

1 A bill to be entitled

2 An act relating to economic development; amending s.
3 163.3175, F.S.; providing that certain representatives
4 of military installations are not required to file a
5 statement of financial interest; amending s. 163.3180,
6 F.S.; prohibiting a local government from applying
7 transportation concurrency within its jurisdiction
8 under certain conditions; providing applicability;
9 providing for expiration of the prohibition; amending
10 s. 163.31801, F.S.; prohibiting a county,
11 municipality, or special district from applying
12 certain impact fees or other fees within its
13 jurisdiction under certain conditions; providing
14 applicability; amending s. 189.033, F.S.; conforming a
15 cross-reference; amending s. 196.012, F.S.; conforming
16 provisions to changes made by the act; amending s.
17 212.20, F.S.; conforming provisions to the repeal by
18 the act of s. 288.1169, F.S.; amending s. 220.191,
19 F.S.; revising the definition of the term "cumulative
20 capital investment" for purposes of the capital
21 investment tax credit; amending s. 220.196, F.S.;
22 conforming a cross-reference; amending s. 288.0001,
23 F.S.; revising required elements of specified analyses
24 prepared by the Office of Economic and Demographic
25 Research and the Office of Program Policy Analysis and
26 Government Accountability; conforming provisions;

27 | amending s. 288.005, F.S.; revising and providing
28 | definitions; providing for expiration of the
29 | prohibition; amending s. 288.061, F.S.; requiring the
30 | Department of Economic Opportunity to prescribe the
31 | format for certain economic incentive applications;
32 | providing required elements of the applications;
33 | revising evaluation and contract requirements of the
34 | economic development incentive application process;
35 | revising a definition; providing and revising
36 | responsibilities of the department; amending s.
37 | 288.076, F.S.; revising definitions; creating s.
38 | 288.103, F.S.; providing requirements for economic
39 | development program incentive contracts with respect
40 | to a minimum residency period; providing
41 | applicability; amending s. 288.1045, F.S.; revising
42 | definitions; revising the application process for the
43 | qualified defense contractor and space flight business
44 | tax refund program; revising tax refund requirements;
45 | revising the expiration date of the program; amending
46 | s. 288.106, F.S.; revising definitions; revising the
47 | application process for the tax refund program for
48 | qualified target industry businesses; revising tax
49 | refund requirements; removing provisions regarding
50 | economic recovery extensions of certain tax refund
51 | agreements; specifying that certain taxes paid serve
52 | as a limitation on the amount of incentive payments a

53 business may receive; amending s. 288.108, F.S.;

54 revising and providing definitions; revising

55 application requirements and requiring the Department

56 of Economic Opportunity to certify high-impact

57 business grant applications; providing duties of the

58 Governor and the department; amending s. 288.1088,

59 F.S.; revising provisions relating to the Quick Action

60 Closing Fund; redesignating the fund as the Florida

61 Enterprise Fund; revising project eligibility

62 requirements; providing limitations on, and

63 authorizing waivers from, local financial support

64 requirements; revising contract requirements for

65 certain projects; revising approval requirements for

66 amendments or modifications of contract requirements

67 for such projects; revising duties of the Governor;

68 providing for the carryforward and subsequent release

69 of specified funds; amending s. 288.1089, F.S.;

70 revising definitions; revising application

71 requirements for the Innovation Incentive Program;

72 authorizing the department to waive certain wage

73 requirements for projects in a rural area of

74 opportunity or certified enterprise zone; revising

75 duties of the Governor and the department; revising

76 approval requirements for amendments or modifications

77 of contract requirements for such projects; amending

78 s. 288.11621, F.S.; conforming a provision to changes

79 | made by the act; repealing s. 288.1169, F.S., relating
80 | to state agency funding of the International Game Fish
81 | Association World Center facility; reviving,
82 | reenacting, and amending s. 288.1229, F.S., relating
83 | to the promotion and development of sports-related
84 | industries and amateur athletics; requiring the
85 | Department of Economic Opportunity to establish the
86 | Florida Sports Foundation for certain purposes;
87 | providing duties of the foundation; amending s.
88 | 288.901, F.S.; revising the purpose and duties of
89 | Enterprise Florida, Inc., with respect to fostering
90 | and encouraging high-technology startup and second-
91 | state business development; revising membership
92 | requirements for the board of directors of Enterprise
93 | Florida, Inc.; amending s. 288.9015, F.S.; revising
94 | the powers of Enterprise Florida, Inc., to conform to
95 | changes made by the act; creating s. 288.913, F.S.;
96 | creating the Innovation Florida Initiative; providing
97 | legislative findings; providing definitions; requiring
98 | the department to develop a statewide strategic plan
99 | for high-technology startup and second-stage business
100 | growth and development; providing requirements for the
101 | plan; providing marketing requirements; providing
102 | reporting requirements; amending s. 288.92, F.S.;
103 | revising the required divisions within Enterprise
104 | Florida, Inc., to conform; amending s. 288.9604, F.S.;

105 providing for ratification of certain actions taken by
 106 the board of directors of the Florida Development
 107 Finance Corporation; providing requirements for
 108 meetings of the board of directors; amending s.
 109 288.9605, F.S.; providing additional powers of the
 110 corporation; amending s. 288.980, F.S.; revising
 111 requirements for Military Base Protection Program
 112 grant applicants; making technical changes; amending
 113 s. 288.9937, F.S.; requiring the Office of Program
 114 Policy Analysis and Government Accountability to
 115 evaluate the Microfinance Loan Program; providing
 116 requirements for the evaluation; revising reporting
 117 requirements; amending ss. 288.11625 and 288.11631,
 118 F.S.; conforming cross-references; amending s.
 119 320.08058, F.S.; revising uses of the proceeds of the
 120 Florida Professional Sports Team license plate;
 121 conforming provisions; reenacting s. 159.803(11),
 122 F.S., relating to definitions applicable to the
 123 Florida Private Activity Bond Allocation Act, to
 124 incorporate the amendment made by the act to s.
 125 288.106, F.S., in a reference thereto; providing an
 126 effective date.

127
 128 Be It Enacted by the Legislature of the State of Florida:

129
 130 Section 1. Subsection (7) of section 163.3175, Florida

131 Statutes, is amended to read:

132 163.3175 Legislative findings on compatibility of
 133 development with military installations; exchange of information
 134 between local governments and military installations.—

135 (7) To facilitate the exchange of information provided for
 136 in this section, a representative of a military installation
 137 acting on behalf of all military installations within that
 138 jurisdiction shall serve ~~be included as an~~ ex officio as a
 139 nonvoting member of the county's or affected local government's
 140 land planning or zoning board. The representative is not
 141 required to file a statement of financial interest pursuant to
 142 s. 112.3145 solely due to his or her service on the county's or
 143 affected local government's land planning or zoning board.

144 Section 2. Subsection (7) is added to section 163.3180,
 145 Florida Statutes, to read:

146 163.3180 Concurrency.—

147 (7) (a) Notwithstanding any other provision of law,
 148 ordinance, or resolution, a local government may not apply
 149 transportation concurrency within its jurisdiction and may not
 150 require a proportionate-share contribution or construction for a
 151 new business development before July 1, 2019, unless authorized
 152 by the affirmative majority vote of the local government's
 153 governing authority. This paragraph does not apply to:

154 1. Proportionate-share contribution or construction
 155 assessed on an existing development before July 1, 2016.

156 2. A new business development that is larger than 6,000

157 square feet.

158 3. A new business development that includes a business
159 employing more than 12 full-time employees.

160 (b) To maintain the exemption from transportation
161 concurrency and proportionate-share contribution or construction
162 pursuant to paragraph (a), a new business development must
163 receive a certificate of occupancy on or before July 1, 2020. If
164 the certificate of occupancy is not received by July 1, 2020,
165 the local government may apply transportation concurrency and
166 require the appropriate proportionate-share contribution or
167 construction for the business development that would have been
168 applied except for this subsection. Any outstanding obligation
169 related to the proportionate-share contribution or construction
170 runs with the land and is enforceable against any person
171 claiming a fee interest in the land subject to that obligation.

172 (c) This subsection does not apply if it results in a
173 reduction of previously pledged revenue of a local government
174 authority for outstanding bonds or notes or to a local
175 government with a mobility fee-based funding system in place on
176 or before January 1, 2016.

177 (d) Upon written notification to the local government, a
178 developer may elect to have the local government apply
179 transportation concurrency and proportionate-share contribution
180 or construction to a business development.

181 (e) This subsection expires July 1, 2020.

182 Section 3. Subsection (6) is added to section 163.31801,

183 Florida Statutes, to read:

184 163.31801 Impact fees; short title; intent; definitions;
185 ordinances levying impact fees.—

186 (6) (a) Notwithstanding any other provision of law,
187 ordinance, or resolution, a county, municipality, or special
188 district may not impose any new or existing impact fee or any
189 new or existing fee associated with the mitigation of
190 transportation impacts on new business development before July
191 1, 2019, unless authorized by the affirmative majority vote of
192 the governing authority of the county, municipality, or special
193 district. This paragraph does not apply to:

194 1. An impact fee or fee associated with the mitigation of
195 transportation impacts previously enacted by law, ordinance, or
196 resolution assessed on an existing business development before
197 July 1, 2016.

198 2. A new business development larger than 6,000 square
199 feet.

200 3. A new business development that includes a business
201 employing more than 12 full-time employees.

202 (b) Any governing authority of a local government imposing
203 an impact fee in existence on July 1, 2016, must reauthorize the
204 imposition of the fee pursuant to this subsection.

205 (c) To maintain the exemption from impact fees and fees
206 associated with the mitigation of transportation impacts
207 pursuant to paragraph (a), a new business development must
208 receive a certificate of occupancy on or before July 1, 2020. If

209 the certificate of occupancy is not received by July 1, 2020,
210 the county, municipality, or special district may impose the
211 appropriate impact fees and fees associated with the mitigation
212 of transportation impacts on the development that would have
213 been applied except for this subsection. Any outstanding
214 obligation related to impact fees, and fees associated with the
215 mitigation of transportation impacts on the development, runs
216 with the land and is enforceable against any person claiming a
217 fee interest in the land subject to that obligation.

218 (d) This subsection does not apply if it results in a
219 reduction of previously pledged revenue of a local government
220 authority for currently outstanding bonds or notes or to a local
221 government with a mobility fee-based funding system in place on
222 or before January 1, 2016.

223 (e) Upon notification to the county, municipality, or
224 special district, a developer may elect to have impact fees and
225 fees associated with the mitigation of transportation impacts
226 imposed on a development.

227 (f) This subsection expires July 1, 2020.

228 Section 4. Section 189.033, Florida Statutes, is amended
229 to read:

230 189.033 Independent special district services in
231 disproportionally affected county; rate reduction for providers
232 providing economic benefits.—If the governing body of an
233 independent special district that provides water, wastewater,
234 and sanitation services in a disproportionally affected county,

235 as provided ~~defined~~ in s. 220.191(1)(g)1. ~~288.106(8)~~, determines
 236 that a new user or the expansion of an existing user of one or
 237 more of its utility systems will provide a significant benefit
 238 to the community in terms of increased job opportunities,
 239 economies of scale, or economic development in the area, the
 240 governing body may authorize a reduction of its rates, fees, or
 241 charges for that user for a specified period of time. A
 242 governing body that exercises this power must do so by
 243 resolution that states the anticipated economic benefit
 244 justifying the reduction as well as the period of time that the
 245 reduction will remain in place.

246 Section 5. Paragraph (a) of subsection (14) of section
 247 196.012, Florida Statutes, is amended to read:

248 196.012 Definitions.—For the purpose of this chapter, the
 249 following terms are defined as follows, except where the context
 250 clearly indicates otherwise:

251 (14) "New business" means:

252 (a)1. A business or organization establishing 10 or more
 253 new jobs to employ 10 or more full-time employees in this state
 254 which pays, ~~paying~~ an average wage for such new jobs which that
 255 is above the average wage in the area and, ~~which~~ principally
 256 engages in any one or more of the following operations:

257 a. Manufactures, processes, compounds, fabricates, or
 258 produces for sale items of tangible personal property at a fixed
 259 location and which comprises an industrial or manufacturing
 260 plant; or

261 b. Is a target industry business as defined in s.

262 288.106(2) ~~288.106(2)(g)~~;

263 2. A business or organization establishing 25 or more new
 264 jobs to employ 25 or more full-time employees in this state, the
 265 sales factor of which, as defined by s. 220.15(5), for the
 266 facility with respect to which it requests an economic
 267 development ad valorem tax exemption is less than 0.50 for each
 268 year the exemption is claimed; or

269 3. An office space in this state owned and used by a
 270 business or organization newly domiciled in this state if
 271 ~~provided~~ such office space houses 50 or more full-time employees
 272 of such business or organization and; ~~provided that such~~
 273 ~~business or organization office~~ first begins operation on a site
 274 clearly separate from any other commercial or industrial
 275 operation owned by the same business or organization.

276 Section 6. Paragraph (d) of subsection (6) of section
 277 212.20, Florida Statutes, is amended to read:

278 212.20 Funds collected, disposition; additional powers of
 279 department; operational expense; refund of taxes adjudicated
 280 unconstitutionally collected.—

281 (6) Distribution of all proceeds under this chapter and
 282 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

283 (d) The proceeds of all other taxes and fees imposed
 284 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 285 and (2)(b) shall be distributed as follows:

286 1. In any fiscal year, the greater of \$500 million, minus

287 an amount equal to 4.6 percent of the proceeds of the taxes
288 collected pursuant to chapter 201, or 5.2 percent of all other
289 taxes and fees imposed pursuant to this chapter or remitted
290 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
291 monthly installments into the General Revenue Fund.

292 2. After the distribution under subparagraph 1., 8.9744
293 percent of the amount remitted by a sales tax dealer located
294 within a participating county pursuant to s. 218.61 shall be
295 transferred into the Local Government Half-cent Sales Tax
296 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
297 transferred shall be reduced by 0.1 percent, and the department
298 shall distribute this amount to the Public Employees Relations
299 Commission Trust Fund less \$5,000 each month, which shall be
300 added to the amount calculated in subparagraph 3. and
301 distributed accordingly.

302 3. After the distribution under subparagraphs 1. and 2.,
303 0.0966 percent shall be transferred to the Local Government
304 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
305 to s. 218.65.

306 4. After the distributions under subparagraphs 1., 2., and
307 3., 2.0810 percent of the available proceeds shall be
308 transferred monthly to the Revenue Sharing Trust Fund for
309 Counties pursuant to s. 218.215.

310 5. After the distributions under subparagraphs 1., 2., and
311 3., 1.3653 percent of the available proceeds shall be
312 transferred monthly to the Revenue Sharing Trust Fund for

313 Municipalities pursuant to s. 218.215. If the total revenue to
 314 be distributed pursuant to this subparagraph is at least as
 315 great as the amount due from the Revenue Sharing Trust Fund for
 316 Municipalities and the former Municipal Financial Assistance
 317 Trust Fund in state fiscal year 1999-2000, no municipality shall
 318 receive less than the amount due from the Revenue Sharing Trust
 319 Fund for Municipalities and the former Municipal Financial
 320 Assistance Trust Fund in state fiscal year 1999-2000. If the
 321 total proceeds to be distributed are less than the amount
 322 received in combination from the Revenue Sharing Trust Fund for
 323 Municipalities and the former Municipal Financial Assistance
 324 Trust Fund in state fiscal year 1999-2000, each municipality
 325 shall receive an amount proportionate to the amount it was due
 326 in state fiscal year 1999-2000.

