9 196.012, F.S.; conforming provisions to changes made
10 by the act; amending s. 212.20, F.S.; deleting an
11 obsolete provision; amending s. 220.191, F.S.;
12 revising the definition of the term "cumulative
13 capital investment"; deleting an obsolete provision;
14 conforming a cross-reference; amending s. 220.196,
15 F.S.; conforming a cross-reference; amending s.
16 288.0001, F.S.; conforming cross-references; requiring
17 the Office of Economic and Demographic Research and
18 the Office of Program Policy Analysis and Government
19 Accountability to provide a detailed analysis of the
20 retention of Major League Baseball spring training
21 baseball franchises; amending s. 288.005, F.S.;
22 defining the term "average private sector wage in the
23 area"; revising the definition of the term "economic
24 benefits"; amending s. 288.061, F.S.; requiring the
25 Office of Economic and Demographic Research to include
26 certain guidelines for the calculation of economic
27 benefits; providing requirements for an amended
28 definition by the office; prohibiting the department
29 from attributing to a business certain investments for
30 specified purposes; requiring the department to
31 consider certain investments for specified purposes;
32 providing requirements for the contract or agreement;

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33 prohibiting the department from entering into an
34 agreement or a contract that has a term of longer than
35 10 years; authorizing the department to enter into a
36 successive agreement or contract for a specified
37 project under certain circumstances; providing
38 applicability; requiring the department to provide
39 specified notice to the Legislature upon the final
40 execution of each contract or agreement; amending s.
41 288.076, F.S.; revising definitions; conforming cross-
42 references; providing requirements for information
43 that the department is required to publish on a
44 certain website; amending s. 288.095, F.S.; conforming
45 provisions to changes made by the act; amending s.
46 288.1045, F.S.; deleting the definition of the term
47 "average wage in the area"; authorizing a business to
48 receive an approved refund if the business fails to
49 submit certain documentation under certain
50 circumstances; extending an expiration date;
51 conforming provisions to changes made by the act;
52 amending s. 288.106, F.S.; deleting the definition of
53 the term "average private sector wage in the area";
54 making technical changes; providing that certain
55 incentive payments are not repayment of actual taxes
56 paid; providing that actual taxes paid limit the
57 amount of incentive payments a business may receive;
58 amending s. 288.108, F.S.; revising definitions;
59 amending s. 288.1088, F.S.; renaming the Quick Action
60 Closing Fund as the Florida Enterprise Fund; revising
61 the requirements for projects eligible for receipt of

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62 funds from the fund; requiring local financial
63 support; defining a term; requiring a certain waiver
64 request to be transmitted in writing to the department
65 with an explanation of the specific justification for
66 the request; requiring a decision to be stated in
67 writing with an explanation of the reason for
68 approving the request if the department approves the
69 request; requiring the department to issue a letter to
70 an applicant in certain circumstances; prohibiting the
71 payment of moneys from the fund to a business until
72 the scheduled goals have been achieved; conforming
73 provisions to changes made by the act; amending s.
74 288.1089, F.S.; deleting the definition of the term
75 "average private sector wage"; conforming provisions
76 to changes made by the act; amending s. 288.11621,
77 F.S.; conforming a provision to changes made by the
78 act; amending s. 288.11625, F.S.; conforming cross-
79 references; deleting an obsolete provision relating to
80 applications for state funds by new facilities or
81 projects commenced before July 1, 2014; amending s.
82 288.11631, F.S.; conforming cross-references;
83 repealing s. 288.1169, F.S., relating to state agency
84 funding of the International Game Fish Association
85 World Center facility; reviving, reenacting, and
86 amending s. 288.1229, F.S., relating to the promotion
87 and development of sports-related industries and
88 amateur athletics; requiring the department to create
89 a direct-support organization to assist the department
90 in certain promotion and development; naming the

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91 direct support organization the Florida Sports
92 Foundation; specifying the purpose of the foundation;
93 specifying requirements for the foundation, including
94 appointment of a governing board; requiring that the
95 foundation operate under written contract with the
96 department; specifying provisions that must be
97 included in the contract; providing that the
98 department may allow the foundation to use certain
99 facilities, personnel, and services if it complies
100 with certain provisions; requiring an annual financial
101 audit of the foundation; specifying duties of the
102 foundation; deleting residency requirements for
103 participants of the Sunshine State Games and Florida
104 Senior Games; deleting certain competition
105 requirements; conforming provisions to changes made by
106 the act; amending s. 288.125, F.S.; revising the
107 applicability of the term "entertainment industry";
108 renumbering and amending s. 288.1251, F.S.; renaming
109 the Office of Film and Entertainment within the
110 department as the Division of Film and Entertainment
111 within Enterprise Florida, Inc.; requiring the
112 division to serve as a liaison between the
113 entertainment industry and other agencies,
114 commissions, and organizations; requiring the
115 president of Enterprise Florida, Inc., to appoint the
116 film and entertainment commissioner within a specified
117 period of time; revising the requirements of the
118 division's strategic plan; renumbering and amending s.
119 288.1252, F.S.; revising the powers and duties of the

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120 Florida Film and Entertainment Advisory Council;
121 revising council membership; conforming provisions to
122 changes made by the act; renumbering and amending s.
123 288.1253, F.S.; prohibiting the division and its
124 employees and representatives from accepting specified
125 accommodations, goods, or services from specified
126 parties; providing that a person who accepts any such
127 goods or services is subject to specified penalties;
128 conforming provisions to changes made by the act;
129 amending s. 288.1254, F.S.; revising the date of
130 repeal; prohibiting, rather than authorizing, an award
131 of credits after April 1, 2016; requiring the
132 Department of Revenue to deny certain credits received
133 on or after April 1, 2016; creating s. 288.1256, F.S.;
134 creating the Entertainment Action Fund within the
135 Department of Economic Opportunity; defining terms;
136 authorizing a production company to apply for funds
137 from the Entertainment Action Fund in certain
138 circumstances; requiring the division to review and
139 evaluate applications to determine the eligibility of
140 each project; requiring the division to select
141 projects that maximize the return to the state;
142 requiring certain criteria to be considered by the
143 division; requiring a production company to have
144 financing for a project before it applies for action
145 funds; requiring the department to prescribe a form
146 for an application with specified information;
147 requiring that the division and the department make a
148 recommendation to the Governor to approve or deny an

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149 award within a specified timeframe after the
150 completion of the review and evaluation; providing
151 that an award of funds may not constitute more than a
152 specified percentage of qualified expenditures in this
153 state; prohibiting the use of such funds to pay wages
154 to nonresidents; requiring a production to start
155 within a specified period after it is approved by the
156 Governor; requiring that the recommendation include
157 performance conditions that the project must meet to
158 obtain funds; authorizing the Governor to approve a
159 project without consulting the Legislature under
160 certain circumstances; requiring the Governor to
161 provide a written description and evaluation of a
162 project before giving final approval of the project
163 under certain circumstances; requiring the department
164 and the production company to enter into a specified
165 agreement after approval by the Governor; requiring
166 that the agreement be finalized and signed by an
167 authorized officer of the production company within a
168 specified period after approval by the Governor;
169 prohibiting an approved production company from
170 simultaneously receiving specified benefits for the
171 same production; requiring that the department
172 validate contractor performance and report such
173 validation in the annual report; prohibiting the
174 department from approving awards in excess of the
175 amount appropriated for a fiscal year; requiring the
176 department to maintain a schedule of funds;
177 prohibiting the department or division from accepting

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178 applications or conditionally committing funds under
179 certain circumstances; providing that a production
180 company that submits fraudulent information is liable
181 for reimbursement of specified costs; providing a
182 penalty; prohibiting the department or division from
183 waiving any provision or providing an extension of
184 time to meet specified requirements; providing an
185 expiration date; amending s. 288.1258, F.S.;
186 conforming provisions to changes made by the act;
187 prohibiting an approved production company from
188 simultaneously receiving benefits under specified
189 provisions for the same production; requiring the
190 department to develop a standardized application form
191 in cooperation with the division and other agencies;
192 requiring the production company to submit aggregate
193 data on specified topics; authorizing a production
194 company to renew its certificate of exemption for a
195 specified period; amending ss. 288.901 and 288.9015,
196 F.S.; conforming provisions to changes made by the
197 act; amending s. 288.907 , F.S.; requiring reporting
198 on the number of jobs that provide health benefits to
199 employees; amending s. 288.92, F.S.; revising the
200 required divisions within Enterprise Florida, Inc.;
201 amending s. 288.980, F.S.; authorizing grant awards
202 for activities that grow the economy of a defense-
203 dependent community; making technical changes;
204 amending s. 320.08058, F.S.; conforming provisions to
205 changes made by the act; amending uses of the proceeds
206 of the Florida Professional Sports Team license plate;

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207 amending s. 477.0135, F.S.; conforming provisions to
208 changes made by the act; providing effective dates.
209

210 Be It Enacted by the Legislature of the State of Florida:
211

212 Section 1. Effective July 1, 2016, paragraph (g) is added
213 to subsection (4) of section 20.60, Florida Statutes, to read:

214 20.60 Department of Economic Opportunity; creation; powers
215 and duties.—

216 (4) The purpose of the department is to assist the Governor
217 in working with the Legislature, state agencies, business
218 leaders, and economic development professionals to formulate and
219 implement coherent and consistent policies and strategies
220 designed to promote economic opportunities for all Floridians.
221 To accomplish such purposes, the department shall:

222 (g) Notwithstanding part I of chapter 287, contract with
223 the direct-support organization created under s. 288.1229 to
224 guide, stimulate, and promote the sports industry in this state,
225 to promote the participation of residents of this state in
226 amateur athletic competition, and to promote this state as a
227 host for national and international amateur athletic
228 competitions.

229 Section 2. Paragraph (a) of subsection (14) of section
230 196.012, Florida Statutes, is amended to read:

231 196.012 Definitions.—For the purpose of this chapter, the
232 following terms are defined as follows, except where the context
233 clearly indicates otherwise:

234 (14) "New business" means:

235 (a)1. A business or organization establishing 10 or more

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236 new jobs to employ 10 or more full-time employees in this state
237 which pays, ~~paying~~ an average wage for such new jobs which that
238 is above the average wage in the area and, ~~which~~ principally
239 engages in any one or more of the following operations:

240 a. Manufactures, processes, compounds, fabricates, or
241 produces for sale items of tangible personal property at a fixed
242 location and which comprises an industrial or manufacturing
243 plant; or

244 b. Is a target industry business as defined in s.
245 288.106(2) ~~s. 288.106(2)(g)~~;

246 2. A business or organization establishing 25 or more new
247 jobs to employ 25 or more full-time employees in this state, the
248 sales factor of which, as defined by s. 220.15(5), for the
249 facility with respect to which it requests an economic
250 development ad valorem tax exemption is less than 0.50 for each
251 year the exemption is claimed; or

252 3. An office space in this state owned and used by a
253 business or organization newly domiciled in this state if,
254 ~~provided~~ such office space houses 50 or more full-time employees
255 of such business or organization and, ~~provided that such~~
256 ~~business or organization office~~ first begins operation on a site
257 clearly separate from any other commercial or industrial
258 operation owned by the same business or organization.

259 Section 3. Paragraph (d) of subsection (6) of section
260 212.20, Florida Statutes, is amended to read:

261 212.20 Funds collected, disposition; additional powers of
262 department; operational expense; refund of taxes adjudicated
263 unconstitutionally collected.—

264 (6) Distribution of all proceeds under this chapter and ss.

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265 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

275 2. After the distribution under subparagraph 1., 8.9744
276 percent of the amount remitted by a sales tax dealer located
277 within a participating county pursuant to s. 218.61 shall be
278 transferred into the Local Government Half-cent Sales Tax
279 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
280 transferred shall be reduced by 0.1 percent, and the department
281 shall distribute this amount to the Public Employees Relations
282 Commission Trust Fund less \$5,000 each month, which shall be
283 added to the amount calculated in subparagraph 3. and
284 distributed accordingly.

285 3. After the distribution under subparagraphs 1. and 2.,
286 0.0966 percent shall be transferred to the Local Government
287 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
288 to s. 218.65.

289 4. After the distributions under subparagraphs 1., 2., and
290 3., 2.0810 percent of the available proceeds shall be
291 transferred monthly to the Revenue Sharing Trust Fund for
292 Counties pursuant to s. 218.215.

293 5. After the distributions under subparagraphs 1., 2., and

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294 3., 1.3653 percent of the available proceeds shall be
295 transferred monthly to the Revenue Sharing Trust Fund for
296 Municipalities pursuant to s. 218.215. If the total revenue to
297 be distributed pursuant to this subparagraph is at least as
298 great as the amount due from the Revenue Sharing Trust Fund for
299 Municipalities and the former Municipal Financial Assistance
300 Trust Fund in state fiscal year 1999-2000, no municipality shall
301 receive less than the amount due from the Revenue Sharing Trust
302 Fund for Municipalities and the former Municipal Financial
303 Assistance Trust Fund in state fiscal year 1999-2000. If the
304 total proceeds to be distributed are less than the amount
305 received in combination from the Revenue Sharing Trust Fund for
306 Municipalities and the former Municipal Financial Assistance
307 Trust Fund in state fiscal year 1999-2000, each municipality
308 shall receive an amount proportionate to the amount it was due
309 in state fiscal year 1999-2000.

310 6. Of the remaining proceeds:

311 a. In each fiscal year, the sum of \$29,915,500 shall be
312 divided into as many equal parts as there are counties in the
313 state, and one part shall be distributed to each county. The
314 distribution among the several counties must begin each fiscal
315 year on or before January 5th and continue monthly for a total
316 of 4 months. If a local or special law required that any moneys
317 accruing to a county in fiscal year 1999-2000 under the then-
318 existing provisions of s. 550.135 be paid directly to the
319 district school board, special district, or a municipal
320 government, such payment must continue until the local or
321 special law is amended or repealed. The state covenants with
322 holders of bonds or other instruments of indebtedness issued by

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323 local governments, special districts, or district school boards
324 before July 1, 2000, that it is not the intent of this
325 subparagraph to adversely affect the rights of those holders or
326 relieve local governments, special districts, or district school
327 boards of the duty to meet their obligations as a result of
328 previous pledges or assignments or trusts entered into which
329 obligated funds received from the distribution to county
330 governments under then-existing s. 550.135. This distribution
331 specifically is in lieu of funds distributed under s. 550.135
332 before July 1, 2000.

333 b. The department shall distribute \$166,667 monthly to each
334 applicant certified as a facility for a new or retained
335 professional sports franchise pursuant to s. 288.1162. Up to
336 \$41,667 shall be distributed monthly by the department to each
337 certified applicant as defined in s. 288.11621 for a facility
338 for a spring training franchise. However, not more than \$416,670
339 may be distributed monthly in the aggregate to all certified
340 applicants for facilities for spring training franchises.
341 Distributions begin 60 days after such certification and
342 continue for not more than 30 years, except as otherwise
343 provided in s. 288.11621. A certified applicant identified in
344 this sub-subparagraph may not receive more in distributions than
345 expended by the applicant for the public purposes provided in s.
346 288.1162(5) or s. 288.11621(3).

347 c. Beginning 30 days after notice by the Department of
348 Economic Opportunity to the Department of Revenue that an
349 applicant has been certified as the professional golf hall of
350 fame pursuant to s. 288.1168 and is open to the public, \$166,667
351 shall be distributed monthly, for up to 300 months, to the

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352 applicant.

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

362 ~~d.e.~~ The department shall distribute up to \$83,333 monthly
363 to each certified applicant as defined in s. 288.11631 for a
364 facility used by a single spring training franchise, or up to
365 \$166,667 monthly to each certified applicant as defined in s.
366 288.11631 for a facility used by more than one spring training
367 franchise. Monthly distributions begin 60 days after such
368 certification or July 1, 2016, whichever is later, and continue
369 for not more than 20 years to each certified applicant as
370 defined in s. 288.11631 for a facility used by a single spring
371 training franchise or not more than 25 years to each certified
372 applicant as defined in s. 288.11631 for a facility used by more
373 than one spring training franchise. A certified applicant
374 identified in this sub-subparagraph may not receive more in
375 distributions than expended by the applicant for the public
376 purposes provided in s. 288.11631(3).

377 ~~e.f.~~ Beginning 45 days after notice by the Department of
378 Economic Opportunity to the Department of Revenue that an
379 applicant has been approved by the Legislature and certified by
380 the Department of Economic Opportunity under s. 288.11625 or

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381 upon a date specified by the Department of Economic Opportunity
382 as provided under s. 288.11625(6)(d), the department shall
383 distribute each month an amount equal to one-twelfth of the
384 annual distribution amount certified by the Department of
385 Economic Opportunity for the applicant. The department may not
386 distribute more than \$7 million in the 2014-2015 fiscal year or
387 more than \$13 million annually thereafter under this sub-
388 subparagraph.

