

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Weatherford offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (a) of subsection (5) of section  
6 125.0104, Florida Statutes, is amended to read:

7 125.0104 Tourist development tax; procedure for levying;  
8 authorized uses; referendum; enforcement.--

9 (5) AUTHORIZED USES OF REVENUE.--

10 (a) All tax revenues received pursuant to this section by  
11 a county imposing the tourist development tax shall be used by  
12 that county for the following purposes only:

13 1. To acquire, construct, extend, enlarge, remodel,  
14 repair, improve, maintain, operate, or promote one or more  
15 publicly owned and operated convention centers, sports stadiums,  
16 sports arenas, coliseums, or auditoriums, or museums that are

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17 publicly owned and operated or owned and operated by not-for-  
18 profit organizations and open to the public, within the  
19 boundaries of the county or subcounty special taxing district in  
20 which the tax is levied, or within the boundaries of an adjacent  
21 county if the county imposing the tax makes a finding that the  
22 facility will benefit tourism in that county. Tax revenues  
23 received pursuant to this section may also be used for promotion  
24 of zoological parks that are publicly owned and operated or  
25 owned and operated by not-for-profit organizations and open to  
26 the public. However, these purposes may be implemented through  
27 service contracts and leases with lessees with sufficient  
28 expertise or financial capability to operate such facilities;

29       2. To promote and advertise tourism in the State of  
30 Florida and nationally and internationally; however, if tax  
31 revenues are expended for an activity, service, venue, or event,  
32 the activity, service, venue, or event shall have as one of its  
33 main purposes the attraction of tourists as evidenced by the  
34 promotion of the activity, service, venue, or event to tourists;

35       3. To fund convention bureaus, tourist bureaus, tourist  
36 information centers, and news bureaus as county agencies or by  
37 contract with the chambers of commerce or similar associations  
38 in the county, which may include any indirect administrative  
39 costs for services performed by the county on behalf of the  
40 promotion agency; or

41       4. To finance beach park facilities or beach improvement,  
42 maintenance, renourishment, restoration, and erosion control,  
43 including shoreline protection, enhancement, cleanup, or  
44 restoration of inland lakes and rivers to which there is public

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45 access as those uses relate to the physical preservation of the  
46 beach, shoreline, or inland lake or river. However, any funds  
47 identified by a county as the local matching source for beach  
48 renourishment, restoration, or erosion control projects included  
49 in the long-range budget plan of the state's Beach Management  
50 Plan, pursuant to s. 161.091, or funds contractually obligated  
51 by a county in the financial plan for a federally authorized  
52 shore protection project may not be used or loaned for any other  
53 purpose. In counties of less than 100,000 population, no more  
54 than 10 percent of the revenues from the tourist development tax  
55 may be used for beach park facilities.

56 Section 2. Subsection (5) of section 220.191, Florida  
57 Statutes, is amended to read:

58 220.191 Capital investment tax credit.--

59 (5) Applications shall be reviewed and certified pursuant  
60 to s. 288.061. The office, upon a recommendation by Enterprise  
61 Florida, Inc., shall first certify a business as eligible to  
62 receive tax credits pursuant to this section prior to the  
63 commencement of operations of a qualifying project, and such  
64 certification shall be transmitted to the Department of Revenue.  
65 Upon receipt of the certification, the Department of Revenue  
66 shall enter into a written agreement with the qualifying  
67 business specifying, at a minimum, the method by which income  
68 generated by or arising out of the qualifying project will be  
69 determined.

70 Section 3. Section 288.061, Florida Statutes, is created  
71 to read:

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72       288.061 Economic development incentive application  
73 process.--

74       (1) In order to expedite and provide a timely review for  
75 the certification of economic development incentive  
76 applications, Enterprise Florida, Inc., shall review each  
77 submitted application and inform the applicant business whether  
78 or not its application is complete within 10 working days. Once  
79 the application is deemed complete, Enterprise Florida, Inc.,  
80 has 10 working days to evaluate the application and recommend  
81 approval or disapproval of the application to the director of  
82 the Office of Tourism, Trade, and Economic Development. In  
83 recommending an applicant business for approval, Enterprise  
84 Florida, Inc., shall include in its evaluation a recommended  
85 grant award amount and a review of the applicant's ability to  
86 meet specific program criteria.

87       (2) Upon receipt of the evaluation and recommendation of  
88 Enterprise Florida, Inc., the Office of Tourism, Trade, and  
89 Economic Development has 10 calendar days to notify Enterprise  
90 Florida, Inc., if the application is not complete. The director  
91 has 35 calendar days from the time the recommendation was  
92 received from Enterprise Florida, Inc., to review the  
93 application and issue a letter of certification to the applicant  
94 that either approves or disapproves an applicant business that  
95 includes justification, unless the business requests an  
96 extension of the time. The final order shall specify the total  
97 amount of the award, the performance conditions that must be met  
98 to obtain the award, and the schedule for payment.

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99 Section 4. Subsection (4) of section 288.063, Florida  
100 Statutes, is amended to read:

101 288.063 Contracts for transportation projects.--

102 (4) The Office of Tourism, Trade, and Economic Development  
103 may adopt criteria by which transportation projects are to be  
104 reviewed and certified in accordance with s. 288.061 ~~specified~~  
105 ~~and identified~~. In approving transportation projects for  
106 funding, the Office of Tourism, Trade, and Economic Development  
107 shall consider factors including, but not limited to, the cost  
108 per job created or retained considering the amount of  
109 transportation funds requested; the average hourly rate of wages  
110 for jobs created; the reliance on the program as an inducement  
111 for the project's location decision; the amount of capital  
112 investment to be made by the business; the demonstrated local  
113 commitment; the location of the project in an enterprise zone  
114 designated pursuant to s. 290.0055; the location of the project  
115 in a spaceport territory as defined in s. 331.304; the  
116 unemployment rate of the surrounding area; the poverty rate of  
117 the community; and the adoption of an economic element as part  
118 of its local comprehensive plan in accordance with s.  
119 163.3177(7)(j). The Office of Tourism, Trade, and Economic  
120 Development may contact any agency it deems appropriate for  
121 additional input regarding the approval of projects.

122 Section 5. Subsection (2) of section 288.065, Florida  
123 Statutes, is amended to read:

124 288.065 Rural Community Development Revolving Loan Fund.--

125 (2) The program shall provide for long-term loans, loan  
126 guarantees, and loan loss reserves to units of local

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127 governments, or economic development organizations substantially  
128 underwritten by a unit of local government, within counties with  
129 populations of 75,000 or less, or any county that has a  
130 population of 120,000 ~~100,000~~ or less and is contiguous to a  
131 county with a population of 75,000 or less, as determined by the  
132 most recent official estimate pursuant to s. 186.901, residing  
133 in incorporated and unincorporated areas of the county, or to  
134 units of local government, or economic development organizations  
135 substantially underwritten by a unit of local government, within  
136 a rural area of critical economic concern. Requests for loans  
137 shall be made by application to the Office of Tourism, Trade,  
138 and Economic Development. Loans shall be made pursuant to  
139 agreements specifying the terms and conditions agreed to between  
140 the applicant and the Office of Tourism, Trade, and Economic  
141 Development. The loans shall be the legal obligations of the  
142 applicant. All repayments of principal and interest shall be  
143 returned to the loan fund and made available for loans to other  
144 applicants. However, in a rural area of critical economic  
145 concern designated by the Governor, and upon approval by the  
146 Office of Tourism, Trade, and Economic Development, repayments  
147 of principal and interest may be retained by the applicant if  
148 such repayments are dedicated and matched to fund regionally  
149 based economic development organizations representing the rural  
150 area of critical economic concern.

151 Section 6. Paragraphs (b) and (e) of subsection (2) and  
152 subsection (3) of section 288.0655, Florida Statutes, are  
153 amended to read:

154 288.0655 Rural Infrastructure Fund.--

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155 (2)

156 (b) To facilitate access of rural communities and rural  
157 areas of critical economic concern as defined by the Rural  
158 Economic Development Initiative to infrastructure funding  
159 programs of the Federal Government, such as those offered by the  
160 United States Department of Agriculture and the United States  
161 Department of Commerce, and state programs, including those  
162 offered by Rural Economic Development Initiative agencies, and  
163 to facilitate local government or private infrastructure funding  
164 efforts, the office may award grants for up to 30 percent of the  
165 total infrastructure project cost. If an application for funding  
166 is for a catalyst site, as defined in s. 288.0656, the office  
167 may award grants for up to 40 percent of the total  
168 infrastructure project cost. Eligible projects must be related  
169 to specific job-creation or job-retention opportunities.  
170 Eligible projects may also include improving any inadequate  
171 infrastructure that has resulted in regulatory action that  
172 prohibits economic or community growth or reducing the costs to  
173 community users of proposed infrastructure improvements that  
174 exceed such costs in comparable communities. Eligible uses of  
175 funds shall include improvements to public infrastructure for  
176 industrial or commercial sites and upgrades to or development of  
177 public tourism infrastructure. Authorized infrastructure may  
178 include the following public or public-private partnership  
179 facilities: storm water systems; telecommunications facilities;  
180 broadband; roads or other remedies to transportation  
181 impediments; nature-based tourism facilities; or other physical  
182 requirements necessary to facilitate tourism, trade, and

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183 economic development activities in the community. Authorized  
184 infrastructure may also include publicly or privately owned:  
185 self-powered nature-based tourism facilities;  
186 telecommunications; broadband; and additions to the distribution  
187 facilities of the existing natural gas utility as defined in s.  
188 366.04(3)(c), the existing electric utility as defined in s.  
189 366.02, or the existing water or wastewater utility as defined  
190 in s. 367.021(12), or any other existing water or wastewater  
191 facility, which owns a gas or electric distribution system or a  
192 water or wastewater system in this state where:

193 1. A contribution-in-aid of construction is required to  
194 serve public or public-private partnership facilities under the  
195 tariffs of any natural gas, electric, water, or wastewater  
196 utility as defined herein; and

197 2. Such utilities as defined herein are willing and able  
198 to provide such service.

199 (e) To enable local governments to access the resources  
200 available pursuant to s. 403.973(19), the office may award  
201 grants for surveys, feasibility studies, and other activities  
202 related to the identification and preclearance review of land  
203 which is suitable for preclearance review. Authorized grants  
204 under this paragraph shall not exceed \$75,000 each, except in  
205 the case of a project in a rural area of critical economic  
206 concern, in which case the grant shall not exceed \$300,000. Any  
207 funds awarded under this paragraph must be matched at a level of  
208 50 percent with local funds, except that any funds awarded for a  
209 project in a rural area of critical economic concern must be  
210 matched at a level of 33 percent with local funds. If an

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211 application for funding is for a catalyst site, as defined in s.  
212 288.0656, the requirement for local match may be waived. In  
213 evaluating applications under this paragraph, the office shall  
214 consider the extent to which the application seeks to minimize  
215 administrative and consultant expenses.

216 (3) The office, in consultation with Enterprise Florida,  
217 Inc., VISIT Florida, the Department of Environmental Protection,  
218 and the Florida Fish and Wildlife Conservation Commission, as  
219 appropriate, shall review and certify applications pursuant to  
220 s. 288.061. The review shall include an evaluation of ~~and~~  
221 ~~evaluate~~ the economic benefit of the projects and their long-  
222 term viability. The office shall have final approval for any  
223 grant under this section ~~and must make a grant decision within~~  
224 ~~30 days of receiving a completed application.~~

225 Section 7. Section 288.0656, Florida Statutes, is amended  
226 to read:

227 288.0656 Rural Economic Development Initiative.--

228 (1) (a) Recognizing that rural communities and regions  
229 continue to face extraordinary challenges in their efforts to  
230 achieve significant improvements to their economies,  
231 specifically in terms of personal income, job creation, average  
232 wages, and strong tax bases, it is the intent of the Legislature  
233 to encourage and facilitate the location and expansion in such  
234 rural communities of major economic development projects of  
235 significant scale.

236 (b) The Rural Economic Development Initiative, known as  
237 "REDI," is created within the Office of Tourism, Trade, and

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238 Economic Development, and the participation of state and  
239 regional agencies in this initiative is authorized.

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

241 (a) "Catalyst project" means a business locating or  
242 expanding in a rural area of critical economic concern to serve  
243 as an economic growth opportunity of regional significance for  
244 the growth of a regional target industry cluster. The project  
245 must provide capital investment on a scale significant enough to  
246 affect the entire region and result in the development of high-  
247 wage and high-skill jobs.

248 (b) "Catalyst site" means a parcel or parcel of lands  
249 within a rural area of critical economic concern that has been  
250 prioritized as a geographic site for economic development  
251 through partnerships with state, regional, and local  
252 organizations. The site must be reviewed by REDI and approved by  
253 the Office of Tourism, Trade, and Economic Development for  
254 purposes of locating a catalyst project.

255 (c) ~~(a)~~ "Economic distress" means conditions affecting the  
256 fiscal and economic viability of a rural community, including  
257 such factors as low per capita income, low per capita taxable  
258 values, high unemployment, high underemployment, low weekly  
259 earned wages compared to the state average, low housing values  
260 compared to the state average, high percentages of the  
261 population receiving public assistance, high poverty levels  
262 compared to the state average, and a lack of year-round stable  
263 employment opportunities.

264 (d) "Rural area of critical economic concern" means a  
265 rural community, or a region composed of rural communities,

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266 designated by the Governor, that has been adversely affected by  
267 an extraordinary economic event, severe or chronic distress, or  
268 a natural disaster or that presents a unique economic  
269 development opportunity of regional impact.

270 (e)-(b) "Rural community" means:

- 271 1. A county with a population of 75,000 or less.
- 272 2. A county with a population of 120,000 ~~100,000~~ or less  
273 that is contiguous to a county with a population of 75,000 or  
274 less.
- 275 3. A municipality within a county described in  
276 subparagraph 1. or subparagraph 2.
- 277 4. An unincorporated federal enterprise community or an  
278 incorporated rural city with a population of 25,000 or less and  
279 an employment base focused on traditional agricultural or  
280 resource-based industries, located in a county not defined as  
281 rural, which has at least three or more of the economic distress  
282 factors identified in paragraph (a) and verified by the Office  
283 of Tourism, Trade, and Economic Development.

284

285 For purposes of this paragraph, population shall be determined  
286 in accordance with the most recent official estimate pursuant to  
287 s. 186.901.

288 (3) REDI shall be responsible for coordinating and  
289 focusing the efforts and resources of state and regional  
290 agencies on the problems which affect the fiscal, economic, and  
291 community viability of Florida's economically distressed rural  
292 communities, working with local governments, community-based  
293 organizations, and private organizations that have an interest

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294 in the growth and development of these communities to find ways  
295 to balance environmental and growth management issues with local  
296 needs.

297 (4) REDI shall review and evaluate the impact of statutes  
298 and rules on rural communities and shall work to minimize any  
299 adverse impact and undertake outreach and capacity building  
300 efforts.

301 (5) REDI shall facilitate better access to state resources  
302 by promoting direct access and referrals to appropriate state  
303 and regional agencies and statewide organizations. REDI may  
304 undertake outreach, capacity-building, and other advocacy  
305 efforts to improve conditions in rural communities. These  
306 activities may include sponsorship of conferences and  
307 achievement awards.

308 (6) (a) By August 1 of each year, the head of each of the  
309 following agencies and organizations shall designate a high-  
310 level staff person from within the agency or organization to  
311 serve as the REDI representative for the agency or organization:

- 312 1. The Department of Community Affairs.
- 313 2. The Department of Transportation.
- 314 3. The Department of Environmental Protection.
- 315 4. The Department of Agriculture and Consumer Services.
- 316 5. The Department of State.
- 317 6. The Department of Health.
- 318 7. The Department of Children and Family Services.
- 319 8. The Department of Corrections.
- 320 9. The Agency for Workforce Innovation.
- 321 10. The Department of Education.

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- 322 11. The Department of Juvenile Justice.  
323 12. The Fish and Wildlife Conservation Commission.  
324 13. Each water management district.  
325 14. Enterprise Florida, Inc.  
326 15. Workforce Florida, Inc.  
327 16. The Florida Commission on Tourism or VISIT Florida.  
328 17. The Florida Regional Planning Council Association.  
329 18. The Agency for Health Care Administration Florida  
330 ~~State Rural Development Council~~.  
331 19. The Institute of Food and Agricultural Sciences  
332 (IFAS).  
333

334 An alternate for each designee shall also be chosen, and the  
335 names of the designees and alternates shall be sent to the  
336 director of the Office of Tourism, Trade, and Economic  
337 Development.

338 (b) Each REDI representative must have comprehensive  
339 knowledge of his or her agency's functions, both regulatory and  
340 service in nature, and of the state's economic goals, policies,  
341 and programs. This person shall be the primary point of contact  
342 for his or her agency with REDI on issues and projects relating  
343 to economically distressed rural communities and with regard to  
344 expediting project review, shall ensure a prompt effective  
345 response to problems arising with regard to rural issues, and  
346 shall work closely with the other REDI representatives in the  
347 identification of opportunities for preferential awards of  
348 program funds and allowances and waiver of program requirements

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349 when necessary to encourage and facilitate long-term private  
350 capital investment and job creation.

351 (c) The REDI representatives shall work with REDI in the  
352 review and evaluation of statutes and rules for adverse impact  
353 on rural communities and the development of alternative  
354 proposals to mitigate that impact.

355 (d) Each REDI representative shall be responsible for  
356 ensuring that each district office or facility of his or her  
357 agency is informed about the Rural Economic Development  
358 Initiative and for providing assistance throughout the agency in  
359 the implementation of REDI activities.