327 6. Of the remaining proceeds:

328 a. In each fiscal year, the sum of \$29,915,500 shall be
 329 divided into as many equal parts as there are counties in the
 330 state, and one part shall be distributed to each county. The
 331 distribution among the several counties must begin each fiscal
 332 year on or before January 5th and continue monthly for a total
 333 of 4 months. If a local or special law required that any moneys
 334 accruing to a county in fiscal year 1999-2000 under the then-
 335 existing provisions of s. 550.135 be paid directly to the
 336 district school board, special district, or a municipal
 337 government, such payment must continue until the local or
 338 special law is amended or repealed. The state covenants with

339 holders of bonds or other instruments of indebtedness issued by
340 local governments, special districts, or district school boards
341 before July 1, 2000, that it is not the intent of this
342 subparagraph to adversely affect the rights of those holders or
343 relieve local governments, special districts, or district school
344 boards of the duty to meet their obligations as a result of
345 previous pledges or assignments or trusts entered into which
346 obligated funds received from the distribution to county
347 governments under then-existing s. 550.135. This distribution
348 specifically is in lieu of funds distributed under s. 550.135
349 before July 1, 2000.

350 b. The department shall distribute \$166,667 monthly to
351 each applicant certified as a facility for a new or retained
352 professional sports franchise pursuant to s. 288.1162. Up to
353 \$41,667 shall be distributed monthly by the department to each
354 certified applicant as defined in s. 288.11621 for a facility
355 for a spring training franchise. However, not more than \$416,670
356 may be distributed monthly in the aggregate to all certified
357 applicants for facilities for spring training franchises.
358 Distributions begin 60 days after such certification and
359 continue for not more than 30 years, except as otherwise
360 provided in s. 288.11621. A certified applicant identified in
361 this sub-subparagraph may not receive more in distributions than
362 expended by the applicant for the public purposes provided in s.
363 288.1162(5) or s. 288.11621(3).

364 c. Beginning 30 days after notice by the Department of

365 Economic Opportunity to the Department of Revenue that an
366 applicant has been certified as the professional golf hall of
367 fame pursuant to s. 288.1168 and is open to the public, \$166,667
368 shall be distributed monthly, for up to 300 months, to the
369 applicant.

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

379 d.e. The department shall distribute up to \$83,333 monthly
380 to each certified applicant as defined in s. 288.11631 for a
381 facility used by a single spring training franchise, or up to
382 \$166,667 monthly to each certified applicant as defined in s.
383 288.11631 for a facility used by more than one spring training
384 franchise. Monthly distributions begin 60 days after such
385 certification or July 1, 2016, whichever is later, and continue
386 for not more than 20 years to each certified applicant as
387 defined in s. 288.11631 for a facility used by a single spring
388 training franchise or not more than 25 years to each certified
389 applicant as defined in s. 288.11631 for a facility used by more
390 than one spring training franchise. A certified applicant

391 identified in this sub-subparagraph may not receive more in
392 distributions than expended by the applicant for the public
393 purposes provided in s. 288.11631(3).

394 ~~e.f.~~ Beginning 45 days after notice by the Department of
395 Economic Opportunity to the Department of Revenue that an
396 applicant has been approved by the Legislature and certified by
397 the Department of Economic Opportunity under s. 288.11625 or
398 upon a date specified by the Department of Economic Opportunity
399 as provided under s. 288.11625(6)(d), the department shall
400 distribute each month an amount equal to one-twelfth of the
401 annual distribution amount certified by the Department of
402 Economic Opportunity for the applicant. The department may not
403 distribute more than \$7 million in the 2014-2015 fiscal year or
404 more than \$13 million annually thereafter under this sub-
405 subparagraph.

406 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,
407 the department shall distribute \$26,286 monthly to the State
408 Transportation Trust Fund. Beginning July 1, 2016, the
409 department shall distribute \$15,333 monthly to the State
410 Transportation Trust Fund.

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

413 Section 7. Paragraph (b) of subsection (1) of section
414 220.191, Florida Statutes, is amended to read:

415 220.191 Capital investment tax credit.—

416 (1) DEFINITIONS.—For purposes of this section:

417 (b) "Cumulative capital investment" means the total
418 capital investment in land, buildings, and equipment made by or
419 on behalf of a qualifying business in connection with a
420 qualifying project during the period from the beginning of
421 construction of the project to the commencement of operations.
422 The term does not include funds granted to or spent on behalf of
423 a qualifying business by the state, a local government, or
424 another governmental entity; funds appropriated in the General
425 Appropriations Act; or funds otherwise provided to a qualifying
426 business by a state agency, a local government, or another
427 governmental entity.

428 Section 8. Paragraph (a) of subsection (2) of section
429 220.196, Florida Statutes, is amended to read:

430 220.196 Research and development tax credit.—

431 (2) TAX CREDIT.—

432 (a) As provided in this section, a business enterprise is
433 eligible for a credit against the tax imposed by this chapter if
434 it:

435 1. Has qualified research expenses in this state in the
436 taxable year exceeding the base amount;

437 2. Claims and is allowed a research credit for such
438 qualified research expenses under 26 U.S.C. s. 41 for the same
439 taxable year as subparagraph 1.; and

440 3. Is a qualified target industry business as defined in
441 s. 288.106(2)(1) ~~288.106(2)(n)~~. Only qualified target industry
442 businesses in the manufacturing, life sciences, information

443 technology, aviation and aerospace, homeland security and
 444 defense, cloud information technology, marine sciences,
 445 materials science, and nanotechnology industries may qualify for
 446 a tax credit under this section. A business applying for a
 447 credit pursuant to this section shall include a letter from the
 448 Department of Economic Opportunity certifying whether the
 449 business meets the requirements of this subparagraph with its
 450 application for credit. The Department of Economic Opportunity
 451 shall provide such a letter upon receiving a request.

452 Section 9. Paragraphs (b) and (e) of subsection (2) of
 453 section 288.0001, Florida Statutes, are amended to read:

454 288.0001 Economic Development Programs Evaluation.—The
 455 Office of Economic and Demographic Research and the Office of
 456 Program Policy Analysis and Government Accountability (OPPAGA)
 457 shall develop and present to the Governor, the President of the
 458 Senate, the Speaker of the House of Representatives, and the
 459 chairs of the legislative appropriations committees the Economic
 460 Development Programs Evaluation.

461 (2) The Office of Economic and Demographic Research and
 462 OPPAGA shall provide a detailed analysis of economic development
 463 programs as provided in the following schedule:

464 (b) By January 1, 2015, and every 3 years thereafter, an
 465 analysis of the following:

466 1. The entertainment industry financial incentive program
 467 established under s. 288.1254.

468 2. The entertainment industry sales tax exemption program

469 established under s. 288.1258.

470 3. The Florida Tourism Industry Marketing Corporation
471 ~~VISIT Florida~~ and its programs established or funded under ss.
472 288.122, 288.1226, 288.12265, and 288.124.

473 4. The Florida Sports Foundation and related programs
474 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
475 288.1168, ~~288.1169~~, and 288.1171.

476 (e) Beginning January 1, 2018, and every 3 years
477 thereafter, an analysis of the Sports Development Program
478 established under s. 288.11625 and the retention of Major League
479 Baseball spring training baseball franchises under s. 288.11631.

480 Section 10. Subsections (3) through (6) of section
481 288.005, Florida Statutes, are renumbered as subsections (4)
482 through (7), respectively, present subsection (1) is amended,
483 and a new subsection (1) is added to that section, to read:

484 288.005 Definitions.—As used in this chapter, the term:

485 (1) "Average private sector wage in the area" means the
486 statewide average wage in the private sector or the average of
487 all private sector wages in the county or in the standard
488 metropolitan area in which the project is located, as determined
489 by the department.

490 ~~(3)-(1)~~ "Economic benefits" means the direct, indirect, and
491 induced gains in state revenues as a percentage of the state's
492 investment. The state's investment includes all state funds
493 spent or forwent to benefit a business, including, but not
494 limited to, state funds appropriated to public and private

495 entities, state grants, tax exemptions, tax refunds, tax
496 credits, and other state incentives.

497 Section 11. Section 288.061, Florida Statutes, is amended
498 to read:

499 288.061 Economic development incentive application
500 process.—

501 (1) Effective January 1, 2017, the department shall
502 prescribe the format in which an application for an incentive
503 shall be made. At a minimum, the incentive application must
504 include the following:

505 (a) The applicant's federal employee identification
506 number, reemployment assistance account number, and state sales
507 tax registration number. If such numbers are not available at
508 the time of application, the numbers must be submitted to the
509 department in writing before disbursement of any economic
510 incentive payments or the grant of any tax credits or refunds.

511 (b) The applicant's signature.

512 (c) The location of the project.

513 (d) The anticipated commencement date of the project.

514 (e) A description of the type of business activity,
515 product, or research and development undertaken by the
516 applicant, including the six-digit North American Industry
517 Classification System code or codes associated with the project.

518 (f) An attestation verifying that the information provided
519 on the application is true and correct.

520 (2)~~(1)~~ Upon receiving a submitted economic development

521 incentive application, the Division of Strategic Business
522 Development of the department ~~of Economic Opportunity~~ and
523 designated staff of Enterprise Florida, Inc., shall review the
524 application to ensure that the application is complete, whether
525 and what type of state and local permits may be necessary for
526 the applicant's project, whether it is possible to waive such
527 permits, and what state incentives and amounts of such
528 incentives may be available to the applicant. The department
529 shall recommend to the executive director to approve or
530 disapprove an applicant business. If review of the application
531 demonstrates that the application is incomplete, the executive
532 director shall notify the applicant business within the first 5
533 business days after receiving the application.

534 (3) (a) ~~(2)~~ Beginning July 1, 2013, The department shall
535 review and evaluate each economic development incentive
536 application for the economic benefits of the proposed award of
537 state incentives proposed for the project. The review must occur
538 before the department approves an economic development incentive
539 application and before any approved incentive agreement or
540 contract is amended, modified, or extended by the department or
541 Enterprise Florida, Inc.

542 (b) An amendment, modification, or extension of an
543 executed contract under s. 288.1045, s. 288.106, s. 288.107, s.
544 288.108, s. 288.1088, or s. 288.1089 may not result in a 0.5-
545 point or greater reduction in the economic-benefit ratio of the
546 project, may not result in the waiver of any program

547 requirement, and is subject to a 14-day legislative
548 consultation. If the President of the Senate or the Speaker of
549 the House of Representatives timely advises the Executive Office
550 of the Governor in writing that the amendment, modification, or
551 extension exceeds the delegated authority of the Executive
552 Office of the Governor or is contrary to legislative policy or
553 intent, the Executive Office of the Governor must void the
554 amendment, modification, or extension and instruct the
555 department to immediately change action or proposed action.
556 Except as otherwise provided in this chapter, the department may
557 not execute an amendment to an incentive agreement or contract
558 for a project for which the economic benefits have been reduced
559 unless the award of state incentives outlined in the incentive
560 agreement or contract have been reduced by a proportionate
561 amount. The department must include in its annual report
562 information pertaining to each incentive contract extension and
563 each contract amendment or modification that alters a
564 performance condition that a project must meet to obtain
565 incentive funds.

566 (c) As used in this subsection, the term "economic
567 benefits" has the same meaning as provided in s. 288.005. The
568 Office of Economic and Demographic Research shall establish the
569 methodology and model used to calculate the economic benefits,
570 including guidelines for the appropriate application of the
571 model. For purposes of this requirement, an amended definition
572 of "economic benefits" may be developed by the Office of

573 Economic and Demographic Research but must include all state
574 funds spent or forwent to benefit a business, including, but not
575 limited to, state funds appropriated to public and private
576 entities, state grants, tax exemptions, tax refunds, tax
577 credits, other state incentives, and any other source of state
578 funds which should reasonably be known to the department at the
579 time of approval.

580 (d) For the purpose of calculating the economic benefits
581 of a project, the department may not attribute to the business
582 any capital investment made by the business using state funds.

583 (e) For the purpose of evaluating economic development
584 incentive applications, the department shall consider the
585 cumulative capital investment, as defined in s. 220.191.

586 (4) The department's evaluation of the application must
587 also include the following:

588 (a) A financial analysis of the company, including
589 information regarding liens and pending or ongoing litigation,
590 credit ratings, and regulatory filings.

591 (b) A review of any independent evaluations of the
592 company.

593 (c) A review of the historical market performance of the
594 company.

595 (d) A review of the latest audit of the company's
596 financial statement and the related auditor management letter.

597 (e) A review of any other audits that are related to the
598 internal controls or management of the company.

599 (f) A review of performance in connection with any
 600 incentives previously awarded by state or local governments.
 601 (g) Any other review deemed necessary by the department.
 602 (5) (a) ~~(3)~~ Within 10 business days after the department
 603 receives a complete ~~the submitted~~ economic development incentive
 604 application, the executive director shall approve or disapprove
 605 the application and issue a letter of certification to the
 606 applicant which includes a justification of that decision,
 607 unless the business requests an extension of ~~that~~ time.
 608 (b) Within 7 business days after the executive director
 609 approves or disapproves a complete economic development
 610 incentive application for a project, the department shall
 611 recommend to the Governor the approval or disapproval of the
 612 application. The recommendation must include a justification for
 613 the recommendation and the proposed performance conditions that
 614 the project must meet to obtain incentive funds.
 615 (c) ~~(a)~~ The contract or agreement with the applicant must
 616 specify the total amount of the award, the performance
 617 conditions that must be met to obtain the award, the schedule
 618 for payment, and sanctions that would apply for failure to meet
 619 performance conditions. The contract or agreement with the
 620 applicant must require that the applicant use the state's job
 621 bank system to advertise job openings created as a result of the
 622 state incentive agreement. Any contract or agreement that
 623 requires capital investment to be made by the business must also
 624 require that such investment remain in this state for the

625 duration of the agreement or contract, except an investment made
626 in transportation-related assets specifically used for the
627 purpose of transporting goods or employees. The department may
628 enter into one agreement or contract covering all of the state
629 incentives that are being provided to the applicant. The
630 contract must provide that release of funds is contingent upon
631 sufficient appropriation of funds by the Legislature. The state
632 may not enter into a contract or agreement with a term of more
633 than 10 years with any applicant. However, the department may
634 enter into a successive agreement or contract for a specific
635 project to extend the initial 10-year term, if each successive
636 contract or agreement is contingent upon the successful
637 completion of the previous contract or agreement and meets all
638 requirements of the applicable economic development program
639 being utilized as if it was a stand-alone project. The
640 restriction on the term of the agreement or contract does not
641 apply if the contract or agreement is for a project receiving an
642 innovation incentive program award pursuant to s. 288.1089 or a
643 capital investment tax credit pursuant to s. 220.191.

644 (d)~~(b)~~ The release of funds for the incentive or
645 incentives awarded to the applicant depends upon the statutory
646 requirements of the particular incentive program.

647 (6)~~(4)~~ The department shall validate contractor
648 performance and report such validation in the annual incentives
649 report required under s. 288.907.

650 (7)~~(5)~~(a) The executive director may not approve an

651 economic development incentive application unless the
 652 application includes a signed written declaration by the
 653 applicant which states that the applicant has read the
 654 information in the application and that the information is true,
 655 correct, and complete to the best of the applicant's knowledge
 656 and belief.

657 (b) After an economic development incentive application is
 658 approved, the awardee shall provide, in each year that the
 659 department is required to validate contractor performance, a
 660 signed written declaration. The written declaration must state
 661 that the awardee has reviewed the information and that the
 662 information is true, correct, and complete to the best of the
 663 awardee's knowledge and belief.