389 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,
390 the department shall distribute \$26,286 monthly to the State
391 Transportation Trust Fund. Beginning July 1, 2016, the
392 department shall distribute \$15,333 monthly to the State
393 Transportation Trust Fund.

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

396 Section 4. Paragraphs (b) and (g) of subsection (1) of
397 section 220.191, Florida Statutes, are amended to read:

398 220.191 Capital investment tax credit.—

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

400 (b) "Cumulative capital investment" means the total capital
401 investment in land, buildings, and equipment made by, or on
402 behalf of, the qualifying business in connection with a
403 qualifying project during the period from the beginning of
404 construction of the project to the commencement of operations.
405 The term does not include funds granted to or spent on behalf of
406 the qualifying business by the state, a local government, or
407 other governmental entity; funds appropriated in the General
408 Appropriations Act; or funds otherwise provided to the
409 qualifying business by a state agency, local government, or

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410 other governmental entity.

411 (g) "Qualifying project" means a facility in this state
412 meeting one or more of the following criteria:

413 1. A new or expanding facility in this state which creates
414 at least 100 new jobs in this state and is in one of the high-
415 impact sectors identified by Enterprise Florida, Inc., and
416 certified by the Department of Economic Opportunity pursuant to
417 s. 288.108(6), including, but not limited to, aviation,
418 aerospace, automotive, and silicon technology industries.
419 ~~However, between July 1, 2011, and June 30, 2014, the~~
420 ~~requirement that a facility be in a high impact sector is waived~~
421 ~~for any otherwise eligible business from another state which~~
422 ~~locates all or a portion of its business to a Disproportionally~~
423 ~~Affected County. For purposes of this section, the term~~
424 ~~"Disproportionally Affected County" means Bay County, Escambia~~
425 ~~County, Franklin County, Gulf County, Okaloosa County, Santa~~
426 ~~Rosa County, Walton County, or Wakulla County.~~

427 2. A new or expanded facility in this state which is
428 engaged in a target industry designated pursuant to the
429 procedure specified in s. 288.106(2) and which is induced by
430 this credit to create or retain at least 1,000 jobs in this
431 state, provided that at least 100 of those jobs are new, pay an
432 annual average wage of at least 130 percent of the average
433 private sector wage in the area as defined in s. 288.005(1) ~~s.~~
434 ~~288.106(2)~~, and make a cumulative capital investment of at least
435 \$100 million. Jobs may be considered retained only if there is
436 significant evidence that the loss of jobs is imminent.
437 Notwithstanding subsection (2), annual credits against the tax
438 imposed by this chapter may not exceed 50 percent of the

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439 increased annual corporate income tax liability or the premium
440 tax liability generated by or arising out of a project
441 qualifying under this subparagraph. A facility that qualifies
442 under this subparagraph for an annual credit against the tax
443 imposed by this chapter may take the tax credit for a period not
444 to exceed 5 years.

445 3. A new or expanded headquarters facility in this state
446 which locates in an enterprise zone and brownfield area and is
447 induced by this credit to create at least 1,500 jobs which on
448 average pay at least 200 percent of the statewide average annual
449 private sector wage, as published by the Department of Economic
450 Opportunity, and which new or expanded headquarters facility
451 makes a cumulative capital investment in this state of at least
452 \$250 million.

453 Section 5. Paragraph (a) of subsection (2) of section
454 220.196, Florida Statutes, is amended to read:

455 220.196 Research and development tax credit.—

456 (2) TAX CREDIT.—

457 (a) As provided in this section, a business enterprise is
458 eligible for a credit against the tax imposed by this chapter if
459 it:

460 1. Has qualified research expenses in this state in the
461 taxable year exceeding the base amount;

462 2. Claims and is allowed a research credit for such
463 qualified research expenses under 26 U.S.C. s. 41 for the same
464 taxable year as subparagraph 1.; and

465 3. Is a qualified target industry business as defined in s.
466 288.106(2) ~~s. 288.106(2)(n)~~. Only qualified target industry
467 businesses in the manufacturing, life sciences, information

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468 technology, aviation and aerospace, homeland security and
469 defense, cloud information technology, marine sciences,
470 materials science, and nanotechnology industries may qualify for
471 a tax credit under this section. A business applying for a
472 credit pursuant to this section shall include a letter from the
473 Department of Economic Opportunity certifying whether the
474 business meets the requirements of this subparagraph with its
475 application for credit. The Department of Economic Opportunity
476 shall provide such a letter upon receiving a request.

477 Section 6. Paragraphs (a), (b), and (e) of subsection (2)
478 of section 288.0001, Florida Statutes, are amended to read:

479 288.0001 Economic Development Programs Evaluation.—The
480 Office of Economic and Demographic Research and the Office of
481 Program Policy Analysis and Government Accountability (OPPAGA)
482 shall develop and present to the Governor, the President of the
483 Senate, the Speaker of the House of Representatives, and the
484 chairs of the legislative appropriations committees the Economic
485 Development Programs Evaluation.

486 (2) The Office of Economic and Demographic Research and
487 OPPAGA shall provide a detailed analysis of economic development
488 programs as provided in the following schedule:

489 (a) By January 1, 2014, and every 3 years thereafter, an
490 analysis of the following:

491 1. The capital investment tax credit established under s.
492 220.191.

493 2. The qualified target industry tax refund established
494 under s. 288.106.

495 3. The brownfield redevelopment bonus refund established
496 under s. 288.107.

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497 4. High-impact business performance grants established
498 under s. 288.108.

499 5. The Florida Enterprise ~~Quick Action Closing~~ Fund
500 established under s. 288.1088.

501 6. The Innovation Incentive Program established under s.
502 288.1089.

503 7. Enterprise Zone Program incentives established under ss.
504 212.08(5) and (15), 212.096, 220.181, and 220.182.

505 8. The New Markets Development Program established under
506 ss. 288.991-288.9922.

507 (b) By January 1, 2015, and every 3 years thereafter, an
508 analysis of the following:

509 1. The entertainment industry financial incentive program
510 established under s. 288.1254.

511 2. The entertainment industry sales tax exemption program
512 established under s. 288.1258.

513 3. The Florida Tourism Industry Marketing Corporation ~~VISIT~~
514 ~~Florida~~ and its programs established or funded under ss.
515 288.122, 288.1226, 288.12265, and 288.124.

516 4. The Florida Sports Foundation and related programs
517 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
518 288.1168, ~~288.1169~~, and 288.1171.

519 (e) Beginning January 1, 2018, and every 3 years
520 thereafter, an analysis of the Sports Development Program
521 established under s. 288.11625 and the retention of Major League
522 Baseball spring training baseball franchises under s. 288.11631.

523 Section 7. Present subsection (1) of section 288.005,
524 Florida Statutes, is amended, and present subsections (3)
525 through (6) of that section are redesignated as subsections (4)

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526 through (7), respectively, and a new subsection (1) is added to
527 that section, to read:

528 288.005 Definitions.—As used in this chapter, the term:

529 (1) "Average private sector wage in the area" means the
530 statewide average wage in the private sector or the average of
531 all private sector wages in the county or in the standard
532 metropolitan area in which the project is located, as determined
533 by the department.

534 (3)~~(1)~~ "Economic benefits" means the direct, indirect, and
535 induced gains in state revenues as a percentage of the state's
536 investment. The state's investment includes all state funds
537 spent or foregone to benefit a business, including state funds
538 appropriated to public and private entities, state grants, tax
539 exemptions, tax refunds, tax credits, and other state
540 incentives.

541 Section 8. Subsections (2) and (3) of section 288.061,
542 Florida Statutes, are amended to read:

543 288.061 Economic development incentive application
544 process.—

545 (2)~~(a)~~ ~~Beginning July 1, 2013,~~ The department shall review
546 and evaluate each economic development incentive application for
547 the economic benefits of the proposed award of state incentives
548 proposed for the project.

549 (b) As used in this subsection, the term "economic
550 benefits" has the same meaning as in s. 288.005. The Office of
551 Economic and Demographic Research shall establish the
552 methodology and model used to calculate the economic benefits,
553 including guidelines for the appropriate application of the
554 department's internal model. For purposes of this requirement,

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555 an amended definition of the term "economic benefits" may be
556 developed by the Office of Economic and Demographic Research.
557 However, the amended definition must reflect the requirement of
558 s. 288.005 that the calculation of the state's investment
559 include all state funds spent or foregone to benefit the
560 business, including state funds appropriated to public and
561 private entities, to the extent that those funds should
562 reasonably be known to the department at the time of approval.

563 (c) For the purpose of calculating the economic benefits of
564 the proposed award of state incentives for the project, the
565 department may not attribute to the business any capital
566 investment made by the business using state funds. However, for
567 the purpose of evaluating an economic development incentive
568 application, the department shall consider the cumulative
569 capital investment, as defined in s. 220.191.

570 (3) Within 10 business days after the department receives a
571 complete ~~the submitted~~ economic development incentive
572 application, the executive director shall approve or disapprove
573 the application and issue a letter of certification to the
574 applicant which includes a justification of that decision,
575 unless the business requests an extension of ~~that~~ time.

576 (a) The ~~contract or~~ agreement or contract with the
577 applicant must specify the total amount of the award, the
578 performance conditions that must be met to obtain the award, the
579 schedule for payment, and sanctions that would apply for failure
580 to meet performance conditions. Any agreement or contract that
581 requires the business to make a capital investment must also
582 require that such investment remain in this state for the
583 duration of the agreement or contract, with the exception of an

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584 investment made in transportation-related assets specifically
585 used for the purpose of transporting goods or employees. The
586 department may enter into one agreement or contract covering all
587 of the state incentives that are being provided to the
588 applicant. The agreement or contract must provide that release
589 of funds is contingent upon sufficient appropriation of funds by
590 the Legislature.

591 (b) The department may not enter into an agreement or a
592 contract that has a term of more than 10 years. However, the
593 department may enter into a successive agreement or contract for
594 a specific project to extend the initial 10-year term if each
595 successive agreement or contract is contingent upon the
596 successful completion of the previous agreement or contract.
597 This paragraph does not apply to an agreement or a contract for
598 a project receiving a capital investment tax credit under s.
599 220.191 or an Innovation Incentive Program award under s.
600 288.1089.

601 (c) The department shall provide a notice, including an
602 updated description and evaluation, to the Legislature upon the
603 final execution of each contract or agreement. Any contract or
604 agreement executed by the department for a project under s.
605 288.108, s. 288.1088, or s. 288.1089 must embody performance
606 criteria and timelines that were in the written description and
607 evaluation submitted to the Legislature.

608 (d) ~~(b)~~ The release of funds for the incentive or incentives
609 awarded to the applicant depends upon the statutory requirements
610 of the particular incentive program.

611 Section 9. Paragraphs (a), (c), and (e) of subsection (1),
612 paragraph (e) of subsection (3), and subsection (6) of section

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613 288.076, Florida Statutes, are amended to read:

614 288.076 Return on investment reporting for economic
615 development programs.—

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

617 (a) "Jobs" has the same meaning as provided in s.
618 288.106(2) ~~s. 288.106(2)(i)~~.

619 (c) "Project" has the same meaning as provided in s.
620 288.106(2) ~~s. 288.106(2)(m)~~.

621 (e) "State investment" means all state funds spent or
622 foregone to benefit a business, including state funds
623 appropriated to public and private entities, any state grants,
624 tax exemptions, tax refunds, tax credits, and any other source
625 of state funds which should reasonably be known to the
626 department at the time of approval ~~or other state incentives~~
627 ~~provided to a business under a program administered by the~~
628 ~~department~~, including the capital investment tax credit under s.
629 220.191.

630 (3) Within 48 hours after expiration of the period of
631 confidentiality for project information deemed confidential and
632 exempt pursuant to s. 288.075, the department shall publish the
633 following information pertaining to each project:

634 (e) *Project performance goals.*—

635 1. The incremental direct jobs attributable to the project,
636 identifying the number of jobs generated and the number of jobs
637 retained.

638 2. The number of jobs generated and the number of jobs
639 retained by the project, and for projects commencing after
640 October 1, 2013, the average annual wage of persons holding such
641 jobs and the number of jobs generated and the number of jobs

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642 retained which provide health benefits for the employee.

643 3. The incremental direct capital investment in the state
644 generated by the project.

645 (6) Annually, the department shall publish information
646 relating to the progress of Florida Enterprise ~~Quick Action~~
647 ~~Closing~~ Fund projects, including the average number of days
648 between the date the department receives a completed application
649 and the date on which the application is approved.

650 Section 10. Subsection (2) and paragraph (c) of subsection
651 (3) of section 288.095, Florida Statutes, are amended to read:

652 288.095 Economic Development Trust Fund.—

653 (2) There is created, within the Economic Development Trust
654 Fund, the Economic Development Incentives Account. The Economic
655 Development Incentives Account consists of moneys appropriated
656 to the account for purposes of the tax incentives programs
657 authorized under ss. 288.1045 and 288.106, and local financial
658 support provided under ss. 288.1045, ~~and~~ 288.106, and 288.1088.
659 Moneys in the Economic Development Incentives Account shall be
660 subject to the provisions of s. 216.301(1)(a).

661 (3)

662 (c) Moneys in the Economic Development Incentives Account
663 may be used only to pay tax refunds and make other payments
664 authorized under s. 288.1045, s. 288.106, or s. 288.107 and
665 payments authorized under s. 288.1088.

666 Section 11. Paragraph (b) of subsection (1) and paragraph
667 (e) of subsection (3) of section 288.1045, Florida Statutes, are
668 amended, paragraph (i) is added to subsection (5) of that
669 section, and subsection (7) of that section is amended, to read:

670 288.1045 Qualified defense contractor and space flight

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671 business tax refund program.—

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

673 ~~(b) "Average wage in the area" means the average of all~~
674 ~~wages and salaries in the state, the county, or in the standard~~
675 ~~metropolitan area in which the business unit is located.~~

676 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
677 DETERMINATION.—

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

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

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

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

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

698 5. A business unit of the applicant must have derived not
699 less than 60 percent of its gross receipts in this state from

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

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

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

714 (5) ANNUAL CLAIM FOR REFUND.—

715 (i) If a business fails to timely submit documentation
716 requested by the department as required in the agreement between
717 the business and the department and such failure results in the
718 department withholding an otherwise approved refund, the
719 business may receive the approved refund if:

720 1. The business submits the documentation to the
721 department.

722 2. The business provides a written statement to the
723 department detailing the extenuating circumstances that resulted
724 in the failure to timely submit the documentation required by
725 the agreement.

726 3. Funds appropriated under this section remain available.

727 4. The business was scheduled under the terms of the
728 agreement to submit information to the department between

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729 January 1, 2014, and December 31, 2014.

730 5. The business has met all other requirements of the
731 agreement.

732 (7) EXPIRATION.—An applicant may not be certified as
733 qualified under this section after June 30, 2018 ~~2014~~. A tax
734 refund agreement existing on that date shall continue in effect
735 in accordance with its terms.

736 Section 12. Paragraph (c) of subsection (2) and paragraph
737 (b) of subsection (4) of section 288.106, Florida Statutes, are
738 amended, present subsection is redesignated as subsection
739 (10), and a new subsection is added to that section, to read:
740 288.106 Tax refund program for qualified target industry
741 businesses.—

742 (2) DEFINITIONS.—As used in this section:

743 ~~(c) "Average private sector wage in the area" means the~~
744 ~~statewide private sector average wage or the average of all~~
745 ~~private sector wages and salaries in the county or in the~~
746 ~~standard metropolitan area in which the business is located.~~

747 (4) APPLICATION AND APPROVAL PROCESS.—

748 (b) To qualify for review by the department, the
749 application of a target industry business must, at a minimum,
750 establish the following to the satisfaction of the department:

751 1.a. The jobs proposed to be created under the application,
752 pursuant to subparagraph (a)4., must pay an estimated annual
753 average wage equaling at least 115 percent of the average
754 private sector wage in the area where the business is to be
755 located ~~or the statewide private sector average wage~~. The
756 governing board of the local governmental entity providing the
757 local financial support of the jurisdiction where the qualified

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758 target industry business is to be located shall notify the
759 department and Enterprise Florida, Inc., which calculation of
760 the average private sector wage in the area must be used as the
761 basis for the business's wage commitment. In determining the
762 average annual wage, the department shall include only new
763 proposed jobs, and wages for existing jobs shall be excluded
764 from this calculation.

