

1 A bill to be entitled
2 An act relating to economic stimulus; amending
3 s. 220.191, F.S.; establishing for a temporary
4 period, eligibility conditions for a new type
5 of qualifying project under the capital
6 investment tax credit program; providing
7 deadlines for certification of businesses and
8 commencement of project construction under such
9 program; revising requirements relating to
10 minimum capital investment; prescribing tax
11 credit limitations; amending s. 288.095, F.S.;
12 revising terminology relating to certain
13 incentive payment schedules; revising the due
14 date and content for an annual report on
15 incentives and reassigning responsibility for
16 such report to Enterprise Florida, Inc.;
17 amending s. 288.1045, F.S.; expanding the tax
18 refund program for qualified defense
19 contractors to include qualified
20 aviation-industry businesses; revising
21 definitions; defining "aviation-industry
22 business"; providing that qualified
23 aviation-industry businesses may seek refunds
24 for aviation fuel taxes paid; revising and
25 conforming procedures for applying for
26 certification under the tax refund program;
27 prescribing information required in
28 applications by aviation-industry businesses;
29 prescribing criteria to be used by the Office
30 of Tourism, Trade, and Economic Development in
31 reviewing applications by aviation-industry

1 businesses; revising the required elements of a
2 tax refund agreement; providing an exemption
3 from mandatory loss of tax refund eligibility
4 and decertification resulting from agreement
5 breach in cases of uncontrollable economic
6 factors; prescribing a deadline for applying
7 for tax refunds; revising conditions and
8 procedures governing applications for tax
9 refunds; revising provisions relating to the
10 order authorizing a tax refund; authorizing the
11 office to grant extensions to certain
12 application and notification deadlines;
13 revising conditions under which a prorated tax
14 refund will be approved; providing for
15 calculation of such prorated refund; specifying
16 that the section does not create a presumption
17 a claim will be approved and paid; revising the
18 agencies with which the office may verify
19 information and to which the office may provide
20 information; expanding purposes for which the
21 office may seek assistance from certain
22 entities; amending s. 288.106, F.S., relating
23 to the tax refund program for qualified target
24 industry businesses; consolidating definitions;
25 revising requirements for application for
26 certification as such business with respect to
27 the number of current and new jobs at the
28 business and projections by the Office of
29 Tourism, Trade, and Economic Development of
30 refunds based thereon; revising requirements
31 relating to the tax refund agreement with

1 respect to job creation and the time for filing
2 of claims for refund; providing for an
3 exemption from mandatory loss of tax refund
4 eligibility and decertification resulting from
5 agreement breach in cases of uncontrollable
6 economic factors; revising provisions relating
7 to annual claims for refund; authorizing an
8 extension of time for signing the tax refund
9 agreement; providing an application deadline;
10 revising provisions relating to the order
11 authorizing a tax refund; revising conditions
12 under which a prorated tax refund will be
13 approved; providing for calculation of such
14 prorated tax refund; specifying that the
15 section does not create a presumption that a
16 claim will be approved and paid; revising the
17 agencies with which the office may verify
18 information and to which the office may provide
19 information; expanding purposes for which the
20 office may seek assistance from certain
21 entities; specifying that certain
22 appropriations may not be used for any purpose
23 other than the payment of specified tax
24 refunds; creating the Extended Homeownership
25 Assistance Program within the Florida Housing
26 Finance Corporation; providing for loans to
27 eligible borrowers for down payments or closing
28 costs related to the purchase of residences;
29 providing for repayment of loans; authorizing a
30 fee; requiring deposit and authorizing
31 expenditure of certain revenues; requiring the

1 adoption of rules; providing for future repeal;
2 providing legislative findings relating to the
3 impact of economic downturns on small
4 businesses; directing Enterprise Florida, Inc.,
5 to provide for the establishment of a Small
6 Business Crisis Management Team; prescribing
7 the membership and purposes of such team;
8 requiring participation of designated agencies
9 or organizations; defining the term "small
10 business"; creating s. 121.155, F.S.; providing
11 legislative findings relating to the
12 relationship between availability of capital
13 and the development of high-technology
14 businesses; expressing legislative intent that
15 Florida Retirement System investments
16 complement economic development strategies;
17 requiring staff of the State Board of
18 Administration to review certain economic
19 development information; expanding annual
20 report requirements; amending s. 159.26, F.S.;
21 declaring, for purposes of the Florida
22 Industrial Development Financing Act, that the
23 information technology industry is vital to the
24 economy of the state; providing that the
25 advancement of information technology is a
26 purpose underlying the act; amending s. 159.27,
27 F.S.; redefining the term "project" to include
28 information technology facilities; defining the
29 term "information technology facility";
30 amending s. 159.705, F.S.; specifying that
31 certain entities may operate a project located

1 in a research and development park and financed
2 under the Florida Industrial Development
3 Financing Act; amending s. 240.105, F.S.;
4 providing that the mission of the state system
5 of postsecondary education includes supporting
6 economic development of the state; amending s.
7 240.710, F.S.; revising duties relating to the
8 Digital Media Education Coordination Group;
9 eliminating obsolete provisions; providing for
10 the group to submit an annual report; amending
11 s. 288.108, F.S.; specifying that the
12 information technology sector is a high-impact
13 sector for the purposes of a grant program for
14 investments by certain businesses; amending s.
15 445.045, F.S.; reassigning responsibility for
16 development and maintenance of an information
17 technology promotion and workforce recruitment
18 website to Workforce Florida, Inc.; requiring
19 consistency and compatibility with other
20 information systems; authorizing Workforce
21 Florida, Inc., to secure website services from
22 outside entities; requiring coordination of the
23 information technology website with other
24 marketing, promotion, and advocacy efforts;
25 authorizing Workforce Florida, Inc., to act
26 through the Agency for Workforce Innovation in
27 fulfilling its responsibilities related to the
28 website; directing the agency to provide
29 services to Workforce Florida, Inc.; providing
30 legislative findings and intent relating to
31 establishment of joint-use advanced

1 digital-media research and production
2 facilities; authorizing the Office of Tourism,
3 Trade, and Economic Development to create a
4 program supporting establishment of the
5 facilities; prescribing the purposes of the
6 facilities; specifying powers and duties of the
7 office relating to establishment of the
8 facilities; defining the term "digital media";
9 requiring a report to the Legislature on
10 recommended funding levels for the facilities;
11 amending s. 553.415, F.S.; delaying the date
12 for inclusion of the Uniform Code for Public
13 Education Facilities in the Florida Building
14 Code; providing an effective date for the
15 Florida Building Code; amending s. 135 of ch.
16 2000-141, Laws of Florida, and ss. 62(2) and 68
17 of ch. 98-287, Laws of Florida, as amended;
18 delaying the amendment, repeal, and transfer
19 and renumbering of specified sections of the
20 Florida Statutes; amending s. 627.0629, F.S.;
21 delaying a deadline by which insurance
22 companies are required to make certain rate
23 filings; providing for the adoption of an
24 administrative rule; providing for the
25 treatment of permit applications submitted
26 before the effective date of the code;
27 requiring local jurisdictions to enact
28 ordinances establishing wind speed lines;
29 encouraging restrictions on the expenditure of
30 public funds for tourism promotion; amending s.
31 199.185, F.S.; postponing the increase in

1 exemptions under the tax on intangible
2 property; providing effective dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 220.191, Florida Statutes, is
7 amended to read:

8 220.191 Capital investment tax credit.--

9 (1) DEFINITIONS.--For purposes of this section:

10 (a) "Commencement of operations" means the beginning
11 of active operations by a qualifying business or qualifying
12 economic stimulus business of the principal function for which
13 a qualifying project was constructed.

14 (b) "Cumulative capital investment" means the total
15 capital investment in land, buildings, and equipment made in
16 connection with a qualifying project or qualifying economic
17 stimulus project during the period from the beginning of
18 construction of the project to the commencement of operations.

19 (c) "Eligible capital costs" means all expenses
20 incurred by a qualifying business or qualifying economic
21 stimulus business in connection with the acquisition,
22 construction, installation, and equipping of a qualifying
23 project or qualifying economic stimulus project during the
24 period from the beginning of construction of the project to
25 the commencement of operations, including, but not limited to:

26 1. The costs of acquiring, constructing, installing,
27 equipping, and financing a qualifying project or qualifying
28 economic stimulus project, including all obligations incurred
29 for labor and obligations to contractors, subcontractors,
30 builders, and materialmen.

31

1 2. The costs of acquiring land or rights to land and
2 any cost incidental thereto, including recording fees.

3 3. The costs of architectural and engineering
4 services, including test borings, surveys, estimates, plans
5 and specifications, preliminary investigations, environmental
6 mitigation, and supervision of construction, as well as the
7 performance of all duties required by or consequent to the
8 acquisition, construction, installation, and equipping of a
9 qualifying project or qualifying economic stimulus project.

10 4. The costs associated with the installation of
11 fixtures and equipment; surveys, including archaeological and
12 environmental surveys; site tests and inspections; subsurface
13 site work and excavation; removal of structures, roadways, and
14 other surface obstructions; filling, grading, paving, and
15 provisions for drainage, storm water retention, and
16 installation of utilities, including water, sewer, sewage
17 treatment, gas, electricity, communications, and similar
18 facilities; and offsite construction of utility extensions to
19 the boundaries of the property.

20
21 Eligible capital costs shall not include the cost of any
22 property previously owned or leased by the qualifying business
23 or qualifying economic stimulus business.

24 (d) "Income generated by or arising out of the
25 qualifying project" means the qualifying project's or
26 qualifying economic stimulus project's annual taxable income
27 as determined by generally accepted accounting principles and
28 under s. 220.13.

29 (e) "Jobs" means full-time equivalent positions, as
30 such term is consistent with terms used by the Agency for
31 Workforce Innovation ~~Department of Labor and Employment~~

1 ~~Security~~ and the United States Department of Labor for
2 purposes of unemployment tax administration and employment
3 estimation, resulting directly from a qualifying project or
4 qualifying economic stimulus project in this state. Such term
5 does not include temporary construction jobs involved in the
6 construction of the project facility.

7 (f) "Office" means the Office of Tourism, Trade, and
8 Economic Development.

9 (g) "Qualifying business" means a business which
10 establishes a qualifying project in this state and which is
11 certified by the office to receive tax credits under pursuant
12 to this section.

13 (h) "Qualifying project" means a new or expanding
14 facility in this state which creates at least 100 new jobs in
15 this state and is in one of the high-impact sectors identified
16 by Enterprise Florida, Inc., and certified by the office under
17 pursuant to s. 288.108(6), including, but not limited to,
18 aviation, aerospace, automotive, and silicon technology
19 industries.

20 (i) "Qualifying economic stimulus business" means a
21 business which establishes a qualifying economic stimulus
22 project and which is certified by the office, on or before
23 April 1, 2002, to receive tax credits under this section.

24 (j) "Qualifying economic stimulus project" means a new
25 or expanding facility in this state which creates at least 50
26 new jobs in this state and is in one of the target industries
27 identified under s. 288.106(1)(o). Construction on a
28 qualifying economic stimulus project must begin on or before
29 December 31, 2002.

30 (2) An annual credit against the tax imposed by this
31 chapter shall be granted to any qualifying business or

1 qualifying economic stimulus business in an amount equal to 5
2 percent of the eligible capital costs generated by a
3 qualifying project or qualifying economic stimulus project,
4 for a period not to exceed 20 years beginning with the
5 commencement of operations of the project. The tax credit
6 shall be granted against only the corporate income tax
7 liability or the premium tax liability generated by or arising
8 out of the qualifying project or qualifying economic stimulus
9 project, and the sum of all tax credits provided under
10 ~~pursuant to~~ this section shall not exceed 100 percent of the
11 eligible capital costs of the project. In no event may any
12 credit granted under this section be carried forward or
13 backward by any qualifying business or qualifying economic
14 stimulus business with respect to a subsequent or prior year.

15 (a) The annual tax credit granted under this section
16 shall not exceed the following percentages of the annual
17 corporate income tax liability or the premium tax liability
18 generated by or arising out of a qualifying project:

19 1.(a) One hundred percent for a qualifying project
20 which results in a cumulative capital investment of at least
21 \$100 million.

22 2.(b) Seventy-five percent for a qualifying project
23 which results in a cumulative capital investment of at least
24 \$50 million but less than \$100 million.

25 3.(c) Fifty percent for a qualifying project which
26 results in a cumulative capital investment of at least \$25
27 million but less than \$50 million.

28 4. Forty percent for a qualifying project on which
29 construction has begun on or before December 31, 2002, and
30 which results in a cumulative capital investment of at least
31 \$15 million but less than \$25 million.

1 **(b) The annual tax credit granted under this section**
2 **shall not exceed the following percentages of the annual**
3 **corporate income tax liability or the premium tax liability**
4 **generated by or arising out of a qualifying economic stimulus**
5 **project:**

6 **1. Ninety percent if the qualifying economic stimulus**
7 **project results in a cumulative capital investment of at least**
8 **\$100 million.**

9 **2. Sixty-five percent if the qualifying economic**
10 **stimulus project results in a cumulative capital investment of**
11 **at least \$50 million but less than \$100 million.**

12 **3. Forty percent if the qualifying economic stimulus**
13 **project results in a cumulative capital investment of at least**
14 **\$25 million but less than \$50 million.**

15 **4. Thirty percent if the qualifying economic stimulus**
16 **project results in a cumulative capital investment of at least**
17 **\$15 million but less than \$25 million.**

18
19 **A qualifying project or qualifying economic stimulus project**
20 **which results in a cumulative capital investment of less than**
21 **\$15\$25 million is not eligible for the capital investment tax**
22 **credit. An insurance company claiming a credit against premium**
23 **tax liability under this program shall not be required to pay**
24 **any additional retaliatory tax levied under pursuant to s.**
25 **624.5091 as a result of claiming such credit. Because credits**
26 **under this section are available to an insurance company, s.**
27 **624.5091 does not limit such credit in any manner.**

28 **(3) Before ~~Prior to~~ receiving tax credits under**
29 **~~pursuant to~~ this section, a qualifying business or qualifying**
30 **economic stimulus business must achieve and maintain the**
31 **minimum employment goals beginning with the commencement of**

1 operations at a qualifying project or qualifying economic
2 stimulus project and continuing each year thereafter during
3 which tax credits are available under ~~pursuant to~~ this
4 section.