664 (8)~~(6)~~ The department is authorized to adopt rules to
 665 implement this section.

666 Section 12. Paragraphs (c) and (e) of subsection (1) of
 667 section 288.076, Florida Statutes, are amended to read:

668 288.076 Return on investment reporting for economic
 669 development programs.—

670 (1) As used in this section, the term:

671 (c) "Project" has the same meaning as provided in s.
 672 288.106(2)(k) ~~288.106(2)(m)~~.

673 (e) "State investment" means all state funds spent or
 674 forwent to benefit a business, including, but not limited to,
 675 state funds appropriated to public and private entities, any
 676 state grants, tax exemptions, tax refunds, tax credits, and any

677 other source of state funds which should reasonably be known to
678 the department at the time of approval ~~or other state incentives~~
679 ~~provided to a business under a program administered by the~~
680 ~~department,~~ including the capital investment tax credit under s.
681 220.191.

682 Section 13. Section 288.103, Florida Statutes, is created
683 to read:

684 288.103 Economic development programs; minimum residency
685 period for awards for projects.-

686 (1) The department shall, in each incentive contract at
687 the time incentives are awarded, require each project to meet a
688 minimum 3-year residency period. The contractual residency
689 period must include a provision for the project to remain in
690 this state. The residency period begins on the date the project
691 last receives a program benefit or payment or at the end of a
692 project's maintenance period, whichever occurs last. The
693 department must include, in each incentive contract, specific
694 financial sanctions for businesses that fail to meet the
695 residency period requirements.

696 (2) This section applies to contracts executed on or after
697 July 1, 2016, for programs under ss. 220.191, 288.1045, 288.106,
698 288.107, 288.108, 288.1088, and 288.1089.

699 Section 14. Paragraphs (c) through (j) of subsection (1)
700 of section 288.1045, Florida Statutes, are redesignated as
701 paragraphs (b) through (i), respectively, paragraphs (l) through
702 (s) of subsection (1) are redesignated as paragraphs (j) through

703 (q), respectively, paragraphs (b), (j), and (k) of subsection
 704 (1), paragraphs (b), (c), (d), and (j) of subsection (3),
 705 paragraph (b) of subsection (5), and subsection (7), are
 706 amended, and paragraph (i) is added to subsection (5), to read:

707 288.1045 Qualified defense contractor and space flight
 708 business tax refund program.—

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

710 ~~(b) "Average wage in the area" means the average of all~~
 711 ~~wages and salaries in the state, the county, or in the standard~~
 712 ~~metropolitan area in which the business unit is located.~~

713 (i)~~(j)~~ "Local financial support" means funding from local
 714 sources, public or private, which is paid to the Economic
 715 Development Trust Fund and which is equal to 20 percent of the
 716 annual tax refund for a qualified applicant.

717 1. Local financial support may include excess payments
 718 made to a utility company under a designated program to allow
 719 decreases in service by the utility company under conditions,
 720 regardless of when application is made.

721 2. A qualified applicant may not provide, directly or
 722 indirectly, more than 5 percent of such funding in any fiscal
 723 year. The sources of such funding may not include, directly or
 724 indirectly, state funds appropriated from the General Revenue
 725 Fund or any state trust fund, excluding tax revenues shared with
 726 local governments pursuant to law.

727 3. A qualified applicant may not receive more than 80
 728 percent of the total tax refund from state funds that are

729 authorized for the applicant under this section.

730 4. The department may grant a waiver that reduces the
731 required amount of local financial support for a project to 10
732 percent of the annual tax refund awarded to a qualified
733 applicant for a local government, or eliminates the required
734 amount of local financial support for a project for a local
735 government located in a rural area of opportunity, as designated
736 by the Governor pursuant to s. 288.0656. To be eligible to
737 receive a waiver that reduces or eliminates the required amount
738 of local financial support, a local government must provide the
739 department with:

740 a. A resolution adopted by the governing body of the
741 county or municipality in whose jurisdiction the project will be
742 located, requesting the applicant's project be waived from the
743 local financial support requirement.

744 b. A statement prepared by a Florida certified public
745 accountant, as defined in s. 473.302, that describes the
746 financial constraints preventing the local government from
747 providing the local financial support required by this section.
748 This sub-subparagraph does not apply to a county considered
749 fiscally constrained pursuant to s. 218.67(1).

750 ~~(k) "Local financial support exemption option" means the~~
751 ~~option to exercise an exemption from the local financial support~~
752 ~~requirement available to any applicant whose project is located~~
753 ~~in a county designated by the Rural Economic Development~~
754 ~~Initiative, if the county commissioners of the county in which~~

755 ~~the project will be located adopt a resolution requesting that~~
756 ~~the applicant's project be exempt from the local financial~~
757 ~~support requirement. Any applicant that exercises this option is~~
758 ~~not eligible for more than 80 percent of the total tax refunds~~
759 ~~allowed such applicant under this section.~~

760 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
761 DETERMINATION.—

762 (b) Applications for certification based on the
763 consolidation of a Department of Defense contract or a new
764 Department of Defense contract must be submitted to the
765 department as prescribed by the department and must include, but
766 are not limited to, the following information:

767 1. The applicant's federal employer identification number,
768 the applicant's Florida sales tax registration number, and a
769 signature of an officer of the applicant.

770 2. The permanent location of the manufacturing,
771 assembling, fabricating, research, development, or design
772 facility in this state at which the project is or is to be
773 located.

774 3. The Department of Defense contract numbers of the
775 contract to be consolidated, the new Department of Defense
776 contract number, or the "RFP" number of a proposed Department of
777 Defense contract.

778 4. The date the contract was executed or is expected to be
779 executed, and the date the contract is due to expire or is
780 expected to expire.

781 5. The commencement date for project operations under the
782 contract in this state.

783 6. The number of net new full-time equivalent Florida jobs
784 included in the project as of December 31 of each year and the
785 average wage of such jobs.

786 7. The total number of full-time equivalent employees
787 employed by the applicant in this state.

788 8. The percentage of the applicant's gross receipts
789 derived from Department of Defense contracts during the 5
790 taxable years immediately preceding the date the application is
791 submitted.

792 9. The number of full-time equivalent jobs in this state
793 to be retained by the project.

794 10. A brief statement concerning the applicant's need for
795 tax refunds, and the proposed uses of such refunds by the
796 applicant.

797 11. A resolution adopted by the governing board of the
798 county or municipality in which the project will be located,
799 which recommends the applicant be approved as a qualified
800 applicant, and which indicates that the necessary commitments of
801 local financial support for the applicant exist. ~~Prior to the~~
802 ~~adoption of the resolution, the county commission may review the~~
803 ~~proposed public or private sources of such support and determine~~
804 ~~whether the proposed sources of local financial support can be~~
805 ~~provided or, for any applicant whose project is located in a~~
806 ~~county designated by the Rural Economic Development Initiative,~~

807 ~~a resolution adopted by the county commissioners of such county~~
808 ~~requesting that the applicant's project be exempt from the local~~
809 ~~financial support requirement.~~

810 12. Any additional information requested by the
811 department.

812 (c) Applications for certification based on the conversion
813 of defense production jobs to nondefense production jobs must be
814 submitted to the department as prescribed by the department and
815 must include, but are not limited to, the following information:

816 1. The applicant's federal employer identification number,
817 the applicant's Florida sales tax registration number, and a
818 signature of an officer of the applicant.

819 2. The permanent location of the manufacturing,
820 assembling, fabricating, research, development, or design
821 facility in this state at which the project is or is to be
822 located.

823 3. The Department of Defense contract numbers of the
824 contract under which the defense production jobs will be
825 converted to nondefense production jobs.

826 4. The date the contract was executed, and the date the
827 contract is due to expire or is expected to expire, or was
828 canceled.

829 5. The commencement date for the nondefense production
830 operations in this state.

831 6. The number of net new full-time equivalent Florida jobs
832 included in the nondefense production project as of December 31

833 of each year and the average wage of such jobs.

834 7. The total number of full-time equivalent employees
835 employed by the applicant in this state.

836 8. The percentage of the applicant's gross receipts
837 derived from Department of Defense contracts during the 5
838 taxable years immediately preceding the date the application is
839 submitted.

840 9. The number of full-time equivalent jobs in this state
841 to be retained by the project.

842 10. A brief statement concerning the applicant's need for
843 tax refunds, and the proposed uses of such refunds by the
844 applicant.

845 11. A resolution adopted by the governing board of the
846 county or municipality in which the project will be located,
847 which recommends the applicant be approved as a qualified
848 applicant, and which indicates that the necessary commitments of
849 local financial support for the applicant exist. ~~Prior to the~~
850 ~~adoption of the resolution, the county commission may review the~~
851 ~~proposed public or private sources of such support and determine~~
852 ~~whether the proposed sources of local financial support can be~~
853 ~~provided or, for any applicant whose project is located in a~~
854 ~~county designated by the Rural Economic Development Initiative,~~
855 ~~a resolution adopted by the county commissioners of such county~~
856 ~~requesting that the applicant's project be exempt from the local~~
857 ~~financial support requirement.~~

858 12. Any additional information requested by the

859 department.

860 (d) Applications for certification based on a contract for
861 reuse of a defense-related facility must be submitted to the
862 department as prescribed by the department and must include, but
863 are not limited to, the following information:

864 1. The applicant's Florida sales tax registration number
865 and a signature of an officer of the applicant.

866 2. The permanent location of the manufacturing,
867 assembling, fabricating, research, development, or design
868 facility in this state at which the project is or is to be
869 located.

870 3. The business entity holding a valid Department of
871 Defense contract or branch of the Armed Forces of the United
872 States that previously occupied the facility, and the date such
873 entity last occupied the facility.

874 4. A copy of the contract to reuse the facility, or such
875 alternative proof as may be prescribed by the department that
876 the applicant is seeking to contract for the reuse of such
877 facility.

878 5. The date the contract to reuse the facility was
879 executed or is expected to be executed, and the date the
880 contract is due to expire or is expected to expire.

881 6. The commencement date for project operations under the
882 contract in this state.

883 7. The number of net new full-time equivalent Florida jobs
884 included in the project as of December 31 of each year and the

885 average wage of such jobs.

886 8. The total number of full-time equivalent employees
887 employed by the applicant in this state.

888 9. The number of full-time equivalent jobs in this state
889 to be retained by the project.

890 10. A brief statement concerning the applicant's need for
891 tax refunds, and the proposed uses of such refunds by the
892 applicant.

893 11. A resolution adopted by the governing board of the
894 county or municipality in which the project will be located,
895 which recommends the applicant be approved as a qualified
896 applicant, and which indicates that the necessary commitments of
897 local financial support for the applicant exist. ~~Before the~~
898 ~~adoption of the resolution, the county commission may review the~~
899 ~~proposed public or private sources of such support and determine~~
900 ~~whether the proposed sources of local financial support can be~~
901 ~~provided or, for any applicant whose project is located in a~~
902 ~~county designated by the Rural Economic Development Initiative,~~
903 ~~a resolution adopted by the county commissioners of such county~~
904 ~~requesting that the applicant's project be exempt from the local~~
905 ~~financial support requirement.~~

906 12. Any additional information requested by the
907 department.

908 (j) Applications for certification based upon a new space
909 flight business contract or the consolidation of a space flight
910 business contract must be submitted to the department as

911 | prescribed by the department and must include, but are not
 912 | limited to, the following information:

913 | 1. The applicant's federal employer identification number,
 914 | the applicant's Florida sales tax registration number, and a
 915 | signature of an officer of the applicant.

916 | 2. The permanent location of the space flight business
 917 | facility in this state where the project is or will be located.

918 | 3. The new space flight business contract number, the
 919 | space flight business contract numbers of the contract to be
 920 | consolidated, or the request-for-proposal number of a proposed
 921 | space flight business contract.

922 | 4. The date the contract was executed and the date the
 923 | contract is due to expire, is expected to expire, or was
 924 | canceled.

925 | 5. The commencement date for project operations under the
 926 | contract in this state.

927 | 6. The number of net new full-time equivalent Florida jobs
 928 | included in the project as of December 31 of each year and the
 929 | average wage of such jobs.

930 | 7. The total number of full-time equivalent employees
 931 | employed by the applicant in this state.

932 | 8. The percentage of the applicant's gross receipts
 933 | derived from space flight business contracts during the 5
 934 | taxable years immediately preceding the date the application is
 935 | submitted.

936 | 9. The number of full-time equivalent jobs in this state

937 to be retained by the project.

938 10. A brief statement concerning the applicant's need for
939 tax refunds and the proposed uses of such refunds by the
940 applicant.

941 11. A resolution adopted by the governing board of the
942 county or municipality in which the project will be located
943 which recommends the applicant be approved as a qualified
944 applicant and indicates that the necessary commitments of local
945 financial support for the applicant exist. ~~Prior to the adoption~~
946 ~~of the resolution, the county commission may review the proposed~~
947 ~~public or private sources of such support and determine whether~~
948 ~~the proposed sources of local financial support can be provided~~
949 ~~or, for any applicant whose project is located in a county~~
950 ~~designated by the Rural Economic Development Initiative, a~~
951 ~~resolution adopted by the county commissioners of such county~~
952 ~~requesting that the applicant's project be exempt from the local~~
953 ~~financial support requirement.~~

954 12. Any additional information requested by the
955 department.

956 (5) ANNUAL CLAIM FOR REFUND.—

957 (b) The department shall verify ~~claim for refund by the~~
958 ~~qualified applicant must include a copy of all receipts~~
959 ~~pertaining to~~ the payment of taxes for which a refund is sought,
960 and data related to achieving each performance item contained in
961 the tax refund agreement pursuant to subsection (4). The amount
962 requested as a tax refund may not exceed the amount for the

963 relevant fiscal year in the written agreement entered pursuant
964 to subsection (4).

965 (i) A business that fails to timely submit documentation
966 requested by the department, as required by the agreement
967 between the business and the department, which results in the
968 department's withholding an otherwise approved refund may
969 receive the approved refund if:

970 1. The business submits the requested documentation to the
971 department.

972 2. The business provides a written statement to the
973 department explaining the circumstances that resulted in the
974 business' failure to timely submit the documentation.

975 3. Funds appropriated for this section are available.

976 4. The business was scheduled, by the terms of the
977 agreement, to submit information to the department between
978 January 1, 2014, and December 31, 2014.

979 5. The business has satisfied all other requirements of
980 the agreement.

981 (7) EXPIRATION.—An applicant may not be certified as
982 qualified under this section after June 30, 2018 ~~2014~~. A tax
983 refund agreement existing on that date shall continue in effect
984 in accordance with its terms.

985 Section 15. Paragraphs (c) through (j) of subsection (2)
986 of section 288.106, Florida Statutes, are redesignated as
987 paragraphs (b) through (i), respectively, paragraphs (l) through
988 (r) of subsection (2) are redesignated as paragraphs (j) through

989 (p), respectively, subsection (9) is renumbered as subsection
 990 (10), paragraphs (c), (j), and (k) of subsection (2), paragraph
 991 (b) of subsection (4), paragraph (b) of subsection (5), and
 992 subsection (8) of that section are amended, and a new subsection
 993 (9) is added to that section, to read:

994 288.106 Tax refund program for qualified target industry
 995 businesses.-

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

997 ~~(c) "Average private sector wage in the area" means the~~
 998 ~~statewide private sector average wage or the average of all~~
 999 ~~private sector wages and salaries in the county or in the~~
 1000 ~~standard metropolitan area in which the business is located.~~

1001 (i)-(j) "Local financial support" means funding from local
 1002 sources, public or private, that is paid to the Economic
 1003 Development Trust Fund and that is equal to 20 percent of the
 1004 annual tax refund for a qualified target industry business.

