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2 An act relating to economic development  
3 incentives; amending s. 220.191, F.S.;  
4 expanding the definition of qualified project  
5 for the Capital Investment Tax Credit;  
6 providing for an annual corporate income tax  
7 credit for a qualifying business establishing a  
8 new or expanded headquarters facility in this  
9 state which locates in an enterprise zone and  
10 brownfield area and meeting specified  
11 requirements; providing for carryforward of  
12 unused credits; providing for use of credits by  
13 certain affiliated companies or related  
14 entities; amending s. 288.1088, F.S.; providing  
15 eligibility requirements for the receipt of  
16 funds from the Quick Action Closing Fund;  
17 authorizing the waiver of certain criteria for  
18 projects that would significantly benefit the  
19 economy; providing additional requirements for  
20 Enterprise Florida, Inc., in evaluating  
21 proposed projects; requiring that a contract  
22 for payment from the Quick Action Closing Fund  
23 provide that the payment of moneys is  
24 contingent upon a sufficient appropriation of  
25 funds by the Legislature and upon the release  
26 of appropriated funds by the Legislative Budget  
27 Commission; deleting provisions authorizing the  
28 Governor to reallocate unencumbered funds in  
29 the Quick Action Closing Fund to other economic  
30 development programs; creating s. 288.1089,  
31 F.S.; creating the Innovation Incentive Program

1 within the Office of Tourism, Trade, and  
2 Economic Development for certain purposes;  
3 providing definitions; providing an  
4 incentive-award limitation; providing for award  
5 application and eligibility; providing  
6 qualification requirements; providing proposal  
7 evaluation and recommendations requirements for  
8 Enterprise Florida, Inc.; providing for  
9 negotiation of award amounts by the office;  
10 providing for agreements for payments of  
11 certain moneys under certain circumstances;  
12 providing criteria for award approval or  
13 disapproval; providing for incentive payment  
14 agreements; requiring Enterprise Florida, Inc.,  
15 to assist the office in validating certain  
16 business performances; requiring a report to  
17 the Governor and Legislature; requiring  
18 Enterprise Florida, Inc. to develop business  
19 ethics standards; requiring a report; creating  
20 s. 288.1171, F.S.; defining the term "qualified  
21 job-training organization"; providing for the  
22 Office of Tourism, Trade, and Economic  
23 Development to certify qualified job-training  
24 organizations; providing for the distribution  
25 of certain funds to a certified organization  
26 pursuant to contract; providing contract  
27 requirements; specifying uses of the funds;  
28 providing for revocation of certification under  
29 certain circumstances; providing for  
30 appropriations to be distributed through the  
31 Office of Tourism, Trade, and Economic

1           Development; amending s. 288.0655; correcting a  
2           cross reference; amending s. 403.973, F.S.;  
3           providing for review of possible sites for  
4           projects funded under s. 288.1089, F.S.;  
5           amending s. 624.509, F.S.; authorizing  
6           transfers to certain entities of certain excess  
7           credits against the insurance premium tax;  
8           providing criteria, requirements, and  
9           limitations; providing nonapplication to  
10          certain affiliated groups of corporations;  
11          providing appropriations; providing an  
12          effective date.

13

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

15

16           Section 1. Paragraph (h) of subsection (1) and  
17          subsection (5) of section 220.191, Florida Statutes, are  
18          amended, subsections (3), (4), (6), and (7) of that section  
19          are renumbered as subsections (4), (5), (7), and (8),  
20          respectively, and a new subsection (3) is added to that  
21          section, to read:

22           220.191 Capital investment tax credit.--

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

24           (h) "Qualifying project" means:

25           1. A new or expanding facility in this state which  
26          creates at least 100 new jobs in this state and is in one of  
27          the high-impact sectors identified by Enterprise Florida,  
28          Inc., and certified by the office pursuant to s. 288.108(6),  
29          including, but not limited to, aviation, aerospace,  
30          automotive, and silicon technology industries; ~~or~~