5 (4) The office, upon a recommendation by Enterprise
6 Florida, Inc., shall first certify a qualifying business or
7 qualifying economic stimulus business as eligible to receive
8 tax credits under ~~pursuant to~~ this section before ~~prior to~~ the
9 commencement of operations of a qualifying project or
10 qualifying economic stimulus project, and such certification
11 shall be transmitted to the Department of Revenue. Upon
12 receipt of the certification, the Department of Revenue shall
13 enter into a written agreement with the qualifying business or
14 qualifying economic stimulus business specifying, at a
15 minimum, the method by which income generated by or arising
16 out of the qualifying project or qualifying economic stimulus
17 project will be determined.

18 (5) The office, in consultation with Enterprise
19 Florida, Inc., is authorized to develop the necessary
20 guidelines and application materials for the certification
21 process described in subsection (4).

22 (6) It shall be the responsibility of the qualifying
23 business or qualifying economic stimulus business to
24 affirmatively demonstrate to the satisfaction of the
25 Department of Revenue that such business meets the job
26 creation and capital investment requirements of this section.

27 (7) The Department of Revenue may specify by rule the
28 methods by which a qualifying project's or qualifying economic
29 stimulus project's pro forma annual taxable income is
30 determined.

31

1 Section 2. Paragraphs (b) and (c) of subsection (3) of
2 section 288.095, Florida Statutes, are amended to read:

3 288.095 Economic Development Trust Fund.--

4 (3)

5 (b) The total amount of tax refund claims approved for
6 payment by the Office of Tourism, Trade, and Economic
7 Development based on actual project performance may not exceed
8 the amount appropriated to the Economic Development Incentives
9 Account for such purposes for the fiscal year. In the event
10 the Legislature does not appropriate an amount sufficient to
11 satisfy estimates ~~projections~~ by the office for tax refunds
12 under ss. 288.1045 and 288.106 in a fiscal year, the Office of
13 Tourism, Trade, and Economic Development shall, not later than
14 July 15 of such year, determine the proportion of each refund
15 claim which shall be paid by dividing the amount appropriated
16 for tax refunds for the fiscal year by the estimated ~~projected~~
17 total of refund claims for the fiscal year. The amount of each
18 claim for a tax refund shall be multiplied by the resulting
19 quotient. If, after the payment of all such refund claims,
20 funds remain in the Economic Development Incentives Account
21 for tax refunds, the office shall recalculate the proportion
22 for each refund claim and adjust the amount of each claim
23 accordingly.

24 (c) By December 31 ~~September 30~~ of each year,
25 Enterprise Florida, Inc., ~~the Office of Tourism, Trade, and~~
26 ~~Economic Development~~ shall submit a complete and detailed
27 report to the Governor, the President of the Senate, the
28 Speaker of the House of Representatives, and the director of
29 the Office of Tourism, Trade, and Economic Development ~~board~~
30 ~~of directors of Enterprise Florida, Inc., created under part~~
31 ~~VII of this chapter,~~ of all applications received,

1 recommendations made to the Office of Tourism, Trade, and
2 Economic Development, final decisions issued, tax refund
3 agreements executed, and tax refunds paid or other payments
4 made under all programs funded out of the Economic Development
5 Incentives Account, including analyses of benefits and costs,
6 types of projects supported, and employment and investment
7 created. Enterprise Florida, Inc., ~~The Office of Tourism,~~
8 ~~Trade, and Economic Development~~ shall also include a separate
9 analysis of the impact of such tax refunds on state enterprise
10 zones designated pursuant to s. 290.0065, rural communities,
11 brownfield areas, and distressed urban communities. By
12 ~~December 1 of each year, the board of directors of Enterprise~~
13 ~~Florida, Inc., shall review and comment on the report, and the~~
14 ~~board shall submit the report, together with the comments of~~
15 ~~the board, to the Governor, the President of the Senate, and~~
16 ~~the Speaker of the House of Representatives.~~ The report must
17 discuss whether the authority and moneys appropriated by the
18 Legislature to the Economic Development Incentives Account
19 were managed and expended in a prudent, fiducially sound
20 manner. The Office of Tourism, Trade, and Economic Development
21 shall assist Enterprise Florida, Inc., in the collection of
22 data related to business performance and incentive payments.

23 Section 3. Section 288.1045, Florida Statutes, is
24 amended to read:

25 288.1045 ~~Qualified defense contractor~~ Tax refund
26 program for qualified defense contractors and
27 aviation-industry businesses.--

28 (1) DEFINITIONS.--As used in this section:

29 (a) "Consolidation of a Department of Defense
30 contract" means the consolidation of one or more of an
31 applicant's facilities under one or more Department of Defense

1 contracts either from outside this state or from inside and
2 outside this state, into one or more of the applicant's
3 facilities inside this state.

4 (b) "Average wage in the area" means the average of
5 all wages and salaries in the state, the county, or in the
6 standard metropolitan area in which the business unit is
7 located.

8 (c) "Applicant" means any business entity that holds a
9 valid Department of Defense contract, ~~or~~ any business entity
10 that is a subcontractor under a valid Department of Defense
11 contract, ~~or~~ any business entity that holds a valid contract
12 for the reuse of a defense-related facility, or any
13 aviation-industry business as defined in paragraph (r),
14 including all members of an affiliated group of corporations
15 as defined in s. 220.03(1)(b).

16 (d) "Office" means the Office of Tourism, Trade, and
17 Economic Development.

18 (e) "Department of Defense contract" means a
19 competitively bid Department of Defense contract or a
20 competitively bid federal agency contract issued on behalf of
21 the Department of Defense for manufacturing, assembling,
22 fabricating, research, development, or design with a duration
23 of 2 or more years, but excluding any contract to provide
24 goods, improvements to real or tangible property, or services
25 directly to or for any particular military base or
26 installation in this state.

27 (f) "New Department of Defense contract" means a
28 Department of Defense contract entered into after the date
29 application for certification as a qualified applicant is made
30 and after January 1, 1994.

31

1 (g) "Jobs" means full-time equivalent positions,
2 consistent with the use of such terms by the Agency for
3 Workforce Innovation ~~Department of Labor and Employment~~
4 ~~Security~~ for the purpose of unemployment compensation tax,
5 resulting directly from a project in this state. This number
6 does not include temporary construction jobs involved with the
7 construction of facilities for the project.

8 (h) "Nondefense production jobs" means employment
9 exclusively for activities that, directly or indirectly, are
10 unrelated to the Department of Defense.

11 (i) "Project" means any business undertaking in this
12 state under a new Department of Defense contract,
13 consolidation of a Department of Defense contract, or
14 conversion of defense production jobs over to nondefense
15 production jobs or reuse of defense-related facilities. The
16 term also means any business undertaking in this state by an
17 aviation-industry business which results in the retention or
18 creation of jobs in this state and which occurs through a new
19 multistate competitive aviation-industry contract;
20 consolidation of multistate operations; conversion of jobs in
21 aviation-industry operations to nonaviation-industry
22 operations; or expansion of aviation-industry operations,
23 which expansion results in an increase of at least 10 percent
24 in the number of jobs in this state at the business unit.

25 (j) "Qualified applicant" means an applicant that has
26 been approved by the director to be eligible for tax refunds
27 pursuant to this section.

28 (k) "Director" means the director of the Office of
29 Tourism, Trade, and Economic Development.

30 (l) "Taxable year" means the same as in s.
31 220.03(1)(z).

1 (m) "Fiscal year" means the fiscal year of the state.

2 (n) "Business unit" means an employing unit, as
3 defined in s. 443.036, that is registered with the Agency for
4 Workforce Innovation ~~Department of Labor and Employment~~
5 ~~Security~~ for unemployment compensation purposes or means a
6 subcategory or division of an employing unit that is accepted
7 by the Agency for Workforce Innovation ~~Department of Labor and~~
8 ~~Employment Security~~ as a reporting unit.

9 (o) "Local financial support" means funding from local
10 sources, public or private, which is paid to the Economic
11 Development Trust Fund and which is equal to 20 percent of the
12 annual tax refund for a qualified applicant. Local financial
13 support may include excess payments made to a utility company
14 under a designated program to allow decreases in service by
15 the utility company under conditions, regardless of when
16 application is made. A qualified applicant may not provide,
17 directly or indirectly, more than 5 percent of such funding in
18 any fiscal year. The sources of such funding may not include,
19 directly or indirectly, state funds appropriated from the
20 General Revenue Fund or any state trust fund, excluding tax
21 revenues shared with local governments pursuant to law.

22 (p) "Contract for reuse of a defense-related facility"
23 means a contract with a duration of 2 or more years for the
24 use of a facility for manufacturing, assembling, fabricating,
25 research, development, or design of tangible personal
26 property, but excluding any contract to provide goods,
27 improvements to real or tangible property, or services
28 directly to or for any particular military base or
29 installation in this state. Such facility must be located
30 within a port, as defined in s. 313.21, and have been occupied
31 by a business entity that held a valid Department of Defense

1 contract or occupied by any branch of the Armed Forces of the
2 United States, within 1 year of any contract being executed
3 for the reuse of such facility. A contract for reuse of a
4 defense-related facility may not include any contract for
5 reuse of such facility for any Department of Defense contract
6 for manufacturing, assembling, fabricating, research,
7 development, or design.

8 (q) "Local financial support exemption option" means
9 the option to exercise an exemption from the local financial
10 support requirement available to any applicant whose project
11 is located in a county designated by the Rural Economic
12 Development Initiative, if the county commissioners of the
13 county in which the project will be located adopt a resolution
14 requesting that the applicant's project be exempt from the
15 local financial support requirement. Any applicant that
16 exercises this option is not eligible for more than 80 percent
17 of the total tax refunds allowed such applicant under this
18 section.

19 (r) "Aviation-industry business" means a business
20 engaged in activities that support general or commercial
21 aviation, including the construction, repair, or maintenance
22 of aircraft, aircraft power plants, aircraft parts, or
23 aircraft accessories. The term does not include a business
24 engaged in the provision of instruction in flying and related
25 ground subjects.

26 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

27 (a) There shall be allowed, from the Economic
28 Development Trust Fund, a refund to a qualified applicant for
29 the amount of eligible taxes certified by the director which
30 were paid by such qualified applicant. The total amount of
31 refunds for all fiscal years for each qualified applicant

1 shall be determined pursuant to subsection (3). The annual
2 amount of a refund to a qualified applicant shall be
3 determined pursuant to subsection (5).

4 (b) A qualified applicant may not be qualified for any
5 project to receive more than \$5,000 times the number of jobs
6 provided in the tax refund agreement pursuant to subparagraph
7 (4)(a)1. A qualified applicant may not receive refunds of more
8 than 25 percent of the total tax refunds provided in the tax
9 refund agreement pursuant to subparagraph (4)(a)1. in any
10 fiscal year, provided that no qualified applicant may receive
11 more than \$2.5 million in tax refunds pursuant to this section
12 in any fiscal year.

13 (c) A qualified applicant may not receive more than
14 \$7.5 million in tax refunds pursuant to this section in all
15 fiscal years.

16 (d) Contingent upon an annual appropriation by the
17 Legislature, the director may approve not more in tax refunds
18 than the amount appropriated to the Economic Development Trust
19 Fund for tax refunds, for a fiscal year pursuant to subsection
20 (5) and s. 288.095.

21 (e) For the first 6 months of each fiscal year, the
22 director shall set aside 30 percent of the amount appropriated
23 for refunds pursuant to this section by the Legislature to
24 provide tax refunds only to qualified applicants who employ
25 500 or fewer full-time employees in this state. Any
26 unencumbered funds remaining undisbursed from this set-aside
27 at the end of the 6-month period may be used to provide tax
28 refunds for any qualified applicants pursuant to this section.

29 (f) After entering into a tax refund agreement
30 pursuant to subsection (4), a qualified applicant may receive
31 refunds from the Economic Development Trust Fund for the

1 following taxes due and paid by the qualified applicant
2 beginning with the applicant's first taxable year that begins
3 after entering into the agreement:

4 1. Taxes on sales, use, and other transactions paid
5 pursuant to chapter 212.

6 2. Corporate income taxes paid pursuant to chapter
7 220.

8 3. Intangible personal property taxes paid pursuant to
9 chapter 199.

10 4. Emergency excise taxes paid pursuant to chapter
11 221.

12 5. Excise taxes paid on documents pursuant to chapter
13 201.

14 6. Ad valorem taxes paid, as defined in s.
15 220.03(1)(a) on June 1, 1996.

16 7. Aviation fuel taxes paid pursuant to s. 206.9825 by
17 a qualified aviation-industry business.

18
19 However, a qualified applicant may not receive a tax refund
20 pursuant to this section for any amount of credit, refund, or
21 exemption granted such contractor or aviation-industry
22 business for any of such taxes. If a refund for such taxes is
23 provided by the office, which taxes are subsequently adjusted
24 by the application of any credit, refund, or exemption granted
25 to the qualified applicant other than that provided in this
26 section, the qualified applicant shall reimburse the Economic
27 Development Trust Fund for the amount of such credit, refund,
28 or exemption. A qualified applicant must notify and tender
29 payment to the office within 20 days after receiving a credit,
30 refund, or exemption, other than that provided in this
31 section.