765 b. The department may waive the average wage requirement at
766 the request of the local governing body recommending the project
767 and Enterprise Florida, Inc. The department may waive the wage
768 requirement for a project located in a brownfield area
769 designated under s. 376.80, in a rural city, in a rural
770 community, in an enterprise zone, or for a manufacturing project
771 at any location in the state if the jobs proposed to be created
772 pay an estimated annual average wage equaling at least 100
773 percent of the average private sector wage in the area where the
774 business is to be located, only if the merits of the individual
775 project or the specific circumstances in the community in
776 relationship to the project warrant such action. If the local
777 governing body and Enterprise Florida, Inc., make such a
778 recommendation, it must be transmitted in writing and must
779 include an explanation of,~~and~~ the specific justification for
780 the waiver recommendation ~~must be explained~~. If the department
781 elects to waive the wage requirement, the waiver must be stated
782 in writing and must include an explanation of,~~and~~ the reasons
783 for granting the waiver ~~must be explained~~.

784 2. The target industry business's project must result in
785 the creation of at least 10 jobs at the project and, in the case
786 of an expansion of an existing business, must result in a net

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787 increase in employment of at least 10 percent at the business.
788 At the request of the local governing body recommending the
789 project and Enterprise Florida, Inc., the department may waive
790 this requirement for a business in a rural community or
791 enterprise zone if the merits of the individual project or the
792 specific circumstances in the community in relationship to the
793 project warrant such action. If the local governing body and
794 Enterprise Florida, Inc., make such a request, the request must
795 be transmitted in writing and must include an explanation of,
796 ~~and the specific justification for the request must be~~
797 ~~explained.~~ If the department elects to grant the request, the
798 grant must be stated in writing, and explain why the request was
799 granted ~~the reason for granting the request must be explained.~~

800 3. The business activity or product for the applicant's
801 project must be within an industry identified by the department
802 as a target industry business that contributes to the economic
803 growth of the state and the area in which the business is
804 located, that produces a higher standard of living for residents
805 of this state in the new global economy, or that can be shown to
806 make an equivalent contribution to the area's and state's
807 economic progress.

808 (9) INCENTIVE PAYMENTS.—The incentive payments made to a
809 business pursuant to this section are not repayments of the
810 actual taxes paid to the state or to a local government by the
811 business. The amount of state and local government taxes paid by
812 a business serve as a limitation on the amount of incentive
813 payments a business may receive.

814 Section 13. Paragraph (b) of subsection (2) of section
815 288.108, Florida Statutes, is amended to read:

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816 288.108 High-impact business.—

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

818 (b) "Cumulative investment" means the total investment in
819 buildings and equipment made by a qualified high-impact business
820 since the beginning of construction of such facility. The term
821 does not include funds granted to or spent on behalf of the
822 qualifying business by the state, a local government, or other
823 governmental entity; funds appropriated in the General
824 Appropriations Act; or funds otherwise provided to the
825 qualifying business by a state agency, local government, or
826 other governmental entity.

827 Section 14. Section 288.1088, Florida Statutes, are amended
828 to read:

829 288.1088 Florida Enterprise ~~Quick Action Closing~~ Fund.—

830 (1) (a) The Legislature finds that attracting, retaining,
831 and providing favorable conditions for the growth of certain
832 high-impact business facilities, privately developed critical
833 rural infrastructure, or key facilities in economically
834 distressed urban or rural communities which provide widespread
835 economic benefits to the public through high-quality employment
836 opportunities in such facilities or in related facilities
837 attracted to the state, through the increased tax base provided
838 by the high-impact facility and related businesses, through an
839 enhanced entrepreneurial climate in the state and the resulting
840 business and employment opportunities, and through the
841 stimulation and enhancement of the state's universities and
842 community colleges. In the global economy, there exists serious
843 and fierce international competition for these facilities, and
844 in most instances, when all available resources for economic

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845 development have been used, the state continues to encounter
846 severe competitive disadvantages in vying for these business
847 facilities. Florida's rural areas must provide a competitive
848 environment for business in the information age. This often
849 requires an incentive to make it feasible for private investors
850 to provide infrastructure in those areas.

851 (b) The Legislature finds that the conclusion of the space
852 shuttle program and the gap in civil human space flight will
853 result in significant job losses that will negatively impact
854 families, companies, the state and regional economies, and the
855 capability level of this state's aerospace workforce. Thus, the
856 Legislature also finds that this loss of jobs is a matter of
857 state interest and great public importance. The Legislature
858 further finds that it is in the state's interest for provisions
859 to be made in incentive programs for economic development to
860 maximize the state's ability to mitigate these impacts and to
861 develop a more diverse aerospace economy.

862 (c) The Legislature therefore declares that sufficient
863 resources shall be available to respond to extraordinary
864 economic opportunities and to compete effectively for these
865 high-impact business facilities, critical private infrastructure
866 in rural areas, and key businesses in economically distressed
867 urban or rural communities, and that up to 20 percent of these
868 resources may be used for projects to retain or create high-
869 technology jobs that are directly associated with developing a
870 more diverse aerospace economy in this state.

871 (2) There is created within the department the Florida
872 Enterprise Quick Action Closing Fund. Except as provided in
873 subsection (3), projects eligible for receipt of funds from the

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874 Florida Enterprise ~~Quick Action Closing~~ Fund must shall:

875 (a) Be in an industry as referenced in s. 288.106.

876 (b) Have a positive economic benefit ratio of at least 3 to
877 1 5 to 1.

878 (c) Be an inducement to the project's location or expansion
879 in the state.

880 (d) Pay an average annual wage of at least 125 percent of
881 the average areawide or statewide private sector average wage in
882 the area.

883 (e) Be supported by the local community in which the
884 project is to be located. Support must include a resolution
885 adopted by the governing board of the county or municipality in
886 which the project will be located, which resolution recommends
887 that the project be approved and specifies that the commitments
888 of local financial support necessary for the business exist.
889 Before the passage of such resolution, the department may also
890 accept an official letter from an authorized local economic
891 development agency that endorses the proposed project and
892 pledges that sources of local financial support for such project
893 exist. For the purposes of making pledges of local financial
894 support under this paragraph, the authorized local economic
895 development agency shall be officially designated by the passage
896 of a one-time resolution by the local governing board. For
897 purposes of this section, the term "local financial support"
898 means funding from local sources, public or private, which is
899 paid to the Economic Development Trust Fund and which is equal
900 to 20 percent of the Florida Enterprise Fund award to a
901 business.

902 1. A business may not provide, directly or indirectly, more

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903 than 5 percent of such funding in any fiscal year. The sources
904 of such funding may not include, directly or indirectly, state
905 funds appropriated from the General Revenue Fund or any state
906 trust fund, excluding tax revenues shared with local governments
907 pursuant to law.

908 2. A business may not receive more than 80 percent of its
909 total award under this section from state funds.

910 (f) Create at least 10 new jobs.

911 (3) (a) The department and Enterprise Florida, Inc., shall
912 jointly review applications pursuant to s. 288.061 and determine
913 the eligibility of each project consistent with the criteria in
914 subsection (2).

915 (b) If the local governing body and Enterprise Florida,
916 Inc., decide to request a waiver of the criteria in subsection
917 (2), the request must be transmitted in writing to the
918 department with an explanation of the specific justification for
919 the request. If the department approves the request, the
920 decision must be stated in writing with an explanation of the
921 reason for approving the request. A waiver of the criteria in
922 subsection (2) ~~these criteria~~ may be considered for ~~under~~ the
923 following reasons ~~criteria~~:

924 1. Based on extraordinary circumstances;

925 2. In order to mitigate the impact of the conclusion of the
926 space shuttle program; or

927 3. In rural areas of opportunity if the project would
928 significantly benefit the local or regional economy.

929 (4) ~~(b)~~ The department shall evaluate individual proposals
930 for high-impact business facilities. Such evaluation must
931 include, but need not be limited to:

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- 932 (a)~~1.~~ A description of the type of facility or
933 infrastructure, its operations, and the associated product or
934 service associated with the facility.
- 935 (b)~~2.~~ The number of full-time-equivalent jobs that will be
936 created by the facility and the total estimated average annual
937 wages of those jobs or, in the case of privately developed rural
938 infrastructure, the types of business activities and jobs
939 stimulated by the investment.
- 940 (c)~~3.~~ The cumulative amount of investment to be dedicated
941 to the facility within a specified period.
- 942 (d)~~4.~~ A statement of any special impacts the facility is
943 expected to stimulate in a particular business sector in the
944 state or regional economy or in the state's universities and
945 community colleges.
- 946 (e)~~5.~~ A statement of the role the incentive is expected to
947 play in the decision of the applicant business to locate or
948 expand in this state or for the private investor to provide
949 critical rural infrastructure.
- 950 (f)~~6.~~ A report evaluating the quality and value of the
951 company submitting a proposal. The report must include:
- 952 1.a. A financial analysis of the company, including an
953 evaluation of the company's short-term liquidity ratio as
954 measured by its assets to liabilities ~~liability~~, the company's
955 profitability ratio, and the company's long-term solvency as
956 measured by its debt-to-equity ratio;
- 957 2.b. The historical market performance of the company;
- 958 3.e. A review of any independent evaluations of the
959 company;
- 960 4.d. A review of the latest audit of the company's

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961 financial statement and the related auditor's management letter;
962 and

963 ~~5.e.~~ A review of any other types of audits that are related
964 to the internal and management controls of the company.

965 (g) The amount of local financial support for the project.

966 ~~(5)(e)1.~~ Within 7 business days after evaluating a project,
967 the department shall recommend to the Governor approval or
968 disapproval of the a project for receipt of funds from the
969 Florida Enterprise Quick Action Closing Fund. In recommending a
970 project, the department shall include proposed performance
971 conditions that the project must meet to obtain incentive funds.

972 (a)2. The Governor may approve projects without consulting
973 the Legislature for projects requiring less than \$2 million in
974 funding.

975 (b)3. For projects requiring funding in the amount of \$2
976 million to \$5 million, the Governor shall provide a written
977 description and evaluation of a project recommended for approval
978 to the chair and vice chair of the Legislative Budget Commission
979 at least 10 days before ~~prior to~~ giving final approval for the a
980 project. The recommendation must include proposed performance
981 conditions that the project must meet in order to obtain funds.

982 (c)4. If the chair or vice chair of the Legislative Budget
983 Commission or the President of the Senate or the Speaker of the
984 House of Representatives timely advises the Executive Office of
985 the Governor, in writing, that such action or proposed action
986 exceeds the delegated authority of the Executive Office of the
987 Governor or is contrary to legislative policy or intent, the
988 Executive Office of the Governor shall void the release of funds
989 and instruct the department to immediately change such action or

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990 proposed action until the Legislative Budget Commission or the
991 Legislature addresses the issue. Notwithstanding such
992 requirement, any project exceeding \$5 million must be approved
993 by the Legislative Budget Commission before ~~prior to~~ the funds
994 are being released.

995 (6) ~~(d)~~ Upon the approval of the Governor, the department
996 shall issue a letter certifying the applicant as qualified for
997 an award. The department and the business shall enter into a
998 contract that sets forth the performance conditions for payment
999 of moneys from the fund. Such payment may not be made to the
1000 business until the scheduled performance conditions have been
1001 met. The contract must include the total amount of funds
1002 awarded; the performance conditions that must be met to obtain
1003 the award, including, but not limited to, net new employment in
1004 the state, average salary, and total capital investment;
1005 demonstrate a baseline of current service and a measure of
1006 enhanced capability; the methodology for validating performance;
1007 the schedule of payments from the fund; the amount of local
1008 financial support that will be annually available and that will
1009 be paid into the Economic Development Trust Fund; and sanctions
1010 for failure to meet performance conditions. The contract must
1011 provide that payment of moneys from the fund is contingent upon
1012 sufficient appropriation of funds by the Legislature. The
1013 department may not enter into a contract with a business if the
1014 local financial support resolution is not passed by the local
1015 governing body within 90 days after the department has issued
1016 the letter of certification.

1017 (7) ~~(e)~~ The department shall validate contractor performance
1018 and report such validation in the annual incentives report

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1019 required under s. 288.907.

1020 (8) (a) ~~(4)~~ Funds appropriated by the Legislature for
1021 purposes of implementing this section shall be placed in reserve
1022 and may only be released pursuant to the legislative
1023 consultation and review requirements set forth in this section.

1024 (b) A scheduled payment from the fund may not be approved
1025 for a business unless the required local financial support has
1026 been paid into the account for that project. Funding from local
1027 sources includes any tax abatement granted to that business
1028 under s. 196.1995 or the appraised market value of municipal or
1029 county land conveyed or provided at a discount to that business.

1030 The amount of any scheduled payment from the fund to such
1031 business approved under this section must be reduced by the
1032 amount of any such tax abatement granted or the value of the
1033 land granted. A report listing all sources of the local
1034 financial support shall be provided to the department when such
1035 support is paid to the account.

1036 Section 15. Paragraph (b) of subsection (2), paragraphs (a)
1037 and (d) of subsection (4), and paragraph (b) of subsection (8)
1038 of section 288.1089, Florida Statutes, are amended to read:

1039 288.1089 Innovation Incentive Program.—

1040 (2) As used in this section, the term:

1041 ~~(b) "Average private sector wage" means the statewide~~
1042 ~~average wage in the private sector or the average of all private~~
1043 ~~sector wages in the county or in the standard metropolitan area~~
1044 ~~in which the project is located as determined by the department.~~

1045 (4) To qualify for review by the department, the applicant
1046 must, at a minimum, establish the following to the satisfaction
1047 of the department:

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1048 (a) The jobs created by the project must pay an estimated
1049 annual average wage equaling at least 130 percent of the average
1050 private sector wage in the area. The department may waive this
1051 average wage requirement at the request of Enterprise Florida,
1052 Inc., for a project located in a rural area, a brownfield area,
1053 or an enterprise zone, when the merits of the individual project
1054 or the specific circumstances in the community in relationship
1055 to the project warrant such action. A recommendation for waiver
1056 by Enterprise Florida, Inc., must include a specific
1057 justification for the waiver and be transmitted to the
1058 department in writing. If the department elects to waive the
1059 wage requirement, the waiver must be stated in writing and
1060 explain the reasons for granting the waiver ~~must be explained~~.

1061 (d) For an alternative and renewable energy project in this
1062 state, the project must:

1063 1. Demonstrate a plan for significant collaboration with an
1064 institution of higher education;

1065 2. Provide the state, at a minimum, a cumulative break-even
1066 economic benefit within a 20-year period;

1067 3. Include matching funds provided by the applicant or
1068 other available sources. The match requirement may be reduced or
1069 waived in rural areas of opportunity or reduced in rural areas,
1070 brownfield areas, and enterprise zones;

1071 4. Be located in this state; and

1072 5. Provide at least 35 direct, new jobs that pay an
1073 estimated annual average wage that equals at least 130 percent
1074 of the average private sector wage in the area.

1075 (8)

1076 (b) Additionally, agreements ~~signed on or after July 1,~~

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1077 ~~2009,~~ must include the following provisions:

1078 1. Notwithstanding subsection (4), a requirement that the
1079 jobs created by the recipient of the incentive funds pay an
1080 annual average wage at least equal to the relevant industry's
1081 annual average wage or at least 130 percent of the average
1082 private sector wage in the area, whichever is greater.

1083 2. A reinvestment requirement. Each recipient of an award
1084 shall reinvest up to 15 percent of net royalty revenues,
1085 including revenues from spin-off companies and the revenues from
1086 the sale of stock it receives from the licensing or transfer of
1087 inventions, methods, processes, and other patentable discoveries
1088 conceived or reduced to practice using its facilities in Florida
1089 or its Florida-based employees, in whole or in part, and to
1090 which the recipient of the grant becomes entitled during the 20
1091 years following the effective date of its agreement with the
1092 department. Each recipient of an award also shall reinvest up to
1093 15 percent of the gross revenues it receives from naming
1094 opportunities associated with any facility it builds in this
1095 state. Reinvestment payments shall commence no later than 6
1096 months after the recipient of the grant has received the final
1097 disbursement under the contract and shall continue until the
1098 maximum reinvestment, as specified in the contract, has been
1099 paid. Reinvestment payments shall be remitted to the department
1100 for deposit in the Biomedical Research Trust Fund for companies
1101 specializing in biomedicine or life sciences, or in the Economic
1102 Development Trust Fund for companies specializing in fields
1103 other than biomedicine or the life sciences. If these trust
1104 funds no longer exist at the time of the reinvestment, the
1105 state's share of reinvestment shall be deposited in their

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1106 successor trust funds as determined by law. Each recipient of an
1107 award shall annually submit a schedule of the shares of stock
1108 held by it as payment of the royalty required by this paragraph
1109 and report on any trades or activity concerning such stock. Each
1110 recipient's reinvestment obligations survive the expiration or
1111 termination of its agreement with the state.