31

1           2. A new or expanded facility in this state which is  
2 engaged in a target industry designated pursuant to the  
3 procedure specified in s. 288.106(1)(o) and which is induced  
4 by this credit to create or retain at least 1,000 jobs in this  
5 state, provided that at least 100 of those jobs are new, pay  
6 an annual average wage of at least 130 percent of the average  
7 private sector wage in the area as defined in s. 288.106(1),  
8 and make a cumulative capital investment of at least \$100  
9 million after July 1, 2005. Jobs may be considered retained  
10 only if there is significant evidence that the loss of jobs is  
11 imminent. Notwithstanding subsection (2), annual credits  
12 against the tax imposed by this chapter shall not exceed 50  
13 percent of the increased annual corporate income tax liability  
14 or the premium tax liability generated by or arising out of a  
15 project qualifying under this subparagraph. A facility that  
16 qualifies under this subparagraph for an annual credit against  
17 the tax imposed by this chapter may take the tax credit for a  
18 period not to exceed 5 years; or

19           3. A new or expanded headquarters facility in this  
20 state which locates in an enterprise zone and brownfield area  
21 and is induced by this credit to create at least 1,500 jobs  
22 which on average pay at least 200 percent of the statewide  
23 average annual private sector wage, as published by the Agency  
24 for Workforce Innovation or its successor, and which new or  
25 expanded headquarters facility makes a cumulative capital  
26 investment in this state of at least \$250 million.

27           (3)(a) Notwithstanding subsection (2), an annual  
28 credit against the tax imposed by this chapter shall be  
29 granted to a qualifying business which establishes a  
30 qualifying project pursuant to subparagraph (1)(h)3., in an  
31 amount equal to the lesser of \$15 million or 5 percent of the

1 eligible capital costs made in connection with a qualifying  
2 project, for a period not to exceed 20 years beginning with  
3 the commencement of operations of the project. The tax credit  
4 shall be granted against the corporate income tax liability of  
5 the qualifying business and as further provided in paragraph  
6 (c). The total tax credit provided pursuant to this subsection  
7 shall be equal to no more than 100 percent of the eligible  
8 capital costs of the qualifying project.

9 (b) If the credit granted under this subsection is not  
10 fully used in any one year because of insufficient tax  
11 liability on the part of the qualifying business, the unused  
12 amount may be carried forward for a period not to exceed 20  
13 years after the commencement of operations of the project. The  
14 carryover credit may be used in a subsequent year when the tax  
15 imposed by this chapter for that year exceeds the credit for  
16 which the qualifying business is eligible in that year under  
17 this subsection after applying the other credits and unused  
18 carryovers in the order provided by s. 220.02(8).

19 (c) The credit granted under this subsection may be  
20 used in whole or in part by the qualifying business or any  
21 corporation that is either a member of that qualifying  
22 business' affiliated group of corporations, is a related  
23 entity taxable as a cooperative under subchapter T of the  
24 Internal Revenue Code, or, if the qualifying business is an  
25 entity taxable as a cooperative under subchapter T of the  
26 Internal Revenue Code, is related to the qualifying business.  
27 Any entity related to the qualifying business may continue to  
28 file as a member of a Florida-nexus consolidated group  
29 pursuant to a prior election made under s. 220.131(1), Florida  
30 Statutes (1985), even if the parent of the group changes due  
31 to a direct or indirect acquisition of the former common

1 parent of the group. Any credit can be used by any of the  
2 affiliated companies or related entities referenced in this  
3 paragraph to the same extent as it could have been used by the  
4 qualifying business. However, any such use shall not operate  
5 to increase the amount of the credit or extend the period  
6 within which the credit must be used.

7 ~~(6)(5)~~ The office, in consultation with Enterprise  
8 Florida, Inc., is authorized to develop the necessary  
9 guidelines and application materials for the certification  
10 process described in subsection~~(5)(4)~~.

11 Section 2. Section 288.1088, Florida Statutes, is  
12 amended to read:

13 288.1088 Quick Action Closing Fund.--

14 (1)(a) The Legislature finds that attracting,  
15 retaining, and providing favorable conditions for the growth  
16 of certain high-impact business facilities, privately  
17 developed critical rural infrastructure, or key facilities in  
18 economically distressed urban or rural communities which  
19 provide widespread economic benefits to the public through  
20 high-quality employment opportunities in such facilities or in  
21 related facilities attracted to the state, through the  
22 increased tax base provided by the high-impact facility and  
23 related businesses, through an enhanced entrepreneurial  
24 climate in the state and the resulting business and employment  
25 opportunities, and through the stimulation and enhancement of  
26 the state's universities and community colleges. In the global  
27 economy, there exists serious and fierce international  
28 competition for these facilities, and in most instances, when  
29 all available resources for economic development have been  
30 used, the state continues to encounter severe competitive  
31 disadvantages in vying for these business facilities.