1 (g) Any qualified applicant who fraudulently claims
2 this refund is liable for repayment of the refund to the
3 Economic Development Trust Fund plus a mandatory penalty of
4 200 percent of the tax refund which shall be deposited into
5 the General Revenue Fund. Any qualified applicant who
6 fraudulently claims this refund commits a felony of the third
7 degree, punishable as provided in s. 775.082, s. 775.083, or
8 s. 775.084.

9 (h) Funds made available pursuant to this section may
10 not be expended in connection with the relocation of a
11 business from one community to another community in this state
12 unless the Office of Tourism, Trade, and Economic Development
13 determines that without such relocation the business will move
14 outside this state or determines that the business has a
15 compelling economic rationale for the relocation which creates
16 additional jobs.

17 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
18 DETERMINATION.--

19 (a) To apply for certification as a qualified
20 applicant pursuant to this section, an applicant must file an
21 application with the office which satisfies the requirements
22 of paragraphs (b) and (e), paragraphs (c) and (e), ~~or~~
23 paragraphs (d) and (e), or paragraphs (j) and (k). An
24 applicant may not apply for certification pursuant to this
25 section after a proposal has been submitted for a new
26 Department of Defense contract, after the applicant has made
27 the decision to consolidate an existing Department of Defense
28 contract in this state for which such applicant is seeking
29 certification, or after the applicant has made the decision to
30 convert defense production jobs to nondefense production jobs
31 for which such applicant is seeking certification. In the case

1 of an aviation-industry business, an applicant may not apply
2 for certification after the business has submitted a final
3 proposal or bid for a multistate competitive aviation-industry
4 contract, made the decision to consolidate multistate
5 operations in this state, made the decision to convert jobs in
6 aviation-industry operations to nonaviation-industry
7 operations, or made the decision to expand aviation-industry
8 operations in this state.

9 (b) Applications for certification based on the
10 consolidation of a Department of Defense contract or a new
11 Department of Defense contract must be submitted to the office
12 as prescribed by the office and must include, but are not
13 limited to, the following information:

14 1. The applicant's federal employer identification
15 number, the applicant's Florida sales tax registration number,
16 and a notarized signature of an officer of the applicant.

17 2. The permanent location of the manufacturing,
18 assembling, fabricating, research, development, or design
19 facility in this state at which the project is or is to be
20 located.

21 3. The Department of Defense contract numbers of the
22 contract to be consolidated, the new Department of Defense
23 contract number, or the "RFP" number of a proposed Department
24 of Defense contract.

25 4. The date the contract was executed or is expected
26 to be executed, and the date the contract is due to expire or
27 is expected to expire.

28 5. The commencement date for project operations under
29 the contract in this state.

30 6. The number of net new full-time equivalent Florida
31 jobs included in ~~this state which are or will be dedicated to~~

1 the project as of December 31 of each ~~during the~~ year and the
2 average wage of such jobs.

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

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

9 9. The amount of:

10 a. Taxes on sales, use, and other transactions paid
11 pursuant to chapter 212;

12 b. Corporate income taxes paid pursuant to chapter
13 220;

14 c. Intangible personal property taxes paid pursuant to
15 chapter 199;

16 d. Emergency excise taxes paid pursuant to chapter
17 221;

18 e. Excise taxes paid on documents pursuant to chapter
19 201; and

20 f. Ad valorem taxes paid
21

22 during the 5 fiscal years immediately preceding the date of
23 the application, and the projected amounts of such taxes to be
24 due in the 3 fiscal years immediately following the date of
25 the application.

26 10. The estimated amount of tax refunds to be claimed
27 for ~~in~~ each fiscal year.

28 11. A brief statement concerning the applicant's need
29 for tax refunds, and the proposed uses of such refunds by the
30 applicant.
31

1 12. A resolution adopted by the county commissioners
2 of the county in which the project will be located, which
3 recommends the applicant be approved as a qualified applicant,
4 and which indicates that the necessary commitments of local
5 financial support for the applicant exist. Prior to the
6 adoption of the resolution, the county commission may review
7 the proposed public or private sources of such support and
8 determine whether the proposed sources of local financial
9 support can be provided or, for any applicant whose project is
10 located in a county designated by the Rural Economic
11 Development Initiative, a resolution adopted by the county
12 commissioners of such county requesting that the applicant's
13 project be exempt from the local financial support
14 requirement.

15 13. Any additional information requested by the
16 office.

17 (c) Applications for certification based on the
18 conversion of defense production jobs to nondefense production
19 jobs must be submitted to the office as prescribed by the
20 office and must include, but are not limited to, the following
21 information:

22 1. The applicant's federal employer identification
23 number, the applicant's Florida sales tax registration number,
24 and a notarized signature of an officer of the applicant.

25 2. The permanent location of the manufacturing,
26 assembling, fabricating, research, development, or design
27 facility in this state at which the project is or is to be
28 located.

29 3. The Department of Defense contract numbers of the
30 contract under which the defense production jobs will be
31 converted to nondefense production jobs.

1 4. The date the contract was executed, and the date
2 the contract is due to expire or is expected to expire, or was
3 canceled.

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

6 6. The number of net new full-time equivalent Florida
7 jobs included in ~~this state which are or will be dedicated to~~
8 the nondefense production project as of December 31 of each
9 ~~during the~~ year and the average wage of such jobs.

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

12 8. The percentage of the applicant's gross receipts
13 derived from Department of Defense contracts during the 5
14 taxable years immediately preceding the date the application
15 is submitted.

16 9. The amount of:

17 a. Taxes on sales, use, and other transactions paid
18 pursuant to chapter 212;

19 b. Corporate income taxes paid pursuant to chapter
20 220;

21 c. Intangible personal property taxes paid pursuant to
22 chapter 199;

23 d. Emergency excise taxes paid pursuant to chapter
24 221;

25 e. Excise taxes paid on documents pursuant to chapter
26 201; and

27 f. Ad valorem taxes paid

28
29 during the 5 fiscal years immediately preceding the date of
30 the application, and the projected amounts of such taxes to be
31

1 due in the 3 fiscal years immediately following the date of
2 the application.

3 10. The estimated amount of tax refunds to be claimed
4 for ~~in~~ each fiscal year.

5 11. A brief statement concerning the applicant's need
6 for tax refunds, and the proposed uses of such refunds by the
7 applicant.

8 12. A resolution adopted by the county commissioners
9 of the county in which the project will be located, which
10 recommends the applicant be approved as a qualified applicant,
11 and which indicates that the necessary commitments of local
12 financial support for the applicant exist. Prior to the
13 adoption of the resolution, the county commission may review
14 the proposed public or private sources of such support and
15 determine whether the proposed sources of local financial
16 support can be provided or, for any applicant whose project is
17 located in a county designated by the Rural Economic
18 Development Initiative, a resolution adopted by the county
19 commissioners of such county requesting that the applicant's
20 project be exempt from the local financial support
21 requirement.

22 13. Any additional information requested by the
23 office.

24 (d) Applications for certification based on a contract
25 for reuse of a defense-related facility must be submitted to
26 the office as prescribed by the office and must include, but
27 are not limited to, the following information:

28 1. The applicant's Florida sales tax registration
29 number and a notarized signature of an officer of the
30 applicant.

31

1 2. The permanent location of the manufacturing,
2 assembling, fabricating, research, development, or design
3 facility in this state at which the project is or is to be
4 located.

5 3. The business entity holding a valid Department of
6 Defense contract or branch of the Armed Forces of the United
7 States that previously occupied the facility, and the date
8 such entity last occupied the facility.

9 4. A copy of the contract to reuse the facility, or
10 such alternative proof as may be prescribed by the office that
11 the applicant is seeking to contract for the reuse of such
12 facility.

13 5. The date the contract to reuse the facility was
14 executed or is expected to be executed, and the date the
15 contract is due to expire or is expected to expire.

16 6. The commencement date for project operations under
17 the contract in this state.

18 7. The number of net new full-time equivalent Florida
19 jobs included in ~~this state which are or will be dedicated to~~
20 the project as of December 31 of each ~~during the~~ year and the
21 average wage of such jobs.

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

24 9. The amount of:

25 a. Taxes on sales, use, and other transactions paid
26 pursuant to chapter 212.

27 b. Corporate income taxes paid pursuant to chapter
28 220.

29 c. Intangible personal property taxes paid pursuant to
30 chapter 199.

31

1 d. Emergency excise taxes paid pursuant to chapter
2 221.

3 e. Excise taxes paid on documents pursuant to chapter
4 201.

5 f. Ad valorem taxes paid during the 5 fiscal years
6 immediately preceding the date of the application, and the
7 projected amounts of such taxes to be due in the 3 fiscal
8 years immediately following the date of the application.

9 10. The estimated amount of tax refunds to be claimed
10 for ~~in~~ each fiscal year.

11 11. A brief statement concerning the applicant's need
12 for tax refunds, and the proposed uses of such refunds by the
13 applicant.

14 12. A resolution adopted by the county commissioners
15 of the county in which the project will be located, which
16 recommends the applicant be approved as a qualified applicant,
17 and which indicates that the necessary commitments of local
18 financial support for the applicant exist. Prior to the
19 adoption of the resolution, the county commission may review
20 the proposed public or private sources of such support and
21 determine whether the proposed sources of local financial
22 support can be provided or, for any applicant whose project is
23 located in a county designated by the Rural Economic
24 Development Initiative, a resolution adopted by the county
25 commissioners of such county requesting that the applicant's
26 project be exempt from the local financial support
27 requirement.

28 13. Any additional information requested by the
29 office.

30 (e) To qualify for review by the office, the
31 application of an applicant under paragraph (b), paragraph

1 (c), or paragraph (d) must, at a minimum, establish the
2 following to the satisfaction of the office:

3 1. The jobs proposed to be provided under the
4 application, pursuant to subparagraph (b)6. or subparagraph
5 (c)6., must pay an estimated annual average wage equaling at
6 least 115 percent of the average wage in the area where the
7 project is to be located.

8 2. The consolidation of a Department of Defense
9 contract must result in a net increase of at least 25 percent
10 in the number of jobs at the applicant's facilities in this
11 state or the addition of at least 80 jobs at the applicant's
12 facilities in this state.

13 3. The conversion of defense production jobs to
14 nondefense production jobs must result in net increases in
15 nondefense employment at the applicant's facilities in this
16 state.

17 4. The Department of Defense contract cannot allow the
18 business to include the costs of relocation or retooling in
19 its base as allowable costs under a cost-plus, or similar,
20 contract.

21 5. A business unit of the applicant must have derived
22 not less than 70 percent of its gross receipts in this state
23 from Department of Defense contracts over the applicant's last
24 fiscal year, and must have derived not less than 80 percent of
25 its gross receipts in this state from Department of Defense
26 contracts over the 5 years preceding the date an application
27 is submitted pursuant to this section. This subparagraph does
28 not apply to any application for certification based on a
29 contract for reuse of a defense-related facility.

30 6. The reuse of a defense-related facility must result
31 in the creation of at least 100 jobs at such facility.

1 (f) Each application meeting the requirements of
2 paragraphs (b) and (e), paragraphs (c) and (e), ~~or~~ paragraphs
3 (d) and (e), or paragraphs (j) and (k) must be submitted to
4 the office for a determination of eligibility. The office
5 shall review, evaluate, and score each application based on,
6 but not limited to, the following criteria:

7 1. Expected contributions to the state strategic
8 economic development plan adopted by Enterprise Florida, Inc.,
9 taking into account the extent to which the project
10 contributes to the state's high-technology base, and the
11 long-term impact of the project and the applicant on the
12 state's economy.

13 2. The economic benefit of the jobs created or
14 retained by the project in this state, taking into account the
15 cost and average wage of each job created or retained, and the
16 potential risk to existing jobs.

17 3. The amount of capital investment to be made by the
18 applicant in this state.

19 4. The local commitment and support for the project
20 and applicant.

21 5. The impact of the project on the local community,
22 taking into account the unemployment rate for the county where
23 the project will be located.

24 6. The dependence of the local community on the
25 defense industry.

26 7. The impact of any tax refunds granted pursuant to
27 this section on the viability of the project and the
28 probability that the project will occur in this state if such
29 tax refunds are granted to the applicant, taking into account
30 the expected long-term commitment of the applicant to economic
31 growth and employment in this state.

1 8. The length of the project, or the expected
2 long-term commitment to this state resulting from the project.

3 (g) The office shall forward its written findings and
4 evaluation on each application meeting the requirements of
5 paragraphs (b) and (e), paragraphs (c) and (e), ~~or~~ paragraphs
6 (d) and (e), or paragraphs (j) and (k) to the director within
7 60 calendar days after ~~of~~ receipt of a complete application.
8 The office shall notify each applicant when its application is
9 complete, and when the 60-day period begins. In its written
10 report to the director, the office shall specifically address
11 each of the factors specified in paragraph (f), and shall make
12 a specific assessment with respect to the minimum requirements
13 established in paragraph (e) or paragraph (k). The office
14 shall include in its report projections of the tax refunds the
15 business would be eligible to receive ~~refund claims that will~~
16 ~~be sought by the applicant~~ in each fiscal year based on the
17 creation and maintenance of the net new Florida jobs specified
18 in subparagraphs (b)6., (c)6., (d)7., or (j)4. or the
19 retention and maintenance of the net retained Florida jobs
20 specified in subparagraph (j)4., as of December 31 of the
21 preceding state fiscal year ~~information submitted in the~~
22 ~~application.~~

23 (h) Within 30 days after receipt of the office's
24 findings and evaluation, the director shall enter a final
25 order that either approves or disapproves an application. The
26 decision must be in writing and provide the justifications for
27 either approval or disapproval. If appropriate, the director
28 shall enter into a written agreement with the qualified
29 applicant pursuant to subsection (4).