1005 1. A qualified target industry business may not provide,
 1006 directly or indirectly, more than 5 percent of such funding in
 1007 any fiscal year. The sources of such funding may not include,
 1008 directly or indirectly, state funds appropriated from the
 1009 General Revenue Fund or any state trust fund, excluding tax
 1010 revenues shared with local governments pursuant to law.

1011 2. A qualified target industry business may not receive
 1012 more than 80 percent of the total tax refund from state funds
 1013 authorized for the business under this section.

1014 3. The department may grant a waiver that reduces the

1015 required amount of local financial support for a project to 10
 1016 percent of the annual tax refund awarded to a qualified target
 1017 industry business for a local government, or eliminates the
 1018 required amount of local financial support for a project for a
 1019 local government located in a rural area of opportunity, as
 1020 designated by the Governor pursuant to s. 288.0656. To be
 1021 eligible for a waiver that reduces or eliminates the required
 1022 amount of local financial support, a local government must
 1023 provide the department with:

1024 a. A resolution adopted by the governing body of the
 1025 county or municipality in whose jurisdiction the project will be
 1026 located, requesting that the local financial support requirement
 1027 be waived for the applicant's project.

1028 b. A statement prepared by a Florida certified public
 1029 accountant, as defined in s. 473.302, which describes the
 1030 financial constraints preventing the local government from
 1031 providing the local financial support required by this section.
 1032 This sub-subparagraph does not apply to a county considered
 1033 fiscally constrained pursuant to s. 218.67(1).

1034 ~~(k) "Local financial support exemption option" means the~~
 1035 ~~option to exercise an exemption from the local financial support~~
 1036 ~~requirement available to any applicant whose project is located~~
 1037 ~~in a brownfield area, a rural city, or a rural community. Any~~
 1038 ~~applicant that exercises this option is not eligible for more~~
 1039 ~~than 80 percent of the total tax refunds allowed such applicant~~
 1040 ~~under this section.~~

1041 (4) APPLICATION AND APPROVAL PROCESS.—

1042 (b) To qualify for review by the department, the

1043 application of a target industry business must, at a minimum,

1044 establish the following to the satisfaction of the department:

1045 1.a. The jobs proposed to be created under the

1046 application, pursuant to subparagraph (a)4., must pay an

1047 estimated annual average wage equaling at least 115 percent of

1048 the average private sector wage in the area ~~where the business~~

1049 ~~is to be located or the statewide private sector average wage.~~

1050 ~~The governing board of the local governmental entity providing~~

1051 ~~the local financial support of the jurisdiction where the~~

1052 ~~qualified target industry business is to be located shall notify~~

1053 ~~the department and Enterprise Florida, Inc., which calculation~~

1054 ~~of the average private sector wage in the area must be used as~~

1055 ~~the basis for the business's wage commitment.~~ In determining the

1056 average annual wage, the department shall include only new

1057 proposed jobs, and wages for existing jobs shall be excluded

1058 from this calculation.

1059 b. The department may waive the average wage requirement

1060 at the request of the local governing body recommending the

1061 project and Enterprise Florida, Inc. The department may waive

1062 the wage requirement for a project located in a brownfield area

1063 designated under s. 376.80, in a rural city, in a rural

1064 community, in an enterprise zone, or for a manufacturing project

1065 at any location in the state if the jobs proposed to be created

1066 pay an estimated annual average wage equaling at least 100

1067 percent of the average private sector wage in the area ~~where the~~
 1068 ~~business is to be located~~, only if the merits of the individual
 1069 project or the specific circumstances in the community in
 1070 relationship to the project warrant such action. If the local
 1071 governing body and Enterprise Florida, Inc., make such a
 1072 recommendation, it must be transmitted in writing, and the
 1073 specific justification for the waiver recommendation must be
 1074 explained. If the department elects to waive the wage
 1075 requirement, the waiver must be stated in writing, and the
 1076 reasons for granting the waiver must be explained.

1077 2. The target industry business's project must result in
 1078 the creation of at least 10 jobs at the project and, in the case
 1079 of an expansion of an existing business, must result in a net
 1080 increase in employment of at least 10 percent at the business.
 1081 At the request of the local governing body recommending the
 1082 project and Enterprise Florida, Inc., the department may waive
 1083 this requirement for a business in a rural community or
 1084 enterprise zone if the merits of the individual project or the
 1085 specific circumstances in the community in relationship to the
 1086 project warrant such action. If the local governing body and
 1087 Enterprise Florida, Inc., make such a request, the request must
 1088 be transmitted in writing, and the specific justification for
 1089 the request must be explained. If the department elects to grant
 1090 the request, the grant must be stated in writing, and the reason
 1091 for granting the request must be explained.

1092 3. The business activity or product for the applicant's

1093 project must be within an industry identified by the department
 1094 as a target industry business that contributes to the economic
 1095 growth of the state and the area in which the business is
 1096 located, that produces a higher standard of living for residents
 1097 of this state in the new global economy, or that can be shown to
 1098 make an equivalent contribution to the area's and state's
 1099 economic progress.

1100 (5) TAX REFUND AGREEMENT.—

1101 (b) Compliance with the terms and conditions of the
 1102 agreement is a condition precedent for the receipt of a tax
 1103 refund each year. The failure to comply with the terms and
 1104 conditions of the tax refund agreement results in the loss of
 1105 eligibility for receipt of all tax refunds previously authorized
 1106 under this section and the revocation by the department of the
 1107 certification of the business entity as a qualified target
 1108 industry business, unless the business is eligible to receive
 1109 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~
 1110 ~~the department grants the business an economic recovery~~
 1111 ~~extension.~~

1112 ~~1. A qualified target industry business may submit a~~
 1113 ~~request to the department for an economic recovery extension.~~
 1114 ~~The request must provide quantitative evidence demonstrating how~~
 1115 ~~negative economic conditions in the business's industry, the~~
 1116 ~~effects of a named hurricane or tropical storm, or specific acts~~
 1117 ~~of terrorism affecting the qualified target industry business~~
 1118 ~~have prevented the business from complying with the terms and~~

1119 ~~conditions of its tax refund agreement.~~

1120 ~~2. Upon receipt of a request under subparagraph 1., the~~
1121 ~~department has 45 days to notify the requesting business, in~~
1122 ~~writing, whether its extension has been granted or denied. In~~
1123 ~~determining whether an extension should be granted, the~~
1124 ~~department shall consider the extent to which negative economic~~
1125 ~~conditions in the requesting business's industry have occurred~~
1126 ~~in the state or the effects of a named hurricane or tropical~~
1127 ~~storm or specific acts of terrorism affecting the qualified~~
1128 ~~target industry business have prevented the business from~~
1129 ~~complying with the terms and conditions of its tax refund~~
1130 ~~agreement. The department shall consider current employment~~
1131 ~~statistics for this state by industry, including whether the~~
1132 ~~business's industry had substantial job loss during the prior~~
1133 ~~year, when determining whether an extension shall be granted.~~

1134 ~~3. As a condition for receiving a prorated refund under~~
1135 ~~paragraph (6) (e) or an economic recovery extension under this~~
1136 ~~paragraph, a qualified target industry business must agree to~~
1137 ~~renegotiate its tax refund agreement with the department to, at~~
1138 ~~a minimum, ensure that the terms of the agreement comply with~~
1139 ~~current law and the department's procedures governing~~
1140 ~~application for and award of tax refunds. Upon approving the~~
1141 ~~award of a prorated refund or granting an economic recovery~~
1142 ~~extension, the department shall renegotiate the tax refund~~
1143 ~~agreement with the business as required by this subparagraph.~~
1144 ~~When amending the agreement of a business receiving an economic~~

1145 ~~recovery extension, the department may extend the duration of~~
1146 ~~the agreement for a period not to exceed 2 years.~~

1147 ~~4. A qualified target industry business may submit a~~
1148 ~~request for an economic recovery extension to the department in~~
1149 ~~lieu of any tax refund claim scheduled to be submitted after~~
1150 ~~January 1, 2009, but before July 1, 2012.~~

1151 ~~5. A qualified target industry business that receives an~~
1152 ~~economic recovery extension may not receive a tax refund for the~~
1153 ~~period covered by the extension.~~

1154 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~
1155 ~~in the best interest of the public for reasons of facilitating~~
1156 ~~economic development, growth, or new employment opportunities~~
1157 ~~within a Disproportionally Affected County, the department may,~~
1158 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
1159 ~~or local financial support eligibility requirements and allow a~~
1160 ~~qualified target industry business from another state which~~
1161 ~~relocates all or a portion of its business to a~~
1162 ~~Disproportionally Affected County to receive a tax refund~~
1163 ~~payment of up to \$6,000 multiplied by the number of jobs~~
1164 ~~specified in the tax refund agreement under subparagraph~~
1165 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~
1166 ~~waiver, the executive director of the department shall file with~~
1167 ~~the Governor a written statement of the conditions and~~
1168 ~~circumstances constituting the reason for the waiver. Such~~
1169 ~~business shall be eligible for the additional tax refund~~
1170 ~~payments specified in subparagraph (3)(b)4. if it meets the~~

1171 ~~criteria. As used in this section, the term "Disproportionally~~
1172 ~~Affected County" means Bay County, Escambia County, Franklin~~
1173 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
1174 ~~County, or Wakulla County.~~

1175 (9) INCENTIVE PAYMENTS.—The incentive payments made to a
1176 business pursuant to this section are not repayments of the
1177 actual taxes paid to the state or to a local government by the
1178 business. The amount of state and local government taxes paid
1179 under subparagraph (3) (d)1. by a business for which the business
1180 has not and will not receive a credit, refund, or exemption, as
1181 provided in paragraph (3) (e), serves as a limitation on the
1182 amount of incentive payments a business may receive.

1183 Section 16. Paragraphs (f) and (g) of subsection (2) of
1184 section 288.108, Florida Statutes, are redesignated as
1185 paragraphs (g) and (h), respectively, paragraph (b) of
1186 subsection (2) and subsection (5) are amended, and a new
1187 paragraph (f) is added to subsection (2) of that section, to
1188 read:

1189 288.108 High-impact business.—

1190 (2) DEFINITIONS.—As used in this section, the term:

1191 (b) "Cumulative investment" means the total investment in
1192 buildings and equipment made by a qualified high-impact business
1193 since the beginning of construction of such facility. The term
1194 does not include funds granted to or spent on behalf of the
1195 business by the state, a local government, or another
1196 governmental entity; funds appropriated in the General

1197 Appropriations Act; or funds otherwise provided to the business
 1198 by a state agency or local government.

1199 (f) "Local financial support" means financial, in-kind, or
 1200 other quantifiable contributions from local sources that,
 1201 combined, equal 20 percent or more of the total investment in
 1202 the project by state and local sources.

1203 1. The department may grant a waiver that reduces the
 1204 required amount of local financial support for a project to 10
 1205 percent of the award granted to a business pursuant to this
 1206 section for a local government, or eliminates the local
 1207 financial support for a local government located in a rural area
 1208 of opportunity, as designated by the Governor pursuant to s.
 1209 288.0656.

1210 2. A local government requesting a waiver that reduces or
 1211 eliminates the local financial support requirement must provide
 1212 the department with a statement prepared by a Florida certified
 1213 public accountant, as defined in s. 473.302, which describes the
 1214 financial constraints preventing the local government from
 1215 providing the local financial support required by this section.
 1216 This subparagraph does not apply to a county considered fiscally
 1217 constrained pursuant to s. 218.67(1).

1218 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1219 (a) The department shall review an application pursuant to
 1220 s. 288.061 which is received from any eligible business, as
 1221 defined in subsection (2), for consideration as a qualified
 1222 high-impact business before the business has made a decision to

1223 locate or expand a facility in this state. The business must
 1224 provide the following information:

1225 1. A complete description of the type of facility,
 1226 business operations, and product or service associated with the
 1227 project.

1228 2. The number of full-time equivalent jobs that will be
 1229 created by the project and the average annual wage of those
 1230 jobs.

1231 3. The cumulative amount of investment to be dedicated to
 1232 this project within 3 years.

1233 4. A statement concerning any special impacts the facility
 1234 is expected to stimulate in the sector, the state, or regional
 1235 economy and in state universities and community colleges.

1236 5. A statement concerning the role the grant will play in
 1237 the decision of the applicant business to locate or expand in
 1238 this state.

1239 6. Any additional information requested by the department.

1240 (b) Within 7 business days after the executive director
 1241 approves or disapproves an application, the department shall
 1242 recommend to the Governor the approval or disapproval of an
 1243 eligible high-impact business for receipt of funds.
 1244 Recommendations to the Governor must include the total amount of
 1245 the qualified high-impact business facility performance grant
 1246 award; the anticipated project performance conditions,
 1247 including, but not limited to, net new employment in the state,
 1248 average salary, and total capital investment incurred by the

1249 business; a baseline of current service and a measure of
 1250 enhanced capability; the methodology for validating performance;
 1251 the schedule of performance grant payments; and sanctions for
 1252 failure to meet performance conditions ~~Applications shall be~~
 1253 ~~reviewed and certified pursuant to s. 288.061.~~

1254 (c) The Governor may approve a high-impact business
 1255 performance grant of less than \$2 million without consulting the
 1256 Legislature. For such grants, the Governor shall provide a
 1257 written description and evaluation of the approved project to
 1258 the President of the Senate and the Speaker of the House of
 1259 Representatives within 1 business day after approval ~~The~~
 1260 ~~department and the qualified high-impact business shall enter~~
 1261 ~~into a performance grant agreement setting forth the conditions~~
 1262 ~~for payment of the qualified high-impact business performance~~
 1263 ~~grant. The agreement shall include the total amount of the~~
 1264 ~~qualified high-impact business facility performance grant award,~~
 1265 ~~the performance conditions that must be met to obtain the award,~~
 1266 ~~including the employment, average salary, investment, the~~
 1267 ~~methodology for determining if the conditions have been met, and~~
 1268 ~~the schedule of performance grant payments.~~

1269 (d) The Governor shall provide a written description and
 1270 evaluation of each eligible high-impact business recommended for
 1271 approval for a high-impact business performance grant of at
 1272 least \$2 million, but not more than \$7.5 million, to the
 1273 President of the Senate and the Speaker of the House of
 1274 Representatives at least 14 days before approving a qualified

1275 high-impact business performance grant. If the President of the
1276 Senate or the Speaker of the House of Representatives timely
1277 advises the Executive Office of the Governor in writing that the
1278 award of funds exceeds the delegated authority of the Executive
1279 Office of the Governor or is contrary to legislative policy or
1280 intent, the Executive Office of the Governor shall void the
1281 release of funds and instruct the department to immediately
1282 change action or proposed action.

1283 (e) The Governor shall provide the Legislative Budget
1284 Commission with a written description and evaluation of each
1285 eligible high-impact business recommended for approval of a
1286 high-impact business performance grant that exceeds \$7.5 million
1287 or that provides a waiver of program requirements and is at
1288 least \$5 million. The Legislative Budget Commission must approve
1289 such an award before final approval by the Governor.