1112 3. Requirements for the establishment of internship
1113 programs or other learning opportunities for educators and
1114 secondary, postsecondary, graduate, and doctoral students.

1115 4. A requirement that the recipient submit quarterly
1116 reports and annual reports related to activities and performance
1117 to the department, according to standardized reporting periods.

1118 5. A requirement for an annual accounting to the department
1119 of the expenditure of funds disbursed under this section.

1120 6. A process for amending the agreement.

1121 Section 16. Effective July 1, 2016, subsection (7) of
1122 section 288.11621, Florida Statutes, is amended to read:

1123 288.11621 Spring training baseball franchises.—

1124 (7) STRATEGIC PLANNING.—The department shall request
1125 assistance from the Florida Sports Foundation ~~Enterprise~~
1126 ~~Florida, Inc.,~~ and the Florida Grapefruit League Association to
1127 develop a comprehensive strategic plan to:

1128 (a) Finance spring training facilities.

1129 (b) Monitor and oversee the use of state funds awarded to
1130 applicants.

1131 (c) Identify the financial impact that spring training has
1132 on the state and ways in which to maintain or improve that
1133 impact.

1134 (d) Identify opportunities to develop public-private

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1135 partnerships to engage in marketing activities and advertise
1136 spring training baseball.

1137 (e) Identify efforts made by other states to maintain or
1138 develop partnerships with baseball spring training teams.

1139 (f) Develop recommendations for the Legislature to sustain
1140 or improve this state's spring training tradition.

1141 Section 17. Subsections (1) and (3), paragraph (a) of
1142 subsection (5), paragraph (e) of subsection (7), and subsections
1143 (11) through (14) of section 288.11625, Florida Statutes, are
1144 amended to read:

1145 288.11625 Sports development.—

1146 (1) ADMINISTRATION.—The department shall serve as the state
1147 agency responsible for screening applicants for state funding
1148 under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~

1149 (3) PURPOSE.—The purpose of this section is to provide
1150 applicants state funding under s. 212.20(6)(d)6.e. ~~s.~~
1151 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
1152 reconstructing, renovating, or improving a facility.

1153 (5) EVALUATION PROCESS.—

1154 (a) Before recommending an applicant to receive a state
1155 distribution under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~, the
1156 department must verify that:

1157 1. The applicant or beneficiary is responsible for the
1158 construction, reconstruction, renovation, or improvement of a
1159 facility and obtained at least three bids for the project.

1160 2. If the applicant is not a unit of local government, a
1161 unit of local government holds title to the property on which
1162 the facility and project are, or will be, located.

1163 3. If the applicant is a unit of local government in whose

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1164 jurisdiction the facility is, or will be, located, the unit of
1165 local government has an exclusive intent agreement to negotiate
1166 in this state with the beneficiary.

1167 4. A unit of local government in whose jurisdiction the
1168 facility is, or will be, located supports the application for
1169 state funds. Such support must be verified by the adoption of a
1170 resolution, after a public hearing, that the project serves a
1171 public purpose.

1172 5. The applicant or beneficiary has not previously
1173 defaulted or failed to meet any statutory requirements of a
1174 previous state-administered sports-related program under s.
1175 288.1162, s. 288.11621, s. 288.11631, or this section.
1176 Additionally, the applicant or beneficiary is not currently
1177 receiving state distributions under s. 212.20 for the facility
1178 that is the subject of the application, unless the applicant
1179 demonstrates that the franchise that applied for a distribution
1180 under s. 212.20 no longer plays at the facility that is the
1181 subject of the application.

1182 6. The applicant or beneficiary has sufficiently
1183 demonstrated a commitment to employ residents of this state,
1184 contract with Florida-based firms, and purchase locally
1185 available building materials to the greatest extent possible.

1186 7. If the applicant is a unit of local government, the
1187 applicant has a certified copy of a signed agreement with a
1188 beneficiary for the use of the facility. If the applicant is a
1189 beneficiary, the beneficiary must enter into an agreement with
1190 the department. The applicant's or beneficiary's agreement must
1191 also require the following:

1192 a. The beneficiary must reimburse the state for state funds

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1193 that will be distributed if the beneficiary relocates or no
1194 longer occupies or uses the facility as the facility's primary
1195 tenant before the agreement expires. Reimbursements must be sent
1196 to the Department of Revenue for deposit into the General
1197 Revenue Fund.

1198 b. The beneficiary must pay for signage or advertising
1199 within the facility. The signage or advertising must be placed
1200 in a prominent location as close to the field of play or
1201 competition as is practicable, must be displayed consistent with
1202 signage or advertising in the same location and of like value,
1203 and must feature Florida advertising approved by the Florida
1204 Tourism Industry Marketing Corporation.

1205 8. The project will commence within 12 months after
1206 receiving state funds or did not commence before January 1,
1207 2013.

1208 (7) CONTRACT.—An applicant approved by the Legislature and
1209 certified by the department must enter into a contract with the
1210 department which:

1211 (e) Requires the applicant to reimburse the state by
1212 electing to do one of the following:

1213 1. After all distributions have been made, reimburse at the
1214 end of the contract term any amount by which the total
1215 distributions made under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~
1216 exceed actual new incremental state sales taxes generated by
1217 sales at the facility during the contract, plus a 5 percent
1218 penalty on that amount.

1219 2. After the applicant begins to submit the independent
1220 analysis under paragraph (c), reimburse each year any amount by
1221 which the previous year's annual distribution exceeds 75 percent

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1222 of the actual new incremental state sales taxes generated by
1223 sales at the facility.

1224
1225 Any reimbursement due to the state must be made within 90 days
1226 after the applicable distribution under this paragraph. If the
1227 applicant is unable or unwilling to reimburse the state for such
1228 amount, the department may place a lien on the applicant's
1229 facility. If the applicant is a municipality or county, it may
1230 reimburse the state from its half-cent sales tax allocation, as
1231 provided in s. 218.64(3). Reimbursements must be sent to the
1232 Department of Revenue for deposit into the General Revenue Fund.

1233 ~~(11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS~~
1234 ~~COMMENCED BEFORE JULY 1, 2014. Notwithstanding paragraph (4) (c),~~
1235 ~~the Legislative Budget Commission may approve an application for~~
1236 ~~state funds by an applicant for a new facility or a project~~
1237 ~~commenced between March 1, 2013, and July 1, 2014. Such an~~
1238 ~~application may be submitted after May 1, 2014. The department~~
1239 ~~must review the application and recommend approval to the~~
1240 ~~Legislature or deny the application. The Legislative Budget~~
1241 ~~Commission may approve applications on or after January 1, 2015.~~
1242 ~~The department must certify the applicant within 45 days of~~
1243 ~~approval by the Legislative Budget Commission. State funds may~~
1244 ~~not be distributed until the department notifies the Department~~
1245 ~~of Revenue that the applicant was approved by the Legislative~~
1246 ~~Budget Commission and certified by the department. An applicant~~
1247 ~~certified under this subsection is subject to the provisions and~~
1248 ~~requirements of this section. An applicant that fails to meet~~
1249 ~~the conditions of this subsection may reapply during future~~
1250 ~~application periods.~~

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1251 (11)~~(12)~~ REPAYMENT OF DISTRIBUTIONS.—An applicant that is
1252 certified under this section may be subject to repayment of
1253 distributions upon the occurrence of any of the following:

1254 (a) An applicant's beneficiary has broken the terms of its
1255 agreement with the applicant and relocated from the facility or
1256 no longer occupies or uses the facility as the facility's
1257 primary tenant. The beneficiary must reimburse the state for
1258 state funds that will be distributed, plus a 5 percent penalty
1259 on that amount, if the beneficiary relocates before the
1260 agreement expires.

1261 (b) A determination by the department that an applicant has
1262 submitted information or made a representation that is
1263 determined to be false, misleading, deceptive, or otherwise
1264 untrue. The applicant must reimburse the state for state funds
1265 that have been and will be distributed, plus a 5 percent penalty
1266 on that amount, if such determination is made. If the applicant
1267 is a municipality or county, it may reimburse the state from its
1268 half-cent sales tax allocation, as provided in s. 218.64(3).

1269 (c) Repayment of distributions must be sent to the
1270 Department of Revenue for deposit into the General Revenue Fund.

1271 (12)~~(13)~~ HALTING OF PAYMENTS.—The applicant may request in
1272 writing at least 20 days before the next monthly distribution
1273 that the department halt future payments. The department shall
1274 immediately notify the Department of Revenue to halt future
1275 payments.

1276 (13)~~(14)~~ RULEMAKING.—The department may adopt rules to
1277 implement this section.

1278 Section 18. Paragraph (c) of subsection (2) and paragraphs
1279 (a), (c), and (d) of subsection (3) of section 288.11631,

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1280 Florida Statutes, are amended to read:

1281 288.11631 Retention of Major League Baseball spring
1282 training baseball franchises.—

1283 (2) CERTIFICATION PROCESS.—

1284 (c) Each applicant certified on or after July 1, 2013,
1285 shall enter into an agreement with the department which:

1286 1. Specifies the amount of the state incentive funding to
1287 be distributed. The amount of state incentive funding per
1288 certified applicant may not exceed \$20 million. However, if a
1289 certified applicant's facility is used by more than one spring
1290 training franchise, the maximum amount may not exceed \$50
1291 million, and the Department of Revenue shall make distributions
1292 to the applicant pursuant to s. 212.20(6)(d)6.d. ~~s.~~
1293 ~~212.20(6)(d)6.e.~~

1294 2. States the criteria that the certified applicant must
1295 meet in order to remain certified. These criteria must include a
1296 provision stating that the spring training franchise must
1297 reimburse the state for any funds received if the franchise does
1298 not comply with the terms of the contract. If bonds were issued
1299 to construct or renovate a facility for a spring training
1300 franchise, the required reimbursement must be equal to the total
1301 amount of state distributions expected to be paid from the date
1302 the franchise violates the agreement with the applicant through
1303 the final maturity of the bonds.

1304 3. States that the certified applicant is subject to
1305 decertification if the certified applicant fails to comply with
1306 this section or the agreement.

1307 4. States that the department may recover state incentive
1308 funds if the certified applicant is decertified.

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1309 5. Specifies the information that the certified applicant
1310 must report to the department.

1311 6. Includes any provision deemed prudent by the department.

1312 (3) USE OF FUNDS.—

1313 (a) A certified applicant may use funds provided under s.
1314 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ only to:

1315 1. Serve the public purpose of constructing or renovating a
1316 facility for a spring training franchise.

1317 2. Pay or pledge for the payment of debt service on, or to
1318 fund debt service reserve funds, arbitrage rebate obligations,
1319 or other amounts payable with respect thereto, bonds issued for
1320 the construction or renovation of such facility, or for the
1321 reimbursement of such costs or the refinancing of bonds issued
1322 for such purposes.

1323 (c) The Department of Revenue may not distribute funds
1324 under s. 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ until July 1,
1325 2016. Further, the Department of Revenue may not distribute
1326 funds to an applicant certified on or after July 1, 2013, until
1327 it receives notice from the department that:

1328 1. The certified applicant has encumbered funds under
1329 either subparagraph (a)1. or subparagraph (a)2.; and

1330 2. If applicable, any existing agreement with a spring
1331 training franchise for the use of a facility has expired.

1332 (d)1. All certified applicants shall place unexpended state
1333 funds received pursuant to s. 212.20(6)(d)6.d. ~~s.~~
1334 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
1335 only as authorized in this section.

1336 2. A certified applicant may request that the department
1337 notify the Department of Revenue to suspend further

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1338 distributions of state funds made available under s.
1339 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ for 12 months after
1340 expiration of an existing agreement with a spring training
1341 franchise to provide the certified applicant with an opportunity
1342 to enter into a new agreement with a spring training franchise,
1343 at which time the distributions shall resume.

1344 3. The expenditure of state funds distributed to an
1345 applicant certified after July 1, 2013, must begin within 48
1346 months after the initial receipt of the state funds. In
1347 addition, the construction or renovation of a spring training
1348 facility must be completed within 24 months after the project's
1349 commencement.

1350 Section 19. Section 288.1169, Florida Statutes, is
1351 repealed.

1352 Section 20. Effective July 1, 2016, notwithstanding the
1353 repeal of section 288.1229, Florida Statutes, in s. 485, chapter
1354 2011-142, Laws of Florida, section 288.1229, Florida Statutes,
1355 is revived, reenacted, and amended to read:

1356 288.1229 Promotion and development of sports-related
1357 industries and amateur athletics; direct-support organization
1358 established; powers and duties.-

1359 (1) The Department of Economic Opportunity shall establish
1360 a direct-support organization known as the Florida Sports
1361 Foundation. The foundation shall ~~The Office of Tourism, Trade,~~
1362 ~~and Economic Development may authorize a direct-support~~
1363 ~~organization to assist the~~ department ~~office~~ in:

1364 (a) The promotion and development of the sports industry
1365 and related industries for the purpose of improving the economic
1366 presence of these industries in Florida.

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1367 (b) The promotion of amateur athletic participation for the
1368 citizens of Florida and the promotion of Florida as a host for
1369 national and international amateur athletic competitions for the
1370 purpose of encouraging and increasing the direct and ancillary
1371 economic benefits of amateur athletic events and competitions.

1372 (c) The retention of professional sports franchises,
1373 including the spring training operations of Major League
1374 Baseball.

1375 (2) The Florida Sports Foundation ~~To be authorized as a~~
1376 ~~direct support organization, an organization~~ must:

1377 (a) Be incorporated as a corporation not for profit
1378 pursuant to chapter 617.

1379 (b) 1. Be governed by a board of directors, which must
1380 consist of 20 ~~up to 15~~ members appointed by the Governor, which
1381 include:

1382 a. Ten members representing Florida major league franchises
1383 of Major League Baseball, National Basketball Association,
1384 National Football League, Arena Football League, National Hockey
1385 League, and Major League Soccer teams domiciled in this state.

1386 b. A member representing Florida Sports Commissions.

1387 c. A member representing the boating and fishing industries
1388 in Florida.

1389 d. A member representing the golf industry in Florida.

1390 e. A member representing Major League Baseball spring
1391 training.

1392 f. A member representing the auto racing industry in
1393 Florida.

1394 g. Five members at-large ~~and up to 15 members appointed by~~
1395 ~~the existing board of directors.~~ In making at-large

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1396 appointments, the governor ~~board~~ must consider a potential
1397 member's background in community service and sports activism in,
1398 and financial support of, the sports industry, professional
1399 sports, or organized amateur athletics. Members must be
1400 residents of the state and highly knowledgeable about or active
1401 in professional or organized amateur sports.

1402 2. The board must contain representatives of all
1403 geographical regions of the state and must represent ethnic and
1404 gender diversity. The terms of office of the members shall be 4
1405 years. No member may serve more than two consecutive terms. The
1406 Governor may remove any member for cause and shall fill all
1407 vacancies that occur.

1408 (c) Have as its purpose, as stated in its articles of
1409 incorporation, to receive, hold, invest, and administer
1410 property; to raise funds and receive gifts; and to promote and
1411 develop the sports industry and related industries for the
1412 purpose of increasing the economic presence of these industries
1413 in Florida.

1414 (d) Have a prior determination by the department ~~Office of~~
1415 ~~Tourism, Trade, and Economic Development~~ that the organization
1416 will benefit the department ~~office~~ and act in the best interests
1417 of the state as a direct-support organization to the department
1418 ~~office~~.

1419 (3) The Florida Sports Foundation shall operate under
1420 contract with the department. The department shall enter into a
1421 contract with the foundation by July 1, 2016. The contract must
1422 provide ~~Office of Tourism, Trade, and Economic Development shall~~
1423 ~~contract with the organization and shall include in the contract~~
1424 that:

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1425 (a) The department ~~office~~ may review the foundation's
1426 ~~organization's~~ articles of incorporation.

1427 (b) The foundation ~~organization~~ shall submit an annual
1428 budget proposal to the department ~~office~~, on a form provided by
1429 the department ~~office~~, in accordance with department ~~office~~
1430 procedures for filing budget proposals based upon the
1431 recommendation of the department ~~office~~.

1432 (c) Any funds that the foundation ~~organization~~ holds in
1433 trust will revert to the state upon the expiration or
1434 cancellation of the contract.