360 (7) (a) REDI may recommend to the Governor up to three  
361 rural areas of critical economic concern. ~~A rural area of~~  
362 ~~critical economic concern must be a rural community, or a region~~  
363 ~~composed of such, that has been adversely affected by an~~  
364 ~~extraordinary economic event or a natural disaster or that~~  
365 ~~presents a unique economic development opportunity of regional~~  
366 ~~impact that will create more than 1,000 jobs over a 5-year~~  
367 ~~period.~~ The Governor may by executive order designate up to  
368 three rural areas of critical economic concern which will  
369 establish these areas as priority assignments for REDI as well  
370 as to allow the Governor, acting through REDI, to waive  
371 criteria, requirements, or similar provisions of any economic  
372 development incentive. Such incentives shall include, but not be  
373 limited to: the Qualified Target Industry Tax Refund Program  
374 under s. 288.106, the Quick Response Training Program under s.  
375 288.047, the Quick Response Training Program for participants in  
376 the welfare transition program under s. 288.047(8),

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377 transportation projects under s. 288.063, the brownfield  
378 redevelopment bonus refund under s. 288.107, and the rural job  
379 tax credit program under ss. 212.098 and 220.1895.

380 (b) Designation as a rural area of critical economic  
381 concern under this subsection shall be contingent upon the  
382 execution of a memorandum of agreement among the Office of  
383 Tourism, Trade, and Economic Development; the governing body of  
384 the county; and the governing bodies of any municipalities to be  
385 included within a rural area of critical economic concern. Such  
386 agreement shall specify the terms and conditions of the  
387 designation, including, but not limited to, the duties and  
388 responsibilities of the county and any participating  
389 municipalities to take actions designed to facilitate the  
390 retention and expansion of existing businesses in the area, as  
391 well as the recruitment of new businesses to the area.

392 (c) Each rural area of critical economic concern may  
393 designate catalyst projects, provided that each catalyst project  
394 is specifically recommended by REDI, identified as a catalyst  
395 project by Enterprise Florida, Inc., and confirmed as a catalyst  
396 project by the Office of Tourism, Trade, and Economic  
397 Development. All state agencies and departments shall use all  
398 available tools and resources to the extent permissible by law  
399 to promote the creation and development of each catalyst project  
400 and the development of catalyst sites.

401 (8) REDI shall assist local governments within rural areas  
402 of critical economic concern with comprehensive planning needs  
403 with efforts that further the provisions of this section. Such  
404 assistance shall reflect a multidisciplinary approach among all

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405 agencies and shall include economic development and planning  
406 objectives.

407 (a) A local government may request assistance in the  
408 preparation of comprehensive plan amendments, pursuant to part  
409 II of chapter 163, that will stimulate economic activity.

410 1. The local government must contact the Office of  
411 Tourism, Trade, and Economic Development to request assistance.

412 2. REDI representatives shall meet with the local  
413 government within 15 days after such request to develop the  
414 scope of assistance that will be provided to assist the  
415 development, transmittal, and adoption of the proposed  
416 comprehensive plan amendment.

417 3. As part of the assistance provided, REDI  
418 representatives shall also identify other needed local and  
419 developer actions for approval of the project and recommend a  
420 timeline for the local government and developer that will  
421 minimize project delays.

422 (b) In addition, REDI shall solicit requests each year for  
423 assistance from local governments within a rural area of  
424 critical economic concern to update the future land use element  
425 and other associated elements of the local government's  
426 comprehensive plan to better position the community to respond  
427 to economic development potential within the county or  
428 municipality. REDI shall provide direct assistance to such local  
429 governments to update their comprehensive plans pursuant to this  
430 paragraph. At least one comprehensive planning technical  
431 assistance effort shall be selected each year.

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432        (c) REDI shall develop and annually update a technical  
433 assistance manual based upon experiences learned in providing  
434 direct assistance under this subsection.

435        (9)~~(8)~~ REDI shall submit a report to the Governor, the  
436 President of the Senate, and the Speaker of the House of  
437 Representatives each year on or before September ~~February~~ 1 on  
438 all REDI activities for the prior fiscal year. This report shall  
439 include a status report on all projects currently being  
440 coordinated through REDI, the number of preferential awards and  
441 allowances made pursuant to this section, the dollar amount of  
442 such awards, and the names of the recipients. The report shall  
443 also include a description of all waivers of program  
444 requirements granted. The report shall also include information  
445 as to the economic impact of the projects coordinated by REDI.

446        Section 8. Subsection (1) of section 288.0657, Florida  
447 Statutes, is amended to read:

448        288.0657 Florida rural economic development strategy  
449 grants.--

450        (1) As used in this section, the term "rural community"  
451 means:

452        (a) A county with a population of 75,000 or less.

453        (b) A county with a population of 120,000 ~~100,000~~ or less  
454 that is contiguous to a county with a population of 75,000 or  
455 less.

456        (c) A municipality within a county described in paragraph  
457 (a) or paragraph (b).

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459 For purposes of this subsection, population shall be determined  
460 in accordance with the most recent official estimate pursuant to  
461 s. 186.901.

462 Section 9. Paragraph (f) of subsection (2), paragraphs  
463 (b), (c), (d), (g), and (h) of subsection (3), paragraph (c) of  
464 subsection (5), and paragraphs (d) and (e) of subsection (6),  
465 288.1045, Florida Statutes, are amended to read:

466 288.1045 Qualified defense contractor tax refund  
467 program.--

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

469 (f) After entering into a tax refund agreement pursuant to  
470 subsection (4), a qualified applicant may:

471 1. Receive refunds from the account for corporate income  
472 taxes due and paid pursuant to chapter 220 by that business  
473 beginning with the first taxable year of the business which  
474 begins after entering into the agreement.

475 2. Receive funds from the General Revenue Fund and the  
476 Economic Development Trust Fund for the following taxes due and  
477 paid by that business the qualified applicant beginning with the  
478 applicant's first taxable year that begins after entering into  
479 the agreement:

480 a.1. Taxes on sales, use, and other transactions paid  
481 pursuant to chapter 212.

482 ~~2. Corporate income taxes paid pursuant to chapter 220.~~

483 ~~b.3.~~ Intangible personal property taxes paid pursuant to  
484 chapter 199.

485 ~~c.4.~~ Emergency excise taxes paid pursuant to chapter 221.

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486 ~~d.5.~~ Excise taxes paid on documents pursuant to chapter  
487 201.

488 ~~e.6.~~ Ad valorem taxes paid, as defined in s. 220.03(1)(a)  
489 on June 1, 1996.

490 ~~f.7.~~ State communications services taxes administered  
491 under chapter 202. This provision does not apply to the gross  
492 receipts tax imposed under chapter 203 and administered under  
493 chapter 202 or the local communications services tax authorized  
494 under s. 202.19.

495  
496 However, a qualified applicant may not receive a tax refund  
497 pursuant to this section for any amount of credit, refund, or  
498 exemption granted such contractor for any of such taxes. If a  
499 refund for such taxes is provided by the office, which taxes are  
500 subsequently adjusted by the application of any credit, refund,  
501 or exemption granted to the qualified applicant other than that  
502 provided in this section, the qualified applicant shall  
503 reimburse the Economic Development Trust Fund for the amount of  
504 such credit, refund, or exemption. A qualified applicant must  
505 notify and tender payment to the office within 20 days after  
506 receiving a credit, refund, or exemption, other than that  
507 provided in this section. The addition of communications  
508 services taxes administered under chapter 202 is remedial in  
509 nature and retroactive to October 1, 2001. The office may make  
510 supplemental tax refund payments to allow for tax refunds for  
511 communications services taxes paid by an eligible qualified  
512 defense contractor after October 1, 2001.

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513 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
514 DETERMINATION.--

515 (b) Applications for certification based on the  
516 consolidation of a Department of Defense contract or a new  
517 Department of Defense contract must be submitted to the office  
518 as prescribed by the office and must include, but are not  
519 limited to, the following information:

520 1. The applicant's federal employer identification number,  
521 the applicant's Florida sales tax registration number, and a  
522 ~~notarized~~ signature of an officer of the applicant.

523 2. The permanent location of the manufacturing,  
524 assembling, fabricating, research, development, or design  
525 facility in this state at which the project is or is to be  
526 located.

527 3. The Department of Defense contract numbers of the  
528 contract to be consolidated, the new Department of Defense  
529 contract number, or the "RFP" number of a proposed Department of  
530 Defense contract.

531 4. The date the contract was executed or is expected to be  
532 executed, and the date the contract is due to expire or is  
533 expected to expire.

534 5. The commencement date for project operations under the  
535 contract in this state.

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

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

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

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

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

549 ~~10.11.~~ A brief statement concerning the applicant's need  
550 for tax refunds, and the proposed uses of such refunds by the  
551 applicant.

552 ~~11.12.~~ A resolution adopted by the governing board ~~county~~  
553 ~~commissioners~~ of the county or municipality in which the project  
554 will be located, which recommends the applicant be approved as a  
555 qualified applicant, and which indicates that the necessary  
556 commitments of local financial support for the applicant exist.  
557 Prior to the adoption of the resolution, the county commission  
558 may review the proposed public or private sources of such  
559 support and determine whether the proposed sources of local  
560 financial support can be provided or, for any applicant whose  
561 project is located in a county designated by the Rural Economic  
562 Development Initiative, a resolution adopted by the county  
563 commissioners of such county requesting that the applicant's  
564 project be exempt from the local financial support requirement.

565 ~~12.13.~~ Any additional information requested by the office.

566 (c) Applications for certification based on the conversion  
567 of defense production jobs to nondefense production jobs must be

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568 submitted to the office as prescribed by the office and must  
569 include, but are not limited to, the following information:

570 1. The applicant's federal employer identification number,  
571 the applicant's Florida sales tax registration number, and a  
572 ~~notarized~~ signature of an officer of the applicant.

573 2. The permanent location of the manufacturing,  
574 assembling, fabricating, research, development, or design  
575 facility in this state at which the project is or is to be  
576 located.

577 3. The Department of Defense contract numbers of the  
578 contract under which the defense production jobs will be  
579 converted to nondefense production jobs.

580 4. The date the contract was executed, and the date the  
581 contract is due to expire or is expected to expire, or was  
582 canceled.

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

585 6. The number of net new full-time equivalent Florida jobs  
586 included in the nondefense production project as of December 31  
587 of each year and the average wage of such jobs.

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

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

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

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

598 10.11. A brief statement concerning the applicant's need  
599 for tax refunds, and the proposed uses of such refunds by the  
600 applicant.

601 11.12. A resolution adopted by the governing board ~~county~~  
602 ~~commissioners~~ of the county or municipality in which the project  
603 will be located, which recommends the applicant be approved as a  
604 qualified applicant, and which indicates that the necessary  
605 commitments of local financial support for the applicant exist.  
606 Prior to the adoption of the resolution, the county commission  
607 may review the proposed public or private sources of such  
608 support and determine whether the proposed sources of local  
609 financial support can be provided or, for any applicant whose  
610 project is located in a county designated by the Rural Economic  
611 Development Initiative, a resolution adopted by the county  
612 commissioners of such county requesting that the applicant's  
613 project be exempt from the local financial support requirement.

614 12.13. Any additional information requested by the office.

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

619 1. The applicant's Florida sales tax registration number  
620 and a ~~notarized~~ signature of an officer of the applicant.

621 2. The permanent location of the manufacturing,  
622 assembling, fabricating, research, development, or design

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623 facility in this state at which the project is or is to be  
624 located.

625 3. The business entity holding a valid Department of  
626 Defense contract or branch of the Armed Forces of the United  
627 States that previously occupied the facility, and the date such  
628 entity last occupied the facility.

629 4. A copy of the contract to reuse the facility, or such  
630 alternative proof as may be prescribed by the office that the  
631 applicant is seeking to contract for the reuse of such facility.

632 5. The date the contract to reuse the facility was  
633 executed or is expected to be executed, and the date the  
634 contract is due to expire or is expected to expire.

635 6. The commencement date for project operations under the  
636 contract in this state.

637 7. The number of net new full-time equivalent Florida jobs  
638 included in the project as of December 31 of each year and the  
639 average wage of such jobs.

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

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

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

646 ~~10.11.~~ A brief statement concerning the applicant's need  
647 for tax refunds, and the proposed uses of such refunds by the  
648 applicant.

649 ~~11.12.~~ A resolution adopted by the governing board ~~county~~  
650 ~~commissioners~~ of the county or municipality in which the project

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651 will be located, which recommends the applicant be approved as a  
652 qualified applicant, and which indicates that the necessary  
653 commitments of local financial support for the applicant exist.  
654 Prior to the adoption of the resolution, the county commission  
655 may review the proposed public or private sources of such  
656 support and determine whether the proposed sources of local  
657 financial support can be provided or, for any applicant whose  
658 project is located in a county designated by the Rural Economic  
659 Development Initiative, a resolution adopted by the county  
660 commissioners of such county requesting that the applicant's  
661 project be exempt from the local financial support requirement.

662 ~~12.13.~~ Any additional information requested by the office.

663 (g) Applications shall be reviewed and certified pursuant  
664 to s. 288.061. If appropriate, the director shall enter into a  
665 written agreement with the qualified applicant pursuant to  
666 subsection (4). ~~The office shall forward its written findings~~  
667 ~~and evaluation on each application meeting the requirements of~~  
668 ~~paragraphs (b) and (c), paragraphs (c) and (e), or paragraphs~~  
669 ~~(d) and (e) to the director within 60 calendar days after~~  
670 ~~receipt of a complete application. The office shall notify each~~  
671 ~~applicant when its application is complete, and when the 60 day~~  
672 ~~period begins. In its written report to the director, the office~~  
673 ~~shall specifically address each of the factors specified in~~  
674 ~~paragraph (f), and shall make a specific assessment with respect~~  
675 ~~to the minimum requirements established in paragraph (e). The~~  
676 ~~office shall include in its report projections of the tax~~  
677 ~~refunds the applicant would be eligible to receive in each~~  
678 ~~fiscal year based on the creation and maintenance of the net new~~

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679 Florida jobs specified in subparagraph ~~(b)6.~~, subparagraph  
680 ~~(c)6.~~, or subparagraph ~~(d)7.~~ as of December 31 of the preceding  
681 state fiscal year.

682 ~~(h) Within 30 days after receipt of the office's findings~~  
683 ~~and evaluation, the director shall issue a letter of~~  
684 ~~certification which either approves or disapproves an~~  
685 ~~application. The decision must be in writing and provide the~~  
686 ~~justifications for either approval or disapproval. If~~  
687 ~~appropriate, the director shall enter into a written agreement~~  
688 ~~with the qualified applicant pursuant to subsection (4).~~

689 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE  
690 CONTRACTOR.--

691 (c) A tax refund may not be approved for any qualified  
692 applicant unless local financial support has been paid to the  
693 Economic Development Trust Fund for that refund. If the local  
694 financial support is less than 20 percent of the approved tax  
695 refund, the tax refund shall be reduced. The tax refund paid may  
696 not exceed 5 times the local financial support received. Funding  
697 from local sources includes tax abatement under s. 196.1995 or  
698 the appraised market value of municipal or county land,  
699 including any improvements or structures, conveyed or provided  
700 at a discount through a sale or lease to that provided to a  
701 qualified applicant. The amount of any tax refund for an  
702 applicant approved under this section shall be reduced by the  
703 amount of any such tax abatement granted or the value of the  
704 land granted, including the value of any improvements or  
705 structures; and the limitations in subsection (2) ~~and paragraph~~  
706 ~~(3)(h)~~ shall be reduced by the amount of any such tax abatement

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707 or the value of the land granted, including any improvements or  
708 structures. A report listing all sources of the local financial  
709 support shall be provided to the office when such support is  
710 paid to the Economic Development Trust Fund.

711 (6) ADMINISTRATION.--

712 ~~(d) By December 1 of each year, the office shall submit a~~  
713 ~~complete and detailed report to the Governor, the President of~~  
714 ~~the Senate, and the Speaker of the House of Representatives of~~  
715 ~~all tax refunds paid under this section, including analyses of~~  
716 ~~benefits and costs, types of projects supported, employment and~~  
717 ~~investment created, geographic distribution of tax refunds~~  
718 ~~granted, and minority business participation. The report must~~  
719 ~~indicate whether the moneys appropriated by the Legislature to~~  
720 ~~the qualified applicant tax refund program were expended in a~~  
721 ~~prudent, fiducially sound manner.~~

722 ~~(d)(e)~~ Funds specifically appropriated for the tax refund  
723 program under this section may not be used for any purpose other  
724 than the payment of tax refunds authorized by this section.

725 Section 10. Section 288.106, Florida Statutes, is amended  
726 to read:

727 288.106 Tax refund program for qualified target industry  
728 businesses.--

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

730 (a) "Account" means the Economic Development Incentives  
731 Account within the Economic Development Trust Fund established  
732 under s. 288.095.

733 (b) "Average private sector wage in the area" means the  
734 statewide private sector average wage or the average of all  
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735 private sector wages and salaries in the county or in the  
736 standard metropolitan area in which the business is located.

737 (c) "Business" means an employing unit, as defined in s.  
738 443.036, which is registered for unemployment compensation  
739 purposes with the state agency providing unemployment tax  
740 collection services under contract with the Agency for Workforce  
741 Innovation through an interagency agreement pursuant to s.  
742 443.1316, or a subcategory or division of an employing unit  
743 which is accepted by the state agency providing unemployment tax  
744 collection services as a reporting unit.

745 (d) "Corporate headquarters business" means an  
746 international, national, or regional headquarters office of a  
747 multinational or multistate business enterprise or national  
748 trade association, whether separate from or connected with other  
749 facilities used by such business.

750 (e) "Office" means the Office of Tourism, Trade, and  
751 Economic Development.