1 Florida's rural areas must provide a competitive environment  
2 for business in the information age. This often requires an  
3 incentive to make it feasible for private investors to provide  
4 infrastructure in those areas.

5 (b) The Legislature therefore declares that sufficient  
6 resources shall be available to respond to extraordinary  
7 economic opportunities and to compete effectively for these  
8 high-impact business facilities, critical private  
9 infrastructure in rural areas, and key businesses in  
10 economically distressed urban or rural communities.

11 (2) There is created within the Office of Tourism,  
12 Trade, and Economic Development the Quick Action Closing Fund.  
13 Projects eligible for receipt of funds from the Quick Action  
14 Closing Fund shall:

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

16 (b) Have a positive payback ratio of at least 5 to 1.

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

19 (d) Pay an average annual wage of at least 125 percent  
20 of the areawide or statewide private-sector average wage.

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

23 (3)(a) Enterprise Florida, Inc., shall determine  
24 eligibility of each project consistent with the criteria in  
25 subsection (2). Enterprise Florida, Inc., in consultation with  
26 the Office of Tourism, Trade, and Economic Development, may  
27 waive these criteria based on extraordinary circumstances if  
28 the project would significantly benefit the local or regional  
29 economy. Enterprise Florida, Inc., shall evaluate individual  
30 proposals for high-impact business facilities and forward  
31 recommendations regarding the use of moneys in the fund for

1 such facilities to the director of the Office of Tourism,  
2 Trade, and Economic Development. Such evaluation and  
3 recommendation must include, but need not be limited to:

4 1. A description of the type of facility or  
5 infrastructure, its operations, and the associated product or  
6 service associated with the facility.

7 2. The number of full-time-equivalent jobs that will  
8 be created by the facility and the total estimated average  
9 annual wages of those jobs or, in the case of privately  
10 developed rural infrastructure, the types of business  
11 activities and jobs stimulated by the investment.

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

14 4. A statement of any special impacts the facility is  
15 expected to stimulate in a particular business sector in the  
16 state or regional economy or in the state's universities and  
17 community colleges.

18 5. A statement of the role the incentive is expected  
19 to play in the decision of the applicant business to locate or  
20 expand in this state or for the private investor to provide  
21 critical rural infrastructure.

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

24 a. A financial analysis of the company, including an  
25 evaluation of the company's short-term liquidity ratio as  
26 measured by its assets to liability, the company's  
27 profitability ratio, and the company's long-term solvency as  
28 measured by its debt-to-equity ratio;

29 b. The historical market performance of the company;

30 c. A review of any independent evaluations of the  
31 company;



1           d. A review of the latest audit of the company's  
2 financial statement and the related auditor's management  
3 letter; and

4           e. A review of any other types of audits that are  
5 related to the internal and management controls of the  
6 company.

7           (b) Upon receipt of the evaluation and recommendation  
8 from Enterprise Florida, Inc., the director shall recommend  
9 approval or disapproval of a project for receipt of funds from  
10 the Quick Action Closing Fund to the Governor. In recommending  
11 a project, the director shall include proposed performance  
12 conditions that the project must meet to obtain incentive  
13 funds. The Governor shall provide the evaluation of projects  
14 recommended for approval to the President of the Senate and  
15 the Speaker of the House of Representatives and consult with  
16 the President of the Senate and the Speaker of the House of  
17 Representatives before giving final approval for a project.  
18 The Executive Office of the Governor shall recommend approval  
19 of a project and the release of funds pursuant to the  
20 legislative consultation and review requirements set forth in  
21 s. 216.177. The recommendation must include proposed  
22 performance conditions that the project must meet in order to  
23 obtain funds.

24           (c) Upon the approval of the Governor, the director of  
25 the Office of Tourism, Trade, and Economic Development and the  
26 business shall enter into a contract that sets forth the  
27 conditions for payment of moneys from the fund. The contract  
28 must include the total amount of funds awarded; the  
29 performance conditions that must be met to obtain the award,  
30 including, but not limited to, net new employment in the  
31 state, average salary, and total capital investment;

1 demonstrate a baseline of current service and a measure of  
2 enhanced capability; the methodology for validating  
3 performance; the schedule of payments from the fund; and  
4 sanctions for failure to meet performance conditions. The  
5 contract must provide that payment of moneys from the fund is  
6 contingent upon sufficient appropriation of funds by the  
7 Legislature and upon sufficient release of appropriated funds  
8 by the Legislative Budget Commission.