1290 (f) Any contract or agreement executed by the department
1291 must embody the performance criteria and timelines submitted to
1292 the Legislature, whether during the legislative consultation
1293 period or in the provided written description and evaluation for
1294 those projects that do not require legislative consultation. If
1295 the executed contract or agreement fails to embody the
1296 performance criteria and timelines submitted to the legislature,
1297 whether during the legislative consultation period or in the
1298 provided written description and evaluation for those projects
1299 that do not require legislative consultation, the department may
1300 not expend any funds on the contract and the Chief Financial

1301 Officer is not authorized to release payment of funds.

1302 (g) An amendment, modification, or extension of an
 1303 executed contract may not result in a 0.5-point or greater
 1304 reduction in the economic-benefit ratio of the project, may not
 1305 result in waiver of any program requirement, and is subject to a
 1306 14-day legislative consultation. If the President of the Senate
 1307 or the Speaker of the House of Representatives timely advises
 1308 the Executive Office of the Governor in writing that the
 1309 amendment, modification, or extension exceeds the delegated
 1310 authority of the Executive Office of the Governor or is contrary
 1311 to legislative policy or intent, the Executive Office of the
 1312 Governor shall void the amendment, modification, or extension
 1313 and instruct the department to immediately change action or
 1314 proposed action.

1315 (h) The department shall validate contractor performance
 1316 and report such validation in the annual incentives report
 1317 required by s. 288.907.

1318 Section 17. Subsections (2), (3), and (4) of section
 1319 288.1088, Florida Statutes, are amended to read:

1320 288.1088 Florida Enterprise ~~Quick Action Closing~~ Fund.—

1321 (2) There is created within the department the Florida
 1322 Enterprise ~~Quick Action Closing~~ Fund. Except as provided in
 1323 subsection (3), projects eligible for receipt of funds from the
 1324 Florida Enterprise ~~Quick Action Closing~~ Fund shall:

1325 (a) Be in an industry as referenced in s. 288.106.

1326 (b) Have a positive economic benefit ratio of at least 3 ~~5~~

1327 to 1.

1328 (c) Be an inducement to the project's location or
1329 expansion in the state.

1330 (d) Pay an average annual wage of at least 125 percent of
1331 the average private sector wage in the area ~~areawide or~~
1332 ~~statewide private sector average wage.~~

1333 (e) Be supported by the local community in which the
1334 project is to be located.

1335 1. Financial support by the local community must include
1336 financial, in-kind, or other quantifiable contributions from
1337 local sources that, combined, equal 20 percent or more of the
1338 total investment in the project by state and local sources.

1339 2. The department may grant a waiver that reduces the
1340 required amount of local financial support for a project to 10
1341 percent of the award granted to a business pursuant to this
1342 section for a local government, or eliminates the required
1343 amount of local financial support for a project for a local
1344 government located in a rural area of opportunity as designated
1345 by the Governor pursuant to s. 288.0656.

1346 3. A local government requesting a waiver that reduces or
1347 eliminates the local financial support requirement must provide
1348 the department with a statement prepared by a Florida certified
1349 public accountant, as defined in s. 473.302, which describes the
1350 financial constraints preventing the local government from
1351 providing the local financial support required by this section.
1352 This subparagraph does not apply to a county considered fiscally

1353 constrained pursuant to s. 218.67(1).

1354 (f) Create at least 10 new jobs.

1355 (3) (a) The department and Enterprise Florida, Inc., shall
1356 jointly review applications pursuant to s. 288.061 and determine
1357 the eligibility of each project consistent with the criteria in
1358 subsection (2). ~~Waiver of these criteria may be considered under~~
1359 ~~the following criteria:~~

1360 ~~1. Based on extraordinary circumstances;~~

1361 ~~2. In order to mitigate the impact of the conclusion of~~
1362 ~~the space shuttle program; or~~

1363 ~~3. In rural areas of opportunity if the project would~~
1364 ~~significantly benefit the local or regional economy.~~

1365 (b) The department shall evaluate individual proposals for
1366 high-impact business facilities. Such evaluation must include,
1367 but need not be limited to:

1368 1. A description of the type of facility or
1369 infrastructure, its operations, and the associated product or
1370 service associated with the facility.

1371 2. The number of full-time-equivalent jobs that will be
1372 created by the facility and the total estimated average annual
1373 wages of those jobs or, in the case of privately developed rural
1374 infrastructure, the types of business activities and jobs
1375 stimulated by the investment.

1376 3. The cumulative amount of investment to be dedicated to
1377 the facility within a specified period.

1378 4. A statement of any special impacts the facility is

1379 expected to stimulate in a particular business sector in the
 1380 state or regional economy or in the state's universities and
 1381 community colleges.

1382 5. A statement of the role the incentive is expected to
 1383 play in the decision of the applicant business to locate or
 1384 expand in this state or for the private investor to provide
 1385 critical rural infrastructure.

1386 6. A report evaluating the quality and value of the
 1387 company submitting a proposal. The report must include:

1388 a. A financial analysis of the company, including an
 1389 evaluation of the company's short-term liquidity ratio as
 1390 measured by its assets to liability, the company's profitability
 1391 ratio, and the company's long-term solvency as measured by its
 1392 debt-to-equity ratio;

1393 b. The historical market performance of the company;

1394 c. A review of any independent evaluations of the company;

1395 d. A review of the latest audit of the company's financial
 1396 statement and the related auditor's management letter; and

1397 e. A review of any other types of audits that are related
 1398 to the internal and management controls of the company.

1399 (c)1. Within 7 business days after the executive director
 1400 approves or disapproves an application ~~evaluating a project~~, the
 1401 department shall recommend to the Governor the approval or
 1402 disapproval of a project for receipt of funds from the Florida
 1403 Enterprise ~~Quick Action Closing~~ Fund. In recommending a project,
 1404 the department shall include the total amount of recommended

1405 funds to be awarded; the anticipated project performance
1406 conditions, including, but not limited to, net new employment in
1407 the state, average salary, and total capital investment incurred
1408 by the business; a baseline of current service and a measure of
1409 enhanced capability; the methodology for validating performance;
1410 the schedule of payments from the fund; and sanctions for
1411 failure to meet performance conditions, including any clawback
1412 provisions ~~proposed performance conditions that the project must~~
1413 ~~meet to obtain incentive funds.~~

1414 2. The Governor may approve a Florida Enterprise Fund
1415 project award requiring less than \$2 million in funding ~~projects~~
1416 ~~without consulting the Legislature for projects requiring less~~
1417 ~~than \$2 million in funding.~~ For such projects, the Governor
1418 shall provide a written description and evaluation of the
1419 approved project to the President of the Senate and the Speaker
1420 of the House of Representatives within 1 business day after
1421 approval.

1422 3. ~~For projects requiring funding in the amount of \$2~~
1423 ~~million to \$5 million,~~ The Governor shall provide a written
1424 description and evaluation of each Florida Enterprise Fund ~~a~~
1425 project award recommended for approval, which requires funding
1426 of \$2 million or more, to the President of the Senate and the
1427 Speaker of the House of Representatives ~~to the chair and vice~~
1428 ~~chair of the Legislative Budget Commission~~ at least 14 ~~10~~ days
1429 before ~~prior to~~ giving final approval for a project. The
1430 recommendation must include the proposed performance conditions

1431 that the project must meet in order to obtain funds.

1432 ~~4. If the chair or vice chair of the Legislative Budget~~
1433 ~~Commission or the President of the Senate or the Speaker of the~~
1434 ~~House of Representatives timely advises the Executive Office of~~
1435 ~~the Governor, in writing, that such action or proposed action~~
1436 ~~exceeds the delegated authority of the Executive Office of the~~
1437 ~~Governor or is contrary to legislative policy or intent, the~~
1438 ~~Executive Office of the Governor shall void the release of funds~~
1439 ~~and instruct the department to immediately change such action or~~
1440 ~~proposed action until the Legislative Budget Commission or the~~
1441 ~~Legislature addresses the issue. Notwithstanding such~~
1442 ~~requirement, any project exceeding \$5 million must be approved~~
1443 ~~by the Legislative Budget Commission prior to the funds being~~
1444 ~~released.~~

1445 (d) Upon the approval of the Governor in accordance with
1446 subparagraph (c)2., or upon expiration of the 14-day legislative
1447 consultation period provided in subparagraph (c)3., unless
1448 advisement of objection is provided pursuant to subparagraph
1449 (c)4., the department and the business shall enter into a
1450 contract that sets forth the conditions for payment of moneys
1451 from the fund. Such payment may not be made to the business
1452 until the scheduled goals are achieved. The contract must
1453 include the total amount of funds awarded; the minimum and
1454 maximum amount of funds that may be awarded; the performance
1455 conditions that must be met to obtain the award, including, but
1456 not limited to, net new employment in the state, average salary,

1457 ~~and~~ total capital investment incurred by the business, and the
1458 minimum and maximum number of jobs that will be created, if
1459 applicable; demonstrate a baseline of current service and a
1460 measure of enhanced capability; the methodology for validating
1461 performance; the schedule of payments from the fund; and
1462 sanctions for failure to meet performance conditions. The
1463 contract must provide that payment of moneys from the fund is
1464 contingent upon sufficient appropriation of funds by the
1465 Legislature.

1466 (e) Any contract or agreement executed by the department
1467 shall embody the performance criteria and timelines submitted to
1468 the Legislature, whether during the legislative consultation
1469 period or in the provided written description and evaluation for
1470 those projects that do not require legislative consultation. If
1471 the executed contract or agreement fails to embody the
1472 performance criteria and timelines submitted to the legislature,
1473 whether during the legislative consultation period or in the
1474 provided written description and evaluation for those projects
1475 that do not require legislative consultation, the department may
1476 not expend any funds on the contract and the Chief Financial
1477 Officer is not authorized to release payment of funds.

1478 (f) An amendment, modification, or extension of an
1479 executed contract may not result in a 0.5-point or greater
1480 reduction in the economic-benefit ratio of the project, may not
1481 result in the waiver of any program requirement, and is subject
1482 to a 14-day legislative consultation. If the President of the

1483 Senate or the Speaker of the House of Representatives timely
1484 advises the Executive Office of the Governor in writing that the
1485 amendment, modification, or extension exceeds the delegated
1486 authority of the Executive Office of the Governor or is contrary
1487 to legislative policy or intent, the Executive Office of the
1488 Governor must void the amendment, modification, or extension and
1489 instruct the department to immediately change action or proposed
1490 action.

1491 (g)~~(e)~~ The department shall validate contractor
1492 performance and report such validation in the annual incentives
1493 report required under s. 288.907.

1494 (4) Funds appropriated by the Legislature for purposes of
1495 implementing this section shall be placed in reserve and may
1496 only be released pursuant to the legislative consultation and
1497 review requirements set forth in this section. Notwithstanding
1498 s. 216.301, and pursuant to s. 216.351, the department may carry
1499 forward the balance of any unexpended state appropriations into
1500 succeeding fiscal years. Such funds shall remain in reserve and
1501 may only be released pursuant to the legislative consultation
1502 and review requirements set forth in this section.

1503 Section 18. Paragraphs (c) through (p) of subsection (2)
1504 of section 288.1089, Florida Statutes, are redesignated as
1505 paragraphs (b) through (o), respectively, and paragraph (b) of
1506 subsection (2), and subsections (4), (7), and (8) are amended,
1507 to read:

1508 288.1089 Innovation Incentive Program.—

1509 (2) As used in this section, the term:

1510 ~~(b) "Average private sector wage" means the statewide~~
1511 ~~average wage in the private sector or the average of all private~~
1512 ~~sector wages in the county or in the standard metropolitan area~~
1513 ~~in which the project is located as determined by the department.~~

1514 (4) To qualify for review by the department, the applicant
1515 must, at a minimum, establish the following to the satisfaction
1516 of the department:

1517 (a) The jobs created by the project must pay an estimated
1518 annual average wage equaling at least 130 percent of the average
1519 private sector wage in the area. The department may waive this
1520 average wage requirement at the request of Enterprise Florida,
1521 Inc., for a project located in a rural area, a brownfield area,
1522 or an enterprise zone, when the merits of the individual project
1523 or the specific circumstances in the community in relationship
1524 to the project warrant such action. A recommendation for waiver
1525 by Enterprise Florida, Inc., must include a specific
1526 justification for the waiver and be transmitted to the
1527 department in writing. If the department elects to waive the
1528 wage requirement, the waiver must be stated in writing and the
1529 reasons for granting the waiver must be explained.

1530 (b) A research and development project must:

1531 1. Serve as a catalyst for an emerging or evolving
1532 technology cluster.

1533 2. Demonstrate a plan for significant higher education
1534 collaboration.

1535 3. Provide the state, at a minimum, a cumulative break-
1536 even economic benefit within a 20-year period.

1537 4. Be provided with a one-to-one match from the local
1538 community. The match requirement may be reduced or waived in
1539 rural areas of opportunity or reduced in rural areas, brownfield
1540 areas, and enterprise zones. A local government requesting a
1541 waiver that reduces or eliminates the one-to-one match must
1542 provide the department with a statement prepared by a Florida
1543 certified public accountant, as defined in s. 473.302, which
1544 describes the financial constraints preventing the local
1545 government from meeting the local financial support requirement
1546 of this section. This subparagraph does not apply to a county
1547 considered fiscally constrained pursuant to s. 218.67(1).

1548 (c) An innovation business project in this state, other
1549 than a research and development project, must:

1550 1.a. Result in the creation of at least 1,000 direct, new
1551 jobs at the business; or

1552 b. Result in the creation of at least 500 direct, new jobs
1553 if the project is located in a rural area, a brownfield area, or
1554 an enterprise zone.

1555 2. Have an activity or product that is within an industry
1556 that is designated as a target industry business under s.
1557 288.106 or a designated sector under s. 288.108.

1558 3.a. Have a cumulative investment of at least \$500 million
1559 within a 5-year period; or

1560 b. Have a cumulative investment that exceeds \$250 million

1561 within a 10-year period if the project is located in a rural
 1562 area, brownfield area, or an enterprise zone.

1563 4. Be provided with a one-to-one match from the local
 1564 community. The match requirement may be reduced or waived in
 1565 rural areas of opportunity or reduced in rural areas, brownfield
 1566 areas, and enterprise zones. A local government requesting a
 1567 waiver that reduces or eliminates the one-to-one match must
 1568 provide the department with a statement prepared by a Florida
 1569 certified public accountant, as defined in s. 473.302, which
 1570 describes the financial constraints preventing the local
 1571 government from meeting the local financial support requirement
 1572 of this section. This subparagraph does not apply to a county
 1573 considered fiscally constrained pursuant to s. 218.67(1).

1574 (d) For an alternative and renewable energy project in
 1575 this state, the project must:

1576 1. Demonstrate a plan for significant collaboration with
 1577 an institution of higher education.~~†~~

1578 2. Provide the state, at a minimum, a cumulative break-
 1579 even economic benefit within a 20-year period.~~†~~

1580 3. Include matching funds provided by the applicant or
 1581 other available sources. The match requirement may be reduced or
 1582 waived in rural areas of opportunity or reduced in rural areas,
 1583 brownfield areas, and enterprise zones. A local government
 1584 requesting a waiver that reduces or eliminates the one-to-one
 1585 match must provide the department with a statement prepared by a
 1586 Florida certified public accountant, as defined in s. 473.302,

1587 which describes the financial constraints preventing the local
 1588 government from meeting the one-to-one match requirement of this
 1589 section. This subparagraph does not apply to a county considered
 1590 fiscally constrained pursuant to s. 218.67(1).~~†~~

1591 4. Be located in this state.†~~and~~

1592 5. Provide at least 35 direct~~†~~ new jobs that pay an
 1593 estimated annual average wage that equals at least 130 percent
 1594 of the average private sector wage in the area.