752 (f) "Enterprise zone" means an area designated as an  
753 enterprise zone pursuant to s. 290.0065.

754 (g) "Expansion of an existing business" means the  
755 expansion of an existing Florida business by or through  
756 additions to real and personal property, resulting in a net  
757 increase in employment of not less than 10 percent at such  
758 business.

759 (h) "Fiscal year" means the fiscal year of the state.

760 (i) "Jobs" means full-time equivalent positions, as that  
761 term is consistent with terms used by the Agency for Workforce  
762 Innovation and the United States Department of Labor for

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763 purposes of unemployment compensation tax administration and  
764 employment estimation, resulting directly from a project in this  
765 state. The term does not include temporary construction jobs  
766 involved with the construction of facilities for the project or  
767 any jobs previously included in any application for tax refunds  
768 under s. 288.1045 or this section.

769 (j) "Local financial support" means funding from local  
770 sources, public or private, which is paid to the Economic  
771 Development Trust Fund and which is equal to 20 percent of the  
772 annual tax refund for a qualified target industry business. A  
773 qualified target industry business may not provide, directly or  
774 indirectly, more than 5 percent of such funding in any fiscal  
775 year. The sources of such funding may not include, directly or  
776 indirectly, state funds appropriated from the General Revenue  
777 Fund or any state trust fund, excluding tax revenues shared with  
778 local governments pursuant to law.

779 (k) "Local financial support exemption option" means the  
780 option to exercise an exemption from the local financial support  
781 requirement available to any applicant whose project is located  
782 in a brownfield area or a county with a population of 75,000 or  
783 fewer or a county with a population of 120,000 ~~100,000~~ or fewer  
784 which is contiguous to a county with a population of 75,000 or  
785 fewer. Any applicant that exercises this option shall not be  
786 eligible for more than 80 percent of the total tax refunds  
787 allowed such applicant under this section.

788 (l) "New business" means a business which heretofore did  
789 not exist in this state, first beginning operations on a site

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790 located in this state and clearly separate from any other  
791 commercial or industrial operations owned by the same business.

792 (m) "Project" means the creation of a new business or  
793 expansion of an existing business.

794 (n) "Director" means the Director of the Office of  
795 Tourism, Trade, and Economic Development.

796 (o) "Target industry business" means a corporate  
797 headquarters business or any business that is engaged in one of  
798 the target industries identified pursuant to the following  
799 criteria developed by the office in consultation with Enterprise  
800 Florida, Inc.:

801 1. Future growth.--Industry forecasts should indicate  
802 strong expectation for future growth in both employment and  
803 output, according to the most recent available data. Special  
804 consideration should be given to Florida's growing access to  
805 international markets or to replacing imports.

806 2. Stability.--The industry should not be subject to  
807 periodic layoffs, whether due to seasonality or sensitivity to  
808 volatile economic variables such as weather. The industry should  
809 also be relatively resistant to recession, so that the demand  
810 for products of this industry is not necessarily subject to  
811 decline during an economic downturn.

812 3. High wage.--The industry should pay relatively high  
813 wages compared to statewide or area averages.

814 4. Market and resource independent.--The location of  
815 industry businesses should not be dependent on Florida markets  
816 or resources as indicated by industry analysis. Special  
817 consideration should be given to the development of strong

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818 industrial clusters which include defense and homeland security  
819 businesses.

820 5. Industrial base diversification and strengthening.--The  
821 industry should contribute toward expanding or diversifying the  
822 state's or area's economic base, as indicated by analysis of  
823 employment and output shares compared to national and regional  
824 trends. Special consideration should be given to industries that  
825 strengthen regional economies by adding value to basic products  
826 or building regional industrial clusters as indicated by  
827 industry analysis.

828 6. Economic benefits.--The industry should have strong  
829 positive impacts on or benefits to the state and regional  
830 economies.

831

832 The office, in consultation with Enterprise Florida, Inc., shall  
833 develop a list of such target industries annually and submit  
834 such list as part of the final agency legislative budget request  
835 submitted pursuant to s. 216.023(1). A target industry business  
836 may not include any industry engaged in retail activities; any  
837 electrical utility company; any phosphate or other solid  
838 minerals severance, mining, or processing operation; any oil or  
839 gas exploration or production operation; or any firm subject to  
840 regulation by the Division of Hotels and Restaurants of the  
841 Department of Business and Professional Regulation.

842 (p) "Taxable year" means taxable year as defined in s.  
843 220.03(1)(y).

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844 (q) "Qualified target industry business" means a target  
845 industry business that has been approved by the director to be  
846 eligible for tax refunds pursuant to this section.

847 (r) "Rural county" means a county with a population of  
848 75,000 or fewer or a county with a population of 120,000 ~~100,000~~  
849 or fewer which is contiguous to a county with a population of  
850 75,000 or fewer.

851 (s) "Rural city" means a city with a population of 10,000  
852 or less, or a city with a population of greater than 10,000 but  
853 less than 20,000 which has been determined by the Office of  
854 Tourism, Trade, and Economic Development to have economic  
855 characteristics such as, but not limited to, a significant  
856 percentage of residents on public assistance, a significant  
857 percentage of residents with income below the poverty level, or  
858 a significant percentage of the city's employment base in  
859 agriculture-related industries.

860 (t) "Rural community" means:

- 861 1. A county with a population of 75,000 or less.  
862 2. A county with a population of 120,000 ~~100,000~~ or less  
863 that is contiguous to a county with a population of 75,000 or  
864 less.  
865 3. A municipality within a county described in  
866 subparagraph 1. or subparagraph 2.

867  
868 For purposes of this paragraph, population shall be determined  
869 in accordance with the most recent official estimate pursuant to  
870 s. 186.901.

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871 (u) "Authorized local economic development agency" means  
872 any public or private entity, including those defined in s.  
873 288.075, authorized by a county or municipality to promote the  
874 general business or industrial interests of that county or  
875 municipality.

876 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

877 (a) There shall be allowed, from the account, a refund to  
878 a qualified target industry business for the amount of eligible  
879 taxes certified by the director which were paid by such  
880 business. The total amount of refunds for all fiscal years for  
881 each qualified target industry business must be determined  
882 pursuant to subsection (3). The annual amount of a refund to a  
883 qualified target industry business must be determined pursuant  
884 to subsection (5).

885 (b) Upon approval by the director, a qualified target  
886 industry business shall be allowed tax refund payments equal to  
887 \$3,000 times the number of jobs specified in the tax refund  
888 agreement under subparagraph (4)(a)1., or equal to \$6,000 times  
889 the number of jobs if the project is located in a rural county  
890 or an enterprise zone. Further, a qualified target industry  
891 business shall be allowed additional tax refund payments equal  
892 to \$1,000 times the number of jobs specified in the tax refund  
893 agreement under subparagraph (4)(a)1., if such jobs pay an  
894 annual average wage of at least 150 percent of the average  
895 private sector wage in the area, or equal to \$2,000 times the  
896 number of jobs if such jobs pay an annual average wage of at  
897 least 200 percent of the average private sector wage in the  
898 area. A qualified target industry business may not receive

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899 refund payments of more than 25 percent of the total tax refunds  
900 specified in the tax refund agreement under subparagraph  
901 (4)(a)1. in any fiscal year. Further, a qualified target  
902 industry business may not receive more than \$1.5 million in  
903 refunds under this section in any single fiscal year, or more  
904 than \$2.5 million in any single fiscal year if the project is  
905 located in an enterprise zone. A qualified target industry may  
906 not receive more than \$5 million in refund payments under this  
907 section in all fiscal years, or more than \$7.5 million if the  
908 project is located in an enterprise zone. Funds made available  
909 pursuant to this section may not be expended in connection with  
910 the relocation of a business from one community to another  
911 community in this state unless the Office of Tourism, Trade, and  
912 Economic Development determines that without such relocation the  
913 business will move outside this state or determines that the  
914 business has a compelling economic rationale for the relocation  
915 and that the relocation will create additional jobs.

916 (c) After entering into a tax refund agreement under  
917 subsection (4), a qualified target industry business may:

918 1. Receive refunds from the account for the following  
919 taxes due and paid by that business beginning with the first  
920 taxable year of the business which begins after entering into  
921 the agreement:

922 a. Corporate income taxes under chapter 220.

923 b. Insurance premium tax under s. 624.509.

924 2. Receive refunds from the account for the following  
925 taxes due and paid by that business after entering into the  
926 agreement:

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- 927           a. Taxes on sales, use, and other transactions under  
928 chapter 212.
- 929           b. Intangible personal property taxes under chapter 199.
- 930           c. Emergency excise taxes under chapter 221.
- 931           d. Excise taxes on documents under chapter 201.
- 932           e. Ad valorem taxes paid, as defined in s. 220.03(1).
- 933           f. State communications services taxes administered under  
934 chapter 202. This provision does not apply to the gross receipts  
935 tax imposed under chapter 203 and administered under chapter 202  
936 or the local communications services tax authorized under s.  
937 202.19.

938

939 The addition of state communications services taxes administered  
940 under chapter 202 is remedial in nature and retroactive to  
941 October 1, 2001. The office may make supplemental tax refund  
942 payments to allow for tax refunds for communications services  
943 taxes paid by an eligible qualified target industry business  
944 after October 1, 2001.

945           (d) However, a qualified target industry business may not  
946 receive a refund under this section for any amount of credit,  
947 refund, or exemption granted to that business for any of such  
948 taxes. If a refund for such taxes is provided by the office,  
949 which taxes are subsequently adjusted by the application of any  
950 credit, refund, or exemption granted to the qualified target  
951 industry business other than as provided in this section, the  
952 business shall reimburse the account for the amount of that  
953 credit, refund, or exemption. A qualified target industry  
954 business shall notify and tender payment to the office within 20

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955 days after receiving any credit, refund, or exemption other than  
956 one provided in this section.

957 (e) A qualified target industry business that fraudulently  
958 claims a refund under this section:

959 1. Is liable for repayment of the amount of the refund to  
960 the account, plus a mandatory penalty in the amount of 200  
961 percent of the tax refund which shall be deposited into the  
962 General Revenue Fund.

963 2. Is guilty of a felony of the third degree, punishable  
964 as provided in s. 775.082, s. 775.083, or s. 775.084.

965 (3) APPLICATION AND APPROVAL PROCESS.--

966 (a) To apply for certification as a qualified target  
967 industry business under this section, the business must file an  
968 application with the office before the business has made the  
969 decision to locate a new business in this state or before the  
970 business had made the decision to expand an existing business in  
971 this state. The application shall include, but is not limited  
972 to, the following information:

973 1. The applicant's federal employer identification number  
974 and the applicant's state sales tax registration number.

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

977 3. A description of the type of business activity or  
978 product covered by the project, including a minimum of a four-  
979 digit NAICS ~~SIC~~-codes for all activities included in the  
980 project.

981 4. The number of net new full-time equivalent Florida jobs  
982 at the qualified target industry business as of December 31 of  
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983 each year included in the project and the average wage of those  
984 jobs. If more than one type of business activity or product is  
985 included in the project, the number of jobs and average wage for  
986 those jobs must be separately stated for each type of business  
987 activity or product.

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

990 6. The anticipated commencement date of the project.

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

994 8. An estimate of the proportion of the sales resulting  
995 from the project that will be made outside this state.

996 9. A resolution adopted by the governing board of the  
997 county or municipality in which the project will be located,  
998 which resolution recommends that certain types of businesses be  
999 approved as a qualified target industry business and states that  
1000 the commitments of local financial support necessary for the  
1001 target industry business exist. In advance of the passage of  
1002 such resolution, the office may also accept an official letter  
1003 from an authorized local economic development agency that  
1004 endorses the proposed target industry project and pledges that  
1005 sources of local financial support for such project exist. For  
1006 the purposes of making pledges of local financial support under  
1007 this subsection, the authorized local economic development  
1008 agency shall be officially designated by the passage of a one-  
1009 time resolution by the local governing authority.

1010 10. Any additional information requested by the office.

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1011 (b) To qualify for review by the office, the application  
1012 of a target industry business must, at a minimum, establish the  
1013 following to the satisfaction of the office:

1014 1. The jobs proposed to be provided under the application,  
1015 pursuant to subparagraph (a)4., must pay an estimated annual  
1016 average wage equaling at least 115 percent of the average  
1017 private sector wage in the area where the business is to be  
1018 located or the statewide private sector average wage. In  
1019 determining the average annual wage, the office shall only  
1020 include new proposed jobs, and wages for existing jobs shall be  
1021 excluded from this calculation. The office may waive the ~~this~~  
1022 average wage requirement at the request of the local governing  
1023 body recommending the project and Enterprise Florida, Inc. The  
1024 wage requirement may only be waived for a project located in a  
1025 brownfield area designated under s. 376.80 or in a rural city or  
1026 county or in an enterprise zone and only when the merits of the  
1027 individual project or the specific circumstances in the  
1028 community in relationship to the project warrant such action. If  
1029 the local governing body and Enterprise Florida, Inc., make such  
1030 a recommendation, it must be transmitted in writing and the  
1031 specific justification for the waiver recommendation must be  
1032 explained. If the director elects to waive the wage requirement,  
1033 the waiver must be stated in writing and the reasons for  
1034 granting the waiver must be explained.

1035 2. The target industry business's project must result in  
1036 the creation of at least 10 jobs at such project and, if an  
1037 expansion of an existing business, must result in a net increase  
1038 in employment of at least ~~not less than~~ 10 percent at the ~~such~~

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HOUSE AMENDMENT

Bill No. CS/SB 2778

Amendment No.

1039 business. Notwithstanding the definition of the term "expansion  
1040 of an existing business" in paragraph (1)(g), at the request of  
1041 the local governing body recommending the project and Enterprise  
1042 Florida, Inc., the office may define an "expansion of an  
1043 existing business" in a rural community or an enterprise zone as  
1044 the expansion of a business resulting in a net increase in  
1045 employment of less than 10 percent at such business if the  
1046 merits of the individual project or the specific circumstances  
1047 in the community in relationship to the project warrant such  
1048 action. If the local governing body and Enterprise Florida,  
1049 Inc., make such a request, it must be transmitted in writing and  
1050 the specific justification for the request must be explained. If  
1051 the director elects to grant the ~~such~~ request, it ~~such election~~  
1052 must be stated in writing and the reason for granting the  
1053 request must be explained.

1054 3. The business activity or product for the applicant's  
1055 project is within an industry or industries that have been  
1056 identified by the office to be high-value-added industries that  
1057 contribute to the area and to the economic growth of the state  
1058 and that produce a higher standard of living for residents  
1059 ~~citizens~~ of this state in the new global economy or that can be  
1060 shown to make an equivalent contribution to the area and state's  
1061 economic progress. The director must approve requests to waive  
1062 the wage requirement for brownfield areas designated under s.  
1063 376.80 unless it is demonstrated that such action is not in the  
1064 public interest.

1065 (c) Each application meeting the requirements of paragraph  
1066 (b) must be submitted to the office for determination of

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1067 eligibility. The office shall review and evaluate each  
1068 application based on, but not limited to, the following  
1069 criteria:

1070 1. Expected contributions to the state strategic economic  
1071 development plan adopted by Enterprise Florida, Inc., taking  
1072 into account the long-term effects of the project and of the  
1073 applicant on the state economy.

1074 2. The economic benefit of the jobs created by the project  
1075 in this state, taking into account the cost and average wage of  
1076 each job created.

1077 3. The amount of capital investment to be made by the  
1078 applicant in this state.

1079 4. The local commitment and support for the project.

1080 5. The effect of the project on the local community,  
1081 taking into account the unemployment rate for the county where  
1082 the project will be located.

1083 6. The effect of any tax refunds granted pursuant to this  
1084 section on the viability of the project and the probability that  
1085 the project will be undertaken in this state if such tax refunds  
1086 are granted to the applicant, taking into account the expected  
1087 long-term commitment of the applicant to economic growth and  
1088 employment in this state.

1089 7. The expected long-term commitment to this state  
1090 resulting from the project.

1091 8. A review of the business's past activities in this  
1092 state or other states, including whether such business has been  
1093 subjected to criminal or civil fines and penalties. ~~Nothing in~~

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1094 This subparagraph does not ~~shall~~ require the disclosure of  
1095 confidential information.

1096 (d) Applications shall be reviewed and certified pursuant  
1097 to s. 288.061. ~~The office shall forward its written findings and~~  
1098 ~~evaluation concerning each application meeting the requirements~~  
1099 ~~of paragraph (b) to the director within 45 calendar days after~~  
1100 ~~receipt of a complete application. The office shall notify each~~  
1101 ~~target industry business when its application is complete, and~~  
1102 ~~of the time when the 45 day period begins. In its written report~~  
1103 ~~to the director, the office shall specifically address each of~~  
1104 ~~the factors specified in paragraph (c) and shall make a specific~~  
1105 ~~assessment with respect to the minimum requirements established~~  
1106 ~~in paragraph (b).~~ The office shall include in its review report  
1107 projections of the tax refunds the business would be eligible to  
1108 receive in each fiscal year based on the creation and  
1109 maintenance of the net new Florida jobs specified in  
1110 subparagraph (a)4. as of December 31 of the preceding state  
1111 fiscal year. If appropriate, the director shall enter into a  
1112 written agreement with the qualified target industry business  
1113 pursuant to subsection (4).