9 (d) Enterprise Florida, Inc., shall validate  
10 contractor performance. Such validation shall be reported  
11 within 6 months after completion of the contract to the  
12 Governor, President of the Senate, and the Speaker of the  
13 House of Representatives.

14 ~~(4) The Governor may, in an emergency or special~~  
15 ~~circumstance, and in consultation with the President of the~~  
16 ~~Senate and the Speaker of the House of Representatives,~~  
17 ~~reallocate unencumbered funds appropriated to the Quick Action~~  
18 ~~Closing Fund to supplement statutorily created economic~~  
19 ~~development programs and operations. The Executive Office of~~  
20 ~~the Governor shall recommend approval of the transfer and~~  
21 ~~release of funds pursuant to the legislative consultation and~~  
22 ~~review requirements set forth in s. 216.177.~~

23 Section 3. Section 288.1089, Florida Statutes, is  
24 created to read:

25 288.1089 Innovation Incentive Program.--

26 (1) The Innovation Incentive Program is created within  
27 the Office of Tourism, Trade, and Economic Development to  
28 ensure that sufficient resources are available to allow the  
29 state to respond expeditiously to extraordinary economic  
30 opportunities and to compete effectively for high-value  
31 research and development and innovation business projects.

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

2           (a) "Average private-sector wage" means the statewide  
3 average wage in the private sector or the average of all  
4 private-sector wages in the county or in the standard  
5 metropolitan area in which the project is located as  
6 determined by the Agency for Workforce Innovation.

7           (b) "Brownfield area" means an area designated as a  
8 brownfield area pursuant to s. 376.80.

9           (c) "Cumulative investment" means cumulative capital  
10 investment and all eligible capital costs, as defined in s.  
11 220.191.

12           (d) "Director" means the director of the Office of  
13 Tourism, Trade, and Economic Development.

14           (e) "Enterprise zone" means an area designated as an  
15 enterprise zone pursuant to s. 290.0065.

16           (f) "Fiscal year" means the state fiscal year.

17           (g) "Innovation business" means a business expanding  
18 or locating in this state that is likely to serve as a  
19 catalyst for the growth of an existing or emerging technology  
20 cluster or will significantly impact the regional economy in  
21 which it is to expand or locate.

22           (h) "Jobs" means full-time equivalent positions, as  
23 that term is consistent with terms used by the Agency for  
24 Workforce Innovation and the United States Department of Labor  
25 for purposes of unemployment compensation tax administration  
26 and employment estimation, resulting directly from a project  
27 in this state. The term does not include temporary  
28 construction jobs.

29           (i) "Match" means funding from local sources, public  
30 or private, which will be paid to the applicant and which is  
31 equal to 100 percent of an award. Eligible match funding may

1 include any tax abatement granted to the applicant under s.  
2 196.1995 or the appraised market value of land, buildings,  
3 infrastructure, or equipment conveyed or provided at a  
4 discount to the applicant. Complete documentation of a match  
5 payment or other conveyance must be presented to and verified  
6 by the office prior to transfer of state funds to an  
7 applicant. An applicant may not provide, directly or  
8 indirectly, more than 5 percent of match funding in any fiscal  
9 year. The sources of such funding may not include, directly or  
10 indirectly, state funds appropriated from the General Revenue  
11 Fund or any state trust fund, excluding tax revenues shared  
12 with local governments pursuant to law.

13 (j) "Office" means the Office of Tourism, Trade, and  
14 Economic Development.

15 (k) "Project" means the location to or expansion in  
16 this state by an innovation business or research and  
17 development applicant approved for an award pursuant to this  
18 section.

19 (l) "Research and development" means basic and applied  
20 research in the sciences or engineering, as well as the  
21 design, development, and testing of prototypes or processes of  
22 new or improved products. Research and development does not  
23 include market research, routine consumer product testing,  
24 sales research, research in the social sciences or psychology,  
25 nontechnological activities, or technical services.

26 (m) "Research and development facility" means a  
27 facility that is predominately engaged in research and  
28 development activities. For purposes of this paragraph, the  
29 term "predominantly" means at least 51 percent of the time.