1435 (d) The foundation ~~organization~~ is subject to an annual
1436 financial and performance review by the department ~~office~~ to
1437 determine whether the foundation ~~organization~~ is complying with
1438 the terms of the contract and whether it is acting in a manner
1439 consistent with the goals of the department ~~office~~ and in the
1440 best interests of the state.

1441 (e) The fiscal year of the foundation ~~begins~~ ~~organization~~
1442 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next
1443 ensuing year.

1444 (4) The department ~~Office of Tourism, Trade, and Economic~~
1445 ~~Development~~ may allow the foundation ~~organization~~ to use the
1446 property, facilities, personnel, and services of the department
1447 ~~office~~ if the foundation ~~organization~~ provides equal employment
1448 opportunities to all persons regardless of race, color,
1449 religion, sex, age, or national origin, subject to the approval
1450 of the executive director of the department ~~office~~.

1451 (5) The foundation ~~organization~~ shall provide for an annual
1452 financial audit in accordance with s. 215.981.

1453 (6) The foundation ~~organization~~ is not granted any taxing

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1454 power.

1455 ~~(7) In exercising the power provided in this section, the~~
1456 ~~Office of Tourism, Trade, and Economic Development may authorize~~
1457 ~~and contract with the direct support organization existing on~~
1458 ~~June 30, 1996, and authorized by the former Florida Department~~
1459 ~~of Commerce to promote sports related industries. An appointed~~
1460 ~~member of the board of directors of such direct support~~
1461 ~~organization as of June 30, 1996, may serve the remainder of his~~
1462 ~~or her unexpired term.~~

1463 ~~(7)(8)~~ To promote amateur sports and physical fitness, the
1464 foundation ~~direct support organization~~ shall:

1465 (a) Develop, foster, and coordinate services and programs
1466 for amateur sports for the people of Florida.

1467 (b) Sponsor amateur sports workshops, clinics, conferences,
1468 and other similar activities.

1469 (c) Give recognition to outstanding developments and
1470 achievements in, and contributions to, amateur sports.

1471 (d) Encourage, support, and assist local governments and
1472 communities in the development of or hosting of local amateur
1473 athletic events and competitions.

1474 (e) Promote Florida as a host for national and
1475 international amateur athletic competitions.

1476 (f) Develop a statewide programs ~~program~~ of amateur
1477 athletic competition to be known as the "Florida Senior Games"
1478 and the "Sunshine State Games."

1479 (g) Continue the successful amateur sports programs
1480 previously conducted by the Florida Governor's Council on
1481 Physical Fitness and Amateur Sports created under former s.
1482 14.22.

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1483 (h) Encourage and continue the use of volunteers in its
1484 amateur sports programs to the maximum extent possible.

1485 (i) Develop, foster, and coordinate services and programs
1486 designed to encourage the participation of Florida's youth in
1487 Olympic sports activities and competitions.

1488 (j) Foster and coordinate services and programs designed to
1489 contribute to the physical fitness of the citizens of Florida.

1490 ~~(8)-(9)~~(a) The Sunshine State Games and Florida Senior Games
1491 shall both be patterned after the Summer Olympics with
1492 variations as necessitated by availability of facilities,
1493 equipment, and expertise. The games shall be designed to
1494 encourage the participation of athletes representing a broad
1495 range of age groups, skill levels, and Florida communities.
1496 ~~Participants shall be residents of this state. Regional~~
1497 ~~competitions shall be held throughout the state, and the top~~
1498 ~~qualifiers in each sport shall proceed to the final competitions~~
1499 ~~to be held at a site in the state with the necessary facilities~~
1500 ~~and equipment for conducting the competitions.~~

1501 (b) The department ~~Executive Office of the Governor~~ is
1502 authorized to permit the use of property, facilities, and
1503 personal services of or at any State University System facility
1504 or institution by the direct-support organization operating the
1505 Sunshine State Games and Florida Senior Games. For the purposes
1506 of this paragraph, personal services includes full-time or part-
1507 time personnel as well as payroll processing.

1508 Section 21. Section 288.125, Florida Statutes, is amended
1509 to read:

1510 288.125 Definition of term "entertainment industry."—For
1511 the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,

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1512 288.914, and 288.915 ~~ss. 288.1251-288.1258~~, the term
1513 "entertainment industry" means those persons or entities engaged
1514 in the operation of motion picture or television studios or
1515 recording studios; those persons or entities engaged in the
1516 preproduction, production, or postproduction of motion pictures,
1517 made-for-television movies, television programming, digital
1518 media projects, commercial advertising, music videos, or sound
1519 recordings; and those persons or entities providing products or
1520 services directly related to the preproduction, production, or
1521 postproduction of motion pictures, made-for-television movies,
1522 television programming, digital media projects, commercial
1523 advertising, music videos, or sound recordings, including, but
1524 not limited to, the broadcast industry.

1525 Section 22. Section 288.1251, Florida Statutes, is
1526 renumbered as section 288.913, Florida Statutes, and amended to
1527 read:

1528 288.913 ~~288.1251~~ Promotion and development of entertainment
1529 industry; Division ~~Office~~ of Film and Entertainment; creation;
1530 purpose; powers and duties.—

1531 (1) CREATION.—

1532 ~~(a) The Division of Film and Entertainment~~ There is hereby
1533 created within Enterprise Florida, Inc., ~~the department the~~
1534 ~~Office of Film and Entertainment~~ for the purpose of developing,
1535 recruiting, marketing, promoting, and providing services to the
1536 state's entertainment industry. The division shall serve as a
1537 liaison between the entertainment industry and other state and
1538 local governmental agencies, local film commissions, and labor
1539 organizations.

1540 ~~(2) (b)~~ COMMISSIONER.—The president of Enterprise Florida,

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1541 Inc., shall appoint the film and entertainment commissioner, who
 1542 is subject to confirmation by the Senate, within 90 days after
 1543 the effective date of this act ~~department shall conduct a~~
 1544 ~~national search for a qualified person to fill the position of~~
 1545 ~~Commissioner of Film and Entertainment when the position is~~
 1546 ~~vacant. The executive director of the department has the~~
 1547 ~~responsibility to hire the film commissioner. The commissioner~~
 1548 is subject to the requirements of s. 288.901(1)(c).

1549 Qualifications for the film commissioner include, but are not
 1550 limited to, the following:

1551 (a)1. At least 5 years' A working knowledge of and
 1552 experience with the equipment, personnel, financial, and day-to-
 1553 day production operations of the industries to be served by the
 1554 division ~~Office of Film and Entertainment;~~

1555 (b)2. Marketing and promotion experience related to the
 1556 film and entertainment industries to be served;

1557 (c)3. Experience working with a variety of individuals
 1558 representing large and small entertainment-related businesses,
 1559 industry associations, local community entertainment industry
 1560 liaisons, and labor organizations; ~~and~~

1561 (d)4. Experience working with a variety of state and local
 1562 governmental agencies; ~~and-~~

1563 (e) A record of high-level involvement in production deals
 1564 and contacts with industry decisionmakers.

1565 (3)(2) POWERS AND DUTIES.-

1566 (a) In the performance of its duties, the Division Office
 1567 of Film and Entertainment, ~~in performance of its duties,~~ shall
 1568 develop and periodically ~~+~~

1569 ~~1. In consultation with the Florida Film and Entertainment~~

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1570 ~~Advisory Council,~~ update a 5-year ~~the~~ strategic plan ~~every 5~~
 1571 ~~years~~ to guide the activities of the division ~~Office of Film and~~
 1572 ~~Entertainment~~ in the areas of entertainment industry
 1573 development, marketing, promotion, liaison services, field
 1574 office administration, and information. The plan must ~~shall~~:

1575 ~~a.~~ be annual in construction and ongoing in nature.

1576 1. At a minimum, the plan must address the following:

1577 ~~a.b.~~ Include recommendations relating to The organizational
 1578 structure of the division, including any field offices outside
 1579 the state office.

1580 b. The coordination of the division with local or regional
 1581 offices maintained by counties and regions of the state, local
 1582 film commissions, and labor organizations, and the coordination
 1583 of such entities with each other to facilitate a working
 1584 relationship.

1585 c. Strategies to identify, solicit, and recruit
 1586 entertainment production opportunities for the state, including
 1587 implementation of programs for rural and urban areas designed to
 1588 develop and promote the state's entertainment industry.

1589 ~~d.e.~~ Include An annual budget projection for the division
 1590 office for each year of the plan.

1591 ~~d.~~ Include an operational model for the office to use in
 1592 implementing programs for rural and urban areas designed to:

1593 ~~(I)~~ develop and promote the state's entertainment industry.

1594 ~~(II)~~ Have the office serve as a liaison between the
 1595 entertainment industry and other state and local governmental
 1596 agencies, local film commissions, and labor organizations.

1597 ~~(III)~~ Gather statistical information related to the state's
 1598 entertainment industry.

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1599 ~~e.~~(IV) Provision of ~~Provide~~ information and service to
1600 businesses, communities, organizations, and individuals engaged
1601 in entertainment industry activities.

1602 ~~(V) Administer field offices outside the state and~~
1603 ~~coordinate with regional offices maintained by counties and~~
1604 ~~regions of the state, as described in sub-sub-subparagraph (II),~~
1605 ~~as necessary.~~

1606 ~~f.e.~~ Include Performance standards and measurable outcomes
1607 for the programs to be implemented by the division office.

1608 2. The plan shall be annually reviewed and approved by the
1609 board of directors of Enterprise Florida, Inc.

1610 ~~f. Include an assessment of, and make recommendations on,~~
1611 ~~the feasibility of creating an alternative public-private~~
1612 ~~partnership for the purpose of contracting with such a~~
1613 ~~partnership for the administration of the state's entertainment~~
1614 ~~industry promotion, development, marketing, and service~~
1615 ~~programs.~~

1616 ~~2. Develop, market, and facilitate a working relationship~~
1617 ~~between state agencies and local governments in cooperation with~~
1618 ~~local film commission offices for out-of-state and indigenous~~
1619 ~~entertainment industry production entities.~~

1620 ~~3. Implement a structured methodology prescribed for~~
1621 ~~coordinating activities of local offices with each other and the~~
1622 ~~commissioner's office.~~

1623 (b) The division shall also:

1624 1.4. Represent the state's indigenous entertainment
1625 industry to key decisionmakers within the national and
1626 international entertainment industry, and to state and local
1627 officials.

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1628 ~~2.5.~~ Prepare an inventory and analysis of the state's
1629 entertainment industry, including, but not limited to,
1630 information on crew, related businesses, support services, job
1631 creation, talent, and economic impact and coordinate with local
1632 offices to develop an information tool for common use.

1633 ~~3.6.~~ Identify, solicit, and recruit entertainment
1634 production opportunities for the state.

1635 ~~4.7.~~ Assist rural communities and other small communities
1636 in the state in developing the expertise and capacity necessary
1637 for such communities to develop, market, promote, and provide
1638 services to the state's entertainment industry.

1639 ~~(c)(b)~~ The division ~~Office of Film and Entertainment~~, in
1640 the performance of its duties, may:

1641 1. Conduct or contract for specific promotion and marketing
1642 functions, including, but not limited to, production of a
1643 statewide directory, production and maintenance of a ~~an Internet~~
1644 website, establishment and maintenance of a toll-free telephone
1645 number, organization of trade show participation, and
1646 appropriate cooperative marketing opportunities.

1647 2. Conduct its affairs, carry on its operations, establish
1648 offices, and exercise the powers granted by this act in any
1649 state, territory, district, or possession of the United States.

1650 3. Carry out any program of information, special events, or
1651 publicity designed to attract the entertainment industry to
1652 Florida.

1653 4. Develop relationships and leverage resources with other
1654 public and private organizations or groups in their efforts to
1655 publicize to the entertainment industry in this state, other
1656 states, and other countries the depth of Florida's entertainment

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1657 industry talent, crew, production companies, production
1658 equipment resources, related businesses, and support services,
1659 including the establishment of and expenditure for a program of
1660 cooperative advertising with these public and private
1661 organizations and groups in accordance with the provisions of
1662 chapter 120.

1663 5. Provide and arrange for reasonable and necessary
1664 promotional items and services for such persons as the division
1665 ~~office~~ deems proper in connection with the performance of the
1666 promotional and other duties of the division ~~office~~.

1667 6. Prepare an ~~annual~~ economic impact analysis on
1668 entertainment industry-related activities in the state.

1669 7. Request or accept any grant, payment, or gift of funds
1670 or property made by this state, the United States, or any
1671 department or agency thereof, or by any individual, firm,
1672 corporation, municipality, county, or organization, for ~~any or~~
1673 ~~all of~~ the purposes of the division's ~~Office of Film and~~
1674 ~~Entertainment's~~ 5-year strategic plan or those ~~permitted~~
1675 activities authorized by ~~enumerated in~~ this paragraph. Such
1676 funds shall be deposited in a separate account with Enterprise
1677 Florida, Inc., ~~the Grants and Donations Trust Fund of the~~
1678 ~~Executive Office of the Governor~~ for use by the division ~~Office~~
1679 ~~of Film and Entertainment~~ in carrying out its responsibilities
1680 and duties ~~as delineated in law~~. The division ~~office~~ may expend
1681 such funds in accordance with the terms and conditions of any
1682 such grant, payment, or gift in the pursuit of its
1683 administration or in support of fulfilling its duties and
1684 responsibilities. The division ~~office~~ shall separately account
1685 for the public funds and the private funds deposited into the

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1686 ~~account trust fund.~~

1687 Section 23. Section 288.1252, Florida Statutes, is
1688 renumbered as section 288.914, Florida Statutes, and amended to
1689 read:

1690 288.914 ~~288.1252~~ Florida Film and Entertainment Advisory
1691 Council; ~~creation;~~ purpose; membership; powers and duties.—

1692 ~~(1) CREATION.—There is created within the department, for~~
1693 ~~administrative purposes only, the Florida Film and Entertainment~~
1694 ~~Advisory Council.~~

1695 (1)(2) CREATION AND PURPOSE.—The Florida Film and
1696 Entertainment Advisory Council is created ~~purpose of the Council~~
1697 ~~is~~ to serve as an advisory body to the Division of Film and
1698 Entertainment within Enterprise Florida, Inc., and department
1699 ~~and to the Office of Film and Entertainment~~ to provide these
1700 ~~offices with~~ industry insight and expertise related to
1701 developing, marketing, and promoting, ~~and providing service to~~
1702 the state's entertainment industry.

1703 (2)(3) MEMBERSHIP.—

1704 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be
1705 appointed by the Governor, 3 ~~5~~ to be appointed by the President
1706 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the
1707 House of Representatives.

1708 (b) When making appointments to the council, the Governor,
1709 the President of the Senate, and the Speaker of the House of
1710 Representatives shall appoint persons who are residents of the
1711 state and who are highly knowledgeable of, active in, and
1712 recognized as leaders in Florida's motion picture, television,
1713 video, sound recording, or other entertainment industries. These
1714 persons must ~~shall~~ include, but need not be limited to,

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1715 representatives of local film commissions, representatives of
1716 entertainment associations, a representative of the broadcast
1717 industry, representatives of labor organizations in the
1718 entertainment industry, and board chairs, presidents, chief
1719 executive officers, chief operating officers, or persons of
1720 comparable executive position or stature of leading or otherwise
1721 important entertainment industry businesses and offices. Council
1722 members must ~~shall~~ be appointed in such a manner as to equitably
1723 represent the broadest spectrum of the entertainment industry
1724 and geographic areas of the state.

1725 (c) Council members shall serve for 4-year terms. A council
1726 member serving as of July 1, 2016, may serve the remainder of
1727 his or her term, but upon the conclusion of the term or upon
1728 vacancy, the appointment must be made in accordance with this
1729 section.

1730 (d) Subsequent appointments shall be made by the official
1731 who appointed the council member whose expired term is to be
1732 filled.

1733 (e) In addition to the 11 ~~17~~ appointed members ~~of the~~
1734 ~~council~~, 1 representative from each of Enterprise Florida, Inc.,
1735 CareerSource Florida, Inc., and VISIT Florida shall serve as ex
1736 officio, nonvoting members of the council.

1737 (f) Absence from three consecutive meetings shall result in
1738 automatic removal from the council.

1739 (g) A vacancy on the council shall be filled for the
1740 remainder of the unexpired term by the official who appointed
1741 the vacating member.

1742 (h) No more than one member of the council may be an
1743 employee of any one company, organization, or association.

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1744 (i) Any member shall be eligible for reappointment but may
1745 not serve more than two consecutive terms.

1746 (3)~~(4)~~ MEETINGS; ORGANIZATION.—

1747 (a) The council shall meet at least ~~no less frequently than~~
1748 once each quarter of the calendar year, and ~~but~~ may meet more
1749 often as determined necessary ~~set~~ by the council.