1114 ~~(e)1. Within 30 days after receipt of the office's~~  
1115 ~~findings and evaluation, the director shall issue a letter of~~  
1116 ~~certification that either approves or disapproves the~~  
1117 ~~application of the target industry business. The decision must~~  
1118 ~~be in writing and must provide the justifications for approval~~  
1119 ~~or disapproval.~~

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1120       ~~2. If appropriate, the director shall enter into a written~~  
1121 ~~agreement with the qualified target industry business pursuant~~  
1122 ~~to subsection (4).~~

1123       (e)~~(f)~~ The director may not certify any target industry  
1124 business as a qualified target industry business if the value of  
1125 tax refunds to be included in that letter of certification  
1126 exceeds the available amount of authority to certify new  
1127 businesses as determined in s. 288.095(3). However, if the  
1128 commitments of local financial support represent less than 20  
1129 percent of the eligible tax refund payments, or to otherwise  
1130 preserve the viability and fiscal integrity of the program, the  
1131 director may certify a qualified target industry business to  
1132 receive tax refund payments of less than the allowable amounts  
1133 specified in paragraph (2)(b). A letter of certification that  
1134 approves an application must specify the maximum amount of tax  
1135 refund that will be available to the qualified industry business  
1136 in each fiscal year and the total amount of tax refunds that  
1137 will be available to the business for all fiscal years.

1138       (f)~~(g)~~ ~~Nothing in This section~~ does not ~~shall~~ create a  
1139 presumption that an applicant shall ~~will~~ receive any tax refunds  
1140 under this section. However, the office may issue nonbinding  
1141 opinion letters, upon the request of prospective applicants, as  
1142 to the applicants' eligibility and the potential amount of  
1143 refunds.

1144       (4) TAX REFUND AGREEMENT.--

1145       (a) Each qualified target industry business must enter  
1146 into a written agreement with the office which specifies, at a  
1147 minimum:

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1148 1. The total number of full-time equivalent jobs in this  
1149 state that will be dedicated to the project, the average wage of  
1150 those jobs, the definitions that will apply for measuring the  
1151 achievement of these terms during the pendency of the agreement,  
1152 and a time schedule or plan for when such jobs will be in place  
1153 and active in this state.

1154 2. The maximum amount of tax refunds which the qualified  
1155 target industry business is eligible to receive on the project  
1156 and the maximum amount of a tax refund that the qualified target  
1157 industry business is eligible to receive for each fiscal year,  
1158 based on the job creation and maintenance schedule specified in  
1159 subparagraph 1.

1160 3. That the office may review and verify the financial and  
1161 personnel records of the qualified target industry business to  
1162 ascertain whether that business is in compliance with this  
1163 section.

1164 4. The date by which, in each fiscal year, the qualified  
1165 target industry business may file a claim under subsection (5)  
1166 to be considered to receive a tax refund in the following fiscal  
1167 year.

1168 5. That local financial support will be annually available  
1169 and will be paid to the account. The director may not enter into  
1170 a written agreement with a qualified target industry business if  
1171 the local financial support resolution is not passed by the  
1172 local governing authority within 90 days after he or she has  
1173 issued the letter of certification under subsection (3).

1174 (b) Compliance with the terms and conditions of the  
1175 agreement is a condition precedent for the receipt of a tax

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1176 refund each year. The failure to comply with the terms and  
1177 conditions of the tax refund agreement results in the loss of  
1178 eligibility for receipt of all tax refunds previously authorized  
1179 under this section and the revocation by the director of the  
1180 certification of the business entity as a qualified target  
1181 industry business, unless the business is eligible to receive  
1182 and elects to accept a prorated refund under paragraph (5)(d) or  
1183 the office grants the business an economic-stimulus exemption.

1184 1. A qualified target industry business may submit, in  
1185 writing, a request to the office for an economic-stimulus  
1186 exemption. The request must provide quantitative evidence  
1187 demonstrating how negative economic conditions in the business's  
1188 industry, ~~the effects of the impact of a named hurricane or~~  
1189 ~~tropical storm, or specific acts of terrorism affecting the~~  
1190 ~~qualified target industry business~~ have prevented the business  
1191 from complying with the terms and conditions of its tax refund  
1192 agreement.

1193 2. Upon receipt of a request under subparagraph 1., the  
1194 director shall have 45 days to notify the requesting business,  
1195 in writing, if its exemption has been granted or denied. In  
1196 determining if an exemption should be granted, the director  
1197 shall consider the extent to which negative economic conditions  
1198 in the requesting business's industry have occurred in the state  
1199 and, ~~the effects of the impact of a named hurricane or tropical~~  
1200 ~~storm, or specific acts of terrorism affecting the qualified~~  
1201 ~~target industry business~~ have prevented the business from  
1202 complying with the terms and conditions of its tax refund  
1203 agreement. The office shall consider Florida current employment

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1204 statistics by industry, including whether the business's  
1205 industry had substantial job loss during the prior year, when  
1206 determining whether an exemption shall be granted.

1207       3. As a condition for receiving a prorated refund under  
1208 paragraph (5)(d) or an economic-stimulus exemption under this  
1209 paragraph, a qualified target industry business must agree to  
1210 renegotiate its tax refund agreement with the office to, at a  
1211 minimum, ensure that the terms of the agreement comply with  
1212 current law and office procedures governing application for and  
1213 award of tax refunds. Upon approving the award of a prorated  
1214 refund or granting an economic-stimulus exemption, the office  
1215 shall renegotiate the tax refund agreement with the business as  
1216 required by this subparagraph. When amending the agreement of a  
1217 business receiving an economic-stimulus exemption, the office  
1218 may extend the duration of the agreement for a period not to  
1219 exceed 2 years.

1220       4. A qualified target industry business may submit a  
1221 request for an economic-stimulus exemption to the office in lieu  
1222 of any tax refund claim scheduled to be submitted after January  
1223 1, 2008 ~~2005~~, but before July 1, 2009 ~~2006~~.

1224       5. A qualified target industry business that receives an  
1225 economic-stimulus exemption may not receive a tax refund for the  
1226 period covered by the exemption.

1227       (c) The agreement must be signed by the director and by an  
1228 authorized officer of the qualified target industry business  
1229 within 120 days after the issuance of the letter of  
1230 certification under subsection (3), but not before passage and  
1231 receipt of the resolution of local financial support. The office

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1232 may grant an extension of this period at the written request of  
1233 the qualified target industry business.

1234 (d) The agreement must contain the following legend,  
1235 clearly printed on its face in bold type of not less than 10  
1236 points in size: "This agreement is neither a general obligation  
1237 of the State of Florida, nor is it backed by the full faith and  
1238 credit of the State of Florida. Payment of tax refunds are  
1239 conditioned on and subject to specific annual appropriations by  
1240 the Florida Legislature of moneys sufficient to pay amounts  
1241 authorized in section 288.106, Florida Statutes."

1242 (5) ANNUAL CLAIM FOR REFUND.--

1243 (a) To be eligible to claim any scheduled tax refund, a  
1244 qualified target industry business that has entered into a tax  
1245 refund agreement with the office under subsection (4) must apply  
1246 by January 31 of each fiscal year to the office for the tax  
1247 refund scheduled to be paid from the appropriation for the  
1248 fiscal year that begins on July 1 following the January 31  
1249 claims-submission date. The office may, upon written request,  
1250 grant a 30-day extension of the filing date.

1251 (b) The claim for refund by the qualified target industry  
1252 business must include a copy of all receipts pertaining to the  
1253 payment of taxes for which the refund is sought and data related  
1254 to achievement of each performance item specified in the tax  
1255 refund agreement. The amount requested as a tax refund may not  
1256 exceed the amount specified for the relevant fiscal year in that  
1257 agreement.

1258 (c) A tax refund may not be approved for a qualified  
1259 target industry business unless the required local financial

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1260 support has been paid into the account for that refund. If the  
1261 local financial support provided is less than 20 percent of the  
1262 approved tax refund, the tax refund must be reduced. In no event  
1263 may the tax refund exceed an amount that is equal to 5 times the  
1264 amount of the local financial support received. Further, funding  
1265 from local sources includes any tax abatement granted to that  
1266 business under s. 196.1995 or the appraised market value of  
1267 municipal or county land conveyed or provided at a discount to  
1268 that business. The amount of any tax refund for such business  
1269 approved under this section must be reduced by the amount of any  
1270 such tax abatement granted or the value of the land granted; and  
1271 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must  
1272 be reduced by the amount of any such tax abatement or the value  
1273 of the land granted. A report listing all sources of the local  
1274 financial support shall be provided to the office when such  
1275 support is paid to the account.

1276 (d) A prorated tax refund, less a 5-percent penalty, shall  
1277 be approved for a qualified target industry business provided  
1278 all other applicable requirements have been satisfied and the  
1279 business proves to the satisfaction of the director that it has  
1280 achieved at least 80 percent of its projected employment and  
1281 that the average wage paid by the business is at least 90  
1282 percent of the average wage specified in the tax refund  
1283 agreement, but in no case less than 115 percent of the average  
1284 private sector wage in the area available at the time of  
1285 certification, or 150 percent or 200 percent of the average  
1286 private sector wage if the business requested the additional  
1287 per-job tax refund authorized in paragraph (2) (b) for wages

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1288 above those levels. The prorated tax refund shall be calculated  
1289 by multiplying the tax refund amount for which the qualified  
1290 target industry business would have been eligible, if all  
1291 applicable requirements had been satisfied, by the percentage of  
1292 the average employment specified in the tax refund agreement  
1293 which was achieved, and by the percentage of the average wages  
1294 specified in the tax refund agreement which was achieved.

1295 (e) The director, with such assistance as may be required  
1296 from the office, the Department of Revenue, or the Agency for  
1297 Workforce Innovation, shall, by June 30 following the scheduled  
1298 date for submission of the tax refund claim, specify by written  
1299 order the approval or disapproval of the tax refund claim and,  
1300 if approved, the amount of the tax refund that is authorized to  
1301 be paid to the qualified target industry business for the annual  
1302 tax refund. The office may grant an extension of this date on  
1303 the request of the qualified target industry business for the  
1304 purpose of filing additional information in support of the  
1305 claim.

1306 (f) The total amount of tax refund claims approved by the  
1307 director under this section in any fiscal year must not exceed  
1308 the amount authorized under s. 288.095(3).

1309 (g) This section does not create a presumption that a tax  
1310 refund claim will be approved and paid.

1311 (h) Upon approval of the tax refund under paragraphs (c),  
1312 (d), and (e), the Chief Financial Officer shall issue a warrant  
1313 for the amount specified in the written order. If the written  
1314 order is appealed, the Chief Financial Officer may not issue a

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1315 warrant for a refund to the qualified target industry business  
1316 until the conclusion of all appeals of that order.

1317 (6) ADMINISTRATION.--

1318 (a) The office is authorized to verify information  
1319 provided in any claim submitted for tax credits under this  
1320 section with regard to employment and wage levels or the payment  
1321 of the taxes to the appropriate agency or authority, including  
1322 the Department of Revenue, the Agency for Workforce Innovation,  
1323 or any local government or authority.

1324 (b) To facilitate the process of monitoring and auditing  
1325 applications made under this program, the office may provide a  
1326 list of qualified target industry businesses to the Department  
1327 of Revenue, to the Agency for Workforce Innovation, or to any  
1328 local government or authority. The office may request the  
1329 assistance of those entities with respect to monitoring jobs,  
1330 wages, and the payment of the taxes listed in subsection (2).

1331 (c) Funds specifically appropriated for the tax refund  
1332 program for qualified target industry businesses may not be used  
1333 for any purpose other than the payment of tax refunds authorized  
1334 by this section.

1335 (7) Notwithstanding paragraphs (4)(a) and (5)(c), the  
1336 office may approve a waiver of the local financial support  
1337 requirement for a business located in any of the following  
1338 counties in which businesses received emergency loans  
1339 administered by the office in response to the named hurricanes  
1340 of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,  
1341 Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,  
1342 Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,  
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1343 Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A  
1344 waiver may be granted only if the office determines that the  
1345 local financial support cannot be provided or that doing so  
1346 would effect a demonstrable hardship on the unit of local  
1347 government providing the local financial support. If the office  
1348 grants a waiver of the local financial support requirement, the  
1349 state shall pay 100 percent of the refund due to an eligible  
1350 business. The waiver shall apply for tax refund applications  
1351 made for fiscal years 2004-2005, 2005-2006, and 2006-2007.

1352 (8) EXPIRATION.--An applicant may not be certified as  
1353 qualified under this section after June 30, 2014 ~~2010~~. A tax  
1354 refund agreement existing on that date shall continue in effect  
1355 in accordance with its terms.

1356 Section 11. Subsection (3) and paragraph (f) of subsection  
1357 (4) of section 288.107, Florida Statutes, are amended to read:

1358 288.107 Brownfield redevelopment bonus refunds.--

1359 (3) CRITERIA.--The minimum criteria for participation in  
1360 the brownfield redevelopment bonus refund are:

1361 (a) The creation of at least 10 new full-time permanent  
1362 jobs. Such jobs shall not include construction or site  
1363 rehabilitation jobs associated with the implementation of a  
1364 brownfield site agreement as described in s. 376.80(5).

1365 (b) The completion of a fixed capital investment of at  
1366 least \$2 million in mixed-use business activities, including  
1367 multiunit housing, commercial, retail, and industrial in  
1368 brownfield areas, by an eligible business applying for a refund  
1369 under paragraph (2)(b) which provides benefits to its employees.

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1370 (c) That the designation as a brownfield will diversify  
1371 and strengthen the economy of the area surrounding the site.

1372 (d) That the designation as a brownfield will promote  
1373 capital investment in the area beyond that contemplated for the  
1374 rehabilitation of the site.

1375 (e) A resolution adopted by the governing board of the  
1376 county or municipality in which the project will be located that  
1377 recommends that certain types of businesses be approved.

1378 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

1379 (f) Applications shall be reviewed and certified pursuant  
1380 to s. 288.061. The office shall review all applications  
1381 submitted under s. 288.106 or other similar application forms  
1382 for other eligible businesses as defined in paragraph (1)(e)  
1383 which indicate that the proposed project will be located in a  
1384 brownfield and determine, with the assistance of the Department  
1385 of Environmental Protection, that the project location is within  
1386 a brownfield as provided in this act.

1387 Section 12. Paragraphs (b) and (c) of subsection (5) and  
1388 subsection (7) of section 288.108, Florida Statutes, are amended  
1389 to read:

1390 288.108 High-impact business.--

1391 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT  
1392 AGREEMENT.--

1393 (b) Applications shall be reviewed and certified pursuant  
1394 to s. 288.061. ~~Enterprise Florida, Inc., shall review each~~  
1395 ~~submitted application and inform the applicant business whether~~  
1396 ~~or not its application is complete within 10 working days. Once~~  
1397 ~~the application is deemed complete, Enterprise Florida, Inc.,~~

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1398 ~~has 10 working days within which to evaluate the application and~~  
1399 ~~recommend approval or disapproval of the application to the~~  
1400 ~~director. In recommending an applicant business for approval,~~  
1401 ~~Enterprise Florida, Inc., shall include a recommended grant~~  
1402 ~~award amount in its evaluation forwarded to the office.~~

1403 ~~(c) Upon receipt of the evaluation and recommendation of~~  
1404 ~~Enterprise Florida, Inc., the director has 5 working days to~~  
1405 ~~enter a final order that either approves or disapproves an~~  
1406 ~~applicant business as a qualified high impact business facility,~~  
1407 ~~unless the business requests an extension of the time. The final~~  
1408 ~~order shall specify the total amount of the qualified high-~~  
1409 ~~impact business facility performance grant award, the~~  
1410 ~~performance conditions that must be met to obtain the award, and~~  
1411 ~~the schedule for payment of the performance grant.~~

1412 ~~(7) REPORTING. The office shall by December 1 of each~~  
1413 ~~year issue a complete and detailed report of all designated~~  
1414 ~~high impact sectors, all applications received and their~~  
1415 ~~disposition, all final orders issued, and all payments made,~~  
1416 ~~including analyses of benefits and costs, types of projects~~  
1417 ~~supported, and employment and investments created. The report~~  
1418 ~~shall be submitted to the Governor, the President of the Senate,~~  
1419 ~~and the Speaker of the House of Representatives.~~

1420 Section 13. Paragraphs (a) and (b) of subsection (3) of  
1421 section 288.1088, Florida Statutes, are amended to read:

1422 288.1088 Quick Action Closing Fund.--

1423 (3) (a) Enterprise Florida, Inc., shall review applications  
1424 pursuant to s. 288.061(1) and determine eligibility of each  
1425 project consistent with the criteria in subsection (2).

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1426 Enterprise Florida, Inc., in consultation with the Office of  
1427 Tourism, Trade, and Economic Development, may waive these  
1428 criteria based on extraordinary circumstances or in rural areas  
1429 of critical economic concern if the project would significantly  
1430 benefit the local or regional economy. Enterprise Florida, Inc.,  
1431 shall evaluate individual proposals for high-impact business  
1432 facilities and forward recommendations regarding the use of  
1433 moneys in the fund for such facilities to the director of the  
1434 Office of Tourism, Trade, and Economic Development. Such  
1435 evaluation and recommendation must include, but need not be  
1436 limited to:

- 1437 1. A description of the type of facility or  
1438 infrastructure, its operations, and the associated product or  
1439 service associated with the facility.
- 1440 2. The number of full-time-equivalent jobs that will be  
1441 created by the facility and the total estimated average annual  
1442 wages of those jobs or, in the case of privately developed rural  
1443 infrastructure, the types of business activities and jobs  
1444 stimulated by the investment.
- 1445 3. The cumulative amount of investment to be dedicated to  
1446 the facility within a specified period.
- 1447 4. A statement of any special impacts the facility is  
1448 expected to stimulate in a particular business sector in the  
1449 state or regional economy or in the state's universities and  
1450 community colleges.
- 1451 5. A statement of the role the incentive is expected to  
1452 play in the decision of the applicant business to locate or

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1453 expand in this state or for the private investor to provide  
1454 critical rural infrastructure.