30 (i) The director may not enter any final order that
31 certifies any applicant as a qualified applicant when the

1 value of tax refunds to be included in that final order
2 exceeds the available amount of authority to enter final
3 orders as determined in s. 288.095(3). A final order that
4 approves an application must specify the maximum amount of a
5 tax refund that is to be available to the contractor for ~~in~~
6 each fiscal year and the total amount of tax refunds for all
7 fiscal years.

8 (j) Applications for certification from
9 aviation-industry businesses must be submitted to the office
10 no later than June 30, 2003, as prescribed by the office and
11 under the conditions contained in paragraph (3)(a), and must
12 include, but are not limited to, the following information:

13 1. The applicant's federal employer identification
14 number, the applicant's Florida sales tax registration number,
15 the applicant's unemployment compensation account number, and
16 a notarized signature of an officer of the applicant.

17 2. The permanent location of the applicant's facility
18 in this state at which the project is or is to be located.

19 3. A description of the type of business activity or
20 product covered by this project. In addition, an
21 aviation-industry business must submit, in a manner prescribed
22 by the office, detailed information on the contract,
23 consolidation, conversion, or expansion activity that will
24 provide the basis for tax refunds, as provided in paragraphs
25 (1)(i) and (3)(a). The office, using criteria developed by the
26 office in conjunction with Enterprise Florida, Inc., must
27 determine whether the activity satisfies the requirements of
28 paragraphs (1)(i) and (3)(a).

29 4. The number of net new or net retained full-time
30 equivalent Florida jobs included in the project as of December
31 31 of each year and the average wage of such jobs.

1 5. The total number of full-time equivalent employees
2 employed by the applicant in this state as of the date of
3 application.

4 6. The anticipated commencement date of the project.

5 7. A brief statement concerning the applicant's need
6 for tax refunds and concerning the role that the tax refunds
7 will play in the decision of the applicant to secure a new
8 contract, consolidate operations, convert to
9 nonaviation-industry operations, or expand aviation-industry
10 operations, as provided in paragraph (3)(a).

11 8. An estimate of the proportion of the sales
12 resulting from the project that will be made outside the
13 state.

14 9. A resolution adopted by the governing body of the
15 county or municipality in which the project will be located,
16 which resolution recommends that certain types of businesses
17 be approved as qualified aviation-industry businesses and
18 states that the commitments of local financial support
19 necessary for the aviation-industry business exist. Before
20 passage of the resolution, the office may also accept an
21 official letter from an authorized local economic development
22 agency that endorses the proposed aviation-industry project
23 and pledges that sources of local financial support for such
24 project exist. For the purposes of making pledges of local
25 financial support under this subsection, the authorized local
26 economic development agency shall be officially designated by
27 the passage of a one-time resolution by the local governing
28 body.

29 10. Any additional information requested by the
30 office.

31

1 (k) To qualify for review by the office, the
2 application of an aviation-industry business must, at a
3 minimum, establish the following to the satisfaction of the
4 office:

5 1. The jobs proposed to be provided under the
6 application, pursuant to subparagraph (j)4., must pay an
7 estimated annual average wage equaling at least 100 percent of
8 the average private-sector wage in the area where the business
9 is to be located or the statewide private-sector average wage.
10 The office may waive this average wage requirement at the
11 request of the local governing body recommending the project
12 and Enterprise Florida, Inc. The wage requirement may only be
13 waived for a project located in a brownfield area designated
14 under s. 376.80, in a rural city or county as defined in s.
15 288.106(1), or in an enterprise zone as designated under s.
16 290.0065 and only when the merits of the individual project or
17 the specific circumstances in the community in relationship to
18 the project warrant such action. If the local governing body
19 and Enterprise Florida, Inc., make such a request, they must
20 transmit it in writing and explain the specific justification
21 for the waiver request. If the director elects to waive the
22 wage requirements, the director must state the waiver in
23 writing and must explain the reasons for granting the waiver.

24 2. The aviation-industry business's project must
25 result in the retention or creation of at least 5 jobs at such
26 project and, if an expansion of an existing business, must
27 result in a net increase in employment of not less than 10
28 percent at such business. At the request of the local
29 governing body recommending the project and Enterprise
30 Florida, Inc., the office may define an "expansion of an
31 existing business" for purposes of a rural community, as

1 defined in s. 288.106(1), or an enterprise zone as the
2 expansion of a business resulting in a net increase in
3 employment of less than 10 percent at such business if the
4 merits of the individual project or the specific circumstances
5 in the community in relationship to the project warrant such
6 action. If the local governing body and Enterprise Florida,
7 Inc., make such a request, they must transmit it in writing
8 and explain the specific justification for the request. If the
9 director elects to grant such request, the director must state
10 such election in writing and must explain the reason for
11 granting the request.

12 3. In the case of an application based on the
13 retention of jobs in this state, the aviation-industry
14 business must demonstrate, and the office must determine, that
15 the jobs that are to provide a basis for tax refunds are at
16 imminent risk of being lost to the state and that
17 certification as a qualified aviation-industry business under
18 this section is a significant factor in the retention of those
19 jobs.

20 (1)(j) This section does not create a presumption that
21 an applicant should receive any tax refunds under this
22 section.

23 (4) ~~QUALIFIED DEFENSE CONTRACTOR TAX REFUND~~
24 AGREEMENT.--

25 (a) A qualified applicant shall enter into a written
26 agreement with the office containing, but not limited to, the
27 following:

28 1. The total number of full-time equivalent jobs in
29 this state that are or will be dedicated to the qualified
30 applicant's project, the average wage of such jobs, the
31 definitions that will apply for measuring the achievement of

1 these terms during the pendency of the agreement, and a time
2 schedule or plan for when such jobs will be in place and
3 active in this state. ~~This information must be the same as the~~
4 ~~information contained in the application submitted by the~~
5 ~~contractor pursuant to subsection (3).~~

6 2. The maximum amount of a refund that the qualified
7 applicant is eligible to receive for in each fiscal year,
8 based on the job creation or retention and maintenance
9 schedule specified in subparagraph 1.

10 3. An agreement with the office allowing the office to
11 review and verify the financial and personnel records of the
12 qualified applicant to ascertain whether the qualified
13 applicant is complying with the requirements of this section.

14 4. The date by ~~after~~ which, in each fiscal year, the
15 qualified applicant may file a an annual claim pursuant to
16 subsection (5) to be considered to receive a tax refund in the
17 following fiscal year.

18 5. That local financial support shall be annually
19 available and will be paid to the Economic Development Trust
20 Fund.

21 (b) Compliance with the terms and conditions of the
22 agreement is a condition precedent for receipt of tax refunds
23 each year. The failure to comply with the terms and conditions
24 of the agreement shall result in the loss of eligibility for
25 receipt of all tax refunds previously authorized pursuant to
26 this section, and the revocation of the certification as a
27 qualified applicant by the director, unless the applicant is
28 eligible to receive and elects to accept a prorated refund
29 under paragraph (5)(g) or the office grants the business an
30 economic-stimulus exemption.

31

1 1. A qualified applicant may submit, in writing, a
2 request to the office for an economic-stimulus exemption. The
3 request must provide quantitative evidence demonstrating how
4 negative economic conditions in the business's industry
5 prevented the business from complying with the terms and
6 conditions of its tax refund agreement.

7 2. Upon receipt of a request under subparagraph 1.,
8 the director shall have 45 days to notify the requesting
9 business, in writing, if its exemption has been granted or
10 denied. In determining whether an exemption should be granted,
11 the director shall consider the extent to which negative
12 economic conditions in the requesting business's industry
13 prevented the business from complying with the terms and
14 conditions of its tax refund agreement.

15 3. As a condition for receiving a prorated refund
16 under paragraph (5)(g) or an economic-stimulus exemption under
17 this paragraph, a qualified applicant must agree to
18 renegotiate its tax refund agreement with the office to, at a
19 minimum, ensure that the terms of the agreement comply with
20 current law and office procedures governing application for
21 and award of tax refunds. Upon approving the award of a
22 prorated refund or granting an economic-stimulus exemption,
23 the office shall renegotiate the tax refund agreement with the
24 business as required by this subparagraph. When amending the
25 agreement of a business receiving an economic-stimulus
26 exemption, the office may extend the duration of the agreement
27 for a period not to exceed 1 year.

28 4. A qualified applicant may submit a request for an
29 economic-stimulus exemption to the office in lieu of any tax
30 refund claim scheduled to be submitted after June 30, 2001,
31 but before July 1, 2003.

1 5. A qualified applicant that receives an
2 economic-stimulus exemption may not receive a tax refund for
3 the period covered by the exemption.

4 (c) The agreement shall be signed by the director and
5 the authorized officer of the qualified applicant.

6 (d) The agreement must contain the following legend,
7 clearly printed on its face in bold type of not less than 10
8 points:

9
10 "This agreement is neither a general obligation
11 of the State of Florida, nor is it backed by
12 the full faith and credit of the State of
13 Florida. Payment of tax refunds are conditioned
14 on and subject to specific annual
15 appropriations by the Florida Legislature of
16 funds sufficient to pay amounts authorized in
17 s. 288.1045, Florida Statutes."

18
19 (5) ANNUAL CLAIM FOR REFUND ~~FROM A QUALIFIED DEFENSE~~
20 ~~CONTRACTOR.~~--

21 (a) To be eligible to claim any scheduled tax refund,
22 qualified applicants who have entered into a written agreement
23 with the office pursuant to subsection (4) and who have
24 entered into a valid new Department of Defense contract,
25 commenced the consolidation of a Department of Defense
26 contract, commenced the conversion of defense production jobs
27 to nondefense production jobs, ~~or who have~~ entered into a
28 valid contract for reuse of a defense-related facility, or
29 commenced a qualified aviation-industry project must ~~may~~ apply
30 by January 31 of ~~once~~ each fiscal year to the office for tax
31 refunds scheduled to be paid from the appropriation for the

1 fiscal year that begins on July 1 following the January 31
2 claims-submission date. The office may, upon written request,
3 grant a 30-day extension of the filing date.The application
4 ~~must be made on or after the date contained in the agreement~~
5 ~~entered into pursuant to subsection (4) and~~ must include a
6 notarized signature of an officer of the applicant.

7 (b) The claim for refund by the qualified applicant
8 must include a copy of all receipts pertaining to the payment
9 of taxes for which a refund is sought, and data related to
10 achieving each performance item contained in the tax refund
11 agreement pursuant to subsection (4). The amount requested as
12 a tax refund may not exceed the amount for the relevant fiscal
13 year in the written agreement entered pursuant to subsection
14 (4).

15 (c) A tax refund may not be approved for any qualified
16 applicant unless local financial support has been paid to the
17 Economic Development Trust Fund for ~~in~~ that refund ~~fiscal~~
18 ~~year~~. If the local financial support is less than 20 percent
19 of the approved tax refund, the tax refund shall be reduced.
20 The tax refund paid may not exceed 5 times the local financial
21 support received. Funding from local sources includes tax
22 abatement under s. 196.1995 provided to a qualified applicant.
23 The amount of any tax refund for an applicant approved under
24 this section shall be reduced by the amount of any such tax
25 abatement, and the limitations in subsection (2) and paragraph
26 (3)(h) shall be reduced by the amount of any such tax
27 abatement. A report listing all sources of the local financial
28 support shall be provided to the office when such support is
29 paid to the Economic Development Trust Fund.

30 (d) The director, with assistance from the office, the
31 Department of Revenue, and the Agency for Workforce Innovation

1 ~~Department of Labor and Employment Security~~, shall, by June 30
2 following the scheduled date for submitting the tax-refund
3 claim, specify by written order the approval or disapproval of
4 the tax refund claim and, if approved,~~determine~~ the amount of
5 the tax refund that is authorized to be paid to ~~for~~ the
6 qualified applicant for the ~~fiscal year in a written final~~
7 ~~order within 30 days after the date the claim for the annual~~
8 ~~tax refund is received by the office.~~ The office may grant an
9 extension of this date upon the request of the qualified
10 applicant for the purpose of filing additional information in
11 support of the claim.

12 (e) The total amount of tax refunds approved by the
13 director under this section in any fiscal year may not exceed
14 the amount appropriated to the Economic Development Trust Fund
15 for such purposes for the fiscal year. If the Legislature does
16 not appropriate an amount sufficient to satisfy projections by
17 the office for tax refunds in a fiscal year, the director
18 shall, not later than July 15 of such year, determine the
19 proportion of each refund claim which shall be paid by
20 dividing the amount appropriated for tax refunds for the
21 fiscal year by the projected total amount of refund claims for
22 the fiscal year. The amount of each claim for a tax refund
23 shall be multiplied by the resulting quotient. If, after the
24 payment of all such refund claims, funds remain in the
25 Economic Development Trust Fund for tax refunds, the director
26 shall recalculate the proportion for each refund claim and
27 adjust the amount of each claim accordingly.

28 (f) Upon approval of the tax refund pursuant to
29 paragraphs (c) and (d), the Comptroller shall issue a warrant
30 for the amount included in the final order. In the event of
31 any appeal of the final order, the Comptroller may not issue a

1 warrant for a refund to the qualified applicant until the
2 conclusion of all appeals of the final order.

3 (g) A prorated tax refund, less a 5 percent penalty,
4 shall be approved for a qualified applicant provided all other
5 applicable requirements have been satisfied and the applicant
6 proves to the satisfaction of the director that it has
7 achieved at least 80 percent of its projected employment and
8 that the average wage paid by the business is at least 90
9 percent of the average wage specified in the tax refund
10 agreement, but in no case less than 115 percent, or 100
11 percent in the case of a qualified aviation-industry business,
12 of the average private-sector wage in the area available at
13 the time of the claim. The prorated tax refund shall be
14 calculated by multiplying the tax refund amount for which the
15 qualified applicant would have been eligible, if all
16 applicable requirements had been satisfied, by the percentage
17 of the average employment specified in the tax refund
18 agreement which was achieved, and by the percentage of the
19 average wages specified in the tax refund agreement which was
20 achieved.