30 (n) "Rural area" means a rural city, rural community,  
31 or rural county as defined in s. 288.106.

1       (3) To be eligible for consideration for an innovation  
2 incentive award, an innovation business or research and  
3 development entity must submit a written application to  
4 Enterprise Florida, Inc., before making a decision to locate  
5 new operations in this state or expand an existing operation  
6 in this state. The application must include, but not be  
7 limited to:

8       (a) The applicant's federal employer identification  
9 number, unemployment account number, and state sales tax  
10 registration number. If such numbers are not available at the  
11 time of application, they must be submitted to the office in  
12 writing prior to the disbursement of any payments under this  
13 section.

14       (b) The location in this state at which the project is  
15 located or is to be located.

16       (c) A description of the type of business activity,  
17 product, or research and development undertaken by the  
18 applicant, including six-digit North American Industry  
19 Classification System codes for all activities included in the  
20 project.

21       (d) The applicant's projected investment in the  
22 project.

23       (e) The total investment, from all sources, in the  
24 project.

25       (f) The number of net new full-time equivalent jobs in  
26 this state the applicant anticipates having created as of  
27 December 31 of each year in the project and the average annual  
28 wage of such jobs.

29       (g) The total number of full-time equivalent employees  
30 currently employed by the applicant in this state, if  
31 applicable.

- 1        (h) The anticipated commencement date of the project.
- 2        (i) A detailed explanation of why the innovation
- 3 incentive is needed to induce the applicant to expand or
- 4 locate in the state and whether an award would cause the
- 5 applicant to locate or expand in this state.
- 6        (j) If applicable, an estimate of the proportion of
- 7 the revenues resulting from the project that will be generated
- 8 outside this state.
- 9        (4) To qualify for review by the office, the applicant
- 10 must, at a minimum, establish the following to the
- 11 satisfaction of Enterprise Florida, Inc., and the office:
- 12        (a) The jobs created by the project must pay an
- 13 estimated annual average wage equaling at least 130 percent of
- 14 the average private-sector wage. The office may waive this
- 15 average wage requirement at the request of Enterprise Florida,
- 16 Inc., for a project located in a rural area, a brownfield
- 17 area, or an enterprise zone, when the merits of the individual
- 18 project or the specific circumstances in the community in
- 19 relationship to the project warrant such action. A
- 20 recommendation for waiver by Enterprise Florida, Inc., must
- 21 include a specific justification for the waiver and be
- 22 transmitted to the office in writing. If the director elects
- 23 to waive the wage requirement, the waiver must be stated in
- 24 writing and the reasons for granting the waiver must be
- 25 explained.
- 26        (b) A research and development project must:
- 27            1. Serve as a catalyst for an emerging or evolving
- 28 technology cluster.
- 29            2. Demonstrate a plan for significant higher education
- 30 collaboration.
- 31

1           3. Provide the state, at a minimum, a break-even  
2 return on investment within a 20-year period.  
3           4. Be provided with a one-to-one match from the local  
4 community. The match requirement may be reduced or waived in  
5 rural areas of critical economic concern or reduced in rural  
6 areas, brownfield areas, and enterprise zones.  
7           (c) An innovation business project in this state,  
8 other than a research and development project, must:  
9           1.a. Result in the creation of at least 1,000 direct,  
10 new jobs at the business; or  
11           b. Result in the creation of at least 500 direct, new  
12 jobs if the project is located in a rural area, a brownfield  
13 area, or an enterprise zone.  
14           2. Have an activity or product that is within an  
15 industry that is designated as a target industry business  
16 under s. 288.106 or a designated sector under s. 288.108.  
17           3.a. Have a cumulative investment of at least \$500  
18 million within a 5-year period; or  
19           b. Have a cumulative investment that exceeds \$250  
20 million within a 10-year period if the project is located in a  
21 rural area, brownfield area, or an enterprise zone.  
22           4. Be provided with a one-to-one match from the local  
23 community. The match requirement may be reduced or waived in  
24 rural areas of critical economic concern or reduced in rural  
25 areas, brownfield areas, and enterprise zones.  
26           (5) Enterprise Florida, Inc., shall evaluate proposals  
27 for innovation incentive awards and transmit recommendations  
28 for awards to the office. Such evaluation and recommendation  
29 must include, but need not be limited to:  
30  
31