1455 6. A report evaluating the quality and value of the  
1456 company submitting a proposal. The report must include:

1457 a. A financial analysis of the company, including an  
1458 evaluation of the company's short-term liquidity ratio as  
1459 measured by its assets to liability, the company's profitability  
1460 ratio, and the company's long-term solvency as measured by its  
1461 debt-to-equity ratio;

1462 b. The historical market performance of the company;

1463 c. A review of any independent evaluations of the company;

1464 d. A review of the latest audit of the company's financial  
1465 statement and the related auditor's management letter; and

1466 e. A review of any other types of audits that are related  
1467 to the internal and management controls of the company.

1468 (b) Upon receipt of the evaluation and recommendation from  
1469 Enterprise Florida, Inc., the director shall recommend approval  
1470 or disapproval of a project for receipt of funds from the Quick  
1471 Action Closing Fund within 35 calendar days to the Governor. In  
1472 recommending a project, the director shall include proposed  
1473 performance conditions that the project must meet to obtain  
1474 incentive funds. The Governor shall provide the evaluation of  
1475 projects recommended for approval to the President of the Senate  
1476 and the Speaker of the House of Representatives and consult with  
1477 the President of the Senate and the Speaker of the House of  
1478 Representatives before giving final approval for a project. The  
1479 Executive Office of the Governor shall recommend approval of a  
1480 project and the release of funds pursuant to the legislative

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1481 consultation and review requirements set forth in s. 216.177.  
1482 The recommendation must include proposed performance conditions  
1483 that the project must meet in order to obtain funds.

1484 Section 14. Paragraph (f) of subsection (3), paragraph (c)  
1485 of subsection (5), and subsections (7), (8), (9), and (10) of  
1486 section 288.1089, Florida Statutes, are amended to read:

1487 288.1089 Innovation Incentive Program.--

1488 (3) To be eligible for consideration for an innovation  
1489 incentive award, an innovation business or research and  
1490 development entity must submit a written application to  
1491 Enterprise Florida, Inc., before making a decision to locate new  
1492 operations in this state or expand an existing operation in this  
1493 state. The application must include, but not be limited to:

1494 (f) The number of net new full-time equivalent jobs in  
1495 this state the applicant anticipates having created as of  
1496 December 31 of each year in the project; ~~and~~ the average annual  
1497 wage of such jobs; and the average annual wage of nonmanagement,  
1498 nonresearch jobs.

1499 (5) Enterprise Florida, Inc., shall evaluate proposals for  
1500 innovation incentive awards and transmit recommendations for  
1501 awards to the office. Such evaluation and recommendation must  
1502 include, but need not be limited to:

1503 (c) The number of full-time equivalent jobs that will be  
1504 created by the project, the total estimated average annual wages  
1505 of such jobs, the average annual wages of nonmanagement and  
1506 nonresearch jobs, and the types of business activities and jobs  
1507 likely to be stimulated by the project.

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1508 (7) Upon receipt of the evaluation and recommendation from  
1509 Enterprise Florida, Inc., the director shall recommend to the  
1510 Governor the approval or disapproval of an award. In  
1511 recommending approval ~~of an award~~, the director shall include  
1512 proposed performance conditions that the applicant must meet in  
1513 order to obtain incentive funds and any other conditions that  
1514 must be met before the receipt of any incentive funds. The  
1515 Governor shall consult with the President of the Senate and the  
1516 Speaker of the House of Representatives before giving approval  
1517 for an award. Upon review and approval of an award by the  
1518 Legislative Budget Commission, the Executive Office of the  
1519 Governor shall release the funds ~~pursuant to the legislative~~  
1520 ~~consultation and review requirements set forth in s. 216.177.~~

1521 (8) After the conditions ~~Upon approval by the Governor and~~  
1522 ~~release of the funds as~~ set forth in subsection (7) have been  
1523 met, the director shall issue a letter certifying the applicant  
1524 as qualified for an award. The office and the award recipient  
1525 ~~applicant~~ shall enter into an agreement that sets forth the  
1526 conditions for payment of incentives. The agreement must include  
1527 at a minimum:

1528 (a) The total amount of funds awarded.↯

1529 (b) The performance conditions that must be met to obtain  
1530 the award or portions of the award, including, but not limited  
1531 to, net new employment in the state, average wage, and total  
1532 cumulative investment. Where applicable, the performance  
1533 conditions must be at least at the levels specified in this  
1534 section for an applicant to qualify for consideration for an  
1535 Innovation Incentive Program grant award.↯

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1536        (c) Demonstration of a baseline of current service and a  
1537 measure of enhanced capability.~~†~~

1538        (d) The methodology for validating performance.~~†~~

1539        (e) The schedule of payments.~~†~~ ~~and~~

1540        (f) Sanctions for failure to meet performance conditions,  
1541 including any clawback provisions.

1542        (g) Requirements for the establishment of internship  
1543 programs or other learning opportunities for educators and  
1544 secondary, postsecondary, graduate, and doctoral students.

1545        (h) Requirements for each award recipient to submit  
1546 quarterly reports and annual reports related to activities and  
1547 performance to the office and to Enterprise Florida, Inc.

1548        (i) An annual accounting to the office of the expenditure  
1549 of funds disbursed under this section.

1550        (j) A process for amending the agreement.

1551        (9) Enterprise Florida, Inc., shall assist the office in  
1552 validating the performance of an innovation business or research  
1553 and development facility that has received an award.

1554        (10) At the conclusion of the innovation incentive award  
1555 agreement, or its earlier termination, Enterprise Florida, Inc.,  
1556 shall, within 90 days, report the results of the innovation  
1557 incentive award to the Governor, the President of the Senate,  
1558 and the Speaker of the House of Representatives.

1559        ~~(11)~~ ~~(10)~~ Each award recipient shall comply with Enterprise  
1560 Florida, Inc., shall develop business ethics standards developed  
1561 by Enterprise Florida, Inc., which are based on appropriate best  
1562 industry practices which shall be applicable to all award  
1563 recipients. The standards shall address ethical duties of

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1564 business enterprises, fiduciary responsibilities of management,  
1565 and compliance with the laws of this state. ~~Enterprise Florida,~~  
1566 ~~Inc., may collaborate with the State University System in~~  
1567 ~~reviewing and evaluating appropriate business ethics standards.~~  
1568 ~~Such standards shall be provided to the Governor, the President~~  
1569 ~~of the Senate, and the Speaker of the House of Representatives~~  
1570 ~~by December 31, 2006. An award agreement entered into on or~~  
1571 ~~after December 31, 2006, shall require a recipient to comply~~  
1572 ~~with the business ethics standards developed pursuant to this~~  
1573 ~~section.~~

1574 Section 15. Subsections (5), (6), and (9) of section  
1575 288.1162, Florida Statutes, are amended, and subsections (10),  
1576 (11), and (12) are added to that section, to read:

1577 288.1162 Professional sports franchises; spring training  
1578 franchises; duties.--

1579 (5) (a) As used in this section, the term "retained spring  
1580 training franchise" means a spring training franchise that has  
1581 been based in this state prior to January 1, 2000.

1582 (b) Prior to certifying an applicant as a "facility for a  
1583 retained spring training franchise," the Office of Tourism,  
1584 Trade, and Economic Development must determine that:

1585 1. A "unit of local government" as defined in s. 218.369  
1586 is responsible for the acquisition, construction, management, or  
1587 operation of the facility for a retained spring training  
1588 franchise or holds title to the property on which the facility  
1589 for a retained spring training franchise is located.

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1590           2. The applicant has a verified copy of a signed agreement  
1591 with a retained spring training franchise for the use of the  
1592 facility for a term of at least 15 years.

1593           3. The applicant has a financial commitment to provide 50  
1594 percent or more of the funds required by an agreement for the  
1595 acquisition, construction, or renovation of the facility for a  
1596 retained spring training franchise. The agreement can be  
1597 contingent upon the awarding of funds under this section and  
1598 other conditions precedent to use by the spring training  
1599 franchise.

1600           4. The applicant has projections, verified by the Office  
1601 of Tourism, Trade, and Economic Development, which demonstrate  
1602 that the facility for a retained spring training franchise will  
1603 attract a paid attendance of at least 50,000 annually.

1604           5. The facility for a retained spring training franchise  
1605 is located in a county that is levying a tourist development tax  
1606 pursuant to s. 125.0104.

1607           (c)~~1~~. The Office of Tourism, Trade, and Economic  
1608 Development shall competitively evaluate applications for  
1609 funding of a facility for a retained spring training franchise.  
1610 The total number of certifications made by the Office of  
1611 Tourism, Trade, and Economic Development shall not exceed 10. If  
1612 the Office of Tourism, Trade, and Economic Development withdraws  
1613 certification for any given facility, the Office of Tourism,  
1614 Trade, and Economic Development may accept applications for an  
1615 additional certification. A facility or unit of local government  
1616 shall not be certified for more than one spring training  
1617 franchise at any one time. Applications must be submitted by

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1618 ~~October 1, 2000, with certifications to be made by January 1,~~  
1619 ~~2001. If the number of applicants exceeds five and the aggregate~~  
1620 ~~funding request of all applications exceeds \$208,335 per month,~~  
1621 ~~the office shall rank the applications according to a selection~~  
1622 ~~criteria, certifying the highest ranked proposals.~~ The  
1623 evaluation criteria shall include, with priority given in  
1624 descending order to the following items:

1625 1.a. The intended use of the funds by the applicant for  
1626 acquisition of a facility, construction of a new facility, or  
1627 renovation of an existing facility, with priority given to the  
1628 construction of a new facility.

1629 2.b. The length of time that the existing franchise has  
1630 been located in the state, with priority given to retaining  
1631 franchises that have been in the same location the longest.

1632 3.e. The length of time that a facility to be used by a  
1633 retained spring training franchise has been used by one or more  
1634 spring training franchises, with priority given to a facility  
1635 that has been in continuous use as a facility for spring  
1636 training the longest.

1637 4.d. For those teams leasing a spring training facility  
1638 from a unit of local government, the remaining time on the lease  
1639 for facilities used by the spring training franchise, with  
1640 priority given to the shortest time period remaining on the  
1641 lease.

1642 5.e. The duration of the future-use agreement with the  
1643 retained spring training franchise, with priority given to the  
1644 future-use agreement having the longest duration.

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1645 ~~6.f.~~ The amount of the local match, with priority given to  
1646 the largest percentage of local match proposed.

1647 ~~7.g.~~ The net increase of total active recreation space  
1648 owned by the applying unit of local government following the  
1649 acquisition of land for the spring training facility, with  
1650 priority given to the largest percentage increase of total  
1651 active recreation space.

1652 ~~8.h.~~ The location of the facility in a brownfield, an  
1653 enterprise zone, a community redevelopment area, or other area  
1654 of targeted development or revitalization included in an Urban  
1655 Infill Redevelopment Plan, with priority given to facilities  
1656 located in these areas.

1657 ~~9.i.~~ The projections on paid attendance attracted by the  
1658 facility and the proposed effect on the economy of the local  
1659 community, with priority given to the highest projected paid  
1660 attendance.

1661 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~  
1662 ~~and Economic Development shall competitively evaluate~~  
1663 ~~applications for funding of facilities for retained spring~~  
1664 ~~training franchises in addition to those certified and funded~~  
1665 ~~under subparagraph 1. An applicant that is a unit of government~~  
1666 ~~that has an agreement for a retained spring training franchise~~  
1667 ~~for 15 or more years which was entered into between July 1,~~  
1668 ~~2003, and July 1, 2004, shall be eligible for funding.~~  
1669 ~~Applications must be submitted by October 1, 2006, with~~  
1670 ~~certifications to be made by January 1, 2007. The office shall~~  
1671 ~~rank the applications according to selection criteria,~~  
1672 ~~certifying no more than five proposals. The aggregate funding~~

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1673 ~~request of all applicants certified shall not exceed an~~  
1674 ~~aggregate funding request of \$208,335 per month. The evaluation~~  
1675 ~~criteria shall include the following, with priority given in~~  
1676 ~~descending order:~~

1677 ~~a. The intended use of the funds by the applicant for~~  
1678 ~~acquisition or construction of a new facility.~~

1679 ~~b. The intended use of the funds by the applicant to~~  
1680 ~~renovate a facility.~~

1681 ~~c. The length of time that a facility to be used by a~~  
1682 ~~retained spring training franchise has been used by one or more~~  
1683 ~~spring training franchises, with priority given to a facility~~  
1684 ~~that has been in continuous use as a facility for spring~~  
1685 ~~training the longest.~~

1686 ~~d. For those teams leasing a spring training facility from~~  
1687 ~~a unit of local government, the remaining time on the lease for~~  
1688 ~~facilities used by the spring training franchise, with priority~~  
1689 ~~given to the shortest time period remaining on the lease. For~~  
1690 ~~consideration under this subparagraph, the remaining time on the~~  
1691 ~~lease shall not exceed 5 years, unless an agreement of 15 years~~  
1692 ~~or more was entered into between July 1, 2003, and July 1, 2004.~~

1693 ~~e. The duration of the future use agreement with the~~  
1694 ~~retained spring training franchise, with priority given to the~~  
1695 ~~future use agreement having the longest duration.~~

1696 ~~f. The amount of the local match, with priority given to~~  
1697 ~~the largest percentage of local match proposed.~~

1698 ~~g. The net increase of total active recreation space owned~~  
1699 ~~by the applying unit of local government following the~~  
1700 ~~acquisition of land for the spring training facility, with~~

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1701 ~~priority given to the largest percentage increase of total~~  
1702 ~~active recreation space.~~

1703 ~~h. The location of the facility in a brownfield area, an~~  
1704 ~~enterprise zone, a community redevelopment area, or another area~~  
1705 ~~of targeted development or revitalization included in an urban~~  
1706 ~~infill redevelopment plan, with priority given to facilities~~  
1707 ~~located in those areas.~~

1708 ~~i. The projections on paid attendance attracted by the~~  
1709 ~~facility and the proposed effect on the economy of the local~~  
1710 ~~community, with priority given to the highest projected paid~~  
1711 ~~attendance.~~

1712 (d) Funds may not be expended to subsidize privately owned  
1713 and maintained facilities for use by the spring training  
1714 franchise.

1715 (e) Funds may be used to relocate a retained spring  
1716 training franchise to another unit of local government if  
1717 approved by the Office of Tourism, Trade, and Economic  
1718 Development upon a review of documentation showing that the  
1719 local government currently certified as the host for the  
1720 franchise seeking to move no longer meets the criteria for  
1721 certification and state funding, and has been decertified  
1722 pursuant to subsection (10) only if the existing unit of local  
1723 government with the retained spring training franchise agrees to  
1724 the relocation.

1725 (6)(a) An applicant certified as a facility for a new  
1726 professional sports franchise or a facility for a retained  
1727 professional sports franchise or as a facility for a retained  
1728 spring training franchise may use funds provided pursuant to s.  
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1729 212.20 only for the public purpose of paying for the  
1730 acquisition, construction, reconstruction, or renovation of a  
1731 facility for a new professional sports franchise, a facility for  
1732 a retained professional sports franchise, or a facility for a  
1733 retained spring training franchise or to pay or pledge for the  
1734 payment of debt service on, or to fund debt service reserve  
1735 funds, arbitrage rebate obligations, or other amounts payable  
1736 with respect to, bonds issued for the acquisition, construction,  
1737 reconstruction, or renovation of such facility or for the  
1738 reimbursement of such costs or the refinancing of bonds issued  
1739 for such purposes.

1740 (b) Beginning September 1, 2008, and every year  
1741 thereafter, each local governmental entity certified to receive  
1742 funding for a facility for a retained spring training franchise  
1743 shall submit to the Office of Tourism, Trade, and Economic  
1744 Development a report that includes, but is not limited to, a  
1745 copy of its most recent annual audit; a detailed report on all  
1746 local and state funds expended to date on the project being  
1747 financed pursuant to this section; a copy of the contract  
1748 between the certified local governmental entity and the spring  
1749 training team; and evidence that the certified applicant  
1750 continues to meet the criteria in paragraph (5) (b).

1751 (9) An applicant is not qualified for certification under  
1752 this section if the franchise formed the basis for a previous  
1753 certification, unless the previous certification was withdrawn  
1754 by the facility or invalidated by the Office of Tourism, Trade,  
1755 and Economic Development or the Department of Commerce before  
1756 any funds were distributed pursuant to s. 212.20 or has been

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1757 decertified pursuant to subsection (10). This subsection does  
1758 not disqualify an applicant if the previous certification  
1759 occurred between May 23, 1993, and May 25, 1993; however, any  
1760 funds to be distributed pursuant to s. 212.20 for the second  
1761 certification shall be offset by the amount distributed to the  
1762 previous certified facility. Distribution of funds for the  
1763 second certification shall not be made until all amounts payable  
1764 for the first certification have been distributed.

1765 (10) (a) The Office of Tourism, Trade, and Economic  
1766 Development may decertify an applicant upon receipt of  
1767 information that the applicant no longer meets or satisfies the  
1768 criteria in paragraph (5) (b) or upon request of the local  
1769 government. The local government opposing a decertification  
1770 shall have 60 days to demonstrate to the office that the  
1771 information is incorrect, prior to the decertification becoming  
1772 official. The Office of Tourism, Trade, and Economic Development  
1773 shall notify the Department of Revenue within 10 days after the  
1774 decertification.

1775 (b) The Office of Tourism, Trade, and Economic Development  
1776 shall order a decertified applicant to repay the total amount of  
1777 unencumbered state funds received by the applicant and any  
1778 interest earnings on those funds. These funds and their interest  
1779 earnings shall be deposited in the General Revenue Fund.