21 (h) This section does not create a presumption that a
22 tax refund claim will be approved and paid.

23 (6) ADMINISTRATION.--

24 (a) The office may adopt rules pursuant to chapter 120
25 for the administration of this section.

26 (b) The office may verify information provided in any
27 claim submitted for tax credits under this section with regard
28 to employment and wage levels or the payment of the taxes with
29 the appropriate agency or authority including the Department
30 of Revenue, the Department of Labor and Employment Security,
31 or any local government or authority.

1 (c) To facilitate the process of monitoring and
2 auditing applications made under this program, the office may
3 provide a list of qualified applicants to the Department of
4 Revenue, the Agency for Workforce Innovation ~~Department of~~
5 ~~Labor and Employment Security~~, or to any local government or
6 authority. The office may request the assistance of said
7 entities with respect to monitoring jobs, wages, and the
8 payment of the taxes listed in subsection (2).

9 (d) By December 1 of each year, the office shall
10 submit a complete and detailed report to the Governor, the
11 President of the Senate, and the Speaker of the House of
12 Representatives of all tax refunds paid under this section,
13 including analyses of benefits and costs, types of projects
14 supported, employment and investment created, geographic
15 distribution of tax refunds granted, and minority business
16 participation. The report must indicate whether the moneys
17 appropriated by the Legislature to the qualified applicant tax
18 refund program were expended in a prudent, fiducially sound
19 manner.

20 (e) Funds specifically appropriated for the tax refund
21 program under this section may not be used for any purpose
22 other than the payment of tax refunds authorized by this
23 section.

24 (7) EXPIRATION.--An applicant may not be certified as
25 qualified under this section after June 30, 2004.

26 Section 4. Paragraphs (a) and (d) of subsection (3),
27 paragraphs (a), (b), and (c) of subsection (4), and
28 subsections (5) and (6) of section 288.106, Florida Statutes,
29 are amended, and subsection (7) of that section is reenacted,
30 to read:

31

1 288.106 Tax refund program for qualified target
2 industry businesses.--

3 (3) APPLICATION AND APPROVAL PROCESS.--

4 (a) To apply for certification as a qualified target
5 industry business under this section, the business must file
6 an application with the office before the business has made
7 the decision to locate a new business in this state or before
8 the business had made the decision to expand an existing
9 business in this state. The application shall include, but is
10 not limited to, the following information:

11 1. The applicant's federal employer identification
12 number and the applicant's state sales tax registration
13 number.

14 2. The permanent location of the applicant's facility
15 in this state at which the project is or is to be located.

16 3. A description of the type of business activity or
17 product covered by the project, including four-digit SIC codes
18 for all activities included in the project.

19 4. The number of net new full-time equivalent Florida
20 jobs at the qualified target industry business as of December
21 31 of each year included in this state that are or will be
22 ~~dedicated to~~ the project and the average wage of those jobs.
23 If more than one type of business activity or product is
24 included in the project, the number of jobs and average wage
25 for those jobs must be separately stated for each type of
26 business activity or product.

27 5. The total number of full-time equivalent employees
28 employed by the applicant in this state.

29 6. The anticipated commencement date of the project.
30
31

1 7. A brief statement concerning the role that the tax
2 refunds requested will play in the decision of the applicant
3 to locate or expand in this state.

4 8. An estimate of the proportion of the sales
5 resulting from the project that will be made outside this
6 state.

7 9. A resolution adopted by the governing board of the
8 county or municipality in which the project will be located,
9 which resolution recommends that certain types of businesses
10 be approved as a qualified target industry business and states
11 that the commitments of local financial support necessary for
12 the target industry business exist. In advance of the passage
13 of such resolution, the office may also accept an official
14 letter from an authorized local economic development agency
15 that endorses the proposed target industry project and pledges
16 that sources of local financial support for such project
17 exist. For the purposes of making pledges of local financial
18 support under this subsection, the authorized local economic
19 development agency shall be officially designated by the
20 passage of a one-time resolution by the local governing
21 authority.

22 10. Any additional information requested by the
23 office.

24 (d) The office shall forward its written findings and
25 evaluation concerning each application meeting the
26 requirements of paragraph (b) to the director within 45
27 calendar days after receipt of a complete application. The
28 office shall notify each target industry business when its
29 application is complete, and of the time when the 45-day
30 period begins. In its written report to the director, the
31 office shall specifically address each of the factors

1 specified in paragraph (c) and shall make a specific
2 assessment with respect to the minimum requirements
3 established in paragraph (b). The office shall include in its
4 report projections of the tax refunds the business would be
5 eligible to receive ~~refund claim that will be sought by the~~
6 ~~target industry business~~ in each fiscal year based on the
7 creation and maintenance of the net new Florida jobs specified
8 in subparagraph (a)4. as of December 31 of the preceding state
9 fiscal year ~~information submitted in the application.~~

10 (4) TAX REFUND AGREEMENT.--

11 (a) Each qualified target industry business must enter
12 into a written agreement with the office which specifies, at a
13 minimum:

14 1. The total number of full-time equivalent jobs in
15 this state that will be dedicated to the project, the average
16 wage of those jobs, the definitions that will apply for
17 measuring the achievement of these terms during the pendency
18 of the agreement, and a time schedule or plan for when such
19 jobs will be in place and active in this state. ~~This~~
20 ~~information must be the same as the information contained in~~
21 ~~the application submitted by the business under subsection~~
22 ~~(3).~~

23 2. The maximum amount of tax refunds which the
24 qualified target industry business is eligible to receive on
25 the project and the maximum amount of a tax refund that the
26 qualified target industry business is eligible to receive for
27 in each fiscal year, based on the job creation and maintenance
28 schedule specified in subparagraph 1.

29 3. That the office may review and verify the financial
30 and personnel records of the qualified target industry
31

1 business to ascertain whether that business is in compliance
2 with this section.

3 4. The date by ~~after~~ which, in each fiscal year, the
4 qualified target industry business may file a ~~an annual~~ claim
5 under subsection (5) to be considered to receive a tax refund
6 in the following fiscal year.

7 5. That local financial support will be annually
8 available and will be paid to the account. The director may
9 not enter into a written agreement with a qualified target
10 industry business if the local financial support resolution is
11 not passed by the local governing authority within 90 days
12 after he or she has issued the letter of certification under
13 subsection (3).

14 (b) Compliance with the terms and conditions of the
15 agreement is a condition precedent for the receipt of a tax
16 refund each year. The failure to comply with the terms and
17 conditions of the tax refund agreement results in the loss of
18 eligibility for receipt of all tax refunds previously
19 authorized under this section and the revocation by the
20 director of the certification of the business entity as a
21 qualified target industry business, unless the business is
22 eligible to receive and elects to accept a prorated refund
23 under paragraph (5)(d) or the office grants the business an
24 economic-stimulus exemption.

25 1. A qualified target industry business may submit, in
26 writing, a request to the office for an economic stimulus
27 exemption. The request must provide quantitative evidence
28 demonstrating how negative economic conditions in the
29 business's industry prevented the business from complying with
30 the terms and conditions of its tax refund agreement.

31

1 2. Upon receipt of a request under subparagraph 1.,
2 the director shall have 45 days to notify the requesting
3 business, in writing, if its exemption has been granted or
4 denied. In determining whether an exemption should be granted,
5 the director shall consider the extent to which negative
6 economic conditions in the requesting business's industry
7 prevented the business from complying with the terms and
8 conditions of its tax refund agreement.

9 3. As a condition for receiving a prorated refund
10 under paragraph (5)(d) or an economic stimulus exemption under
11 this paragraph, a qualified target industry business must
12 agree to renegotiate its tax refund agreement with the office
13 to, at a minimum, ensure that the terms of the agreement
14 comply with current law and office procedures governing
15 application for and award of tax refunds. Upon approving the
16 award of a prorated refund or granting an economic stimulus
17 exemption, the office shall renegotiate the tax refund
18 agreement with the business as required by this subparagraph.
19 When amending the agreement of a business receiving an
20 economic stimulus exemption, the office may extend the
21 duration of the agreement for a period not to exceed 1 year.

22 4. A qualified target industry business may submit a
23 request for an economic stimulus exemption to the office in
24 lieu of any tax refund claim scheduled to be submitted after
25 June 30, 2001, but before July 1, 2003.

26 5. A qualified target industry business that receives
27 an economic-stimulus exemption may not receive a tax refund
28 for the period covered by the exemption.

29 (c) The agreement must be signed by the director and
30 by an authorized officer of the qualified target industry
31 business within 120 days after the issuance of the letter of

1 certification under subsection (3), but not before passage and
2 receipt of the resolution of local financial support. The
3 office may grant an extension of this period at the written
4 request of the qualified target industry business.

5 (5) ANNUAL CLAIM FOR REFUND.--

6 (a) To be eligible to claim any scheduled tax refund,
7 a qualified target industry business that has entered into a
8 tax refund agreement with the office under subsection (4) must
9 ~~may~~ apply by January 31 of ~~once~~ each fiscal year to the office
10 for the a tax refund scheduled to be paid from the
11 appropriation for the fiscal year that begins on July 1
12 following the January 31 claims-submission date. The office
13 may, upon written request, grant a 30-day extension of the
14 filing date.~~The application must be made on or after the date~~
15 ~~specified in that agreement.~~

16 (b) The claim for refund by the qualified target
17 industry business must include a copy of all receipts
18 pertaining to the payment of taxes for which the refund is
19 sought and data related to achievement of each performance
20 item specified in the tax refund agreement. The amount
21 requested as a tax refund may not exceed the amount specified
22 for the relevant ~~that~~ fiscal year in that agreement.

23 (c) A tax refund may not be approved for a qualified
24 target industry business unless the required local financial
25 support has been paid into the account for that refund ~~in that~~
26 ~~fiscal year~~. If the local financial support provided is less
27 than 20 percent of the approved tax refund, the tax refund
28 must be reduced. In no event may the tax refund exceed an
29 amount that is equal to 5 times the amount of the local
30 financial support received. Further, funding from local
31 sources includes any tax abatement granted to that business

1 under s. 196.1995 or the appraised market value of municipal
2 or county land conveyed or provided at a discount to that
3 business. The amount of any tax refund for such business
4 approved under this section must be reduced by the amount of
5 any such tax abatement granted or the value of the land
6 granted; and the limitations in subsection (2) and paragraph
7 (3)(f) must be reduced by the amount of any such tax abatement
8 or the value of the land granted. A report listing all sources
9 of the local financial support shall be provided to the office
10 when such support is paid to the account.

11 (d) A prorated tax refund, less a 5-percent penalty,
12 shall be approved for a qualified target industry business
13 provided all other applicable requirements have been satisfied
14 and the business proves to the satisfaction of the director
15 that it has achieved at least 80 percent of its projected
16 employment and that the average wage paid by the business is
17 at least 90 percent of the average wage specified in the tax
18 refund agreement, but in no case less than 115 percent of the
19 average private-sector wage in the area available at the time
20 of the claim, or 150 percent or 200 percent of the average
21 private-sector wage if the business requested the additional
22 per-job tax refund authorized in paragraph (2)(b) for wages
23 above those levels. The prorated tax refund shall be
24 calculated by multiplying the tax refund amount for which the
25 qualified target industry business would have been eligible,
26 if all applicable requirements had been satisfied, by the
27 percentage of the average employment specified in the tax
28 refund agreement which was achieved, and by the percentage of
29 the average wages specified in the tax refund agreement which
30 was achieved.

31

1 (e) The director, with such assistance as may be
2 required from the office, the Department of Revenue, or the
3 Agency for Workforce Innovation ~~Department of Labor and~~
4 ~~Employment Security~~, shall, by June 30 following the scheduled
5 date for submission of the tax-refund claim, specify by
6 written ~~final~~ order the approval or disapproval of the tax
7 refund claim and, if approved, the amount of the tax refund
8 that is authorized to be paid to ~~for~~ the qualified target
9 industry business for the ~~fiscal year within 30 days after the~~
10 ~~date that the claim for the annual tax refund is received by~~
11 ~~the office.~~ The office may grant an extension of this date on
12 the request of the qualified target industry business for the
13 purpose of filing additional information in support of the
14 claim.

15 (f) The total amount of tax refund claims approved by
16 the director under this section in any fiscal year must not
17 exceed the amount authorized under s. 288.095(3).

18 (g) This section does not create a presumption that a
19 tax refund claim will be approved and paid.

20 (h)~~(g)~~ Upon approval of the tax refund under
21 paragraphs (c), (d), and (e), the Comptroller shall issue a
22 warrant for the amount specified in the ~~final~~ order. If the
23 ~~final~~ order is appealed, the Comptroller may not issue a
24 warrant for a refund to the qualified target industry business
25 until the conclusion of all appeals of that order.

26 (6) ADMINISTRATION.--

27 (a) The office is authorized to verify information
28 provided in any claim submitted for tax credits under this
29 section with regard to employment and wage levels or the
30 payment of the taxes to the appropriate agency or authority,
31 including the Department of Revenue, the Agency for Workforce

1 ~~Innovation Department of Labor and Employment Security~~, or any
2 local government or authority.

3 (b) To facilitate the process of monitoring and
4 auditing applications made under this program, the office may
5 provide a list of qualified target industry businesses to the
6 Department of Revenue, to the Agency for Workforce Innovation
7 ~~Department of Labor and Employment Security~~, or to any local
8 government or authority. The office may request the assistance
9 of those entities with respect to monitoring jobs, wages, and
10 the payment of the taxes listed in subsection (2).