- 1       (a) A description of the project, its required  
2 facilities, and the associated product, service, or research  
3 and development associated with the project.
- 4       (b) The percentage of match provided for the project.
- 5       (c) The number of full-time equivalent jobs that will  
6 be created by the project, the total estimated average annual  
7 wages of such jobs, and the types of business activities and  
8 jobs likely to be stimulated by the project.
- 9       (d) The cumulative investment to be dedicated to the  
10 project within 5 years and the total investment expected in  
11 the project if more than 5 years.
- 12       (e) The projected economic and fiscal impacts on the  
13 local and state economies relative to investment.
- 14       (f) A statement of any special impacts the project is  
15 expected to stimulate in a particular business sector in the  
16 state or regional economy or in the state's universities and  
17 community colleges.
- 18       (g) A statement of any anticipated or proposed  
19 relationships with state universities.
- 20       (h) A statement of the role the incentive is expected  
21 to play in the decision of the applicant to locate or expand  
22 in this state.
- 23       (i) A recommendation and explanation of the amount of  
24 the award needed to cause the applicant to expand or locate in  
25 this state.
- 26       (j) A discussion of the efforts and commitments made  
27 by the local community in which the project is to be located  
28 to induce the applicant's location or expansion, taking into  
29 consideration local resources and abilities.
- 30       (k) A recommendation for specific performance criteria  
31 the applicant would be expected to achieve in order to receive



1 payments from the fund and penalties or sanctions for failure  
2 to meet or maintain performance conditions.

3 (1) For a research and development facility project:

4 1. A description of the extent to which the project  
5 has the potential to serve as catalyst for an emerging or  
6 evolving cluster.

7 2. A description of the extent to which the project  
8 has or could have a long-term collaborative research and  
9 development relationship with one or more universities or  
10 community colleges in this state.

11 3. A description of the existing or projected impact  
12 of the project on established clusters or targeted industry  
13 sectors.

14 4. A description of the project's contribution to the  
15 diversity and resiliency of the innovation economy of this  
16 state.

17 5. A description of the project's impact on  
18 special-needs communities, including, but not limited to,  
19 rural areas, distressed urban areas, and enterprise zones.

20 (6) In consultation with Enterprise Florida, Inc., the  
21 office may negotiate the proposed amount of an award for any  
22 applicant meeting the requirements of this section. In  
23 negotiating such award, the office shall consider the amount  
24 of the incentive needed to cause the applicant to locate or  
25 expand in this state in conjunction with other relevant  
26 applicant impact and cost information and analysis as  
27 described in this section. Particular emphasis shall be given  
28 to the potential for the project to stimulate additional  
29 private investment and high-quality employment opportunities  
30 in the area.

31

1           (7) Upon receipt of the evaluation and recommendation  
2 from Enterprise Florida, Inc., the director shall recommend to  
3 the Governor the approval or disapproval of an award. In  
4 recommending approval of an award, the director shall include  
5 proposed performance conditions that the applicant must meet  
6 in order to obtain incentive funds and any other conditions  
7 that must be met before the receipt of any incentive funds.  
8 The Governor shall consult with the President of the Senate  
9 and the Speaker of the House of Representatives before giving  
10 approval for an award. Upon approval of an award, the  
11 Executive Office of the Governor shall release the funds  
12 pursuant to the legislative consultation and review  
13 requirements set forth in s. 216.177.

14           (8) Upon approval by the Governor and release of the  
15 funds as set forth in subsection (7), the director shall issue  
16 a letter certifying the applicant as qualified for an award.  
17 The office and the applicant shall enter into an agreement  
18 that sets forth the conditions for payment of incentives. The  
19 agreement must include the total amount of funds awarded; the  
20 performance conditions that must be met to obtain the award or  
21 portions of the award, including, but not limited to, net new  
22 employment in the state, average wage, and total cumulative  
23 investment; demonstration of a baseline of current service and  
24 a measure of enhanced capability; the methodology for  
25 validating performance; the schedule of payments; and  
26 sanctions for failure to meet performance conditions,  
27 including any clawback provisions.