1780 (11) For the purpose of retaining the tradition of spring  
1781 training baseball in this state, by December 31, 2008, the  
1782 Office of Tourism, Trade, and Economic Development shall develop  
1783 a comprehensive strategic plan related to the following:

1784 (a) Financing of spring training facilities.

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1785       (b) Certification and decertification processes, including  
1786 development of the contract or funding agreement to be signed by  
1787 the office and local governments, including local governments  
1788 currently certified.

1789       (c) Clawback of state funds from decertified local  
1790 governments.

1791       (d) Monitoring and oversight of the state funds awarded to  
1792 applicants.

1793       (e) Identification of the financial impact spring training  
1794 has on the state.

1795       (e) Identification of efforts made by other states to  
1796 develop or grow their baseball spring training efforts and the  
1797 effect of those efforts on this state's relationship with  
1798 professional baseball.

1799       (f) Legislative recommendations on how to sustain or  
1800 improve this state's spring training tradition.

1801       (g) Recommendations for the role and responsibilities for  
1802 a Florida Commissioner of Baseball.

1803 A copy of the strategic plan shall be submitted to the Governor,  
1804 the President of the Senate, and the Speaker of the House of  
1805 Representatives.

1806       (12) The Office of Tourism, Trade, and Economic  
1807 Development may adopt rules pursuant to ss. 120.536(1) and  
1808 120.54 to administer this section.

1809       Section 16. Subsection (8) is added to section 288.1254,  
1810 Florida Statutes, to read:

1811       288.1254 Entertainment industry financial incentive  
1812 program.--

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1813       (8) REVERSION OF FUNDS; USE FOR FILM OR ARTS  
1814 FESTIVALS.--Notwithstanding any provision of s. 216.301 to the  
1815 contrary, funds appropriated for the purposes of implementing  
1816 this section shall not revert until the end of the second fiscal  
1817 year of the appropriation. Of funds appropriated in fiscal year  
1818 2008-2009, \$1.5 million shall be used for international cultural  
1819 festival planning and programming that generates significant  
1820 regional or statewide return on investment and uses existing  
1821 state-owned cultural facilities.

1822           Section 17. Section 288.7102, Florida Statutes, is amended  
1823 to read:

1824           288.7102 Black Business Loan Program.--

1825           (1) The Black Business Loan Program is established in the  
1826 Office of Tourism, Trade, and Economic Development. Under the  
1827 program, the office shall annually certify eligible recipients  
1828 and subsequently disburse funds appropriated by the Legislature,  
1829 through such eligible recipients, to black business enterprises  
1830 that cannot obtain capital through conventional lending  
1831 institutions but that could otherwise compete successfully in  
1832 the private sector.

1833           (2)~~(1)~~ The office shall establish an ~~a uniform, open, and~~  
1834 ~~competitive~~ application and annual certification process for  
1835 entities seeking eligible recipients who seek funds to  
1836 participate in providing ~~provide~~ loans, loan guarantees, or  
1837 investments in black business enterprises pursuant to the  
1838 Florida Black Business Investment Act. The board shall receive  
1839 the applications and make recommendations for certification to

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1840 the office. The office shall processes all applications and  
1841 recertifications submitted by July 1 on or before September 30.

1842 ~~(3)-(2) If the Black Business Loan Program is appropriated~~  
1843 any funding in a fiscal year, the office shall distribute an  
1844 equal amount of the appropriation, calculated as the total  
1845 annual appropriation divided by the total number of the program  
1846 recipients certified on or before September 30 of that fiscal  
1847 year ~~The office, in consultation with the board, shall develop~~  
1848 ~~an allocation policy to ensure that services provided under ss.~~  
1849 ~~288.707-288.714 for the benefit of black business enterprises~~  
1850 ~~are disbursed equitably throughout the state. The board shall~~  
1851 ~~facilitate the formation of black business investment~~  
1852 ~~corporations in communities that are not served by such~~  
1853 ~~corporations.~~

1854 ~~(4)-(3) To be eligible to receive funds and provide loans,~~  
1855 ~~loan guarantees, or investments under this section, a recipient~~  
1856 ~~must:~~

1857 (a) Be a corporation registered in the state.

1858 (b) Demonstrate that its board of directors includes  
1859 citizens of the state experienced in the development of black  
1860 business enterprises.

1861 (c) Demonstrate that the recipient has a business plan  
1862 that allows the recipient to operate in a manner consistent with  
1863 ss. 288.707-288.714 and the rules of the office.

1864 (d) Demonstrate that the recipient has the technical  
1865 skills to analyze and evaluate applications by black business  
1866 enterprises for loans, loan guarantees, or investments.

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1867 (e) Demonstrate that the recipient has established viable  
1868 partnerships with public and private funding sources, economic  
1869 development agencies, and workforce development and job referral  
1870 networks.

1871 (f) Demonstrate that the recipient can provide a private  
1872 match equal to 20 percent of the amount of funds provided by the  
1873 office.

1874 (g) Agree to maintain the recipient's books and records  
1875 relating to funds received by the office according to generally  
1876 accepted accounting principles and in accordance with the  
1877 requirements of s. 215.97(7) and to make those books and records  
1878 available to the office for inspection upon reasonable notice.

1879 ~~(5)-(4)~~ The board shall annually recommend to the office  
1880 certification of each eligible recipient, who must meet the  
1881 provisions of ss. 288.707-288.714, the terms of the contract  
1882 between the recipient and the office, and any other applicable  
1883 state or federal laws. An entity may not receive funds under ss.  
1884 288.707-288.714 unless the entity meets annual certification  
1885 requirements.

1886 ~~(6)-(5)~~ Upon approval by the office and prior to release of  
1887 the funds as provided in this section, the office shall issue a  
1888 letter certifying the applicant as qualified for an award. The  
1889 office and the applicant shall enter into an agreement that sets  
1890 forth the conditions for award of the funds. The agreement must  
1891 include the total amount of funds awarded; the performance  
1892 conditions that must be met once the funding has been awarded,  
1893 including, but not limited to, compliance with all of the  
1894 requirements of this section for eligible recipients of funds

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1895 under this section; and sanctions for failure to meet  
1896 performance conditions, including any provisions to recover  
1897 awards.

1898 (7)~~(6)~~(a) The office, in consultation with the board,  
1899 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1900 implement this section.

1901 (b) The board shall adopt policies and procedures  
1902 necessary to implement this section.

1903 (8)~~(7)~~ A black business investment corporation certified  
1904 by the office as an eligible recipient under this section is  
1905 authorized to use funds appropriated for the Black Business Loan  
1906 Program in any of the following forms:

1907 (a) Purchases of stock, preferred or common, voting or  
1908 nonvoting; however, no more than 40 percent of the funds may be  
1909 used for direct investments in black business enterprises;

1910 (b) Loans or loan guarantees, with or without recourse, in  
1911 either a subordinated or priority position; or

1912 (c) Technical support to black business enterprises, not  
1913 to exceed 7 percent of the funds received, and direct  
1914 administrative costs, not to exceed 10 percent of the funds  
1915 received.

1916 (9)~~(8)~~ It is the intent of the Legislature that if any one  
1917 type of investment mechanism authorized in subsection (8) ~~(7)~~ is  
1918 held to be invalid, all other valid mechanisms remain available.

1919 (10)~~(9)~~ All loans, loan guarantees, and investments, and  
1920 any income related thereto, shall be used to carry out the  
1921 public purpose of ss. 288.707-288.714, which is to develop black  
1922 business enterprises. This subsection does not preclude a

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1923 reasonable profit for the participating black business  
1924 investment corporation or for return of equity developed to the  
1925 state and participating financial institutions upon any  
1926 distribution of the assets or excess income of the investment  
1927 corporation.

1928 Section 18. Section 288.955, Florida Statutes, is amended  
1929 to read:

1930 288.955 Scripps Florida Funding Corporation.--

1931 (1) DEFINITIONS.--As used in this section, the term:

1932 (a) "Agreement" means an agreement between the Office of  
1933 Tourism, Trade, and Economic Development and recipients of  
1934 Innovation Incentive Program grants pursuant to s. 288.1089.

1935 (b)-(a) "Contract" means the contract executed between the  
1936 corporation and the grantee under this section.

1937 (c)-(b) "Corporation" means the Scripps Florida Funding  
1938 Corporation created under this section.

1939 (d)-(e) "Grantee" means The Scripps Research Institute, a  
1940 not-for-profit public benefit corporation, or a division,  
1941 subsidiary, affiliate, or entity formed by The Scripps Research  
1942 Institute to establish a state-of-the-art biomedical research  
1943 institution and campus in this state.

1944 (2) CREATION.--

1945 (a) There is created a not-for-profit corporation known as  
1946 the Scripps Florida Funding Corporation, which shall be  
1947 registered, incorporated, organized, and operated under chapter  
1948 617.

1949 (b) The corporation is not a unit or entity of state  
1950 government. However, the corporation is subject to the

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1951 provisions of s. 24, Art. I of the State Constitution and  
1952 chapter 119, relating to public meetings and records, and the  
1953 provisions of chapter 286 relating to public meetings and  
1954 records.

1955 (c) The corporation must establish at least one corporate  
1956 office in this state and appoint a registered agent.

1957 (d) The corporation shall hire or contract for all staff  
1958 necessary to the proper execution of its powers and duties  
1959 within the funds appropriated to implement this section and  
1960 shall require that all officers, directors, and employees of the  
1961 corporation comply with the code of ethics for public officers  
1962 and employees under part III of chapter 112. In no case may the  
1963 corporation expend more than \$300,000 in the first year and  
1964 \$200,000 per year thereafter for staffing and necessary  
1965 administrative expenditures, including, but not limited to,  
1966 travel and per diem and audit expenditures, using funds  
1967 appropriated to implement this section.

1968 (e) The Office of Tourism, Trade, and Economic Development  
1969 shall provide administrative support to the corporation as  
1970 requested by the corporation. In the event of the dissolution of  
1971 the corporation, the office shall be the corporation's successor  
1972 in interest and shall assume all rights, duties, and obligations  
1973 of the corporation under any contract to which the corporation  
1974 is then a party and under law.

1975 (3) PURPOSES ~~PURPOSE~~.--

1976 (a) The corporation shall be organized to receive, hold,  
1977 invest, administer, and disburse funds appropriated by the  
1978 Legislature for the establishment and operation of a state-of-

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1979 the-art biomedical research institution and campus in this state  
1980 by The Scripps Research Institute. The corporation shall  
1981 safeguard the state's commitment of financial support by  
1982 ensuring that, as a condition for the receipt of these funds,  
1983 the grantee meets its contractual obligations. In this manner,  
1984 the corporation shall facilitate and oversee the state goal and  
1985 public purpose of providing financial support for the  
1986 institution and campus in order to expand the amount and  
1987 prominence of biomedical research conducted in this state,  
1988 provide an inducement for high-technology businesses to locate  
1989 in this state, create educational opportunities through access  
1990 to and partnerships with the institution, and promote improved  
1991 health care through the scientific outcomes of the institution.

1992 (b) The corporation also shall serve in an oversight  
1993 capacity for the Innovation Incentive Program created in s.  
1994 288.1089. In that capacity, the corporation shall enter into a  
1995 partnership with the Office of Tourism, Trade, and Economic  
1996 Development and Enterprise Florida, Inc., in reviewing the  
1997 performance and progress of grant recipients of the Innovation  
1998 Incentive Program.

1999 (4) BOARD; MEMBERSHIP.--The corporation shall be governed  
2000 by a board of directors.

2001 (a) The board of directors shall consist of nine voting  
2002 members, of whom the Governor shall appoint three, the President  
2003 of the Senate shall appoint three, and the Speaker of the House  
2004 of Representatives shall appoint three. The director of the  
2005 Office of Tourism, Trade, and Economic Development or the

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2006 director's designee shall serve as an ex-officio, nonvoting  
2007 member of the board of directors.

2008 (b) Each member of the board of directors shall serve for  
2009 a term of 4 years, and ~~except that initially the Governor, the~~  
2010 ~~President of the Senate, and the Speaker of the House of~~  
2011 ~~Representatives each shall appoint one member for a term of 1~~  
2012 ~~year, one member for a term of 2 years, and one member for a~~  
2013 ~~term of 4 years to achieve staggered terms among the members of~~  
2014 ~~the board. a member is not eligible for reappointment to the~~  
2015 ~~board, except, however, that a member appointed to an initial~~  
2016 ~~term of 1 year or 2 years may be reappointed for an additional~~  
2017 ~~term of 4 years, and a person appointed to fill a vacancy with 2~~  
2018 ~~years or less remaining on the term may be reappointed for an~~  
2019 ~~additional term of 4 years. The Governor, the President of the~~  
2020 ~~Senate, and the Speaker of the House of Representatives shall~~  
2021 ~~make their initial appointments to the board by November 15,~~  
2022 ~~2003.~~

2023 (c) The Governor, the President of the Senate, or the  
2024 Speaker of the House of Representatives, respectively, shall  
2025 fill a vacancy on the board of directors, according to who  
2026 appointed the member whose vacancy is to be filled or whose term  
2027 has expired. A vacancy that occurs before the scheduled  
2028 expiration of the term of the member shall be filled for the  
2029 remainder of the unexpired term.

2030 (d) Each member of the board of directors who is not  
2031 otherwise required to file financial disclosure under s. 8, Art.  
2032 II of the State Constitution or s. 112.3144 shall file  
2033 disclosure of financial interests under s. 112.3145.

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2034 (e) A person may not be appointed to the board of  
2035 directors if he or she has had any direct interest in any  
2036 contract, franchise, privilege, or other benefit granted by The  
2037 Scripps Research Institute or any of its affiliate  
2038 organizations, or with any grant recipients of the Innovation  
2039 Incentive Program, within 5 years before appointment. A person  
2040 appointed to the board of directors must agree to refrain from  
2041 having any direct interest in any contract, franchise,  
2042 privilege, or other benefit granted by The Scripps Research  
2043 Institute or any of its affiliate organizations, or with any  
2044 grant recipients of the Innovation Incentive Program, during the  
2045 term of his or her appointment and for 5 years after the  
2046 termination of such appointment. It is a misdemeanor of the  
2047 first degree, punishable as provided in s. 775.083 or s.  
2048 775.084, for a person to accept appointment to the board of  
2049 directors in violation of this paragraph or to accept a direct  
2050 interest in any contract, franchise, privilege, or other benefit  
2051 granted by the institution or affiliate within 5 years after the  
2052 termination of his or her service on the board.

2053 (f) Each member of the board of directors shall serve  
2054 without compensation, but shall receive travel and per diem  
2055 expenses as provided in s. 112.061 while in the performance of  
2056 his or her duties.

2057 (g) Each member of the board of directors is accountable  
2058 for the proper performance of the duties of office, and each  
2059 member owes a fiduciary duty to the people of the state to  
2060 ensure that funds provided in furtherance of this section are  
2061 disbursed and used as prescribed by law and contract. The

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2062 Governor, the President of the Senate, or the Speaker of the  
2063 House of Representatives, according to which officer appointed  
2064 the member, may remove a member for malfeasance, misfeasance,  
2065 neglect of duty, incompetence, permanent inability to perform  
2066 official duties, unexcused absence from three consecutive  
2067 meetings of the board, arrest or indictment for a crime that is  
2068 a felony or a misdemeanor involving theft or a crime of  
2069 dishonesty, or pleading nolo contendere to, or being found  
2070 guilty of, any crime.

2071 (5) ORGANIZATION; MEETINGS.--

2072 (a)1. The board of directors shall annually elect a  
2073 chairperson and a vice chairperson from among the board's  
2074 members. The members may, by a vote of five of the nine board  
2075 members, remove a member from the position of chairperson or  
2076 vice chairperson prior to the expiration of his or her term as  
2077 chairperson or vice chairperson. His or her successor shall be  
2078 elected to serve for the balance of the removed chairperson's or  
2079 vice chairperson's term.

2080 2. The chairperson is responsible to ensure that records  
2081 are kept of the proceedings of the board of directors and is the  
2082 custodian of all books, documents, and papers filed with the  
2083 board; the minutes of meetings of the board; and the official  
2084 seal of the corporation.

2085 (b)1. The board of directors shall meet upon the call of  
2086 the chairperson or at the request of a majority of the members,  
2087 but no less than three times per calendar year.

2088 2. A majority of the voting members of the board of  
2089 directors constitutes a quorum. Except as otherwise provided in

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2090 this section, the board may take official action by a majority  
2091 vote of the members present at any meeting at which a quorum is  
2092 present. Members may not vote by proxy.

2093 3. A member of the board may participate in a meeting of  
2094 the board by telephone or videoconference through which each  
2095 member may hear every other member.

2096 (c) The corporation may include on the same meeting agenda  
2097 matters related to The Scripps Research Institute and the  
2098 Innovation Incentive Program.

2099 (6) POWERS AND DUTIES.--

2100 (a) The corporation is organized to receive, hold, invest,  
2101 administer, and disburse funds appropriated by the Legislature  
2102 in support of The Scripps Research Institute ~~this section~~ and to  
2103 disburse any income generated from the investment of these funds  
2104 consistent with the purpose and provisions of this section. In  
2105 addition to the powers and duties prescribed in chapter 617 and  
2106 the articles and bylaws adopted under that chapter, the  
2107 corporation:

2108 1.(a) May make and enter into contracts and assume any  
2109 other functions that are necessary to carry out the provisions  
2110 of this section related to The Scripps Research Institute.

2111 2.(b) May enter into leases and contracts for the purchase  
2112 of real property and hold notes, mortgages, guarantees, or  
2113 security agreements to secure the performance of obligations of  
2114 the grantee under the contract.

2115 3.(e) May perform all acts and things necessary or  
2116 convenient to carry out the powers expressly granted in this

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2117 section and in the a contract entered into between the  
2118 corporation and the grantee.