1750 (b) The council shall annually elect from its appointed
1751 membership one member to serve as chair ~~of the council~~ and one
1752 member to serve as vice chair. The Division ~~Office~~ of Film and
1753 Entertainment shall provide staff assistance to the council,
1754 which must ~~shall~~ include, but need not be limited to, keeping
1755 records of the proceedings of the council, and serving as
1756 custodian of all books, documents, and papers filed with the
1757 council.

1758 (c) A majority of the members of the council constitutes
1759 ~~shall constitute~~ a quorum.

1760 (d) Members of the council shall serve without
1761 compensation, but are ~~shall be~~ entitled to reimbursement for per
1762 diem and travel expenses in accordance with s. 112.061 while in
1763 performance of their duties.

1764 (4)~~(5)~~ POWERS AND DUTIES.—The Florida Film and
1765 Entertainment Advisory Council has ~~shall have all the power~~
1766 ~~powers necessary or convenient~~ to carry out ~~and effectuate the~~
1767 ~~purposes and provisions of~~ this act, including, but not limited
1768 to, the power to:

1769 (a) Adopt bylaws for the governance of its affairs and the
1770 conduct of its business.

1771 (b) Advise the Division ~~and consult with the Office~~ of Film
1772 and Entertainment on the content, development, and

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1773 implementation of the division's 5-year strategic plan ~~to guide~~
1774 ~~the activities of the office.~~

1775 ~~(c) Review the Commissioner of Film and Entertainment's~~
1776 ~~administration of the programs related to the strategic plan,~~
1777 ~~and Advise the Division of Film and Entertainment commissioner~~
1778 on the division's programs and any changes that might be made to
1779 better meet the strategic plan.

1780 ~~(d) Consider and study the needs of the entertainment~~
1781 ~~industry for the purpose of advising the Division of Film and~~
1782 ~~Entertainment film commissioner and the department.~~

1783 ~~(e) Identify and make recommendations on state agency and~~
1784 ~~local government actions that may have an impact on the~~
1785 ~~entertainment industry or that may appear to industry~~
1786 ~~representatives as an official state or local actions action~~
1787 ~~affecting production in the state, and advise the Division of~~
1788 ~~Film and Entertainment of such actions.~~

1789 ~~(f) Consider all matters submitted to it by the Division of~~
1790 ~~Film and Entertainment film commissioner and the department.~~

1791 ~~(g) Advise and consult with the film commissioner and the~~
1792 ~~department, at their request or upon its own initiative,~~
1793 ~~regarding the promulgation, administration, and enforcement of~~
1794 ~~all laws and rules relating to the entertainment industry.~~

1795 ~~(g)(h) Suggest policies and practices for the conduct of~~
1796 ~~business by the Office of Film and Entertainment or by the~~
1797 ~~department that will improve interaction with internal~~
1798 ~~operations affecting the entertainment industry and will enhance~~
1799 ~~related state the economic development initiatives of the state~~
1800 ~~for the industry.~~

1801 ~~(i) Appear on its own behalf before boards, commissions,~~

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1802 ~~departments, or other agencies of municipal, county, or state~~
1803 ~~government, or the Federal Government.~~

1804 Section 24. Section 288.1253, Florida Statutes, is
1805 renumbered as section 288.915, Florida Statutes, and amended to
1806 read:

1807 288.915 ~~288.1253~~ Travel and entertainment expenses.—

1808 (1) As used in this section, the term "travel expenses"
1809 means the actual, necessary, and reasonable costs of
1810 transportation, meals, lodging, and incidental expenses normally
1811 incurred by an employee of the Division Office of Film and
1812 Entertainment within Enterprise Florida, Inc., as which costs
1813 ~~are~~ defined and prescribed by ~~rules adopted by the~~ department
1814 rule, subject to approval by the Chief Financial Officer.

1815 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the
1816 department shall adopt rules by which the Division of Film and
1817 Entertainment ~~it~~ may make expenditures by reimbursement to~~÷~~ the
1818 Governor, the Lieutenant Governor, security staff of the
1819 Governor or Lieutenant Governor, the Commissioner of Film and
1820 Entertainment, or staff of the Division Office of Film and
1821 Entertainment for travel expenses or entertainment expenses
1822 incurred by such individuals solely and exclusively in
1823 connection with the performance of the statutory duties of the
1824 division Office of Film and Entertainment. The rules are subject
1825 to approval by the Chief Financial Officer before adoption. The
1826 rules shall require the submission of paid receipts, or other
1827 proof of expenditure prescribed by the Chief Financial Officer,
1828 with any claim for reimbursement.

1829 (3) The Division Office of Film and Entertainment shall
1830 include in the annual report for the entertainment industry

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1831 ~~financial incentive~~ program required under s. 288.1256(10) ~~s.~~
1832 ~~288.1254(10)~~ a report of the division's office's expenditures
1833 for the previous fiscal year. The report must consist of a
1834 summary of all travel, entertainment, and incidental expenses
1835 incurred within the United States and all travel, entertainment,
1836 and incidental expenses incurred outside the United States, as
1837 well as a summary of all successful projects that developed from
1838 such travel.

1839 (4) The Division Office of Film and Entertainment and its
1840 employees and representatives, when authorized, may accept and
1841 use complimentary travel, accommodations, meeting space, meals,
1842 equipment, transportation, and any other goods or services
1843 necessary for or beneficial to the performance of the division's
1844 ~~office's~~ duties and purposes, so long as such acceptance or use
1845 is not in conflict with part III of chapter 112. The department
1846 shall, by rule, develop internal controls to ensure that such
1847 goods or services accepted or used pursuant to this subsection
1848 are limited to those that will assist solely and exclusively in
1849 the furtherance of the division's office's goals and are in
1850 compliance with part III of chapter 112. Notwithstanding this
1851 subsection, the division and its employees and representatives
1852 may not accept any complimentary travel, accommodations, meeting
1853 space, meals, equipment, transportation, or other goods or
1854 services from an entity or a party, including an employee, a
1855 designee, or a representative of such entity or party, which has
1856 received, has applied to receive, or anticipates that it will
1857 receive through an application, funds under s. 288.1256. If the
1858 division or its employee or representative accepts such goods or
1859 services, the division or its employee or representative is

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1860 subject to the penalties provided in s. 112.317.

1861 (5) A ~~Any~~ claim submitted under this section is not
1862 required to be sworn to before a notary public or other officer
1863 authorized to administer oaths, but a ~~any~~ claim authorized or
1864 required to be made under any provision of this section shall
1865 contain a statement that the expenses were actually incurred as
1866 necessary travel or entertainment expenses in the performance of
1867 official duties of the Division ~~Office~~ of Film and Entertainment
1868 and shall be verified by written declaration that it is true and
1869 correct as to every material matter. A ~~Any~~ person who willfully
1870 makes and subscribes to a ~~any~~ claim that ~~which~~ he or she does
1871 not believe to be true and correct as to every material matter
1872 or who willfully aids or assists in, procures, or counsels or
1873 advises with respect to, the preparation or presentation of a
1874 claim pursuant to this section which ~~that~~ is fraudulent or false
1875 as to any material matter, whether such falsity or fraud is with
1876 the knowledge or consent of the person authorized or required to
1877 present the claim, commits a misdemeanor of the second degree,
1878 punishable as provided in s. 775.082 or s. 775.083. Whoever
1879 receives a reimbursement by means of a false claim is civilly
1880 liable, in the amount of the overpayment, for the reimbursement
1881 of the public fund from which the claim was paid.

1882 Section 25. Paragraph (a) of subsection (5), paragraph (c)
1883 of subsection (9), and subsections (10) and (11) of section
1884 288.1254, Florida Statutes, are amended to read:

1885 288.1254 Entertainment industry financial incentive
1886 program.—

1887 (5) TRANSFER OF TAX CREDITS.—

1888 (a) *Authorization.*—Upon application to ~~the Office of Film~~

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1889 ~~and Entertainment~~ and approval by the department, a certified
1890 production company, or a partner or member that has received a
1891 distribution under paragraph (4)(g), may elect to transfer, in
1892 whole or in part, any unused credit amount granted under this
1893 section. An election to transfer any unused tax credit amount
1894 under chapter 212 or chapter 220 must be made no later than 5
1895 years after the date the credit is awarded, after which period
1896 the credit expires and may not be used. The department shall
1897 notify the Department of Revenue of the election and transfer.

1898 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
1899 CREDITS; FRAUDULENT CLAIMS.—

1900 (c) *Forfeiture of tax credits.*—A determination by the
1901 Department of Revenue, as a result of an audit pursuant to
1902 paragraph (a) or from information received from the department
1903 ~~Office of Film and Entertainment~~, that an applicant received tax
1904 credits pursuant to this section to which the applicant was not
1905 entitled is grounds for forfeiture of previously claimed and
1906 received tax credits. The applicant is responsible for returning
1907 forfeited tax credits to the Department of Revenue, and such
1908 funds shall be paid into the General Revenue Fund of the state.
1909 Tax credits purchased in good faith are not subject to
1910 forfeiture unless the transferee submitted fraudulent
1911 information in the purchase or failed to meet the requirements
1912 in subsection (5).

1913 (10) ANNUAL REPORT.—Each November 1, the department ~~Office~~
1914 ~~of Film and Entertainment~~ shall submit an annual report for the
1915 previous fiscal year to the Governor, the President of the
1916 Senate, and the Speaker of the House of Representatives which
1917 outlines the incentive program's return on investment and

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1918 economic benefits to the state. The report must also include an
1919 estimate of the full-time equivalent positions created by each
1920 production that received tax credits under this section and
1921 information relating to the distribution of productions
1922 receiving credits by geographic region and type of production.
1923 The report must also include the expenditures report required
1924 under s. 288.915(3) ~~s. 288.1253(3)~~ and the information
1925 describing the relationship between tax exemptions and
1926 incentives to industry growth required under s. 288.1258(5).

1927 (11) REPEAL.—This section is repealed April 1, 2016 ~~July 1,~~
1928 ~~2016~~, except that:

1929 (a) Tax credits certified under paragraph (3) (d) before
1930 April 1, 2016 ~~July 1, 2016~~, may not be awarded under paragraph
1931 (3) (f) on or after April 1, 2016, and the Department of Revenue
1932 shall deny any credit claimed on a tax return when that credit
1933 was awarded under paragraph (3) (f) on or after April 1, 2016
1934 ~~July 1, 2016, if the other requirements of this section are met.~~

1935 (b) Tax credits carried forward under paragraph (4) (e)
1936 remain valid for the period specified.

1937 (c) Subsections (5), (8), and (9) shall remain in effect
1938 until July 1, 2021.

1939 Section 26. Section 288.1256, Florida Statutes, is created
1940 to read:

1941 288.1256 Entertainment Action Fund.—

1942 (1) The Entertainment Action Fund is created within the
1943 department in order to respond to extraordinary opportunities
1944 and to compete effectively with other states to attract and
1945 retain production companies and to provide favorable conditions
1946 for the growth of the entertainment industry in this state.

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1947 (2) As used in this section, the term:

1948 (a) "Division" means the Division of Film and Entertainment
1949 within Enterprise Florida, Inc.

1950 (b) "Principal photography" means the filming of major or
1951 significant components of a project which involve lead actors.

1952 (c) "Production" means a theatrical, direct-to-video, or
1953 direct-to-Internet motion picture; a made-for-television motion
1954 picture; visual effects or digital animation sequences produced
1955 in conjunction with a motion picture; a commercial; a music
1956 video; an industrial or educational film; an infomercial; a
1957 documentary film; a television pilot program; a presentation for
1958 a television pilot program; a television series, including, but
1959 not limited to, a drama, a reality show, a comedy, a soap opera,
1960 a telenovela, a game show, an awards show, or a miniseries
1961 production; a direct-to-Internet television series; or a digital
1962 media project by the entertainment industry. One season of a
1963 television series is considered one production. The term does
1964 not include a weather or market program; a sporting event or a
1965 sporting event broadcast; a gala; a production that solicits
1966 funds; a home shopping program; a political program; a political
1967 documentary; political advertising; a gambling-related project
1968 or production; a concert production; a local, a regional, or an
1969 Internet-distributed-only news show or current-events show; a
1970 sports news or a sports recap show; a pornographic production;
1971 or any production deemed obscene under chapter 847. A production
1972 may be produced on or by film, tape, or otherwise by means of a
1973 motion picture camera; an electronic camera or device; a tape
1974 device; a computer; any combination of the foregoing; or any
1975 other means, method, or device.

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1976 (d) "Production company" means a corporation, limited
1977 liability company, partnership, or other legal entity engaged in
1978 one or more productions in this state.

1979 (e) "Production expenditures" means the costs of tangible
1980 and intangible property used for, and services performed
1981 primarily and customarily in, production, including
1982 preproduction and postproduction, but excluding costs for
1983 development, marketing, and distribution. The term includes, but
1984 is not limited to:

1985 1. Wages, salaries, or other compensation paid to legal
1986 residents of this state, including amounts paid through payroll
1987 service companies, for technical and production crews,
1988 directors, producers, and performers.

1989 2. Net expenditures for sound stages, backlots, production
1990 editing, digital effects, sound recordings, sets, and set
1991 construction. As used in this paragraph, the term "net
1992 expenditures" means the actual amount of money a project spent
1993 for equipment or other tangible personal property, after
1994 subtracting any consideration received for reselling or
1995 transferring the item after the production ends, if applicable.

1996 3. Net expenditures for rental equipment, including, but
1997 not limited to, cameras and grip or electrical equipment.

1998 4. Up to \$300,000 of the costs of newly purchased computer
1999 software and hardware unique to the project, including servers,
2000 data processing, and visualization technologies, which are
2001 located in and used exclusively in this state for the production
2002 of digital media.

2003 5. Expenditures for meals, travel, and accommodations.

2004 (f) "Project" means a production in this state meeting the

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2005 requirements of this section. The term does not include a
2006 production:

2007 1. In which less than 70 percent of the positions that make
2008 up its production cast and below-the-line production crew are
2009 filled by legal residents of this state, whose residency is
2010 demonstrated by a valid Florida driver license or other state-
2011 issued identification confirming residency, or students enrolled
2012 full-time in an entertainment-related course of study at an
2013 institution of higher education in this state; or

2014 2. That contains obscene content as defined in s.
2015 847.001(10).

2016 (g) "Qualified expenditures" means production expenditures
2017 incurred in this state by a production company for:

2018 1. Goods purchased or leased from, or services, including,
2019 but not limited to, insurance costs and bonding, payroll
2020 services, and legal fees, which are provided by a vendor or
2021 supplier in this state which is registered with the Department
2022 of State or the Department of Revenue, has a physical location
2023 in this state, and employs one or more legal residents of this
2024 state. This does not include rebilled goods or services provided
2025 by an in-state company from out-of-state vendors or suppliers.
2026 If services provided by the vendor or supplier include personal
2027 services or labor, only personal services or labor provided by
2028 residents of this state, evidenced by the required documentation
2029 of residency in this state, qualify.

2030 2. Payments to legal residents of this state in the form of
2031 salary, wages, or other compensation up to a maximum of \$400,000
2032 per resident. A completed declaration of residency in this state
2033 must accompany the documentation submitted to the department for

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2034 reimbursement.

2035

2036 For a project involving an event, such as an awards show, the
2037 term does not include expenditures solely associated with the
2038 event itself and not directly required by the production. The
2039 term does not include expenditures incurred before the agreement
2040 is signed. The production company may not include in the
2041 calculation for qualified expenditures the original purchase
2042 price for equipment or other tangible property that is later
2043 sold or transferred by the production company for consideration.
2044 In such cases, the qualified expenditure is the net of the
2045 original purchase price minus the consideration received upon
2046 sale or transfer.

2047 (h) "Underutilized county" means a county in which less
2048 than \$500,000 in qualified expenditures were made in the last 2
2049 fiscal years.

2050 (3) A production company may apply for funds from the
2051 Entertainment Action Fund for a production or successive seasons
2052 of a production. The division shall review and evaluate
2053 applications to determine the eligibility of each project
2054 consistent with the requirements of this section. The division
2055 shall leverage funds to select projects that maximize the return
2056 to the state. The division must accept applications for at least
2057 3 months, and shall provide public notice of the application
2058 period. The division may allow multiple, nonoverlapping
2059 application periods in a fiscal year subject to the availability
2060 of funds. The division shall review and evaluate applications
2061 timely received during the application period to identify any
2062 competitive projects to recommend for approval as provided in

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2063 this section. The division may determine that no applications
2064 were submitted which meet the requirements of this section and
2065 maximize the return to the state.