28           (9) Enterprise Florida, Inc., shall assist the office  
29 in validating the performance of an innovation business or  
30 research and development facility that has received an award.  
31 At the conclusion of the innovation incentive award agreement,

1 or its earlier termination, Enterprise Florida, Inc., shall,  
2 within 90 days, report the results of the innovation incentive  
3 award to the Governor, the President of the Senate, and the  
4 Speaker of the House of Representatives.

5 (10) Enterprise Florida, Inc., shall develop business  
6 ethics standards based on appropriate best industry practices  
7 which shall be applicable to all award recipients. The  
8 standards shall address ethical duties of business  
9 enterprises, fiduciary responsibilities of management, and  
10 compliance with the laws of this state. Enterprise Florida,  
11 Inc., may collaborate with the State University System in  
12 reviewing and evaluating appropriate business ethics  
13 standards. Such standards shall be provided to the Governor,  
14 the President of the Senate, and the Speaker of the House of  
15 Representatives by December 31, 2006. An award agreement  
16 entered into on or after December 31, 2006, shall require a  
17 recipient to comply with the business ethics standards  
18 developed pursuant to this section.

19 Section 4. Section 288.1171, Florida Statutes, is  
20 created to read:

21 288.1171 Qualified job-training organizations;  
22 certification; duties.--

23 (1) As used in this section, the term "qualified  
24 job-training organization" means an organization that  
25 satisfies all of the following:

26 (a) Is accredited by the Commission for Accreditation  
27 of Rehabilitation Facilities.

28 (b) Collects Florida state sales tax.

29 (c) Operates statewide and has more than 100 locations  
30 within the state.

31

1       (d) Is exempt from income taxation under s. 501(c)3 or  
2 s. 501(c)4 of the Internal Revenue Code of 1986, as amended.

3       (e) Specializes in the retail sale of donated items.

4       (f) Provides job training and employment services to  
5 individuals who have workplace disadvantages and disabilities.

6       (g) Uses a majority of its revenues for job training  
7 and placement programs that create jobs and foster economic  
8 development.

9       (2) To be eligible for funding, an organization must  
10 be certified by the Office of Tourism, Trade, and Economic  
11 Development as meeting the criteria in subsection (1). After  
12 certification, the Office of Tourism, Trade, and Economic  
13 Development may release funds to the qualified job training  
14 organization pursuant to a contract with the organization. The  
15 contract must include the performance conditions that must be  
16 met in order to obtain the award or portions of the award,  
17 including, but not limited to, net new employment in the  
18 state, the methodology for validating performance, the  
19 schedule of payments, and sanctions for failure to meet the  
20 performance requirements including any provisions for  
21 repayment of awards. The contract must also require that  
22 salaries paid to officers and employees of the qualified job  
23 training organization comply with s. 4958 of the Internal  
24 Revenue Code of 1986, as amended.

25       (3) A qualified job-training organization that is  
26 certified must use the proceeds provided solely to encourage  
27 and provide economic development through capital construction,  
28 improvements, or the purchase of equipment that will result in  
29 expanded employment opportunities. Proceeds provided under  
30 this section for a qualified job training organization must  
31 result, within a 10-year period, in:

1           (a) The creation of at least 5,000 direct, new jobs.

2           (b) A minimum of 23,000 new clients served.

3           (c) The production of a minimum of \$24 million in new  
4 sales tax revenues from increased sales.

5           (d) A minimum of \$42 million in new salaries.

6           (e) A minimum of \$6 million for job placement  
7 services.

8           (4) The failure to use the proceeds as required  
9 constitutes grounds for revoking certification.

10           Section 5. Paragraph (e) of subsection (2) of section  
11 288.0655, Florida Statutes, is amended to read:

12           288.0655 Rural Infrastructure Fund.--

13           (2)

14           (e) To enable local governments to access the  
15 resources available pursuant to s. 403.973~~(19)~~~~(18)~~ , the  
16 office may award grants for surveys, feasibility studies, and  
17 other activities related to the identification and  
18 preclearance review of land which is suitable for preclearance  
19 review. Authorized grants under this paragraph shall not  
20 exceed \$75,000 each, except in the case of a project in a  
21 rural area of critical economic concern, in which case the  
22 grant shall not exceed \$300,000. Any funds awarded under this  
23 paragraph must be matched at a level of 50 percent with local  
24 funds, except that any funds awarded for a project in a rural  
25 area of critical economic concern must be matched at a level  
26 of 33 percent with local funds. In evaluating applications  
27 under this paragraph, the office shall consider the extent to  
28 which the application seeks to minimize administrative and  
29 consultant expenses.