2119 ~~4.(d)~~ May make expenditures, from funds provided by this  
2120 state, including any necessary administrative expenditures  
2121 consistent with its powers.

2122 ~~(e) May indemnify, and purchase and maintain insurance on~~  
2123 ~~behalf of, directors, officers, and employees of the corporation~~  
2124 ~~against any personal liability or accountability.~~

2125 5.(f) Shall disburse funds pursuant to the provisions of  
2126 this section and a contract entered into between the corporation  
2127 and the grantee.

2128 6.(g) Shall receive and review reports and financial  
2129 documentation provided by the grantee to ensure compliance with  
2130 the provisions of this section and provisions of the contract.

2131 7.(h) Shall prepare an annual report as prescribed in  
2132 subsection (14).

2133 (b) The corporation also is directed to:

2134 1. Review the business plans, quarterly reports, annual  
2135 reports, and audit reports of entities that have received a  
2136 grant from the Innovation Incentive Program pursuant to s.  
2137 288.1089.

2138 2. Invite all Innovation Incentive Program grant  
2139 recipients to appear at its meetings to present progress reports  
2140 on their activities.

2141 3. Prepare an annual report as required in subsection  
2142 (15).

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2143 (c) The corporation may indemnify, purchase, and maintain  
2144 insurance on behalf of its directors, officers, and employees  
2145 against any personal liability or accountability.

2146 (d) The corporation may otherwise perform all acts and  
2147 things necessary or convenient to carry out the powers expressly  
2148 granted in this section.

2149 (7) INVESTMENT OF FUNDS.--The corporation must enter into  
2150 an agreement with the State Board of Administration under which  
2151 funds received by the corporation from the Office of Tourism,  
2152 Trade, and Economic Development which are not disbursed to the  
2153 grantee shall be invested by the State Board of Administration  
2154 on behalf of the corporation. Funds shall be invested in  
2155 suitable instruments authorized under s. 215.47 and specified in  
2156 investment guidelines established and agreed to by the State  
2157 Board of Administration and the corporation.

2158 (8) CONTRACT.--

2159 (a) The 20-year contract negotiated and executed by the  
2160 corporation with the grantee ~~By January 30, 2004, the~~  
2161 ~~corporation shall negotiate and execute a contract with the~~  
2162 ~~grantee for a term of 20 years. Such contract shall govern the~~  
2163 ~~disbursement and use of funds under this section. The board may,~~  
2164 ~~by a simple majority vote, authorize one 45-day extension of~~  
2165 ~~this deadline. The corporation may not execute the contract~~  
2166 ~~unless the contract is approved by the affirmative vote of at~~  
2167 ~~least seven of the nine members of the board of directors. At~~  
2168 ~~least 14 days before execution of the contract, The Scripps~~  
2169 ~~Research Institute must submit to the board, the Governor, the~~  
2170 ~~President of the Senate, and the Speaker of the House of~~

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2171 ~~Representatives an organizational plan, in a form and manner~~  
2172 ~~prescribed by the board, for the establishment of a state of~~  
2173 ~~the art biomedical research institution and campus in this~~  
2174 ~~state, and the board must submit a copy of the proposed contract~~  
2175 ~~to the Governor, the President of the Senate, and the Speaker of~~  
2176 ~~the House of Representatives.~~

2177 ~~(b) The contract, at a minimum, must contain provisions:~~

2178 1. Specifying the procedures and schedules that govern the  
2179 disbursement of funds under this section and specifying the  
2180 conditions or deliverables that the grantee must satisfy before  
2181 the release of each disbursement.

2182 2. Requiring the grantee to submit to the corporation a  
2183 business plan in a form and manner prescribed by the  
2184 corporation.

2185 3. Prohibiting The Scripps Research Institute or the  
2186 grantee from establishing other biomedical science or research  
2187 facilities in any state other than this state or California for  
2188 a period of 12 years from the commencement of the contract.  
2189 Nothing in this subparagraph shall prohibit the grantee from  
2190 establishing or engaging in normal collaborative activities with  
2191 other organizations.

2192 4. Governing the ownership of or security interests in  
2193 real property and personal property, including, but not limited  
2194 to, research equipment, obtained through the financial support  
2195 of state or local government, including a provision that in the  
2196 event of a breach of the contract or in the event the grantee  
2197 ceases operations in this state, such property purchased with  
2198 state funds shall revert to the state and such property

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2199 purchased with local funds shall revert to the local governing  
2200 authority.

2201 5. Requiring the grantee to be an equal opportunity  
2202 employer.

2203 6. Requiring the grantee to maintain a policy of awarding  
2204 preference in employment to residents of this state, as defined  
2205 by law, except for professional scientific staff positions  
2206 requiring a doctoral degree, postdoctoral training positions,  
2207 and graduate student positions.

2208 7. Requiring the grantee to maintain a policy of making  
2209 purchases from vendors in this state, to the extent it is cost-  
2210 effective and scientifically sound.

2211 8. Requiring the grantee to use the Internet-based job-  
2212 listing system of the Agency for Workforce Innovation in  
2213 advertising employment opportunities.

2214 9. Requiring the grantee to establish accredited science  
2215 degree programs.

2216 10. Requiring the grantee to establish internship programs  
2217 to create learning opportunities for educators and secondary,  
2218 postsecondary, graduate, and doctoral students.

2219 11. Requiring the grantee to submit data to the  
2220 corporation on the activities and performance during each fiscal  
2221 year and to provide to the corporation an annual accounting of  
2222 the expenditure of funds disbursed under this section.

2223 12. Establishing that the corporation shall review the  
2224 activities of the grantee to assess the grantee's financial and  
2225 operational compliance with the provisions of the contract and  
2226 with relevant provisions of law.

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2227 13. Authorizing the grantee, when feasible, to use  
2228 information submitted by it to the Federal Government or to  
2229 other organizations awarding research grants to the grantee to  
2230 help meet reporting requirements imposed under this section or  
2231 the contract, if the information satisfies the reporting  
2232 standards of this section and the contract.

2233 14. Unless amended pursuant to the force majeure  
2234 provisions in subsection (18), requiring the grantee during the  
2235 first 7 years of the contract to create 545 positions and to  
2236 acquire associated research equipment for the grantee's facility  
2237 in this state, and pay for related maintenance of the equipment,  
2238 in a total amount of not less than \$45 million.

2239 15. Requiring the grantee to progress in the creation of  
2240 the total number of jobs prescribed in subparagraph 14. on the  
2241 following schedule: At least 38 positions in the 1st year, 168  
2242 positions in the 2nd year, 280 positions in the 3rd year, 367  
2243 positions in the 4th year, 436 positions in the 5th year, 500  
2244 positions in the 6th year, and 545 positions in the 7th year.  
2245 The corporation's board of directors may allow the grantee to  
2246 deviate downward from such employee levels by 25 percent in any  
2247 year, to allow the grantee flexibility in achieving the  
2248 objectives set forth in the business plan provided to the  
2249 corporation; however, the grantee must have no fewer than 545  
2250 positions by the end of the 7th year.

2251 16. Requiring the grantee to allow the corporation to  
2252 retain an independent certified public accountant licensed in  
2253 this state pursuant to chapter 473 to inspect the records of the  
2254 grantee in order to audit the expenditure of funds disbursed to  
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2255 the grantee. The independent certified public accountant shall  
2256 not disclose any confidential or proprietary scientific  
2257 information of the grantee.

2258 17. Requiring the grantee to purchase liability insurance  
2259 and governing the coverage level of such insurance.

2260 ~~(b)(e)~~ An amendment to the contract is not effective  
2261 unless it is approved by the affirmative vote of at least seven  
2262 of the nine members of the board of directors.

2263 (9) PERFORMANCE EXPECTATIONS FOR THE SCRIPPS RESEARCH  
2264 INSTITUTE.--In addition to the provisions prescribed in  
2265 subsection (8), the contract between the corporation and the  
2266 grantee shall include a provision that the grantee, in  
2267 cooperation with the Office of Tourism, Trade, and Economic  
2268 Development, shall report to the corporation on an annual basis  
2269 certain performance expectations that reflect the aspirations of  
2270 the Governor and the Legislature for the benefits accruing to  
2271 this state as a result of the funds appropriated pursuant to  
2272 this section. These shall include, but are not limited to,  
2273 performance expectations addressing:

2274 (a) The number and dollar value of research grants  
2275 obtained from the Federal Government or sources other than this  
2276 state.

2277 (b) The percentage of total research dollars received by  
2278 The Scripps Research Institute from sources other than this  
2279 state which is used to conduct research activities by the  
2280 grantee in this state.

2281 (c) The number or value of patents obtained by the  
2282 grantee.

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2283 (d) The number or value of licensing agreements executed  
2284 by the grantee.

2285 (e) The extent to which research conducted by the grantee  
2286 results in commercial applications.

2287 (f) The number of collaborative agreements reached and  
2288 maintained with colleges and universities in this state and with  
2289 research institutions in this state, including agreements that  
2290 foster participation in research opportunities by public and  
2291 private colleges and universities and research institutions in  
2292 this state with significant minority populations, including  
2293 historically black colleges and universities.

2294 (g) The number of collaborative partnerships established  
2295 and maintained with businesses in this state.

2296 (h) The total amount of funding received by the grantee  
2297 from sources other than the State of Florida.

2298 (i) The number or value of spin-off businesses created in  
2299 this state as a result of commercialization of the research of  
2300 the grantee.

2301 (j) The number or value of businesses recruited to this  
2302 state by the grantee.

2303 (k) The establishment and implementation of policies to  
2304 promote supplier diversity using the guidelines developed by the  
2305 Office of Supplier Diversity under s. 287.09451 and to comply  
2306 with the ordinances, including any small business ordinances,  
2307 enacted by the county and which are applicable to the biomedical  
2308 research institution and campus located in this state.

2309 (l) The designation by the grantee of a representative to  
2310 coordinate with the Office of Supplier Diversity.

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HOUSE AMENDMENT

Bill No. CS/SB 2778

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2311 (m) The establishment and implementation of a program to  
2312 conduct workforce recruitment activities at public and private  
2313 colleges and universities and community colleges in this state  
2314 which request the participation of the grantee.

2315  
2316 ~~The contract shall require the grantee to provide information to~~  
2317 ~~the corporation on the progress in meeting these performance~~  
2318 ~~expectations on an annual basis.~~ It is the intent of the  
2319 Legislature that, in fulfilling its obligation to work with  
2320 Florida's public and private colleges and universities, The  
2321 Scripps Research Institute's Florida facility work with such  
2322 colleges and universities regardless of size.

2323 (10) DISBURSEMENT CONDITIONS.--In addition to the  
2324 provisions prescribed in subsection (8), the contract between  
2325 the corporation and the grantee shall include disbursement  
2326 conditions that must be satisfied by the grantee as a condition  
2327 for the continued disbursement of funds under this section.  
2328 These disbursement conditions shall be negotiated between the  
2329 corporation and the grantee and shall not be designed to impede  
2330 the ability of the grantee to attain full operational status.  
2331 The disbursement conditions may be appropriately varied as to  
2332 timeframes, numbers, values, and percentages. The disbursement  
2333 conditions shall include, but are not limited to, the following  
2334 areas:

2335 (a) Demonstrate creation of jobs and report on the average  
2336 salaries paid.

2337 (b) Beginning 18 months after the grantee's occupancy of  
2338 its permanent facility, the grantee shall annually obtain

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2339 \$100,000 of nonstate funding for each full-time equivalent  
2340 tenured-track faculty member employed at the grantee's Florida  
2341 facility.

2342 (c) No later than 3 years after the grantee's occupancy of  
2343 its permanent facility, the grantee shall apply to the relevant  
2344 accrediting agency for accreditation of its Florida graduate  
2345 program.

2346 (d) The grantee shall purchase equipment for its Florida  
2347 facility as scheduled in its contract with the corporation.

2348 (e) No later than 18 months after occupying its permanent  
2349 facility, the grantee shall establish a program for qualified  
2350 graduate students from Florida universities permitting them  
2351 access to the facility for doctoral, thesis-related research.

2352 (f) No later than 18 months after occupancy of the  
2353 permanent facility, the grantee shall establish a summer  
2354 internship for high school students.

2355 (g) No later than 3 years after occupancy of the permanent  
2356 facility, the grantee shall establish a research program for  
2357 middle and high school teachers.

2358 (h) No later than 18 months after occupancy of the  
2359 permanent facility, the grantee shall establish a program for  
2360 adjunct professors.

2361 (i) No later than 6 months after commissioning its high  
2362 throughput technology, the grantee shall establish a program to  
2363 allow open access for qualified science projects.

2364 (j) ~~Beginning June 2004,~~ The grantee shall collaborate  
2365 ~~commence collaborative efforts~~ with Florida public and private

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2366 colleges and universities, and shall continue cooperative  
2367 collaboration through the term of the agreement.

2368 (k) Beginning 18 months after the grantee occupies the  
2369 permanent facility, the grantee shall establish an annual  
2370 seminar series featuring a review of the science work done by  
2371 the grantee and its collaborators at the Florida facility.

2372 (l) ~~Beginning June 2004,~~ The grantee shall collaborate  
2373 ~~commence collaboration efforts~~ with the Office of Tourism,  
2374 Trade, and Economic Development by complying with reasonable  
2375 requests for cooperation in economic development efforts in the  
2376 biomed/biotech industry. ~~No later than July 2004,~~ The grantee  
2377 shall also designate a person who shall be charged with  
2378 assisting in these collaborative efforts.

2379 (11) DISBURSEMENTS TO THE SCRIPPS RESEARCH INSTUTUTE.--

2380 (a) The corporation shall disburse funds to the grantee  
2381 over a period of 7 calendar years starting in the calendar year  
2382 beginning January 1, 2004, under the terms and conditions of the  
2383 contract. The corporation shall complete disbursement of the  
2384 total amount of funds payable to the grantee under the contract  
2385 no later than December 31, 2010, unless the grantee fails to  
2386 satisfy the terms and conditions of the contract. Any funds of  
2387 the corporation that are not disbursed by December 31, 2010,  
2388 shall be paid to the Biomedical Research Trust Fund of the  
2389 Department of Health.

2390 (b) The contract shall provide for a reduction or  
2391 elimination of funding in any year if:

2392 1. The grantee is no longer operating in this state;

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2393           2. The grantee has failed to commit in writing to maintain  
2394 operations in the state for the succeeding year; or

2395           3. The grantee commits a material default or breach of the  
2396 contract, as defined and governed by the contract. Determination  
2397 of material default or breach of contract shall require the  
2398 affirmative vote of at least seven of the nine members of the  
2399 board.

2400           (c) Each disbursement by the corporation to the grantee  
2401 under this section is conditioned upon the affirmative approval  
2402 of at least five of the nine members of the board of directors  
2403 and upon demonstration by the grantee that it has met the  
2404 particular contractual deliverables that are the basis for that  
2405 disbursement.

2406           (12) USE OF FUNDS.--

2407           (a) Funds appropriated in furtherance of this section may  
2408 not be disbursed or expended for activities that do not  
2409 principally benefit or that are not directly related to the  
2410 establishment or operation of the grantee in this state, except  
2411 upon approval of the affirmative vote of at least seven of the  
2412 nine members of the board of directors.

2413           (b) ~~No~~ Funds appropriated in furtherance of this section  
2414 may not be used for the purpose of lobbying any branch or agency  
2415 of state government or any political subdivision of the state.

2416           (c) The grantee must provide for separate accounts for any  
2417 funds appropriated in furtherance of this section and separate  
2418 books and records relating to The Scripps Research Institute's  
2419 Florida operation.

2420           (13) REINVESTMENT.--

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2421 (a) The grantee shall reinvest 15 percent of the net  
2422 royalty revenues, including the revenues from the sale of stock,  
2423 received by The Scripps Research Institute from the licensing or  
2424 transfer of inventions, methods, processes, and other patentable  
2425 discoveries conceived or reduced to practice using the grantee's  
2426 Florida facilities or Florida employees, in whole or in part,  
2427 and to which the grantee becomes entitled during the 20 years  
2428 following the effective date of the contract between the  
2429 corporation and the grantee. For purposes of this paragraph, the  
2430 term "net royalty revenues" means all royalty revenues less the  
2431 cost of obtaining, maintaining, and enforcing related patent and  
2432 intellectual property rights, both foreign and domestic.  
2433 Reinvestment payments under this paragraph shall commence no  
2434 later than 6 months after the grantee has received the final  
2435 disbursement under the contract and shall continue until the  
2436 maximum reinvestment has been paid.

2437 (b) The grantee shall reinvest 15 percent of the gross  
2438 revenues it receives from naming opportunities associated with  
2439 any facility it builds in this state. For purposes of this  
2440 section, the term "naming opportunities" includes charitable  
2441 donations from any person or entity in consideration for the  
2442 right to have all or a portion of the facility named for or in  
2443 the memory of any person, living or dead, or for any entity. The  
2444 obligation to make reinvestment payments under this section  
2445 shall commence upon the execution of the contract between the  
2446 corporation and the grantee.  
2447

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2448 All reinvestment payments made pursuant to this section shall be  
2449 remitted to the state for deposit in the Biomedical Research  
2450 Trust Fund or, if such fund has ceased to exist, in another  
2451 trust fund that supports biomedical research, as determined by  
2452 law. The maximum reinvestment required of the grantee pursuant  
2453 to this subsection shall not exceed \$200 million. At such time  
2454 as the reinvestment payments equal \$155 million or the contract  
2455 expires, whichever is earlier, the board of the corporation  
2456 shall determine whether the performance expectations and  
2457 disbursement conditions have been met. If the board determines  
2458 that the performance expectations and disbursement conditions  
2459 have been met, the amount of \$200 million shall be reduced to  
2460 \$155 million. The grantee shall annually submit a schedule of  
2461 the shares of stock held by it as payment of the royalty  
2462 referred to in paragraph (a) and report on any trades or  
2463 activity concerning such stock. The grantee's obligations under  
2464 this subsection shall survive the expiration or termination of  
2465 the contract between the corporation and the grantee.