2066 (4) The division, in its review and evaluation of
2067 applications, must consider the following criteria, which are
2068 listed in order of priority, with the highest priority given to
2069 paragraph (a):

2070 (a) The number of state residents who will be employed in
2071 full-time equivalent and part-time positions related to the
2072 project, the duration of such employment, and the average wages
2073 paid to such residents. Preference shall be given to a project
2074 that expects to pay higher than the statewide average wage.

2075 (b) The amount of qualified and nonqualified expenditures
2076 that will be made in this state.

2077 (c) Planned or executed contracts with production
2078 facilities or soundstages in this state and the percentage of
2079 principal photography or production activity that will occur at
2080 each location.

2081 (d) Planned preproduction and postproduction to occur in
2082 this state.

2083 (e) The amount of capital investment, especially fixed
2084 capital investment, to be made directly by the production
2085 company in this state related to the project and the amount of
2086 any other capital investment to be made in this state related to
2087 the project.

2088 (f) The duration of the project in this state.

2089 (g) The amount and duration of principal photography or
2090 production activity that will occur in an underutilized county.

2091 (h) The extent to which the production company will promote

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2092 Florida, including the production of marketing materials
2093 promoting this state as a tourist destination or a film and
2094 entertainment production destination; placement of state agency
2095 logos in the production and credits; authorized use of
2096 production assets, characters, and themes by this state;
2097 promotional videos for this state included on optical disc
2098 formats; and other marketing integration.

2099 (i) The employment of students enrolled full-time in an
2100 entertainment-related course of study at an institution of
2101 higher education in this state or of graduates from such an
2102 institution within 12 months after graduation.

2103 (j) Plans to work with entertainment industry-related
2104 courses of study at an institution of higher education in this
2105 state.

2106 (k) Local support and any local financial commitment for
2107 the project.

2108 (l) The project is about this state or shows this state in
2109 a positive light.

2110 (m) A review of the production company's past activities in
2111 this state or other states.

2112 (n) The length of time the production company has made
2113 productions in this state, the number of productions the
2114 production company has made in this state, and the production
2115 company's overall commitment to this state. This includes a
2116 production company that is based in this state.

2117 (o) Expected contributions to this state's economy,
2118 consistent with the state strategic economic development plan
2119 prepared by the department.

2120 (p) The expected effect of the award on the viability of

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2121 the project and the probability that the project would be
2122 undertaken in this state if funds are granted to the production
2123 company.

2124 (5) A production company must have financing in place for a
2125 project before it applies for funds under this section.

2126 (6) The department shall prescribe a form upon which an
2127 application must be made to the division. At a minimum, the
2128 application must include:

2129 (a) The applicant's federal employer identification number,
2130 reemployment assistance account number, and state sales tax
2131 registration number, as applicable. If such numbers are not
2132 available at the time of application, they must be submitted to
2133 the department in writing before the disbursement of any
2134 payments.

2135 (b) The signature of the applicant.

2136 (c) A detailed budget of planned qualified and nonqualified
2137 expenditures in this state.

2138 (d) The type and amount of capital investment that will be
2139 made in this state.

2140 (e) The locations in this state where the project will
2141 occur.

2142 (f) The anticipated commencement date and duration of the
2143 project.

2144 (g) The proposed number of state residents and nonstate
2145 residents who will be employed in full-time equivalent and part-
2146 time positions related to the project and wages paid to such
2147 persons.

2148 (h) The total number of full-time equivalent employees
2149 employed by the production company in this state, if applicable.

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- 2150 (i) Proof of financing for the project.
- 2151 (j) The amount of promotion of Florida which the production
2152 company will provide for the state.
- 2153 (k) An attestation verifying that the information provided
2154 on the application is true and accurate.
- 2155 (l) Any additional information requested by the department
2156 or division.
- 2157 (7) The division and department must make a recommendation
2158 to the Governor to approve or deny an award within 7 days after
2159 completion of the review and evaluation. An award of funds may
2160 constitute up to 30 percent of qualified expenditures in this
2161 state and may not fund wages paid to nonresidents. The division
2162 may recommend an award of funds that is less than 30 percent of
2163 qualified expenditures in this state. A production must start
2164 within 1 year after the date the project is approved by the
2165 Governor. The recommendation must include the performance
2166 conditions that the project must meet to obtain funds.
- 2167 (a) The Governor may approve projects without consulting
2168 the Legislature for projects requiring less than \$2 million in
2169 funding.
- 2170 (b) For projects requiring funding of at least \$2 million
2171 but not more than \$5 million, the Governor must provide a
2172 written description and evaluation of a project recommended for
2173 approval to the chair and vice chair of the Legislative Budget
2174 Commission at least 10 days before giving final approval for the
2175 project. The recommendation must include the performance
2176 conditions that the project must meet in order to obtain funds.
- 2177 (c) If the chair or vice chair of the Legislative Budget
2178 Commission, the President of the Senate, or the Speaker of the

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2179 House of Representatives timely advises the Executive Office of
2180 the Governor, in writing, that an action or a proposed action
2181 exceeds the delegated authority of the Executive Office of the
2182 Governor or is contrary to legislative policy or intent, the
2183 Executive Office of the Governor shall void the release of funds
2184 and instruct the department to immediately change such action or
2185 proposed action until the Legislative Budget Commission or the
2186 Legislature addresses the issue.

2187 (d) A project requiring more than \$5 million in funding
2188 must be approved by the Legislative Budget Commission before the
2189 funds are released.

2190 (8) Upon the approval of the Governor, the department and
2191 the production company shall enter into an agreement that
2192 specifies, at a minimum:

2193 (a) The total amount of funds awarded and the schedule of
2194 payment.

2195 (b) The performance conditions the production company must
2196 meet to obtain payment of moneys from the fund. Performance
2197 conditions must include the criteria considered in the review
2198 and evaluation of the application. Performance conditions must
2199 relate to activity that occurs in this state.

2200 (c) The methodology for validating performance and the date
2201 by which the production company must submit proof of performance
2202 to the department.

2203 (d) That the department may review and verify any records
2204 of the production company to ascertain whether that company is
2205 in compliance with this section and the agreement.

2206 (e) Sanctions for failure to meet performance conditions.

2207 (f) That payment of moneys from the fund is contingent upon

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2208 sufficient appropriation of funds by the Legislature.

2209 (9) The agreement must be finalized and signed by an
2210 authorized officer of the production company within 90 days
2211 after the Governor's approval. A production company that
2212 receives funds under this section may not receive benefits under
2213 s. 288.1258 for the same production.

2214 (10) The department shall validate contractor performance
2215 and report such validation in an annual report. Each November 1,
2216 the department and the division shall submit an annual report
2217 for the previous fiscal year to the Governor, the President of
2218 the Senate, and the Speaker of the House of Representatives
2219 which outlines the program's return on investment and economic
2220 benefits to the state. The report must also include an estimate
2221 of the full-time equivalent positions created by each production
2222 that received a grant under this section and information
2223 relating to the distribution of productions receiving credits by
2224 geographic region and type of production. In addition, the
2225 report must include the expenditures report required under s.
2226 288.915, the information describing the relationship between tax
2227 exemptions and incentives to industry growth required under s.
2228 288.1258(5), and program performance information required under
2229 this section.

2230 (11) The department may not approve awards in excess of the
2231 amount appropriated for a fiscal year. The department must
2232 maintain a schedule of funds to be paid from the appropriation
2233 for the fiscal year that begins on July 1. For the first 6
2234 months of each fiscal year, the department shall set aside 50
2235 percent of the amount appropriated for the fund by the
2236 Legislature. At the end of the 6-month period, these funds are

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2237 available to provide funding under this section for applications
2238 submitted on or after January 1. The department or division may
2239 not accept any applications or conditionally commit funds or
2240 grant priority to a production company if funds are not
2241 available in the current period.

2242 (12) A production company that submits fraudulent
2243 information under this section is liable for reimbursement of
2244 the reasonable costs and fees associated with the review,
2245 processing, investigation, and prosecution of the fraudulent
2246 claim. A production company that receives a payment under this
2247 section through a claim that is fraudulent is liable for
2248 reimbursement of the payment amount, plus a penalty in an amount
2249 double the payment amount. The penalty is in addition to any
2250 criminal penalty for which the production company is liable for
2251 the same acts. The production company is also liable for costs
2252 and fees incurred by the state in investigating and prosecuting
2253 the fraudulent claim.

2254 (13) The department or division may not waive any provision
2255 or provide an extension of time to meet any requirement of this
2256 section.

2257 (14) This section expires on July 1, 2026. An agreement in
2258 existence on that date shall continue in effect in accordance
2259 with its terms.

2260 Section 27. Section 288.1258, Florida Statutes, is amended
2261 to read:

2262 288.1258 Entertainment industry qualified production
2263 companies; application procedure; categories; duties of the
2264 Department of Revenue; records and reports.—

2265 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

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2266 (a) Any production company engaged in this state in the
2267 production of motion pictures, made-for-TV motion pictures,
2268 television series, commercial advertising, music videos, or
2269 sound recordings may submit an application for exemptions under
2270 ss. 212.031, 212.06, and 212.08 to the Department of Revenue to
2271 be approved by the Department of Economic Opportunity ~~Office of~~
2272 ~~Film and Entertainment~~ as a qualified production company for the
2273 purpose of receiving a sales and use tax certificate of
2274 exemption from the Department of Revenue to exempt purchases on
2275 or after the date that the completed application is filed with
2276 the Department of Revenue.

2277 (b) As used in ~~For the purposes of~~ this section, the term
2278 "qualified production company" means any production company that
2279 has submitted a properly completed application to the Department
2280 of Revenue and that is subsequently qualified by the Department
2281 of Economic Opportunity ~~Office of Film and Entertainment.~~

2282 (2) APPLICATION PROCEDURE.—

2283 (a) The Department of Revenue shall ~~will~~ review all
2284 submitted applications for the required information. Within 10
2285 working days after the receipt of a properly completed
2286 application, the Department of Revenue shall ~~will~~ forward the
2287 completed application to the Department of Economic Opportunity
2288 ~~Office of Film and Entertainment~~ for approval.

2289 (b)1. The Department of Economic Opportunity ~~Office of Film~~
2290 ~~and Entertainment~~ shall establish a process by which an
2291 entertainment industry production company may be approved by the
2292 department ~~office~~ as a qualified production company and may
2293 receive a certificate of exemption from the Department of
2294 Revenue for the sales and use tax exemptions under ss. 212.031,

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2295 212.06, and 212.08. A production company that receives a sales
2296 tax exemption certificate under this section for a production
2297 may not receive benefits under s. 288.1256 for the same
2298 production.

2299 2. Upon determination by the department ~~Office of Film and~~
2300 ~~Entertainment~~ that a production company meets the established
2301 approval criteria and qualifies for exemption, the department
2302 ~~Office of Film and Entertainment~~ shall return the approved
2303 application or application renewal or extension to the
2304 Department of Revenue, which shall issue a certificate of
2305 exemption.

2306 3. The department ~~Office of Film and Entertainment~~ shall
2307 deny an application or application for renewal or extension from
2308 a production company if it determines that the production
2309 company does not meet the established approval criteria.

2310 (c) The department ~~Office of Film and Entertainment~~ shall
2311 develop, with the cooperation of the Department of Revenue, the
2312 Division of Film and Entertainment within Enterprise Florida,
2313 Inc., and local government entertainment industry promotion
2314 agencies, a standardized application form for use in approving
2315 qualified production companies.

2316 1. The application form shall include, but not be limited
2317 to, production-related information on employment, proposed
2318 budgets, planned purchases of items exempted from sales and use
2319 taxes under ss. 212.031, 212.06, and 212.08, a signed
2320 affirmation from the applicant that any items purchased for
2321 which the applicant is seeking a tax exemption are intended for
2322 use exclusively as an integral part of entertainment industry
2323 preproduction, production, or postproduction activities engaged

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2324 in primarily in this state, and a signed affirmation from the
2325 department ~~Office of Film and Entertainment~~ that the information
2326 on the application form has been verified and is correct. In
2327 lieu of information on projected employment, proposed budgets,
2328 or planned purchases of exempted items, a production company
2329 seeking a 1-year certificate of exemption may submit summary
2330 historical data on employment, production budgets, and purchases
2331 of exempted items related to production activities in this
2332 state. Any information gathered from production companies for
2333 the purposes of this section shall be considered confidential
2334 taxpayer information and shall be disclosed only as provided in
2335 s. 213.053.

2336 2. The application form may be distributed to applicants by
2337 the department, the Division ~~Office~~ of Film and Entertainment,
2338 or local film commissions.

2339 (d) All applications, renewals, and extensions for
2340 designation as a qualified production company shall be processed
2341 by the department ~~Office of Film and Entertainment~~.

2342 (e) ~~If In the event that~~ the Department of Revenue
2343 determines that a production company no longer qualifies for a
2344 certificate of exemption, or has used a certificate of exemption
2345 for purposes other than those authorized by this section and
2346 chapter 212, the Department of Revenue shall revoke the
2347 certificate of exemption of that production company, and any
2348 sales or use taxes exempted on items purchased or leased by the
2349 production company during the time such company did not qualify
2350 for a certificate of exemption or improperly used a certificate
2351 of exemption shall become immediately due to the Department of
2352 Revenue, along with interest and penalty as provided by s.

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2353 212.12. In addition to the other penalties imposed by law, any
2354 person who knowingly and willfully falsifies an application, or
2355 uses a certificate of exemption for purposes other than those
2356 authorized by this section and chapter 212, commits a felony of
2357 the third degree, punishable as provided in ss. 775.082,
2358 775.083, and 775.084.

2359 (3) CATEGORIES.—

2360 (a)1. A production company may be qualified for designation
2361 as a qualified production company for a period of 1 year if the
2362 company has operated a business in Florida at a permanent
2363 address for a period of 12 consecutive months. Such a qualified
2364 production company shall receive a single 1-year certificate of
2365 exemption from the Department of Revenue for the sales and use
2366 tax exemptions under ss. 212.031, 212.06, and 212.08, which
2367 certificate shall expire 1 year after issuance or upon the
2368 cessation of business operations in the state, at which time the
2369 certificate shall be surrendered to the Department of Revenue.

2370 ~~2. The Office of Film and Entertainment shall develop a~~
2371 ~~method by which~~ A qualified production company may submit a new
2372 application for annually renew a 1-year certificate of exemption
2373 upon the expiration of that company's certificate of exemption;
2374 however, upon approval of the department, such qualified
2375 production company may annually renew the 1-year certificate of
2376 exemption for a period of up to 5 years without submitting
2377 ~~requiring the production company to resubmit~~ a new application
2378 during that 5-year period.

2379 3. Each year, or upon surrender of the certificate of
2380 exemption to the Department of Revenue, the ~~Any~~ qualified
2381 production company shall ~~may~~ submit to the department aggregate

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2382 data for production-related information on employment,
2383 expenditures in this state, capital investment, and purchases of
2384 items exempted from sales and use taxes under ss. 212.031,
2385 212.06, and 212.08 for inclusion in the annual report required
2386 under subsection (5) a new application for a 1-year certificate
2387 of exemption upon the expiration of that company's certificate
2388 of exemption.

2389 (b)1. A production company may be qualified for designation
2390 as a qualified production company for a period of 90 days. Such
2391 production company shall receive a single 90-day certificate of
2392 exemption from the Department of Revenue for the sales and use
2393 tax exemptions under ss. 212.031, 212.06, and 212.08, which
2394 certificate shall expire 90 days after issuance or upon the
2395 cessation of business operations in the state, at which time,
2396 with extensions contingent upon approval of the Office of Film
2397 and Entertainment, the certificate shall be surrendered to the
2398 Department of Revenue upon its expiration.

2399 2. A qualified production company may submit a new
2400 application for a 90-day certificate of exemption each quarter
2401 upon the expiration of that company's certificate of exemption;
2402 however, upon approval of the department, such qualified
2403 production company may renew the 90-day certificate of exemption
2404 for a period of up to 1 year without submitting a new
2405 application during that 1-year period.

2406 3.2. Each 90 days, or upon surrender of the certificate of
2407 exemption to the Department of Revenue, the qualified Any
2408 production company shall may submit to the department aggregate
2409 data for production-related information on employment,
2410 expenditures in this state, capital investment, and purchases of

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2411 items exempted from sales and use taxes under ss. 212.031,
2412 212.06, and 212.08 for inclusion in the annual report required
2413 under subsection (5) a new application for a 90-day certificate
2414 of exemption upon the expiration of that company's certificate
2415 of exemption.