1595 (7) (a) Within 7 business days after the executive director
 1596 approves or disapproves an application for an innovation
 1597 incentive award proposal, the department shall recommend to the
 1598 Governor the approval or disapproval of an innovation incentive
 1599 award. In recommending an award, the department shall include
 1600 the total amount of the innovation incentive award; the
 1601 anticipated performance conditions that must be met to obtain
 1602 the award, including, but not limited to, net new employment in
 1603 the state, average salary, and total capital investment incurred
 1604 by the business; a baseline of current service and a measure of
 1605 enhanced capability; the methodology for validating performance;
 1606 the schedule of payments; and sanctions for failure to meet
 1607 performance conditions, including any clawback provisions ~~Upon~~
 1608 ~~receipt of the evaluation and recommendation from the~~
 1609 ~~department, the Governor shall approve or deny an award. In~~
 1610 ~~recommending approval of an award, the department shall include~~
 1611 ~~proposed performance conditions that the applicant must meet in~~
 1612 ~~order to obtain incentive funds and any other conditions that~~

1613 ~~must be met before the receipt of any incentive funds. The~~
1614 ~~Governor shall consult with the President of the Senate and the~~
1615 ~~Speaker of the House of Representatives before giving approval~~
1616 ~~for an award. Upon review and approval of an award by the~~
1617 ~~Legislative Budget Commission, the Executive Office of the~~
1618 ~~Governor shall release the funds.~~

1619 (b) The Governor may approve an innovation incentive award
1620 of less than \$2 million without consulting the Legislature. For
1621 such awards, the Governor shall provide a written description
1622 and evaluation of the approved project to the President of the
1623 Senate and the Speaker of the House of Representatives within 1
1624 business day after approval.

1625 (c) The Governor shall provide a written description and
1626 evaluation of each innovation incentive award proposal
1627 recommended for approval for an innovation incentive award of at
1628 least \$2 million, but not more than \$7.5 million, to the
1629 President of the Senate and the Speaker of the House of
1630 Representatives at least 14 days before giving final approval
1631 for an award. If the President of the Senate or the Speaker of
1632 the House of Representatives timely advises the Executive Office
1633 of the Governor in writing that the award of incentive funds
1634 exceeds the delegated authority of the Executive Office of the
1635 Governor or is contrary to legislative policy or intent, the
1636 Executive Office of the Governor shall void the release of funds
1637 and instruct the department to immediately change action or
1638 proposed action.

1639 (d) The Governor shall provide the Legislative Budget
 1640 Commission a written description and evaluation of each eligible
 1641 business recommended for approval of an innovation incentive
 1642 award that exceeds \$7.5 million or that provides a waiver of
 1643 program requirements and is at least \$5 million. The Legislative
 1644 Budget Commission must approve such an award before final
 1645 approval by the Governor.

1646 (e) Any contract or agreement executed by the department
 1647 shall embody the performance criteria and timelines submitted to
 1648 the Legislature, whether during the legislative consultation
 1649 period or in the provided written description and evaluation for
 1650 those projects that do not require legislative consultation. If
 1651 the executed contract or agreement fails to embody the
 1652 performance criteria and timelines submitted to the Legislature,
 1653 whether during the legislative consultation period or in the
 1654 provided written description and evaluation for those projects
 1655 that do not require legislative consultation, the department may
 1656 not expend any funds on the contract and the Chief Financial
 1657 Officer is not authorized to release payment of funds.

1658 (f) An amendment, modification, or extension of an
 1659 executed contract may not result in a 0.5-point or greater
 1660 reduction in the economic-benefit ratio of the project, may not
 1661 result in the waiver of any program requirement, and is subject
 1662 to a 14-day legislative consultation. If the President of the
 1663 Senate or the Speaker of the House of Representatives timely
 1664 advises the Executive Office of the Governor in writing that the

1665 amendment, modification, or extension exceeds the delegated
1666 authority of the Executive Office of the Governor or is contrary
1667 to legislative policy or intent, the Executive Office of the
1668 Governor shall void the amendment, modification, or extension
1669 and instruct the department to immediately change action or
1670 proposed action.

1671 ~~(8)(a)~~ In addition to the requirements provided in
1672 paragraph (7) (a), a contract between the department and an award
1673 recipient ~~After the conditions set forth in subsection (7) have~~
1674 ~~been met, the department shall issue a letter certifying the~~
1675 ~~applicant as qualified for an award. The department and the~~
1676 ~~award recipient shall enter into an agreement that sets forth~~
1677 ~~the conditions for payment of the incentive funds. The agreement~~
1678 ~~must include, at a minimum:~~

1679 ~~1. The total amount of funds awarded.~~

1680 ~~2. The performance conditions that must be met in order to~~
1681 ~~obtain the award or portions of the award, including, but not~~
1682 ~~limited to, net new employment in the state, average wage, and~~
1683 ~~total cumulative investment.~~

1684 ~~3. Demonstration of a baseline of current service and a~~
1685 ~~measure of enhanced capability.~~

1686 ~~4. The methodology for validating performance.~~

1687 ~~5. The schedule of payments.~~

1688 ~~6. Sanctions for failure to meet performance conditions,~~
1689 ~~including any clawback provisions.~~

1690 ~~(b) Additionally, agreements signed on or after July 1,~~

1691 ~~2009,~~ must include the following provisions:

1692 1. Notwithstanding subsection (4), a requirement that the
 1693 jobs created by the recipient of the incentive funds pay an
 1694 annual average wage at least equal to the relevant industry's
 1695 annual average wage or at least 130 percent of the average
 1696 private sector wage in the area, whichever is greater.

1697 2. A reinvestment requirement. Each recipient of an award
 1698 shall reinvest up to 15 percent of net royalty revenues,
 1699 including revenues from spin-off companies and the revenues from
 1700 the sale of stock it receives from the licensing or transfer of
 1701 inventions, methods, processes, and other patentable discoveries
 1702 conceived or reduced to practice using its facilities in Florida
 1703 or its Florida-based employees, in whole or in part, and to
 1704 which the recipient of the grant becomes entitled during the 20
 1705 years following the effective date of its agreement with the
 1706 department. Each recipient of an award also shall reinvest up to
 1707 15 percent of the gross revenues it receives from naming
 1708 opportunities associated with any facility it builds in this
 1709 state. Reinvestment payments shall commence no later than 6
 1710 months after the recipient of the grant has received the final
 1711 disbursement under the contract and shall continue until the
 1712 maximum reinvestment, as specified in the contract, has been
 1713 paid. Reinvestment payments shall be remitted to the department
 1714 for deposit in the Biomedical Research Trust Fund for companies
 1715 specializing in biomedicine or life sciences, or in the Economic
 1716 Development Trust Fund for companies specializing in fields

1717 other than biomedicine or the life sciences. If these trust
 1718 funds no longer exist at the time of the reinvestment, the
 1719 state's share of reinvestment shall be deposited in their
 1720 successor trust funds as determined by law. Each recipient of an
 1721 award shall annually submit a schedule of the shares of stock
 1722 held by it as payment of the royalty required by this paragraph
 1723 and report on any trades or activity concerning such stock. Each
 1724 recipient's reinvestment obligations survive the expiration or
 1725 termination of its agreement with the state.

1726 3. Requirements for the establishment of internship
 1727 programs or other learning opportunities for educators and
 1728 secondary, postsecondary, graduate, and doctoral students.

1729 4. A requirement that the recipient submit quarterly
 1730 reports and annual reports related to activities and performance
 1731 to the department, according to standardized reporting periods.

1732 5. A requirement for an annual accounting to the
 1733 department of the expenditure of funds disbursed under this
 1734 section.

1735 6. A process for amending the agreement.

1736 Section 19. Subsection (7) of section 288.11621, Florida
 1737 Statutes, is amended to read:

1738 288.11621 Spring training baseball franchises.—

1739 (7) STRATEGIC PLANNING.—The department shall request
 1740 assistance from the Florida Sports Foundation Enterprise
 1741 ~~Florida, Inc.,~~ and the Florida Grapefruit League Association to
 1742 develop a comprehensive strategic plan to:

- 1743 (a) Finance spring training facilities.
- 1744 (b) Monitor and oversee the use of state funds awarded to
1745 applicants.
- 1746 (c) Identify the financial impact that spring training has
1747 on the state and ways in which to maintain or improve that
1748 impact.
- 1749 (d) Identify opportunities to develop public-private
1750 partnerships to engage in marketing activities and advertise
1751 spring training baseball.
- 1752 (e) Identify efforts made by other states to maintain or
1753 develop partnerships with baseball spring training teams.
- 1754 (f) Develop recommendations for the Legislature to sustain
1755 or improve this state's spring training tradition.
- 1756 Section 20. Section 288.1169, Florida Statutes, is
1757 repealed.
- 1758 Section 21. Notwithstanding the repeal of section
1759 288.1229, Florida Statutes, by s. 485, chapter 2011-142, Laws of
1760 Florida, section 288.1229, Florida Statutes, is revived,
1761 reenacted, and amended to read:
- 1762 288.1229 Promotion and development of sports-related
1763 industries and amateur athletics; direct-support organization
1764 established; powers and duties.-
- 1765 (1) The Department of Economic Opportunity shall establish
1766 a direct-support organization known as the Florida Sports
1767 Foundation. The foundation shall ~~The Office of Tourism, Trade,~~
1768 ~~and Economic Development may authorize a direct-support~~

1769 ~~organization to~~ assist the department office in:

1770 (a) The promotion and development of the sports industry
 1771 and related industries for the purpose of improving the economic
 1772 presence of these industries in Florida.

1773 (b) The promotion of amateur athletic participation for
 1774 the citizens of Florida and the promotion of Florida as a host
 1775 for national and international amateur athletic competitions for
 1776 the purpose of encouraging and increasing the direct and
 1777 ancillary economic benefits of amateur athletic events and
 1778 competitions.

1779 (c) The retention of professional sports franchises,
 1780 including the spring training operations of Major League
 1781 Baseball.

1782 (2) The Florida Sports Foundation shall ~~To be authorized~~
 1783 ~~as a direct support organization, an organization must:~~

1784 (a) Be incorporated as a corporation not for profit
 1785 pursuant to chapter 617.

1786 (b)1. Be governed by a board of directors, consisting
 1787 ~~which must consist of 20 up to 15~~ members appointed by the
 1788 Governor, including:

1789 a. Ten members representing Florida major league
 1790 franchises of Major League Baseball, National Basketball
 1791 Association, National Football League, Arena Football League,
 1792 National Hockey League, and Major League Soccer teams domiciled
 1793 in this state.

1794 b. A member representing Florida sports commissions.

1795 c. A member representing the boating and fishing
 1796 industries of the state.

1797 d. A member representing the golf industry of the state.

1798 e. A member representing Major League Baseball spring
 1799 training.

1800 f. A member representing the auto racing industry of the
 1801 state.

1802 g. Five members at-large ~~and up to 15 members appointed by~~
 1803 ~~the existing board of directors.~~ In making at-large
 1804 appointments, the Governor ~~board~~ must consider a potential
 1805 member's background in community service and sports activism in,
 1806 and financial support of, the sports industry, professional
 1807 sports, or organized amateur athletics. Members must be
 1808 residents of the state and highly knowledgeable about or active
 1809 in professional or organized amateur sports.

1810 2. The board must contain representatives of all
 1811 geographical regions of the state and must represent ethnic and
 1812 gender diversity. The terms of office of the members shall be 4
 1813 years. No member may serve more than two consecutive terms. The
 1814 Governor may remove any member for cause and shall fill all
 1815 vacancies that occur.

1816 (c) Have as its purpose, as stated in its articles of
 1817 incorporation, to receive, hold, invest, and administer
 1818 property; to raise funds and receive gifts; and to promote and
 1819 develop the sports industry and related industries for the
 1820 purpose of increasing the economic presence of these industries

1821 in Florida.

1822 (d) Have a prior determination by the department ~~Office of~~
1823 ~~Tourism, Trade, and Economic Development~~ that the organization
1824 will benefit the department ~~office~~ and act in the best interests
1825 of the state as a direct-support organization to the department
1826 ~~office~~.

1827 (3) The Florida Sports Foundation shall operate under
1828 contract with the department. The department shall enter into a
1829 contract with the foundation by July 1, 2016. The contract must
1830 provide ~~Office of Tourism, Trade, and Economic Development shall~~
1831 ~~contract with the organization and shall include in the contract~~
1832 that:

1833 (a) The department ~~office~~ may review the foundation's
1834 ~~organization's~~ articles of incorporation.

1835 (b) The foundation ~~organization~~ shall submit an annual
1836 budget proposal to the department ~~office~~, on a form provided by
1837 the department ~~office~~, in accordance with department ~~office~~
1838 procedures for filing budget proposals based upon the
1839 recommendation of the department ~~office~~.

1840 (c) Any funds that the foundation ~~organization~~ holds in
1841 trust shall ~~will~~ revert to the state upon the expiration or
1842 cancellation of the contract.

1843 (d) The foundation ~~organization~~ is subject to an annual
1844 financial and performance review by the department ~~office~~ to
1845 determine whether the foundation ~~organization~~ is complying with
1846 the terms of the contract and whether it is acting in a manner

1847 consistent with the goals of the department ~~office~~ and in the
 1848 best interests of the state.

1849 (e) The fiscal year of the foundation ~~begins~~ ~~organization~~
 1850 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next
 1851 ensuing year.

1852 (4) The department ~~Office of Tourism, Trade, and Economic~~
 1853 ~~Development~~ may allow the foundation ~~organization~~ to use the
 1854 property, facilities, personnel, and services of the department
 1855 ~~office~~ if the foundation ~~organization~~ provides equal employment
 1856 opportunities to all persons regardless of race, color,
 1857 religion, sex, age, or national origin, subject to the approval
 1858 of the executive director of the department ~~office~~.

1859 (5) The foundation ~~organization~~ shall provide for an
 1860 annual financial audit in accordance with s. 215.981.

1861 (6) The foundation ~~organization~~ is not granted any taxing
 1862 power.

1863 ~~(7) In exercising the power provided in this section, the~~
 1864 ~~Office of Tourism, Trade, and Economic Development may authorize~~
 1865 ~~and contract with the direct-support organization existing on~~
 1866 ~~June 30, 1996, and authorized by the former Florida Department~~
 1867 ~~of Commerce to promote sports-related industries. An appointed~~
 1868 ~~member of the board of directors of such direct-support~~
 1869 ~~organization as of June 30, 1996, may serve the remainder of his~~
 1870 ~~or her unexpired term.~~

1871 (7) ~~(8)~~ To promote amateur sports and physical fitness, the
 1872 foundation ~~direct-support organization~~ shall:

1873 (a) Develop, foster, and coordinate services and programs
 1874 for amateur sports for the people of Florida.

1875 (b) Sponsor amateur sports workshops, clinics,
 1876 conferences, and other similar activities.

1877 (c) Give recognition to outstanding developments and
 1878 achievements in, and contributions to, amateur sports.

1879 (d) Encourage, support, and assist local governments and
 1880 communities in the development of or hosting of local amateur
 1881 athletic events and competitions.

1882 (e) Promote Florida as a host for national and
 1883 international amateur athletic competitions.

1884 (f) Develop ~~a statewide programs ~~program~~~~ of amateur
 1885 athletic competition to be known as the "Florida Senior Games"
 1886 and the "Sunshine State Games."

1887 (g) Continue the successful amateur sports programs
 1888 previously conducted by the Florida Governor's Council on
 1889 Physical Fitness and Amateur Sports created under former s.
 1890 14.22.

1891 (h) Encourage and continue the use of volunteers in its
 1892 amateur sports programs to the maximum extent possible.