11 (c) Funds specifically appropriated for the tax refund
12 program for qualified target industry businesses may not be
13 used for any purpose other than the payment of tax refunds
14 authorized by this section.

15 (7) EXPIRATION.--This section expires June 30, 2004.

16 Section 5. Extended Homeownership Assistance
17 Program.--

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

19 (a) "Corporation" means the Florida Housing Finance
20 Corporation.

21 (b) "Eligible borrower" means a person or family
22 earning up to 150 percent of the state or county median
23 income, whichever is greater, adjusted for family size.

24 (2) There is created as a temporary program within the
25 corporation an Extended Homeownership Assistance Program for
26 the purpose of assisting low, moderate, and middle-income
27 persons and families in purchasing a home by reducing the down
28 payment and closing costs paid by these persons and families.

29 (3) Subject to specific legislative appropriation, the
30 corporation shall make subordinated nonamortizing, no-interest
31 loans to eligible borrowers for down payments or closing costs

1 related to the purchase of the eligible borrowers' primary
2 residences. Each loan is limited to \$15,000 and is limited to
3 the lesser of 10 percent of the total purchase price or 10
4 percent of the appraised value of the residence. The balance
5 of each loan is due at closing if the residence is sold or
6 transferred.

7 (4) The corporation may impose a fee not to exceed \$50
8 for each loan application and may retain these fees to defray
9 the costs of implementing this section.

10 (5) Loan repayments and other revenues that accrue
11 under this section shall be deposited in the Florida
12 Homeownership Assistance Fund created under section 420.5088,
13 Florida Statutes, and shall not revert to the General Revenue
14 Fund. These funds shall be expended as provided in section
15 420.5088, Florida Statutes, are not required to be included in
16 the corporation's budget request, and are not subject to
17 appropriation by the Legislature.

18 (6) The corporation shall adopt rules under sections
19 120.536(1) and 120.54, Florida Statutes, to administer this
20 section, including rules governing loan-application
21 procedures, loan-selection criteria and procedures, the terms
22 and conditions of loans, loan-processing procedures, and the
23 application fee.

24 (7) This section is repealed effective June 30, 2003.

25 Section 6. Small Business Crisis Management Team.--

26 (1) The Legislature recognizes that periods of
27 sustained economic weakness, whether associated or
28 unassociated with events such as the September 11, 2001,
29 terrorist attacks on the United States, are particularly
30 difficult for small businesses. Because its economy is
31 dominated by small businesses, the state is especially

1 vulnerable to periods of economic weakness. In addition, the
2 Legislature finds that Enterprise Florida, Inc., as the
3 principal economic development organization for the state,
4 works with a diverse network of organizations and therefore is
5 in a unique position to assist small businesses during times
6 of economic crisis.

7 (2) Enterprise Florida, Inc., is directed to
8 incorporate into its operations a Small Business Crisis
9 Management Team that can be activated quickly and for
10 temporary periods of time to assist small businesses in the
11 state during periods of economic crisis or sustained economic
12 weakness. The team shall be comprised of senior staff members
13 from Enterprise Florida, Inc., appointed by the president of
14 Enterprise Florida, Inc., as well as representatives of other
15 organizations who are recruited to serve on the team by the
16 president of Enterprise Florida, Inc. The purposes of the team
17 shall include, but not be limited to:

18 (a) Serving as an initial, single point of contact for
19 small businesses that are attempting to gather information on
20 the variety of state and federal programs and services
21 available to them.

22 (b) Publicizing to small businesses information on
23 federal assistance programs or initiatives, such as the
24 economic injury loan programs of the U.S. Small Business
25 Administration.

26 (c) Referring small businesses to organizations, such
27 as small business development centers, that can provide
28 one-on-one counseling in business operations or best
29 practices.

30 (d) Coordinating with the state and regional partners
31 in the workforce development system, including but not limited

1 to the REACT unit of the Agency for Workforce Innovation, to
2 ensure that businesses undergoing layoffs or contemplating
3 layoffs are aware of economic development incentives or other
4 programs and services that may help reduce or avoid the need
5 for such layoffs.

6 (e) Utilizing the eflorida.com website as a resource
7 for small businesses to gather current information on
8 available assistance.

9 (3) The Office of Tourism, Trade, and Economic
10 Development; Workforce Florida, Inc.; the Agency for Workforce
11 Innovation; and the Department of Community Affairs shall
12 assist Enterprise Florida, Inc., with the operation of the
13 Small Business Crisis Management Team and shall each appoint
14 at least one staff member to serve as a liaison to the team.

15 (4) In order to provide a focus for the activities of
16 the Small Business Crisis Management Team, the term "small
17 business" as used in this section generally shall mean a
18 business with 25 or fewer employees. Enterprise Florida, Inc.,
19 however, may provide services under this section to businesses
20 with more employees if, in its judgment, the economic
21 conditions or circumstances of the particular business
22 warrant.

23 Section 7. Section 121.155, Florida Statutes, is
24 created to read:

25 121.155 Investments in support of economic development
26 strategies; legislative findings and intent.--

27 (1) The Legislature finds that:

28 (a) The recruitment, retention, and expansion of
29 high-technology businesses constitute a principal economic
30 development strategy of the state.

31

1 (b) High-technology businesses have the potential to
2 contribute significantly to the prosperity of the state and
3 its residents through the creation of employment opportunities
4 and through the generation of revenues into the economy.

5 (c) A significant barrier to the growth of
6 high-technology businesses in the state is caused by a lack of
7 access to sources of capital to support the activities of
8 those businesses.

9 (d) The State Board of Administration, through the
10 investment of funds of the System Trust Fund, has the ability
11 to influence the availability of capital in the marketplace
12 for businesses located in the state.

13 (e) The investment of funds of the System Trust Fund
14 in a manner consistent with the economic development goals of
15 the state enhances the prospects for fulfillment of those
16 goals.

17 (2) It is the intent of the Legislature that the State
18 Board of Administration, consistent with sound investment
19 policy and with the investment provisions set forth in ss.
20 215.44-215.53, continue to maximize opportunities for
21 investing and reinvesting available funds of the System Trust
22 Fund in a manner that is consistent with, and that supports
23 fulfillment of, the economic development strategies of the
24 state, including investing and reinvesting funds in support of
25 the capital needs of emerging and strategic high-technology
26 businesses located in the state. It is further the intent of
27 the Legislature that the State Board of Administration, in
28 supporting fulfillment of the economic development strategies
29 of the state, establish partnerships, when feasible, with
30 venture capital firms designed to facilitate investment of
31

1 venture capital in high-technology businesses located in this
2 state.

3 (3) Staff of the State Board of Administration shall
4 regularly solicit information from Enterprise Florida, Inc.,
5 concerning those high-technology business sectors that
6 research indicates have significant potential to contribute to
7 the economic development of the state, and shall provide that
8 information to the Investment Advisory Council created under
9 s. 215.444.

10 (4) As part of the annual report required under s.
11 215.44, the State Board of Administration shall describe those
12 investment activities undertaken during the year which are in
13 furtherance of the findings and intent expressed in this
14 section.

15 Section 8. Section 159.26, Florida Statutes, is
16 amended to read:

17 159.26 Legislative findings and purposes.--The
18 Legislature finds and declares that:

19 (1) The agriculture, tourism, urban development,
20 historic preservation, information technology, education, and
21 health care industries, among others, are vital to the economy
22 of the state and to the welfare of the people and need to be
23 enhanced and expanded to improve the competitive position of
24 the state;

25 (2) There is a need to enhance other economic activity
26 in the state by attracting manufacturing development, business
27 enterprise management, and other activities conducive to
28 economic promotion in order to provide a stronger, more
29 balanced, and stable economy in the state, while providing
30 through pollution control and otherwise for the health and
31 safety of the people;

1 (3) In order to improve the prosperity and welfare of
2 the state and its inhabitants; to improve education, living
3 conditions, and health care; to promote the preservation of
4 historic structures; to promote the rehabilitation of
5 enterprise zones; to promote improved transportation; to
6 promote effective and efficient pollution control throughout
7 the state; to promote the advancement of education and science
8 and research in and the economic development of the state; to
9 promote the advancement of information technology;and to
10 increase purchasing power and opportunities for gainful
11 employment, it is necessary and in the public interest to
12 facilitate the financing of the projects provided for in this
13 part and to facilitate and encourage the planning and
14 development of these projects without regard to the boundaries
15 between counties, municipalities, special districts, and other
16 local governmental bodies or agencies in order to more
17 effectively and efficiently serve the interests of the
18 greatest number of people in the widest area practicable; and

19 (4) The purposes to be achieved by such projects and
20 the financing of them in compliance with the criteria and
21 requirements of this part are predominantly the public
22 purposes stated in this section, and such purposes implement
23 the governmental purposes under the State Constitution of
24 providing for the health, safety, and welfare of the people,
25 including implementing the purpose of s. 10(c), Art. VII of
26 the State Constitution.

27 Section 9. Subsection (5) of section 159.27, Florida
28 Statutes, is amended and subsection (25) is added to that
29 section to read:
30
31

1 159.27 Definitions.--The following words and terms,
2 unless the context clearly indicates a different meaning,
3 shall have the following meanings:

4 (5) "Project" means any capital project comprising an
5 industrial or manufacturing plant, a research and development
6 park, an information technology facility, an agricultural
7 processing or storage facility, a warehousing or distribution
8 facility, a headquarters facility, a tourism facility, a
9 convention or trade show facility, an urban parking facility,
10 a trade center, a health care facility, an educational
11 facility, a correctional or detention facility, a motion
12 picture production facility, a preservation or rehabilitation
13 of a certified historic structure, an airport or port
14 facility, a commercial project in an enterprise zone, a
15 pollution-control facility, a hazardous or solid waste
16 facility, a social service center, or a mass commuting
17 facility, including one or more buildings and other
18 structures, whether or not on the same site or sites; any
19 rehabilitation, improvement, renovation, or enlargement of, or
20 any addition to, any buildings or structures for use as a
21 factory, a mill, a processing plant, an assembly plant, a
22 fabricating plant, an industrial distribution center, a
23 repair, overhaul, or service facility, a test facility, an
24 agricultural processing or storage facility, a warehousing or
25 distribution facility, a headquarters facility, a tourism
26 facility, a convention or trade show facility, an urban
27 parking facility, a trade center, a health care facility, an
28 educational facility, a correctional or detention facility, a
29 motion picture production facility, a preservation or
30 rehabilitation of a certified historic structure, an airport
31 or port facility, a commercial project in an enterprise zone,

1 a pollution-control facility, a hazardous or solid waste
2 facility, a social service center, or a mass commuting
3 facility, and other facilities, including research and
4 development facilities and information technology facilities,
5 for manufacturing, processing, assembling, repairing,
6 overhauling, servicing, testing, or handling of any products
7 or commodities embraced in any industrial or manufacturing
8 plant, in connection with the purposes of a research and
9 development park, or other facilities for or used in
10 connection with an agricultural processing or storage
11 facility, a warehousing or distribution facility, a
12 headquarters facility, a tourism facility, a convention or
13 trade show facility, an urban parking facility, a trade
14 center, a health care facility, an educational facility, a
15 correctional or detention facility, a motion picture
16 production facility, a preservation or rehabilitation of a
17 certified historic structure, an airport or port facility, or
18 a commercial project in an enterprise zone or for controlling
19 air or water pollution or for the disposal, processing,
20 conversion, or reclamation of hazardous or solid waste, a
21 social service center, or a mass commuting facility; and
22 including also the sites thereof and other rights in land
23 therefor whether improved or unimproved, machinery, equipment,
24 site preparation and landscaping, and all appurtenances and
25 facilities incidental thereto, such as warehouses, utilities,
26 access roads, railroad sidings, truck docking and similar
27 facilities, parking facilities, office or storage or training
28 facilities, public lodging and restaurant facilities, dockage,
29 wharfage, solar energy facilities, and other improvements
30 necessary or convenient for any manufacturing or industrial
31 plant, research and development park, information technology

1 facility, agricultural processing or storage facility,
2 warehousing or distribution facility, tourism facility,
3 convention or trade show facility, urban parking facility,
4 trade center, health care facility, educational facility, a
5 correctional or detention facility, motion picture production
6 facility, preservation or rehabilitation of a certified
7 historic structure, airport or port facility, commercial
8 project in an enterprise zone, pollution-control facility,
9 hazardous or solid waste facility, social service center, or a
10 mass commuting facility and any one or more combinations of
11 the foregoing.

12 (25) "Information technology facility" means a
13 building or structure, including infrastructure such as roads,
14 power, water, network access points, and fiber optic cable
15 leading to the structure, which is used to house businesses
16 classified within the following codes of the North American
17 Industry Classification System (NAICS): 334111 (electronic
18 computer manufacturing), 334112 (computer storage device
19 manufacturing), 334113 (computer terminal manufacturing),
20 334119 (other computer peripheral equipment manufacturing),
21 334613 (magnetic and optical recording media manufacturing),
22 334418 (printed circuit assembly manufacturing), 334411
23 (electron tube manufacturing), 334412 (bare printed circuit
24 board manufacturing), 334413 (semiconductor and related device
25 manufacturing), 334417 (electronic connector manufacturing),
26 334611 (software reproducing), 541512 (computer systems design
27 services), 51421 (data processing services), 514191 (on-line
28 information services), 811212 (computer and office machine
29 repair and maintenance), 44312 (computer and software
30 stores-retail), 541519 (other computer related services),
31 42143 (computer and computer peripheral equipment and software

1 wholesalers), 51121 (software publishers), 541511 (custom
2 computer programming services), and 61142 (computer training).
3 The term also includes joint-use advanced digital media
4 research and production facilities created pursuant to
5 authority from the Legislature to enable the Office of
6 Tourism, Trade, and Economic Development to administer a
7 program facilitating the establishment and maintenance of such
8 digital media facilities.