30           Section 6. Subsections (16) through (19) of section  
31 403.973, Florida Statutes, are renumbered as subsections (17)

1 through (20), respectively, and a new subsection (16) is added  
2 to that section, to read:

3 403.973 Expedited permitting; comprehensive plan  
4 amendments.--

5 (16) The office, working with the agencies  
6 participating in the memoranda of agreement, shall review  
7 sites proposed for the location of facilities eligible for the  
8 Innovation Incentive Program under s. 288.1089. Within 20 days  
9 after the request for the review by the office, the agencies  
10 shall provide to the office a statement as to each site's  
11 necessary permits under local, state, and federal law and an  
12 identification of significant permitting issues, which if  
13 unresolved, may result in the denial of an agency permit or  
14 approval or any significant delay caused by the permitting  
15 process.

16 Section 7. Subsection (6) of section 624.509, Florida  
17 Statutes, is amended to read:

18 624.509 Premium tax; rate and computation.--

19 (6)(a) The total of the credit granted for the taxes  
20 paid by the insurer under chapters 220 and 221 and the credit  
21 granted by subsection (5) shall not exceed 65 percent of the  
22 tax due under subsection (1) after deducting therefrom the  
23 taxes paid by the insurer under ss. 175.101 and 185.08 and any  
24 assessments pursuant to s. 440.51.

25 (b) To the extent that any credits granted by  
26 subsection (5) remain as a result of the limitation set forth  
27 in paragraph (a), such excess credits related to salaries and  
28 wages of employees whose place of employment is located within  
29 an enterprise zone created pursuant to chapter 290 may be  
30 transferred, in an aggregate amount not to exceed 25 percent  
31 of such excess salary credits, to any insurer that is a member

1 of an affiliated group of corporations, as defined in  
2 sub-subparagraph (5)(b)4.a., that includes the original  
3 insurer qualifying for the credits under subsection (5). The  
4 amount of such excess credits to be transferred shall be  
5 calculated by multiplying the amount of such excess credits by  
6 a fraction, the numerator of which is the sum of the salaries  
7 qualifying for the credit allowed by subsection (5) of  
8 employees whose place of employment is located in an  
9 enterprise zone and the denominator of which is the sum of the  
10 salaries qualifying for the credit allowed by subsection (5).  
11 Any such transferred credits shall be subject to the same  
12 provisions and limitations set forth within part IV of this  
13 chapter. The provisions of this paragraph do not apply to an  
14 affiliated group of corporations that participate in a common  
15 paymaster arrangement as defined in s. 443.1216.

16       Section 8. For the 2006-2007 fiscal year, the sum of  
17 \$45 million is appropriated from the General Revenue Fund to  
18 the Office of Tourism, Trade, and Economic Development within  
19 the Executive Office of the Governor to fund the Quick Action  
20 Closing Fund as authorized in s. 288.1088, Florida Statutes.  
21 These funds shall be placed in reserve by the Executive Office  
22 of the Governor on July 1, 2006. The Office of Tourism, Trade,  
23 and Economic Development may request the release of funds as  
24 needed to implement the provisions of s. 288.1088, Florida  
25 Statutes, through the Legislative Budget Commission.

26       Section 9. For the 2006-2007 fiscal year, the sum of  
27 \$200 million is appropriated from the General Revenue Fund for  
28 transfer to the Economic Development Trust Fund within the  
29 Office of Tourism, Trade, and Economic Development. Funds  
30 transferred under this section are not subject to the service  
31 charge set forth in s. 215.20, Florida Statutes. The sum of

1 \$200 million is appropriated for the 2006-2007 fiscal year  
2 from the Economic Development Trust Fund within the Office of  
3 Tourism, Trade, and Economic Development to be used to  
4 implement this act. These funds in the Economic Development  
5 Trust Fund shall be placed in reserve by the Executive Office  
6 of the Governor on July 1, 2006. The Office of Tourism, Trade,  
7 and Economic Development may request the release of funds as  
8 needed to implement the provisions of this act through the  
9 Legislative Budget Commission. Funds not expended during the  
10 2006-2007 fiscal year may be used in future fiscal years as  
11 appropriated in the General Appropriations Act or other law.

12           Section 10. This act shall take effect July 1, 2006.  
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