2416 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

2417 (a) The Department of Revenue shall review the initial
2418 application and notify the applicant of any omissions and
2419 request additional information if needed. An application shall
2420 be complete upon receipt of all requested information. The
2421 Department of Revenue shall forward all complete applications to
2422 the department ~~Office of Film and Entertainment~~ within 10
2423 working days.

2424 (b) The Department of Revenue shall issue a numbered
2425 certificate of exemption to a qualified production company
2426 within 5 working days of the receipt of an approved application,
2427 application renewal, or application extension from the
2428 department ~~Office of Film and Entertainment~~.

2429 (c) The Department of Revenue may adopt ~~promulgate~~ such
2430 rules and shall prescribe and publish such forms as may be
2431 necessary to effectuate the purposes of this section or any of
2432 the sales tax exemptions which are reasonably related to the
2433 provisions of this section.

2434 (d) The Department of Revenue is authorized to establish
2435 audit procedures in accordance with the provisions of ss.
2436 212.12, 212.13, and 213.34 which relate to the sales tax
2437 exemption provisions of this section.

2438 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
2439 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department

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2440 ~~Office of Film and Entertainment~~ shall keep annual records from
 2441 the information provided on taxpayer applications for tax
 2442 exemption certificates and regularly reported as required in
 2443 this section beginning January 1, 2001. These records also must
 2444 reflect a ratio of the annual amount of sales and use tax
 2445 exemptions under this section, plus the funds granted incentives
 2446 awarded pursuant to s. 288.1256 ~~s. 288.1254~~ to the estimated
 2447 amount of funds expended by certified productions. In addition,
 2448 the department ~~office~~ shall maintain data showing annual growth
 2449 in Florida-based entertainment industry companies and
 2450 entertainment industry employment and wages. The employment
 2451 information must include ~~an estimate of~~ the full-time equivalent
 2452 positions created by each production that received funds tax
 2453 credits pursuant to s. 288.1256 ~~s. 288.1254~~. The department
 2454 ~~Office of Film and Entertainment~~ shall include this information
 2455 in the annual report for the entertainment industry ~~financial~~
 2456 ~~incentive~~ program required under s. 288.1256(10) ~~s.~~
 2457 ~~288.1254(10)~~.

2458 Section 28. Paragraph (b) of subsection (5) of section
 2459 288.901, Florida Statutes, is amended to read:

2460 288.901 Enterprise Florida, Inc.—

2461 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

2462 (b) In making their appointments, the Governor, the
 2463 President of the Senate, and the Speaker of the House of
 2464 Representatives shall ensure that the composition of the board
 2465 of directors reflects the diversity of Florida's business
 2466 community and is representative of the economic development
 2467 goals in subsection (2). The board must include at least one
 2468 director for each of the following areas of expertise:

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2469 international business, tourism marketing, the space or
2470 aerospace industry, managing or financing a minority-owned
2471 business, manufacturing, and finance and accounting,~~and sports~~
2472 ~~marketing.~~

2473 Section 29. Subsection (1) of section 288.9015, Florida
2474 Statutes, is amended to read:

2475 288.9015 Powers of Enterprise Florida, Inc.; board of
2476 directors.—

2477 (1) Enterprise Florida, Inc., shall integrate its efforts
2478 in business recruitment and expansion, job creation, marketing
2479 the state for tourism ~~and sports~~, and promoting economic
2480 opportunities for minority-owned businesses and promoting
2481 economic opportunities for rural and distressed urban
2482 communities with those of the department, to create an
2483 aggressive, agile, and collaborative effort to reinvigorate the
2484 state's economy.

2485 Section 30. Paragraph (c) of subsection (1), paragraph (d)
2486 of subsection (2), and subsection (3) of section 288.907,
2487 Florida Statutes, are amended to read:

2488 288.907 Annual incentives report.—By December 30 of each
2489 year, Enterprise Florida, Inc., in conjunction with the
2490 department, shall provide the Governor, the President of the
2491 Senate, and the Speaker of the House of Representatives a
2492 detailed incentives report quantifying the economic benefits for
2493 all of the economic development incentive programs marketed by
2494 Enterprise Florida, Inc. The annual incentives report must
2495 include:

2496 (1) For each incentive program:

2497 (c) The actual amount of private capital invested, the

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2498 actual number of jobs created, the actual number of jobs created
2499 which provide health benefits for the employee, the actual
2500 number of jobs retained, the actual number of jobs retained
2501 which provide health benefits for the employee, and actual wages
2502 paid for incentive agreements completed during the previous 3
2503 years for each target industry sector.

2504 (2) For projects completed during the previous state fiscal
2505 year:

2506 (d) The projects for which a tax refund, tax credit, or
2507 cash grant agreement was executed, identifying for each project:

2508 1. The number of jobs committed to be created and the
2509 number of those jobs that will provide health benefits for the
2510 employee.

2511 2. The number of jobs committed to be retained and the
2512 number of those jobs that will provide health benefits for the
2513 employee.

2514 ~~3.2.~~ The amount of capital investments committed to be
2515 made.

2516 ~~4.3.~~ The annual average wage committed to be paid.

2517 ~~5.4.~~ The amount of state economic development incentives
2518 committed to the project from each incentive program under the
2519 project's terms of agreement with the Department of Economic
2520 Opportunity.

2521 ~~6.5.~~ The amount and type of local matching funds committed
2522 to the project.

2523 (3) For economic development projects that received tax
2524 refunds, tax credits, or cash grants under the terms of an
2525 agreement for incentives:

2526 (a) The number of jobs actually created and the number of

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2527 those jobs that provided health benefits for the employee.

2528 (b) The number of jobs actually retained and the number of
 2529 those jobs that provided health benefits for the employee.

2530 (c)~~(b)~~ The amount of capital investments actually made.

2531 (d)~~(e)~~ The annual average wage paid.

2532 Section 31. Subsection (1) of section 288.92, Florida
 2533 Statutes, is amended to read:

2534 288.92 Divisions of Enterprise Florida, Inc.—

2535 (1) Enterprise Florida, Inc., may create and dissolve
 2536 divisions as necessary to carry out its mission. Each division
 2537 shall have distinct responsibilities and complementary missions.
 2538 At a minimum, Enterprise Florida, Inc., shall have divisions
 2539 related to the following areas:

2540 (a) International Trade and Business Development;

2541 (b) Business Retention and Recruitment;

2542 (c) Tourism Marketing;

2543 (d) Minority Business Development; and

2544 (e) Film and Entertainment ~~Sports Industry Development.~~

2545 Section 32. Paragraph (c) of subsection (3) and subsection
 2546 (4) of section 288.980, Florida Statutes, are amended to read:

2547 288.980 Military base retention; legislative intent; grants
 2548 program.—

2549 (3)

2550 (c) The department shall require that an applicant:

2551 1. Represent a local government with a military
 2552 installation or military installations that could be adversely
 2553 affected by federal actions.

2554 2. ~~Agree to match at least 30 percent of any grant awarded.~~

2555 3. Prepare a coordinated program or plan of action

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2556 delineating how the eligible project will be administered and
2557 accomplished.

2558 ~~3.4.~~ Provide documentation describing the potential for
2559 changes to the mission of a military installation located in the
2560 applicant's community and the potential impacts such changes
2561 will have on the applicant's community.

2562 (4) The Florida Defense Reinvestment Grant Program is
2563 established to respond to the need for this state to work in
2564 conjunction with defense-dependent communities in developing and
2565 implementing strategies and approaches that will help
2566 communities support the missions of military installations, and
2567 in developing and implementing alternative economic
2568 diversification strategies to transition from a defense economy
2569 to a nondefense economy. The department shall administer the
2570 program.

2571 (a) Eligible applicants include defense-dependent counties
2572 and cities, and local economic development councils located
2573 within such communities. ~~The program shall be administered by~~
2574 ~~the department and~~ Grant awards may be provided to support
2575 community-based activities that:

2576 1.(a) Protect existing military installations;

2577 2.(b) Diversify or grow the economy of a defense-dependent
2578 community; or

2579 3.(c) Develop plans for the reuse of closed or realigned
2580 military installations, including any plans necessary for
2581 infrastructure improvements needed to facilitate reuse and
2582 related marketing activities.

2583 (b) Applications for grants under paragraph (a) ~~this~~
2584 ~~subsection~~ must include a coordinated program of work or plan of

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2585 action delineating how the eligible project will be administered
2586 and accomplished, which must include a plan for ensuring close
2587 cooperation between civilian and military authorities in the
2588 conduct of the funded activities and a plan for public
2589 involvement. An applicant must agree to match at least 30
2590 percent of any grant awarded.

2591 Section 33. Effective July 1, 2016, paragraph (a) of
2592 subsection (6), paragraph (b) of subsection (9), paragraph (a)
2593 of subsection (35), subsection (60), and paragraph (b) of
2594 subsection (64) of section 320.08058, Florida Statutes, are
2595 amended to read:

2596 320.08058 Specialty license plates.—

2597 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
2598 PLATES.—

2599 (a) Because the United States Olympic Committee has
2600 selected this state to participate in a combined fundraising
2601 program that provides for one-half of all money raised through
2602 volunteer giving to stay in this state and be administered by
2603 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ to
2604 support amateur sports, and because the United States Olympic
2605 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~
2606 ~~Inc.,~~ are nonprofit organizations dedicated to providing
2607 athletes with support and training and preparing athletes of all
2608 ages and skill levels for sports competition, and because the
2609 Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ assists in
2610 the bidding for sports competitions that provide significant
2611 impact to the economy of this state, and the Legislature
2612 supports the efforts of the United States Olympic Committee and
2613 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ the

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2614 Legislature establishes a Florida United States Olympic
2615 Committee license plate for the purpose of providing a
2616 continuous funding source to support this worthwhile effort.
2617 Florida United States Olympic Committee license plates must
2618 contain the official United States Olympic Committee logo and
2619 must bear a design and colors that are approved by the
2620 department. The word "Florida" must be centered at the top of
2621 the plate.

2622 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

2623 (b) The license plate annual use fees are to be annually
2624 distributed as follows:

2625 1. Fifty-five percent of the proceeds from the Florida
2626 Professional Sports Team plate must be deposited into the
2627 Professional Sports Development Trust Fund within the Department
2628 of Economic Opportunity. These funds must be used solely to
2629 attract and support major sports events in this state. As used
2630 in this subparagraph, the term "major sports events" means, but
2631 is not limited to, championship or all-star contests of Major
2632 League Baseball, the National Basketball Association, the
2633 National Football League, the National Hockey League, Major
2634 League Soccer, the men's and women's National Collegiate
2635 Athletic Association championships ~~Final Four basketball~~
2636 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All
2637 funds must be used to support and promote major sporting events,
2638 and the uses must be approved by the Department of Economic
2639 Opportunity.

2640 2. The remaining proceeds of the Florida Professional
2641 Sports Team license plate must be allocated to the Florida
2642 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be

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2643 deposited into the Professional Sports Development Trust Fund
2644 within the Department of Economic Opportunity. These funds must
2645 be used by the Florida Sports Foundation ~~Enterprise Florida,~~
2646 ~~Inc.,~~ to promote the economic development of the sports
2647 industry; to distribute licensing and royalty fees to
2648 participating professional sports teams; ~~to promote education~~
2649 ~~programs in Florida schools that provide an awareness of the~~
2650 ~~benefits of physical activity and nutrition standards; to~~
2651 ~~partner with the Department of Education and the Department of~~
2652 ~~Health to develop a program that recognizes schools whose~~
2653 ~~students demonstrate excellent physical fitness or fitness~~
2654 ~~improvement;~~ to institute a grant program for communities
2655 bidding on minor sporting events that create an economic impact
2656 for the state; to distribute funds to Florida-based charities
2657 designated by the Florida Sports Foundation ~~Enterprise Florida,~~
2658 ~~Inc.,~~ and the participating professional sports teams; and to
2659 fulfill the sports promotion responsibilities of the Department
2660 of Economic Opportunity.

2661 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~
2662 shall provide an annual financial audit in accordance with s.
2663 215.981 of its financial accounts and records by an independent
2664 certified public accountant pursuant to the contract established
2665 by the Department of Economic Opportunity as specified in s.
2666 288.1229(5). The auditor shall submit the audit report to the
2667 Department of Economic Opportunity for review and approval. If
2668 the audit report is approved, the Department of Economic
2669 Opportunity shall certify the audit report to the Auditor
2670 General for review.

2671 4. Notwithstanding the provisions of subparagraphs 1. and

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2672 2., proceeds from the Professional Sports Development Trust Fund
2673 may also be used for operational expenses of the Florida Sports
2674 Foundation ~~Enterprise Florida, Inc.~~, and financial support of
2675 the Sunshine State Games and Florida Senior Games.

2676 (35) FLORIDA GOLF LICENSE PLATES.—

2677 (a) The Department of Highway Safety and Motor Vehicles
2678 shall develop a Florida Golf license plate as provided in this
2679 section. The word "Florida" must appear at the bottom of the
2680 plate. The Dade Amateur Golf Association, following consultation
2681 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~
2682 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a
2683 revised sample plate for consideration by the department.

2684 (60) FLORIDA NASCAR LICENSE PLATES.—

2685 (a) The department shall develop a Florida NASCAR license
2686 plate as provided in this section. Florida NASCAR license plates
2687 must bear the colors and design approved by the department. The
2688 word "Florida" must appear at the top of the plate, and the term
2689 "NASCAR" must appear at the bottom of the plate. The National
2690 Association for Stock Car Auto Racing, following consultation
2691 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may
2692 submit a sample plate for consideration by the department.

2693 (b) The license plate annual use fees shall be distributed
2694 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
2695 license plate annual use fees shall be annually allocated as
2696 follows:

2697 1. Up to 5 percent of the proceeds from the annual use fees
2698 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
2699 ~~Inc.~~ for the administration of the NASCAR license plate
2700 program.

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2701 2. The National Association for Stock Car Auto Racing shall
 2702 receive up to \$60,000 in proceeds from the annual use fees to be
 2703 used to pay startup costs, including costs incurred in
 2704 developing and issuing the plates. Thereafter, 10 percent of the
 2705 proceeds from the annual use fees shall be provided to the
 2706 association for the royalty rights for the use of its marks.

2707 3. The remaining proceeds from the annual use fees shall be
 2708 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~
 2709 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~
 2710 will retain 15 percent to support its regional grant program,
 2711 attracting sporting events to Florida; 20 percent to support the
 2712 marketing of motorsports-related tourism in the state; and 50
 2713 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)
 2714 charitable organization, to support Florida-based charitable
 2715 organizations.

2716 (c) The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~
 2717 shall provide an annual financial audit in accordance with s.
 2718 215.981 of its financial accounts and records by an independent
 2719 certified public accountant pursuant to the contract established
 2720 by the Department of Economic Opportunity as specified in s.
 2721 288.1229(5). The auditor shall submit the audit report to the
 2722 Department of Economic Opportunity for review and approval. If
 2723 the audit report is approved, the Department of Economic
 2724 Opportunity shall certify the audit report to the Auditor
 2725 General for review.

2726 (64) FLORIDA TENNIS LICENSE PLATES.—

2727 (b) The department shall distribute the annual use fees to
 2728 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
 2729 license plate annual use fees shall be annually allocated as

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2730 follows:

2731 1. Up to 5 percent of the proceeds from the annual use fees
2732 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
2733 ~~Inc.~~, to administer the license plate program.

2734 2. The United States Tennis Association Florida Section
2735 Foundation shall receive the first \$60,000 in proceeds from the
2736 annual use fees to reimburse it for startup costs,
2737 administrative costs, and other costs it incurs in the
2738 development and approval process.

2739 3. Up to 5 percent of the proceeds from the annual use fees
2740 may be used for promoting and marketing the license plates. The
2741 remaining proceeds shall be available for grants by the United
2742 States Tennis Association Florida Section Foundation to
2743 nonprofit organizations to operate youth tennis programs and
2744 adaptive tennis programs for special populations of all ages,
2745 and for building, renovating, and maintaining public tennis
2746 courts.

2747 Section 34. Subsection (5) of section 477.0135, Florida
2748 Statutes, is amended to read:

2749 477.0135 Exemptions.—

2750 (5) A license is not required of any individual providing
2751 makeup, special effects, or cosmetology services to an actor,
2752 stunt person, musician, extra, or other talent during a
2753 production recognized by the Department of Economic Opportunity
2754 ~~Office of Film and Entertainment~~ as a project qualified
2755 ~~production~~ as defined in s. 288.1256 ~~s. 288.1254(1)~~. Such
2756 services are not required to be performed in a licensed salon.
2757 Individuals exempt under this subsection may not provide such
2758 services to the general public.

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2759 Section 35. Except as otherwise expressly provided in this
2760 act, this act shall take effect upon becoming a law.