1893 (i) Develop, foster, and coordinate services and programs
 1894 designed to encourage the participation of Florida's youth in
 1895 Olympic sports activities and competitions.

1896 (j) Foster and coordinate services and programs designed
 1897 to contribute to the physical fitness of the citizens of
 1898 Florida.

1899 (8)~~(9)~~(a) The Sunshine State Games and Florida Senior
 1900 Games shall both be patterned after the Summer Olympics with
 1901 variations as necessitated by availability of facilities,
 1902 equipment, and expertise. The games shall be designed to
 1903 encourage the participation of athletes representing a broad
 1904 range of age groups, skill levels, and Florida communities.
 1905 ~~Participants shall be residents of this state. Regional~~
 1906 ~~competitions shall be held throughout the state, and the top~~
 1907 ~~qualifiers in each sport shall proceed to the final competitions~~
 1908 ~~to be held at a site in the state with the necessary facilities~~
 1909 ~~and equipment for conducting the competitions.~~

1910 (b) The department ~~Executive Office of the Governor~~ is
 1911 authorized to permit the use of property, facilities, and
 1912 personal services of or at any State University System facility
 1913 or institution by the direct-support organization operating the
 1914 Sunshine State Games and Florida Senior Games. For the purposes
 1915 of this paragraph, personal services includes full-time or part-
 1916 time personnel as well as payroll processing.

1917 Section 22. Subsection (2) and paragraph (b) of subsection
 1918 (5) of section 288.901, Florida Statutes, are amended to read:

1919 288.901 Enterprise Florida, Inc.—

1920 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
 1921 economic development organization for the state, using ~~utilizing~~
 1922 private sector and public sector expertise in collaboration with
 1923 the department to:

1924 (a) Increase private investment in Florida.†

1925 (b) Advance international and domestic trade
 1926 opportunities.~~†~~

1927 (c) Market the state both as a probusiness location for
 1928 new investment and as an unparalleled tourist destination.~~†~~

1929 (d) Revitalize Florida's space and aerospace industries,
 1930 and promote emerging complementary industries.~~†~~

1931 (e) Promote opportunities for minority-owned businesses.~~†~~

1932 (f) Assist and market professional and amateur sport teams
 1933 and sporting events in Florida.~~†~~ and

1934 (g) Assist, promote, and enhance economic opportunities in
 1935 this state's rural and urban communities.

1936 (h) Foster and encourage high-technology startup and
 1937 second-stage business development within the state.

1938 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

1939 (b) In making their appointments, the Governor, the
 1940 President of the Senate, and the Speaker of the House of
 1941 Representatives shall ensure that the composition of the board
 1942 of directors reflects the diversity of Florida's business
 1943 community and is representative of the economic development
 1944 goals in subsection (2). The board must include at least one
 1945 director for each of the following areas of expertise:
 1946 international business, tourism marketing, the space or
 1947 aerospace industry, managing or financing a minority-owned
 1948 business, manufacturing, finance and accounting, and rural
 1949 economic development ~~sports marketing~~.

1950 Section 23. Subsection (1) of section 288.9015, Florida

1951 Statutes, is amended to read:

1952 288.9015 Powers of Enterprise Florida, Inc.; board of
1953 directors.—

1954 (1) Enterprise Florida, Inc., shall integrate its efforts
1955 in business recruitment and expansion, job creation, marketing
1956 the state for tourism ~~and sports~~, and promoting economic
1957 opportunities for minority-owned businesses and promoting
1958 economic opportunities for rural and distressed urban
1959 communities with those of the department, to create an
1960 aggressive, agile, and collaborative effort to reinvigorate the
1961 state's economy.

1962 Section 24. Section 288.913, Florida Statutes, is created
1963 to read:

1964 288.913 Innovation Florida Initiative.—

1965 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature
1966 finds that successful high-technology startup and second-stage
1967 businesses are critical to the state's overall economic growth
1968 and such businesses play an outsized role in job creation. The
1969 Legislature also finds that Enterprise Florida, Inc., the
1970 state's economic development organization, is uniquely suited to
1971 foster and encourage more high-technology startup and second-
1972 stage business development within the state. Therefore, the
1973 Legislature declares that it is the policy of the state to
1974 prioritize high-technology startup and second-stage business
1975 development within the state and directs Enterprise Florida,
1976 Inc., to develop the Innovation Florida Initiative to further

1977 | such policy.

1978 | (2) DEFINITIONS.—As used in this section, the term:

1979 | (a) "Advanced technology products" means high-technology
1980 | products produced by a business that employs a high proportion
1981 | of scientists, engineers, and technicians. Such products may be
1982 | classified within, but not be limited to, the following fields:

1983 | 1. Biotechnology products related to advanced scientific
1984 | discoveries in genetics.

1985 | 2. Life science products related to the application of
1986 | nonbiological scientific advances to medical science.

1987 | 3. Optoelectronic products related to the emission or
1988 | detection of light.

1989 | 4. Information and communications products related to the
1990 | processing of increased volumes of information in shorter
1991 | periods of time.

1992 | 5. Electronics products related to design advances in
1993 | electronic components that result in improved performance and
1994 | capacity, or reduced size.

1995 | 6. Flexible manufacturing products related to robotics,
1996 | numerically-controlled machine tools, and similar products
1997 | involving industrial automation that allows for greater
1998 | flexibility in the manufacturing process and reduction in the
1999 | amount of human intervention.

2000 | 7. Advanced materials products related to advances in the
2001 | development of materials that allow for further development and
2002 | application of other advanced technologies.

2003 8. Aerospace products related to military and civil
 2004 helicopters, airplanes, and spacecraft.

2005 9. Weapons products related to products with military
 2006 application.

2007 10. Nuclear technology products related to nuclear power
 2008 production apparatus.

2009 (b) "High-technology startup" means a business unit that
 2010 has been in operation for less than 5 years, and employs fewer
 2011 than 10 employees, which produces a high proportion of advanced
 2012 technology products.

2013 (c) "Second-stage business" means a business unit that
 2014 employs at least 10 but not more than 50 employees, generates at
 2015 least \$1 million but not more than \$25 million in annual
 2016 revenue, and produces a high proportion of advanced technology
 2017 products.

2018 (3) STATEWIDE STRATEGIC PLAN.—

2019 (a) The department shall develop a statewide strategic
 2020 plan for high-technology startup and second-stage business
 2021 growth and development in consultation with Enterprise Florida,
 2022 Inc., the Institute for the Commercialization of Public
 2023 Research, the Florida Economic Gardening Institute, the state's
 2024 local and regional economic development organizations, and other
 2025 stakeholders, public and private, that have experience and
 2026 expertise in high-technology startup and second-stage business
 2027 growth and development activities.

2028 (b) In developing the strategic plan, the department shall

2029 evaluate best practices; examine the startup, entrepreneurship,
2030 and second-stage business programs of other states; and survey
2031 high-technology startups and second-stage businesses and support
2032 organizations, both within and outside the state.

2033 (c) The strategic plan must include:

2034 1. Actionable steps to provide technical support to local
2035 and regional economic development organizations to enhance high-
2036 technology startup and second-stage business growth at local and
2037 regional levels.

2038 2. An evaluation of the accessibility of the state's
2039 economic development incentive and loan programs to high-
2040 technology startups and second-stage businesses.

2041 (d) By January 1, 2017, the department shall deliver the
2042 strategic plan to the Governor, the President of the Senate, and
2043 the Speaker of the House of Representatives.

2044 (e) Upon completion of the strategic plan, the plan shall
2045 become part of the 5-year statewide strategic plan developed by
2046 the Division of Strategic Business Development required by s.
2047 20.60.

2048 (4) MARKETING.—Enterprise Florida, Inc., shall market the
2049 state's economic development activities related to the growth
2050 and development of high-technology startups and second-stage
2051 businesses both inside and outside the state.

2052 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide
2053 information regarding its activities related to the growth and
2054 development of high-technology startups and second-stage

2055 businesses in its annual report required by s. 288.906.

2056 Section 25. Subsection (1) of section 288.92, Florida
 2057 Statutes, is amended to read:

2058 288.92 Divisions of Enterprise Florida, Inc.—

2059 (1) Enterprise Florida, Inc., may create and dissolve
 2060 divisions as necessary to carry out its mission. Each division
 2061 shall have distinct responsibilities and complementary missions.
 2062 At a minimum, Enterprise Florida, Inc., shall have divisions
 2063 related to the following areas:

- 2064 (a) International Trade and Business Development;
- 2065 (b) Business Retention and Recruitment;
- 2066 (c) Tourism Marketing; and
- 2067 (d) Minority Business Development. ~~;~~ ~~and~~
- 2068 ~~(e) Sports Industry Development.~~

2069 Section 26. Paragraph (b) of subsection (3) of section
 2070 288.9604, Florida Statutes, is amended to read:

2071 288.9604 Creation of the authority.—

2072 (3)

2073 (b)1. The powers of the corporation shall be exercised by
 2074 the directors thereof. A majority of the directors constitutes a
 2075 quorum for the purposes of conducting business and exercising
 2076 the powers of the corporation and for all other purposes. Action
 2077 may be taken by the corporation upon a vote of a majority of the
 2078 directors present, unless in any case the bylaws require a
 2079 larger number. Any person may be appointed as director if he or
 2080 she resides, or is engaged in business, which means owning a

2081 business, practicing a profession, or performing a service for
 2082 compensation or serving as an officer or director of a
 2083 corporation or other business entity so engaged, within the
 2084 state.

2085 2. Meetings of the directors may be conducted remotely by
 2086 utilizing communications media technology. The board shall hold
 2087 a meeting in person if the board is aware of opposition to a
 2088 bond issuance on the agenda for such meeting or if the board
 2089 receives a request to hold the meeting in person at least 72
 2090 hours before the scheduled meeting. For purposes of this
 2091 subparagraph, the term "communications media technology" means
 2092 conference telephone, video conference, or other communications
 2093 technology by which all persons attending a meeting may audibly
 2094 communicate.

2095 3. Any action taken by the full board of directors of the
 2096 corporation on or before March 31, 2015, to ratify or reject
 2097 actions taken by a previous board while such previous board was
 2098 incomplete due to director vacancies, has the same effect as if
 2099 the ratifying or rejecting board took the original action.

2100 Section 27. Paragraph (x) is added to subsection (2) of
 2101 section 288.9605, Florida Statutes, to read:

2102 288.9605 Corporation powers.—

2103 (2) The corporation is authorized and empowered to:

2104 (x) Execute and deliver documents, agreements, and
 2105 instruments in accordance with and to the extent permitted by
 2106 the Electronic Signature Act of 1996, part I of chapter 668.

2107 Section 28. Paragraph (c) of subsection (3) and subsection
 2108 (4) of section 288.980, Florida Statutes, is amended to read:

2109 288.980 Military base retention; legislative intent;
 2110 grants program.—

2111 (3)

2112 (c) The department shall require that an applicant:

2113 1. Represent a local government with a military
 2114 installation or military installations that could be adversely
 2115 affected by federal actions.

2116 ~~2. Agree to match at least 30 percent of any grant~~
 2117 ~~awarded.~~

2118 2.3. Prepare a coordinated program or plan of action
 2119 delineating how the eligible project will be administered and
 2120 accomplished.

2121 3.4. Provide documentation describing the potential for
 2122 changes to the mission of a military installation located in the
 2123 applicant's community and the potential impacts such changes
 2124 will have on the applicant's community.

2125 (4) The Florida Defense Reinvestment Grant Program is
 2126 established to respond to the need for this state to work in
 2127 conjunction with defense-dependent communities in developing and
 2128 implementing strategies and approaches that will help
 2129 communities support the missions of military installations, and
 2130 in developing and implementing alternative economic
 2131 diversification strategies to transition from a defense economy
 2132 to a nondefense economy. The department shall administer the

2133 program.

2134 (a) Eligible applicants include defense-dependent counties
 2135 and cities, and local economic development councils located
 2136 within such communities. ~~The program shall be administered by~~
 2137 ~~the department and~~ Grant awards may be provided to support
 2138 community-based activities that:

2139 1.(a) Protect existing military installations;

2140 2.(b) Diversify the economy of a defense-dependent
 2141 community; or

2142 3.(c) Develop plans for the reuse of closed or realigned
 2143 military installations, including any plans necessary for
 2144 infrastructure improvements needed to facilitate reuse and
 2145 related marketing activities.

2146 (b) Applications for grants under paragraph (a) ~~this~~
 2147 ~~subsection~~ must include a coordinated program of work or plan of
 2148 action delineating how the eligible project will be administered
 2149 and accomplished, which must include a plan for ensuring close
 2150 cooperation between civilian and military authorities in the
 2151 conduct of the funded activities and a plan for public
 2152 involvement. An applicant must agree to match at least 30
 2153 percent of any grant awarded.

2154 Section 29. Section 288.9937, Florida Statutes, is amended
 2155 to read:

2156 288.9937 Evaluation of programs.—The Office of Economic
 2157 and Demographic Research and the Office of Program Policy
 2158 Analysis and Government Accountability shall analyze and

2159 | ~~evaluate, and determine the economic benefits, as defined in s.~~
 2160 | ~~288.005,~~ of the first 3 years of the Microfinance Loan Program
 2161 | and the Microfinance Guarantee Program. The analysis by the
 2162 | Office of Economic and Demographic Research must ~~also~~ evaluate
 2163 | the number of jobs created, the increase or decrease in personal
 2164 | income, and the impact on state gross domestic product from the
 2165 | direct, indirect, and induced effects of the state's investment.
 2166 | The analysis by the Office of Program Policy Analysis and
 2167 | Government Accountability must ~~also~~ identify any inefficiencies
 2168 | in the programs and provide recommendations for changes to the
 2169 | programs. Each ~~The~~ office shall submit a report to the President
 2170 | of the Senate and the Speaker of the House of Representatives by
 2171 | January 15 ~~4~~, 2018. This section expires January 31, 2018.

2172 | Section 30. Subsections (1) and (3), paragraph (a) of
 2173 | subsection (5), and paragraph (e) of subsection (7) of section
 2174 | 288.11625, Florida Statutes, are amended to read:

2175 | 288.11625 Sports development.—

2176 | (1) ADMINISTRATION.—The department shall serve as the
 2177 | state agency responsible for screening applicants for state
 2178 | funding under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~

2179 | (3) PURPOSE.—The purpose of this section is to provide
 2180 | applicants state funding under s. 212.20(6)(d)6.e.
 2181 | ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
 2182 | reconstructing, renovating, or improving a facility.

2183 | (5) EVALUATION PROCESS.—

2184 | (a) Before recommending an applicant to receive a state

2185 distribution under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~, the
 2186 department must verify that:

2187 1. The applicant or beneficiary is responsible for the
 2188 construction, reconstruction, renovation, or improvement of a
 2189 facility and obtained at least three bids for the project.

2190 2. If the applicant is not a unit of local government, a
 2191 unit of local government holds title to the property on which
 2192 the facility and project are, or will be, located.

2193 3. If the applicant is a unit of local government in whose
 2194 jurisdiction the facility is, or will be, located, the unit of
 2195 local government has an exclusive intent agreement to negotiate
 2196 in this state with the beneficiary.

2197 4. A unit of local government in whose jurisdiction the
 2198 facility is, or will be, located supports the application for
 2199 state funds. Such support must be verified by the adoption of a
 2200 resolution, after a public hearing, that the project serves a
 2201 public purpose.