9 Section 10. Subsection (10) of section 159.705,
10 Florida Statutes, is amended to read:

11 159.705 Powers of the authority.--The authority is
12 authorized and empowered:

13 (10) Other provisions of law to the contrary
14 notwithstanding, to acquire by lease, without consideration,
15 purchase, or option any lands owned, administered, managed,
16 controlled, supervised, or otherwise protected by the state or
17 any of its agencies, departments, boards, or commissions for
18 the purpose of establishing a research and development park,
19 subject to being first designated a research and development
20 authority under the provisions of ss. 159.701-159.7095. The
21 authority may cooperate with state and local political
22 subdivisions and with private profit and nonprofit entities to
23 implement the public purposes set out in s. 159.701. Such
24 cooperation may include agreements for the use of the
25 resources of state and local political subdivisions, agencies,
26 or entities on a fee-for-service basis or on a cost-recovery
27 basis. A project that is located in a research and development
28 park and is financed under the provisions of the Florida
29 Industrial Development Financing Act may be operated by a
30 research and development authority, a state university, a
31 Florida community college, or a governmental agency if the

1 purpose and operation of the project is consistent with the
2 purposes and policies specified in ss. 159.701-159.7095.

3 Section 11. Section 240.105, Florida Statutes, is
4 amended to read:

5 240.105 Statement of purpose and mission.--

6 (1) The Legislature finds it in the public interest to
7 provide a system of higher education which is of the highest
8 possible quality; which enables students of all ages,
9 backgrounds, and levels of income to participate in the search
10 for knowledge and individual development; which stresses
11 undergraduate teaching as its main priority; which offers
12 selected professional, graduate, and research programs with
13 emphasis on state and national needs; which fosters diversity
14 of educational opportunity; which promotes service to the
15 public; which promotes economic development of the state;
16 which makes effective and efficient use of human and physical
17 resources; which functions cooperatively with other
18 educational institutions and systems; and which promotes
19 internal coordination and the wisest possible use of
20 resources.

21 (2) The mission of the state system of postsecondary
22 education is to develop human resources, to discover and
23 disseminate knowledge, to extend knowledge and its application
24 beyond the boundaries of its campuses, and to serve and
25 stimulate society by developing in students heightened
26 intellectual, cultural, and humane sensitivities; scientific,
27 professional, and technological expertise; and a sense of
28 purpose. Inherent in this broad mission are methods of
29 instruction, research, extended training, and public service
30 designed to educate people, promote the economic development

31

1 of the state, and improve the human condition. Basic to every
2 purpose of the system is the search for truth.

3 Section 12. Section 240.710, Florida Statutes, is
4 amended to read:

5 240.710 Digital Media Education Coordination Group.--

6 (1) The Division of Colleges and Universities of the
7 Department of Education ~~Board of Regents~~ shall create a
8 Digital Media Education Coordination Group composed of
9 representatives of the universities within the State
10 University System that shall work in conjunction with the
11 Division ~~Department of Education, the State Board~~ of Community
12 Colleges, the Office of Tourism, Trade, and Economic
13 Development, and the Articulation Coordinating Committee ~~on~~
14 ~~the development of a plan~~ to enhance Florida's ability to meet
15 the current and future workforce needs of the digital media
16 industry. The following purposes of the group shall be
17 included in its plan development process:

18 (a) Coordination of the use of existing academic
19 programs and research and faculty resources to promote the
20 development of a digital media industry in this state.

21 (b) Address strategies to improve opportunities for
22 interdisciplinary study and research within the emerging field
23 of digital media through the development of tracts in existing
24 degree programs, new interdisciplinary degree programs, and
25 interdisciplinary research centers.

26 (c) Address the sharing of resources among
27 universities in such a way as to allow a student to take
28 courses from multiple departments or multiple educational
29 institutions in pursuit of competency, certification, and
30 degrees in digital information and media technology.

31

1 (2) Where practical, private accredited institutions
2 of higher learning in this state should be encouraged to
3 participate.

4 ~~(3) In addition to the elements of the plan governed
5 by the purposes described in subsection (1), the plan shall
6 include, to the maximum extent practical, the coordination of
7 educational resources to be provided by distance learning and
8 shall facilitate to the maximum extent possible articulation
9 and transfer of credits between community colleges and the
10 state universities. The plan shall address student enrollment
11 in affected programs with emphasis on enrollment beginning as
12 early as fall term, 2001.~~

13 (3)(4) The Digital Media Education Coordination Group
14 shall submit an annual report of its activities with any
15 recommendations for policy implementation or funding to the
16 Florida Board of Education and its plan to the President of
17 the Senate and the Speaker of the House of Representatives by
18 February 1 of each year no later than January 1, 2001.

19 Section 13. Paragraph (i) of subsection (6) of section
20 288.108, Florida Statutes, is amended to read:

21 288.108 High-impact business.--

22 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT
23 SECTORS.--

24 (i) For the purposes of this subsection, the
25 semiconductor a high-impact sector consists of the silicon
26 technology sector and the information technology sector are
27 that Enterprise Florida, Inc., has found to be focused around
28 the type of high-impact businesses for which the incentive
29 created in this section subsection is designed. These sectors
30 required and will create the kinds of economic sector and
31 economy-wide benefits that justify the use of state resources

1 as economic development incentives. Further, the use of state
2 resources to encourage investment in these sectors is
3 necessary to encourage these investments and require
4 ~~substantial inducements~~ to compete with the incentive packages
5 offered by other states and nations. For the purposes of this
6 subsection and s. 220.191, the term "information technology
7 sector" includes, but is not limited to, the digital media
8 sector as defined by Enterprise Florida, Inc., and approved by
9 the Office of Tourism, Trade, and Economic Development.

10 Section 14. Section 445.045, Florida Statutes, is
11 amended to read:

12 445.045 Development of an Internet-based system for
13 information technology industry promotion and workforce
14 recruitment.--

15 (1) Workforce Florida, Inc., is responsible for
16 directing ~~The Department of Labor and Employment Security~~
17 ~~shall facilitate efforts to ensure~~ the development and
18 maintenance of a website that promotes and markets the
19 information technology industry in this state. The website
20 shall be designed to inform the public concerning the scope of
21 the information technology industry in the state and shall
22 also be designed to address the workforce needs of the
23 industry. The website shall include, through links or actual
24 content, information concerning information technology
25 businesses in this state, including links to such businesses;
26 information concerning employment available at these
27 businesses; and the means by which a jobseeker may post a
28 resume on the website.

29 (2) Workforce Florida, Inc., ~~The Department of Labor~~
30 ~~and Employment Security~~ shall coordinate with the State
31 Technology Office and the Agency for Workforce Innovation

1 ~~Workforce Development Board of Enterprise Florida, Inc., to~~
2 ensure links, where feasible and appropriate, to existing job
3 information websites maintained by the state and state
4 agencies and to ensure that information technology positions
5 offered by the state and state agencies are posted on the
6 information technology website.

7 (3) Workforce Florida, Inc., shall ensure that the
8 website developed and maintained under this section is
9 consistent, compatible, and coordinated with the workforce
10 information systems required under s. 445.011, including, but
11 not limited to, the automated job-matching information system
12 for employers, job seekers, and other users.

13 (4)(a) Workforce Florida, Inc., shall coordinate
14 development and maintenance of the website under this section
15 with the state's Chief Information Officer in the State
16 Technology Office to ensure compatibility with the state's
17 information system strategy and enterprise architecture.

18 (b) Workforce Florida, Inc., may enter into an
19 agreement with the Agency for Workforce Innovation or any
20 other public agency with the requisite information technology
21 expertise for the provision of design, operating, or other
22 technological services necessary to develop and maintain the
23 website.

24 (c) Workforce Florida, Inc., may procure services
25 necessary to implement the provisions of this section, if it
26 employs competitive processes, including requests for
27 proposals, competitive negotiation, and other competitive
28 processes to ensure that the procurement results in the most
29 cost-effective investment of state funds.

30 (5) In furtherance of the requirements of this section
31 that the website promote and market the information technology

1 industry by communicating information on the scope of the
2 industry in this state, Workforce Florida, Inc., shall
3 coordinate its efforts with the high-technology industry
4 marketing efforts of Enterprise Florida, Inc., under s.
5 288.911. Through links or actual content, the website
6 developed under this section shall serve as a forum for
7 distributing the marketing campaign developed by Enterprise
8 Florida, Inc., under s. 288.911. In addition, Workforce
9 Florida, Inc., shall solicit input from the not-for-profit
10 corporation created to advocate on behalf of the information
11 technology industry as an outgrowth of the Information Service
12 Technology Development Task Force created under chapter
13 99-354, Laws of Florida.

14 (6) In fulfilling its responsibilities under this
15 section, Workforce Florida, Inc., may enlist the assistance of
16 and act through the Agency for Workforce Innovation. The
17 agency is authorized and directed to provide the services that
18 Workforce Florida, Inc., and the agency consider necessary to
19 implement this section.

20 Section 15. Joint-use advanced digital-media research
21 and production facilities.--

22 (1) The Legislature finds that developments in digital
23 media are having, and will continue to have, a profound effect
24 on the state, its residents, and its businesses in areas
25 including, but not limited to, information technology,
26 simulation technology, and film and entertainment production
27 and distribution. The digital-media industry represents a
28 strategic economic development opportunity for the state to
29 become a global leader in this emerging and dynamic field. The
30 ability of the state to succeed in developing the
31 digital-media sector, however, depends upon having a workforce

1 with skills necessary to meet the demands of the industry. The
2 Legislature further finds that the convergence of media and
3 the collaboration of businesses and multi-disciplinary
4 academic research programs will enable this state to compete
5 more successfully with other digital-media innovation centers
6 around the country and around the world. Therefore, it is the
7 intent of the Legislature to support the establishment and
8 maintenance of joint-use advanced digital-media research and
9 production facilities in the state to provide regional focal
10 points for collaboration between research and education
11 programs and digital-media industries.

12 (2) Subject to legislative appropriation, the Office
13 of Tourism, Trade, and Economic Development may create and
14 administer a program to facilitate the establishment and
15 maintenance of joint-use advanced digital-media research and
16 production facilities at strategic locations around the state.
17 The office shall administer all facets of this program in
18 cooperation and consultation with the Office of the Film
19 Commissioner; Enterprise Florida, Inc.; Workforce Florida,
20 Inc.; the Digital Media Education Coordination Group of the
21 State University System; and a not-for-profit corporation that
22 represents information technology businesses throughout the
23 state.

24 (3) The purposes of a joint-use advanced digital-media
25 research and production facility include:

26 (a) Creating opportunities for industry, academia, and
27 government to benefit from student and researcher involvement
28 in applied research and development projects and other
29 projects related to digital media.

30 (b) Promoting paths to future employment for students
31 participating in the activities of the facility.

1 (c) Contributing to the development of a skilled
2 workforce to support the needs of the digital-media industry.

3 (d) Facilitating the transfer of research results to
4 commercial and government applications.

5 (e) Integrating the efforts and activities of the
6 diverse, high-technology industries in the state which are
7 critical to the economic future of the state.

8 (f) Assisting producers, suppliers, and distributors
9 in making the transition from well-established passive media
10 infrastructure to a highly interactive and immersive media
11 infrastructure.

12 (g) Performing other functions or activities designed
13 to contribute to the success of the state in becoming a leader
14 in the digital-media industry, as approved by the Office of
15 Tourism, Trade, and Economic Development.

16 (4) In carrying out its responsibilities under this
17 section, the Office of Tourism, Trade, and Economic
18 Development:

19 (a) Shall develop a strategic plan for how joint-use
20 advanced digital-media research and production facilities will
21 be governed and for how those facilities will be funded in the
22 long term. The office may contract for the preparation of the
23 strategic plan required by this paragraph.

24 (b) May contract for the establishment of joint-use
25 advanced digital-media research and production facilities. In
26 identifying, approving, and executing contracts, the office
27 shall attempt to maximize the use and integration of existing
28 facilities and programs in the state which are suitable for
29 application as joint-use advanced digital-media facilities.
30 Funds awarded under the contracts may be used to lease or
31 refurbish existing facilities to create state-of-the-art

1 digital-media design, production, and research laboratories
2 that are shared by public and private educational institutions
3 and industry partners.

4 (c) Shall ensure that funds appropriated for the
5 program authorized in this section are expended in a manner
6 consistent with the priority needs for developing the
7 digital-media industry in this state, as identified by the
8 organizations listed in subsection (2).

9 (d) Shall require any entity or organization receiving
10 state funding under this section to match that funding with
11 nonstate sources.

12 (e) Shall require any joint-use advanced digital-media
13 research and production facility receiving state funds to
14 submit for approval by the office a detailed plan for the
15 operation of the facility. The operating plan must, at a
16 minimum, include provisions for the establishment of a tenant
17 association, with representation by each tenant using the
18 facility, and for the collection of annual dues from tenants
19 to support the operation and maintenance of the facility.

20 (f) Shall require any joint-use advanced digital-media
21 research and production facility receiving state funding to
22 submit an annual report to the office by a date established by
23 the office. Upon receipt of the annual reports, the office
24 shall provide copies to the Governor, the President of the
25 Senate, and the Speaker of the House of Representatives.

26 (g) Shall establish guidelines and criteria governing
27 the application for and receipt of funds under this section.

28 (h) May, as part of the annual report on the business
29 climate of the state required under section 14.2015, Florida
30 Statutes, recommend to the Legislature policies designed to
31 enhance the effectiveness of the program for joint-use

1 advanced digital-media research and production facilities or
2 policies designed to otherwise promote the development of the
3 digital-media industry in the state.