2202 5. The applicant or beneficiary has not previously
 2203 defaulted or failed to meet any statutory requirements of a
 2204 previous state-administered sports-related program under s.
 2205 288.1162, s. 288.11621, s. 288.11631, or this section.
 2206 Additionally, the applicant or beneficiary is not currently
 2207 receiving state distributions under s. 212.20 for the facility
 2208 that is the subject of the application, unless the applicant
 2209 demonstrates that the franchise that applied for a distribution
 2210 under s. 212.20 no longer plays at the facility that is the

2211 subject of the application.

2212 6. The applicant or beneficiary has sufficiently
2213 demonstrated a commitment to employ residents of this state,
2214 contract with Florida-based firms, and purchase locally
2215 available building materials to the greatest extent possible.

2216 7. If the applicant is a unit of local government, the
2217 applicant has a certified copy of a signed agreement with a
2218 beneficiary for the use of the facility. If the applicant is a
2219 beneficiary, the beneficiary must enter into an agreement with
2220 the department. The applicant's or beneficiary's agreement must
2221 also require the following:

2222 a. The beneficiary must reimburse the state for state
2223 funds that will be distributed if the beneficiary relocates or
2224 no longer occupies or uses the facility as the facility's
2225 primary tenant before the agreement expires. Reimbursements must
2226 be sent to the Department of Revenue for deposit into the
2227 General Revenue Fund.

2228 b. The beneficiary must pay for signage or advertising
2229 within the facility. The signage or advertising must be placed
2230 in a prominent location as close to the field of play or
2231 competition as is practicable, must be displayed consistent with
2232 signage or advertising in the same location and of like value,
2233 and must feature Florida advertising approved by the Florida
2234 Tourism Industry Marketing Corporation.

2235 8. The project will commence within 12 months after
2236 receiving state funds or did not commence before January 1,

2237 2013.

2238 (7) CONTRACT.—An applicant approved by the Legislature and
 2239 certified by the department must enter into a contract with the
 2240 department which:

2241 (e) Requires the applicant to reimburse the state by
 2242 electing to do one of the following:

2243 1. After all distributions have been made, reimburse at
 2244 the end of the contract term any amount by which the total
 2245 distributions made under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~
 2246 exceed actual new incremental state sales taxes generated by
 2247 sales at the facility during the contract, plus a 5 percent
 2248 penalty on that amount.

2249 2. After the applicant begins to submit the independent
 2250 analysis under paragraph (c), reimburse each year any amount by
 2251 which the previous year's annual distribution exceeds 75 percent
 2252 of the actual new incremental state sales taxes generated by
 2253 sales at the facility.

2254
 2255 Any reimbursement due to the state must be made within 90 days
 2256 after the applicable distribution under this paragraph. If the
 2257 applicant is unable or unwilling to reimburse the state for such
 2258 amount, the department may place a lien on the applicant's
 2259 facility. If the applicant is a municipality or county, it may
 2260 reimburse the state from its half-cent sales tax allocation, as
 2261 provided in s. 218.64(3). Reimbursements must be sent to the
 2262 Department of Revenue for deposit into the General Revenue Fund.

2263 Section 31. Paragraph (c) of subsection (2) and paragraphs
 2264 (a), (c), and (d) of subsection (3) of section 288.11631,
 2265 Florida Statutes, are amended to read:

2266 288.11631 Retention of Major League Baseball spring
 2267 training baseball franchises.—

2268 (2) CERTIFICATION PROCESS.—

2269 (c) Each applicant certified on or after July 1, 2013,
 2270 shall enter into an agreement with the department which:

2271 1. Specifies the amount of the state incentive funding to
 2272 be distributed. The amount of state incentive funding per
 2273 certified applicant may not exceed \$20 million. However, if a
 2274 certified applicant's facility is used by more than one spring
 2275 training franchise, the maximum amount may not exceed \$50
 2276 million, and the Department of Revenue shall make distributions
 2277 to the applicant pursuant to s. 212.20(6)(d)6.d.

2278 ~~212.20(6)(d)6.e.~~

2279 2. States the criteria that the certified applicant must
 2280 meet in order to remain certified. These criteria must include a
 2281 provision stating that the spring training franchise must
 2282 reimburse the state for any funds received if the franchise does
 2283 not comply with the terms of the contract. If bonds were issued
 2284 to construct or renovate a facility for a spring training
 2285 franchise, the required reimbursement must be equal to the total
 2286 amount of state distributions expected to be paid from the date
 2287 the franchise violates the agreement with the applicant through
 2288 the final maturity of the bonds.

2289 3. States that the certified applicant is subject to
 2290 decertification if the certified applicant fails to comply with
 2291 this section or the agreement.

2292 4. States that the department may recover state incentive
 2293 funds if the certified applicant is decertified.

2294 5. Specifies the information that the certified applicant
 2295 must report to the department.

2296 6. Includes any provision deemed prudent by the
 2297 department.

2298 (3) USE OF FUNDS.—

2299 (a) A certified applicant may use funds provided under s.
 2300 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ only to:

2301 1. Serve the public purpose of constructing or renovating
 2302 a facility for a spring training franchise.

2303 2. Pay or pledge for the payment of debt service on, or to
 2304 fund debt service reserve funds, arbitrage rebate obligations,
 2305 or other amounts payable with respect thereto, bonds issued for
 2306 the construction or renovation of such facility, or for the
 2307 reimbursement of such costs or the refinancing of bonds issued
 2308 for such purposes.

2309 (c) The Department of Revenue may not distribute funds
 2310 under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ until July 1, 2016.
 2311 Further, the Department of Revenue may not distribute funds to
 2312 an applicant certified on or after July 1, 2013, until it
 2313 receives notice from the department that:

2314 1. The certified applicant has encumbered funds under

2315 either subparagraph (a)1. or subparagraph (a)2.; and
 2316 2. If applicable, any existing agreement with a spring
 2317 training franchise for the use of a facility has expired.
 2318 (d)1. All certified applicants shall place unexpended
 2319 state funds received pursuant to s. 212.20(6)(d)6.d.
 2320 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
 2321 only as authorized in this section.
 2322 2. A certified applicant may request that the department
 2323 notify the Department of Revenue to suspend further
 2324 distributions of state funds made available under s.
 2325 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ for 12 months after expiration
 2326 of an existing agreement with a spring training franchise to
 2327 provide the certified applicant with an opportunity to enter
 2328 into a new agreement with a spring training franchise, at which
 2329 time the distributions shall resume.
 2330 3. The expenditure of state funds distributed to an
 2331 applicant certified after July 1, 2013, must begin within 48
 2332 months after the initial receipt of the state funds. In
 2333 addition, the construction or renovation of a spring training
 2334 facility must be completed within 24 months after the project's
 2335 commencement.
 2336 Section 32. Paragraph (a) of subsection (6), paragraph (b)
 2337 of subsection (9), paragraph (a) of subsection (35), subsection
 2338 (60), and paragraph (b) of subsection (64) of section 320.08058,
 2339 Florida Statutes, are amended to read:
 2340 320.08058 Specialty license plates.—

2341 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
 2342 PLATES.—

2343 (a) Because the United States Olympic Committee has
 2344 selected this state to participate in a combined fundraising
 2345 program that provides for one-half of all money raised through
 2346 volunteer giving to stay in this state and be administered by
 2347 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ to
 2348 support amateur sports, and because the United States Olympic
 2349 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~
 2350 ~~Inc.,~~ are nonprofit organizations dedicated to providing
 2351 athletes with support and training and preparing athletes of all
 2352 ages and skill levels for sports competition, and because the
 2353 Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ assists in
 2354 the bidding for sports competitions that provide significant
 2355 impact to the economy of this state, and the Legislature
 2356 supports the efforts of the United States Olympic Committee and
 2357 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ the
 2358 Legislature establishes a Florida United States Olympic
 2359 Committee license plate for the purpose of providing a
 2360 continuous funding source to support this worthwhile effort.
 2361 Florida United States Olympic Committee license plates must
 2362 contain the official United States Olympic Committee logo and
 2363 must bear a design and colors that are approved by the
 2364 department. The word "Florida" must be centered at the top of
 2365 the plate.

2366 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

2367 (b) The license plate annual use fees are to be annually
 2368 distributed as follows:

2369 1. Fifty-five percent of the proceeds from the Florida
 2370 Professional Sports Team plate must be deposited into the
 2371 Professional Sports Development Trust Fund within the Department
 2372 of Economic Opportunity. These funds must be used solely to
 2373 attract and support major sports events in this state. As used
 2374 in this subparagraph, the term "major sports events" means, but
 2375 is not limited to, championship or all-star contests of Major
 2376 League Baseball, the National Basketball Association, the
 2377 National Football League, the National Hockey League, Major
 2378 League Soccer, the men's and women's National Collegiate
 2379 Athletic Association championships ~~Final Four basketball~~
 2380 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All
 2381 funds must be used to support and promote major sporting events,
 2382 and the uses must be approved by the Department of Economic
 2383 Opportunity.

2384 2. The remaining proceeds of the Florida Professional
 2385 Sports Team license plate must be allocated to the Florida
 2386 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be
 2387 deposited into the Professional Sports Development Trust Fund
 2388 within the Department of Economic Opportunity. These funds must
 2389 be used by the Florida Sports Foundation ~~Enterprise Florida,~~
 2390 ~~Inc.~~, to promote the economic development of the sports
 2391 industry; to distribute licensing and royalty fees to
 2392 participating professional sports teams; ~~to promote education~~

2393 ~~programs in Florida schools that provide an awareness of the~~
2394 ~~benefits of physical activity and nutrition standards; to~~
2395 ~~partner with the Department of Education and the Department of~~
2396 ~~Health to develop a program that recognizes schools whose~~
2397 ~~students demonstrate excellent physical fitness or fitness~~
2398 ~~improvement; to institute a grant program for communities~~
2399 ~~bidding on minor sporting events that create an economic impact~~
2400 ~~for the state; to distribute funds to Florida-based charities~~
2401 ~~designated by the Florida Sports Foundation ~~Enterprise Florida,~~~~
2402 ~~Inc.,~~ and the participating professional sports teams; and to
2403 fulfill the sports promotion responsibilities of the Department
2404 of Economic Opportunity.

2405 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~
2406 shall provide an annual financial audit in accordance with s.
2407 215.981 of its financial accounts and records by an independent
2408 certified public accountant pursuant to the contract established
2409 by the Department of Economic Opportunity as specified in s.
2410 288.1229(5). The auditor shall submit the audit report to the
2411 Department of Economic Opportunity for review and approval. If
2412 the audit report is approved, the Department of Economic
2413 Opportunity shall certify the audit report to the Auditor
2414 General for review.

2415 4. Notwithstanding the provisions of subparagraphs 1. and
2416 2., proceeds from the Professional Sports Development Trust Fund
2417 may also be used for operational expenses of the Florida Sports
2418 Foundation ~~Enterprise Florida, Inc.,~~ and financial support of

2419 the Sunshine State Games and Florida Senior Games.

2420 (35) FLORIDA GOLF LICENSE PLATES.—

2421 (a) The Department of Highway Safety and Motor Vehicles
 2422 shall develop a Florida Golf license plate as provided in this
 2423 section. The word "Florida" must appear at the bottom of the
 2424 plate. The Dade Amateur Golf Association, following consultation
 2425 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~
 2426 ~~Florida, Inc.,~~ the LPGA, and the PGA of America may submit a
 2427 revised sample plate for consideration by the department.

2428 (60) FLORIDA NASCAR LICENSE PLATES.—

2429 (a) The department shall develop a Florida NASCAR license
 2430 plate as provided in this section. Florida NASCAR license plates
 2431 must bear the colors and design approved by the department. The
 2432 word "Florida" must appear at the top of the plate, and the term
 2433 "NASCAR" must appear at the bottom of the plate. The National
 2434 Association for Stock Car Auto Racing, following consultation
 2435 with the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ may
 2436 submit a sample plate for consideration by the department.

2437 (b) The license plate annual use fees shall be distributed
 2438 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
 2439 license plate annual use fees shall be annually allocated as
 2440 follows:

2441 1. Up to 5 percent of the proceeds from the annual use
 2442 fees may be used by the Florida Sports Foundation ~~Enterprise~~
 2443 ~~Florida, Inc.,~~ for the administration of the NASCAR license
 2444 plate program.

2445 2. The National Association for Stock Car Auto Racing
 2446 shall receive up to \$60,000 in proceeds from the annual use fees
 2447 to be used to pay startup costs, including costs incurred in
 2448 developing and issuing the plates. Thereafter, 10 percent of the
 2449 proceeds from the annual use fees shall be provided to the
 2450 association for the royalty rights for the use of its marks.

2451 3. The remaining proceeds from the annual use fees shall
 2452 be distributed to the Florida Sports Foundation ~~Enterprise~~
 2453 ~~Florida, Inc.~~ The Florida Sports Foundation ~~Enterprise Florida,~~
 2454 ~~Inc.,~~ will retain 15 percent to support its regional grant
 2455 program, attracting sporting events to Florida; 20 percent to
 2456 support the marketing of motorsports-related tourism in the
 2457 state; and 50 percent to be paid to the NASCAR Foundation, a s.
 2458 501(c)(3) charitable organization, to support Florida-based
 2459 charitable organizations.

2460 (c) The Florida Sports Foundation ~~Enterprise Florida,~~
 2461 ~~Inc.,~~ shall provide an annual financial audit in accordance with
 2462 s. 215.981 of its financial accounts and records by an
 2463 independent certified public accountant pursuant to the contract
 2464 established by the Department of Economic Opportunity as
 2465 specified in s. 288.1229(5). The auditor shall submit the audit
 2466 report to the Department of Economic Opportunity for review and
 2467 approval. If the audit report is approved, the Department of
 2468 Economic Opportunity shall certify the audit report to the
 2469 Auditor General for review.

2470 (64) FLORIDA TENNIS LICENSE PLATES.—

2471 (b) The department shall distribute the annual use fees to
 2472 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
 2473 license plate annual use fees shall be annually allocated as
 2474 follows:

2475 1. Up to 5 percent of the proceeds from the annual use
 2476 fees may be used by the Florida Sports Foundation ~~Enterprise~~
 2477 ~~Florida, Inc.,~~ to administer the license plate program.

2478 2. The United States Tennis Association Florida Section
 2479 Foundation shall receive the first \$60,000 in proceeds from the
 2480 annual use fees to reimburse it for startup costs,
 2481 administrative costs, and other costs it incurs in the
 2482 development and approval process.

2483 3. Up to 5 percent of the proceeds from the annual use
 2484 fees may be used for promoting and marketing the license plates.
 2485 The remaining proceeds shall be available for grants by the
 2486 United States Tennis Association Florida Section Foundation to
 2487 nonprofit organizations to operate youth tennis programs and
 2488 adaptive tennis programs for special populations of all ages,
 2489 and for building, renovating, and maintaining public tennis
 2490 courts.

2491 Section 33. For the purpose of incorporating the amendment
 2492 made by this act to section 288.106, Florida Statutes, in a
 2493 reference thereto, subsection (11) of section 159.803, Florida
 2494 Statutes, is reenacted to read:

2495 159.803 Definitions.—As used in this part, the term:

2496 (11) "Florida First Business project" means any project

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2497 | which is certified by the Department of Economic Opportunity as
2498 | eligible to receive an allocation from the Florida First
2499 | Business allocation pool established pursuant to s. 159.8083.
2500 | The Department of Economic Opportunity may certify those
2501 | projects meeting the criteria set forth in s. 288.106(4)(b) or
2502 | any project providing a substantial economic benefit to this
2503 | state.

2504 | Section 34. This act shall take effect July 1, 2016.