4 (5) For the purposes of this section, the term
5 "digital media" is defined as a discipline based on the
6 creative convergence of art, science, and technology for human
7 expression, communication, and social interaction. The Office
8 of Tourism, Trade, and Economic Development, in cooperation
9 and consultation with the organizations identified in
10 subsection (2), shall identify specific types of businesses or
11 types of business activity to be included within the term
12 "digital media."

13 Section 16. The Office of Tourism, Trade, and Economic
14 Development, the Office of the Film Commissioner, and the
15 Digital Media Education Coordination Group shall jointly
16 report to the President of the Senate and the Speaker of the
17 House of Representatives by February 1, 2002, on recommended
18 funding levels for the program to facilitate establishment and
19 maintenance of joint-use advanced digital-media research and
20 production facilities as authorized by this act. The report
21 must include options based on different funding levels and
22 information on the number and types of facilities that the
23 organizations estimate could be established under each funding
24 option. The report also must include an assessment of the
25 long-term costs associated with operating the facilities and
26 an assessment of nonstate funding sources that could be
27 accessed to support establishment and maintenance of the
28 facilities.

29 Section 17. Subsections (1), (5), (8), and (11) of
30 section 553.415, Florida Statutes, are amended to read:

31 553.415 Factory-built school buildings.--

1 (1) It is the purpose of this section to provide an
2 alternative procedure for the construction and installation of
3 factory-built school buildings designed or intended for use as
4 school buildings. As used in this section, the term
5 "factory-built school building" means any building designed or
6 intended for use as a school building, which is in whole or in
7 part, manufactured at an offsite facility in compliance with
8 the State Uniform Code for Public Educational Facilities and
9 Department of Education rule, effective on January 5, 2000.
10 After April ~~January~~ 1, 2002, the Uniform Code for Public
11 Educational Facilities shall be incorporated into the Florida
12 Building Code, including specific requirements for Public
13 Educational Facilities and the Department of Education rule,
14 effective on January 5, 2000. For the purpose of this
15 section, factory-built school buildings include prefabricated
16 educational facilities, factory-built educational facilities,
17 and modular-built educational facilities, that are designed to
18 be portable, relocatable, demountable, or reconstructible; are
19 used primarily as classrooms or the components of an entire
20 school; and do not fall under the provisions of ss.
21 320.822-320.862.

22 (5) The department, in accordance with the standards
23 and procedures adopted pursuant to this section and as such
24 standards and procedures may thereafter be modified, shall
25 approve or reject such plans, specifications, and methods of
26 construction. Approval shall not be given unless such plans,
27 specifications, and methods of construction are in compliance
28 with the State Uniform Building Code for Public Educational
29 Facilities and department rule. After April ~~January~~ 1, 2002,
30 the Uniform Code for Public Educational Facilities shall be
31 incorporated into the Florida Building Code, including

1 specific requirements for public educational facilities and
2 department rule.

3 (8) Any amendment to the State Uniform Code for Public
4 Educational Facilities, and after ~~April~~ January 1, 2002, the
5 Florida Building Code, shall become effective 180 days after
6 the amendment is filed with the Secretary of State.
7 Notwithstanding the 180-day delayed effective date, the
8 manufacturer shall submit and obtain a revised approved plan
9 within the 180 days. A revised plan submitted pursuant to
10 this subsection shall be processed as a renewal or revision
11 with appropriate fees. A plan submitted after the period of
12 time provided shall be processed as a new application with
13 appropriate fees.

14 (11) The department shall develop a unique
15 identification label to be affixed to all newly constructed
16 factory-built school buildings and existing factory-built
17 school buildings which have been brought into compliance with
18 the standards for existing "satisfactory" buildings pursuant
19 to chapter 5 of the Uniform Code for Public Educational
20 Facilities, and after ~~April~~ January 1, 2002, the Florida
21 Building Code. The department may charge a fee for issuing
22 such labels. Such labels, bearing the department's name and
23 state seal, shall at a minimum, contain:

24 (a) The name of the manufacturer.

25 (b) The standard plan approval number or alteration
26 number.

27 (c) The date of manufacture or alteration.

28 (d) The serial or other identification number.

29 (e) The following designed-for loads: lbs. per square
30 foot live load; lbs. per square foot floor live load; lbs. per
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1 square foot horizontal wind load; and lbs. per square foot
2 wind uplift load.

3 (f) The designed-for flood zone usage.

4 (g) The designed-for wind zone usage.

5 (h) The designed-for enhanced hurricane protection
6 zone usage: yes or no.

7 Section 18. Notwithstanding any other provision in
8 chapter 2001-186, Laws of Florida, the effective date of the
9 following sections of chapter 2001-186, Laws of Florida, is
10 changed to April 1, 2002: sections 25, 26, and 27.

11 Section 19. Notwithstanding any other provision in
12 chapter 2001-186, Laws of Florida, the effective date of the
13 following sections of chapter 2000-141, Laws of Florida, as
14 amended by chapter 2001-186, Laws of Florida, is changed to
15 April 1, 2002: sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13,
16 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30,
17 32, 36, 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70,
18 71, 72, 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, 94, and 99.

19 Section 20. Notwithstanding any other provision in
20 chapter 2001-186, Laws of Florida, the effective date of the
21 following sections of chapter 98-287, Laws of Florida, as
22 amended by chapter 2000-141, Laws of Florida, as amended by
23 chapter 2001-186, Laws of Florida, is changed to April 1,
24 2002: sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21,
25 24, 29, 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56.

26 Section 21. Notwithstanding any other provision in
27 chapter 2001-186, Laws of Florida, the effective date of
28 section 61 of chapter 98-419, Laws of Florida, as amended by
29 chapter 2000-141, Laws of Florida, as amended by chapter
30 2001-186, Laws of Florida, is changed to April 1, 2002.

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1 Section 22. Section 135 of chapter 2000-141, Laws of
2 Florida, as amended by section 37 of chapter 2001-186, Laws of
3 Florida, is amended to read:

4 Section 135. Effective April ~~January~~ 1, 2002
5 subsection (2) of section 255.21, Florida Statutes, paragraphs
6 (d) and (e) of subsection (1) of section 395.1055, Florida
7 Statutes, and subsection (11) of section 553.79, Florida
8 Statutes, are repealed.

9 Section 23. Subsection (2) of section 62 of chapter
10 98-287, Laws of Florida, as amended by section 107 of chapter
11 2000-141, Laws of Florida, as amended by section 38 of chapter
12 2001-186, Laws of Florida, is amended to read:

13 Section 62.

14 (2) Effective April ~~January~~ 1, 2002, all existing
15 local technical amendments to any building code adopted by any
16 local government, except for local ordinances setting forth
17 administrative requirements which are not in conflict with the
18 Florida Building Code, are repealed. Each local government may
19 readopt such amendments pursuant to s. 553.73, Florida
20 Statutes, provided such amendments comply with applicable
21 provisions of the Florida Building Code.

22 Section 24. Section 68 of chapter 98-287, Laws of
23 Florida, as amended by section 108 of chapter 2000-141, Laws
24 of Florida, as amended by section 39 of chapter 2001-186, Laws
25 of Florida, is amended to read:

26 Section 68. Effective April ~~January~~ 1, 2002, parts I,
27 II, and III of chapter 553, Florida Statutes, consisting of
28 sections 553.01, 553.02, 553.03, 553.04, 553.041, 553.05,
29 553.06, 553.07, 553.08, 553.10, 553.11, 553.14, 553.15,
30 553.16, 553.17, 553.18, 553.20, 553.21, 553.22, 553.23,
31 553.24, 553.25, 553.26. 553.27, and 553.28, Florida Statutes,

1 are repealed, section 553.141, Florida Statutes, is
2 transferred and renumbered as section 553.86, Florida
3 Statutes.

4 Section 25. Subsection (1) of section 627.0629,
5 Florida Statutes, as amended by section 99 of chapter
6 2000-141, Laws of Florida, as amended by section 42 of chapter
7 2001-186, Laws of Florida, is amended to read:

8 627.0629 Residential property insurance; rate
9 filings.--

10 (1) A rate filing for residential property insurance
11 must include actuarially reasonable discounts, credits, or
12 other rate differentials, or appropriate reductions in
13 deductibles, for properties on which fixtures or construction
14 techniques demonstrated to reduce the amount of loss in a
15 windstorm have been installed or implemented. The fixtures or
16 construction techniques shall include, but not be limited to,
17 fixtures or construction techniques which enhance roof
18 strength, roof covering performance, roof-to-wall strength,
19 wall-to-floor-to-foundation strength, opening protection, and
20 window, door, and skylight strength. Credits, discounts, or
21 other rate differentials for fixtures and construction
22 techniques which meet the minimum requirements of the Florida
23 Building Code must be included in the rate filing. All
24 insurance companies must make a rate filing which includes the
25 credits, discounts, or other rate differentials by March 31,
26 2003 ~~December 31, 2002~~.

27 Section 26. Rule 9B-3.047, Florida Administrative
28 Code, as it existed before November 28, 2000 is adopted and
29 will remain in force until the effective date of the Florida
30 Building Code as established in this act.

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1 Section 27. Notwithstanding the effective date of
2 section 25 of chapter 2001-186, Laws of Florida, any building
3 permit for which an application is submitted before the
4 effective date of the Florida Building Code is governed by the
5 state minimum building code in effect in the permitting
6 jurisdiction on the date of the application for the permitted
7 work for the life of the permit and any extension of time
8 granted thereto.

9 Section 28. Local jurisdictions bisected or otherwise
10 divided by a line separating wind speed zones, as determined
11 by the American Society of Civil Engineers, Standard 7, 1998
12 edition as implemented by the International Building Code,
13 2000 edition, and as modified by the Florida Building
14 Commission in the Florida Building Code that becomes effective
15 pursuant to this act, must by January 1, 2002, enact an
16 ordinance specifying the exact location of wind speed lines,
17 using recognized physical landmarks such as major roads,
18 canals, rivers, and lake shores, wherever possible.

19 Section 29. Paragraph (p) is added to subsection (5)
20 of section 288.1226, Florida Statutes, to read:

21 288.1226 Florida Tourism Industry Marketing
22 Corporation; use of property; board of directors; duties;
23 audit.--

24 (5) POWERS AND DUTIES.--The corporation, in the
25 performance of its duties:

26 (p) Is encouraged to give first priority in
27 contracting to minority-owned, Florida-based vendors and to
28 other Florida-based vendors when expending public funds for
29 the production of advertising materials and services or
30 promotional goods for tourism promotion unless the corporation
31 determines that giving such priority would not result in the

1 best value, based on factors including, but not limited to,
2 price, quality, design, and workmanship. When negotiating
3 contracts with its vendors, the corporation is encouraged to
4 apply this paragraph to the subcontractors of its vendors. As
5 used in this paragraph, the term:

6 1. "Advertising materials and services" has the same
7 meaning ascribed in the rules adopted by the Department of
8 Revenue to interpret and define the exemptions in s.
9 212.08(7)(xx).

10 2. "Business unit" means an employing unit, as defined
11 in s. 443.036, which is registered with the Agency for
12 Workforce Innovation for purposes of unemployment compensation
13 or means a subcategory or division of an employing unit that
14 is accepted by the Agency for Workforce Innovation as a
15 reporting unit.

16 3. "Florida-based" means operating in Florida at a
17 permanent address and maintaining at least 1 business unit in
18 this state.

19 4. "Minority-owned" means a certified minority
20 business enterprise, as defined in s. 288.703.

21 5. "Promotional goods" has the same meaning ascribed
22 in the rules adopted by the Department of Revenue to interpret
23 and define the exemptions in s. 212.08(7)(xx).

24 Section 30. Effective January 1, 2002, subsection (2)
25 of section 199.185, Florida Statutes, is amended to read:

26 199.185 Property exempted from annual and nonrecurring
27 taxes.--

28 (2) Every natural person is entitled each year to an
29 exemption of the first ~~\$20,000~~ ~~\$250,000~~ of the value of
30 property otherwise subject to the annual tax. A husband and
31 wife filing jointly shall have an exemption of \$40,000

1 ~~\$500,000. Every taxpayer that is not a natural person is~~
2 ~~entitled each year to an exemption of the first \$250,000 of~~
3 ~~the value of property otherwise subject to the tax.~~ Agents and
4 fiduciaries, other than guardians and custodians under a
5 gifts-to-minors act, filing as such may not claim this
6 exemption on behalf of their principals or beneficiaries;
7 however, if the principal or beneficiary returns the property
8 held by the agent or fiduciary and is a natural person, the
9 principal or beneficiary may claim the exemption. No taxpayer
10 shall be entitled to more than one exemption under this
11 subsection. This exemption shall not apply to that intangible
12 personal property described in s. 199.023(1)(d).

13 Section 31. Effective January 1, 2004, subsection (2)
14 of section 199.185, Florida Statutes, as amended by this act,
15 is amended to read:

16 199.185 Property exempted from annual and nonrecurring
17 taxes.--

18 (2) Every natural person is entitled each year to an
19 exemption of the first \$250,000 ~~\$20,000~~ of the value of
20 property otherwise subject to the annual tax. A husband and
21 wife filing jointly shall have an exemption of \$500,000
22 ~~\$40,000~~. Every taxpayer that is not a natural person is
23 entitled each year to an exemption of the first \$250,000 of
24 the value of property otherwise subject to the tax. Agents and
25 fiduciaries, other than guardians and custodians under a
26 gifts-to-minors act, filing as such may not claim this
27 exemption on behalf of their principals or beneficiaries;
28 however, if the principal or beneficiary returns the property
29 held by the agent or fiduciary and is a natural person, the
30 principal or beneficiary may claim the exemption. No taxpayer
31 shall be entitled to more than one exemption under this

1 subsection. This exemption shall not apply to that intangible
2 personal property described in s. 199.023(1)(d).

3 Section 32. Except as otherwise provided in this act,
4 this act shall take effect upon becoming a law.

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