2466 (14) ANNUAL REPORT ON THE SCRIPPS RESEARCH INSTITUTE.--By  
2467 December 1 of each year, the corporation shall prepare a report  
2468 of the activities and outcomes under this section for the  
2469 preceding fiscal year. The report, at a minimum, must include:

2470 (a) A description of the activities of the corporation in  
2471 managing and enforcing the contract with the grantee.

2472 (b) An accounting of the amount of funds disbursed during  
2473 the preceding fiscal year to the grantee.

2474 (c) An accounting of expenditures by the grantee during  
2475 the fiscal year of funds disbursed under this section.

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2476 (d) Information on the number and salary level of jobs  
2477 created by the grantee, including the number and salary level of  
2478 jobs created for residents of this state.

2479 (e) Information on the amount and nature of economic  
2480 activity generated through the activities of the grantee.

2481 (f) An assessment of factors affecting the progress toward  
2482 achieving the projected biotech industry cluster associated with  
2483 the grantee's operations, as projected by economists on behalf  
2484 of the Executive Office of the Governor.

2485 (g) A compliance and financial audit of the accounts and  
2486 records of the corporation at the end of the preceding fiscal  
2487 year conducted by an independent certified public accountant in  
2488 accordance with rules of the Auditor General.

2489 (h) A description of the status of the performance  
2490 expectations under subsection (9) and the disbursement  
2491 conditions under subsection (10).

2492  
2493 The corporation shall submit the report to the Governor, the  
2494 President of the Senate, and the Speaker of the House of  
2495 Representatives.

2496 (15) REPORT ON INNOVATION INCENTIVE PROGRAM  
2497 ACTIVITIES.--The corporation shall prepare an annual report of  
2498 the activities and outcomes related to its oversight role for  
2499 the Innovation Incentive Program for the preceding fiscal year.  
2500 The report, at a minimum, must include:

2501 (a) An assessment of the progress made by each grant  
2502 recipient of the Innovation Incentive Program in achieving its  
2503 agreement objectives, benchmarks, and performance expectations,

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2504 and a discussion of all relevant factors related to its progress  
2505 or lack thereof.

2506 (b) A review of the previous year's compliance and  
2507 financial audits of the accounts and records of each grant  
2508 recipient conducted by an independent certified public  
2509 accountant in accordance with rules of the Auditor General.

2510 (c) Any recommended legislative changes or administrative  
2511 improvements that may be undertaken by the Executive Office of  
2512 the Governor.

2513

2514 The corporation shall submit the report to the Governor, the  
2515 President of the Senate, and the Speaker of the House of  
2516 Representatives by January 10 of each year, beginning in 2009.

2517 (16)-(15) PROGRAM EVALUATION.--

2518 (a) Before January 1, 2007, the Office of Program Policy  
2519 Analysis and Government Accountability shall conduct a  
2520 performance audit of the Office of Tourism, Trade, and Economic  
2521 Development and the corporation relating to the provisions of  
2522 this section. The audit shall assess the implementation and  
2523 outcomes of activities under this section. At a minimum, the  
2524 audit shall address:

2525 1. Performance of the Office of Tourism, Trade, and  
2526 Economic Development in disbursing funds appropriated under this  
2527 section.

2528 2. Performance of the corporation in managing and  
2529 enforcing the contract with the grantee.

2530 3. Compliance by the corporation with the provisions of  
2531 this section and the provisions of the contract.

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2532 4. Economic activity generated through funds disbursed  
2533 under the contract.

2534 (b) Before January 1, 2010, the Office of Program Policy  
2535 Analysis and Government Accountability shall update the report  
2536 required under paragraph (a) this subsection. In addition to  
2537 addressing the items prescribed in paragraph (a), the updated  
2538 report shall include a recommendation on whether the Legislature  
2539 should retain the statutory authority for the corporation taking  
2540 into account the corporation's oversight role for the Innovation  
2541 Incentive Program.

2542  
2543 A report of each audit's findings and recommendations shall be  
2544 submitted to the Governor, the President of the Senate, and the  
2545 Speaker of the House of Representatives. In completing the  
2546 performance audits required under this subsection, the Office of  
2547 Program Policy Analysis and Government Accountability shall  
2548 maximize the use of reports submitted by the grantee to the  
2549 Federal Government or to other organizations awarding research  
2550 grants to the grantee.

2551 ~~(17)(16)~~ LIABILITY.--

2552 (a) The appropriation or disbursement of funds under this  
2553 section does not constitute a debt, liability, or obligation of  
2554 the State of Florida, any political subdivision thereof, or the  
2555 corporation or a pledge of the faith and credit of the state or  
2556 of any such political subdivision.

2557 (b) The appropriation or disbursement of funds under this  
2558 section does not subject the State of Florida, any political

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2559 subdivision thereof, or the corporation to liability related to  
2560 the research activities and research products of the grantee.

2561 (18)~~(17)~~ FORCE MAJEURE.--Notwithstanding any other  
2562 provisions contained in this act, if the grantee is prevented  
2563 from timely achieving any deadlines set forth in this act due to  
2564 its inability to occupy its permanent Florida facility within 2  
2565 years after entering into the memorandum of agreement pursuant  
2566 to s. 403.973, as a result of permitting delays and related  
2567 administrative or judicial proceedings, acts of God, labor  
2568 disturbances, or other similar events beyond the control of the  
2569 grantee, the deadline shall be extended by the number of days by  
2570 which the grantee was delayed in commencing its occupancy of its  
2571 permanent Florida facility. In no event shall the extension be  
2572 for more than 4 years. Upon the occurrence of a force majeure  
2573 event, the Scripps Florida Funding Corporation shall continue to  
2574 fund the grantee at a level that permits it to sustain its  
2575 current level of operations until the force majeure event ceases  
2576 and the grantee is able to resume the contract schedule  
2577 governing disbursement.

2578 Section 19. Subsection (2) of section 288.9622, Florida  
2579 Statutes, is amended to read:

2580 (2) It is the intent of the Legislature that ss. 288.9621-  
2581 288.9625 serve to mobilize private investment in a broad variety  
2582 of venture capital partnerships in diversified industries and  
2583 geographies; retain private sector investment criteria focused  
2584 on rate of return; use the services of highly qualified managers  
2585 in the venture capital industry regardless of location;  
2586 facilitate the organization of the Florida Opportunity Fund as  
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2587 ~~an fund of funds~~ investor in seed and early stage businesses,  
2588 venture capital, or ~~and~~ angel funds; and precipitate capital  
2589 investment and extensions of credit to and in the Florida  
2590 Opportunity Fund.

2591 Section 20. Subsection (2) and paragraphs (a) and (d) of  
2592 subsection (4) of section 288.9624, Florida Statutes, are  
2593 amended to read:

2594 288.9624 Florida Opportunity Fund; creation; duties.--

2595 (2) Upon organization, the board shall conduct a national  
2596 solicitation for investment plan proposals from qualified  
2597 venture capital investment managers for the raising and  
2598 investing of capital by the Florida Opportunity Fund. Any  
2599 proposed investment plan must address the applicant's level of  
2600 experience, quality of management, investment philosophy and  
2601 process, provability of success in fundraising, prior investment  
2602 fund results, and plan for achieving the purposes of ss.

2603 288.9621-288.9624. The board shall select only venture capital  
2604 investment managers having demonstrated expertise in the  
2605 management of and investment in companies.

2606 (4) For the purpose of mobilizing investment in a broad  
2607 variety of Florida-based, new technology companies and  
2608 generating a return sufficient to continue reinvestment, the  
2609 fund shall:

2610 (a) 1. Invest directly ~~only~~ in seed and early stage venture  
2611 capital funds that have experienced managers or management teams  
2612 with demonstrated experience, expertise, and a successful  
2613 history in the investment of venture capital funds. Investments  
2614 must be focused, ~~focusing~~ on opportunities in this state. The

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2615 fund may ~~not~~ make direct investments in individual, Florida-  
2616 based businesses or businesses that have potential to create  
2617 significant economic benefit by creating jobs in Florida or  
2618 solving significant economic problems for Florida communities  
2619 with strategic technologies. While not precluded from investing  
2620 in venture capital funds that have investments outside this  
2621 state, the fund must require a venture capital fund to show a  
2622 record of successful investment in this state, to be based in  
2623 this state, or to have an office in this state staffed with a  
2624 full-time, professional venture investment executive in order to  
2625 be eligible for investment.

2626 2. In entering into partnerships with state universities  
2627 that are designated as research universities having very high  
2628 research activity by the 2005 Carnegie Classifications, invest  
2629 directly in state-based seed or early stage venture capital  
2630 funds. These investments shall be used to support companies that  
2631 are developing the commercialization of a particular product or  
2632 service and that are operating from laboratory or office space  
2633 on a university campus which has been constructed by a private  
2634 developer who is providing a minimum match of \$3 for every \$1 of  
2635 state funds for constructions and investment.

2636 (d) Invest only in funds or businesses that ~~have~~ raised  
2637 capital from other sources so that the amount invested in such  
2638 funds or businesses ~~in an entity in this state~~ is at least twice  
2639 the amount invested by the fund. Investments must be made in  
2640 Florida-based companies or businesses that have potential to  
2641 create significant economic benefit by creating jobs in Florida  
2642 or solving significant economic problems for Florida communities

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2643 with strategic technologies. Strategic technologies include ~~7~~  
2644 ~~including~~, but are not limited to, enterprises in life sciences,  
2645 information technology, advanced manufacturing processes,  
2646 aviation and aerospace, and homeland security and defense, as  
2647 well as other strategic technologies.

2648 Section 21. Subsection (7) is added to section 290.0055,  
2649 Florida Statutes, to read:

2650 290.0055 Local nominating procedure.--

2651 (7) The governing body of a jurisdiction that contains a  
2652 designated enterprise zone that includes a state-designated  
2653 rural area of critical economic concern, pursuant to s.  
2654 288.0656(7), may apply to the Office of Tourism, Trade, and  
2655 Economic Development to expand the boundaries of the enterprise  
2656 zone by not more than 3 square miles. The expansion must be  
2657 contiguous to an existing enterprise zone boundary.

2658 Notwithstanding the area of limitations found in subsection (4),  
2659 the Office of Tourism, Trade, and Economic Development may  
2660 approve the boundary amendment if the boundary change continues  
2661 to satisfy the requirements of paragraphs (6)(b) and (c).

2662 Section 22. Paragraph (f) is added to subsection (3) of  
2663 section 403.973, Florida Statutes, and subsection (8) of that  
2664 section is amended to read:

2665 403.973 Expedited permitting; comprehensive plan  
2666 amendments.--

2667 (3)

2668 (f) Projects that are associated with new mixed-use  
2669 community housing research and development, manufacturing, and  
2670 demonstration of technologies for improving energy-efficiency of

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2671 residential and nonresidential uses and using an alternative  
2672 source of water supply are eligible for the expedited permitting  
2673 process.

2674 (8) Each memorandum of agreement shall include a process  
2675 for final agency action on permit applications and local  
2676 comprehensive plan amendment approvals within 90 days after  
2677 receipt of a completed application, unless the applicant agrees  
2678 to a longer time period or the office determines that unforeseen  
2679 or uncontrollable circumstances preclude final agency action  
2680 within the 90-day timeframe. Permit applications governed by  
2681 federally delegated or approved permitting programs whose  
2682 requirements would prohibit or be inconsistent with the 90-day  
2683 timeframe are exempt from this provision, but must be processed  
2684 by the agency with federally delegated or approved program  
2685 responsibility as expeditiously as possible. For projects for  
2686 which a completed application has been submitted prior to  
2687 qualification of the project under this section, the memorandum  
2688 of agreement may proceed concurrently with the processing of  
2689 applications, and the timeframes in this section shall begin  
2690 from receipt of certification or the project's eligibility.

2691 Section 23. Effective October 1, 2008, subsection (18) of  
2692 section 443.036, Florida Statutes, is amended to read:

2693 443.036 Definitions.--As used in this chapter, the term:

2694 (18) "Employee leasing company" means an employing unit  
2695 that has a valid and active license under chapter 468 and that  
2696 maintains the records required by s. 443.171(5) and, in  
2697 addition, maintains quarterly reports on the clients of the  
2698 employee leasing company and the internal staff of the employee

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2699 | ~~leasing company a listing of the clients of the employee leasing~~  
2700 | ~~company and of the employees, including their social security~~  
2701 | ~~numbers, who have been assigned to work at each client company~~  
2702 | ~~job site. Further, each client company job site must be~~  
2703 | ~~identified by industry, products or services, and address. The~~  
2704 | ~~client list must be provided to the tax collection service~~  
2705 | ~~provider by June 30 and by December 31 of each year. As used in~~  
2706 | this subsection, the term "client" means a party who has  
2707 | contracted with an employee leasing company to provide a worker,  
2708 | or workers, to perform services for the client. ~~Leased employees~~  
2709 | ~~include employees subsequently placed on the payroll of the~~  
2710 | ~~employee leasing company on behalf of the client. An employee~~  
2711 | leasing company must notify the tax collection service provider  
2712 | within 30 days after the initiation or termination of the  
2713 | company's relationship with any client company under chapter  
2714 | 468.

2715 | Section 24. Paragraph (a) of subsection (1) of section  
2716 | 443.1216, Florida Statutes, is amended to read:

2717 | 443.1216 Employment.--Employment, as defined in s.  
2718 | 443.036, is subject to this chapter under the following  
2719 | conditions:

2720 | (1)(a) The employment subject to this chapter includes a  
2721 | service performed, including a service performed in interstate  
2722 | commerce, by:

2723 | 1. An officer of a corporation.

2724 | 2. An individual who, under the usual common-law rules  
2725 | applicable in determining the employer-employee relationship, is  
2726 | an employee. However, whenever a client, as defined in s.

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2727 443.036(18), which would otherwise be designated as an employing  
2728 unit has contracted with an employee leasing company to supply  
2729 it with workers, those workers are considered employees of the  
2730 employee leasing company. An employee leasing company may lease  
2731 corporate officers of the client to the client and other workers  
2732 to the client, except as prohibited by regulations of the  
2733 Internal Revenue Service. Employees of an employee leasing  
2734 company must be reported under the employee leasing company's  
2735 tax identification number and contribution rate for work  
2736 performed for the employee leasing company.

2737 a. In addition to any other report required to be filed by  
2738 law, an employee leasing company shall submit to the Agency for  
2739 Workforce Innovation, Labor Market Statistics Center, or as  
2740 otherwise directed by the agency, a report that must include  
2741 every client establishment and each establishment of the  
2742 employee leasing company and must include the following  
2743 information for each establishment:

2744 (I) The trade or establishment name.

2745 (II) The former unemployment compensation account number,  
2746 if available.

2747 (III) The former Federal Employment Identification Number  
2748 (FEIN), if available.

2749 (IV) The industry code recognized and published by the  
2750 United States Office of Management and Budget, if available.

2751 (V) A description of the client's primary business  
2752 activity in order to verify or assign an industry code.

2753 (VI) The physical location address.

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2754 (VII) The number of full-time and part-time employees who  
2755 worked during or received pay that was subject to unemployment  
2756 compensation taxes for the pay period, including the 12th of the  
2757 month for each month of the quarter.

2758 (VIII) The total wages subject to unemployment  
2759 compensation taxes paid during the calendar quarter.

2760 (IX) An internal identification code to uniquely identify  
2761 each establishment of each client.

2762 (X) The month and year the client entered into the  
2763 contract.

2764 (XI) The month and year the client terminated the contract  
2765 for services.

2766 b. The report shall be submitted electronically or in a  
2767 manner otherwise prescribed by the agency in the format  
2768 specified by the United States Bureau of Labor Statistics for  
2769 its Multiple Worksite Report for Professional Employer  
2770 Organizations. The report must be provided quarterly to the  
2771 Agency for Workforce Innovation, Labor Market Statistics Center,  
2772 or as otherwise directed by the agency, and must be filed by the  
2773 last day of the month immediately following the end of the  
2774 calendar quarter. The information required in sub-sub-  
2775 subparagraphs a.(X) and (XI) need only be provided in the  
2776 quarter in which the contract to which it relates was entered  
2777 into or terminated. The sum of the employment data and the sum  
2778 of the wage data on this report must match the employment and  
2779 wages reported on the unemployment compensation quarterly tax  
2780 and wage report.

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2781       c. The Agency for Workforce Innovation shall have  
2782 rulemaking authority as necessary to implement the provisions of  
2783 this subparagraph and shall have the authority to administer,  
2784 collect, enforce, and waive the penalty imposed by s.  
2785 443.141(1)(b) for the report required by this subparagraph.

2786       d. For the purposes of this subparagraph, the term  
2787 "establishment" or "worksite" shall mean any location where  
2788 business is conducted or where services or industrial operations  
2789 are performed.

2790       3. An individual other than an individual who is an  
2791 employee under subparagraph 1. or subparagraph 2., who performs  
2792 services for remuneration for any person:

2793       a. As an agent-driver or commission-driver engaged in  
2794 distributing meat products, vegetable products, fruit products,  
2795 bakery products, beverages other than milk, or laundry or  
2796 drycleaning services for his or her principal.

2797       b. As a traveling or city salesperson engaged on a full-  
2798 time basis in the solicitation on behalf of, and the  
2799 transmission to, his or her principal of orders from  
2800 wholesalers, retailers, contractors, or operators of hotels,  
2801 restaurants, or other similar establishments for merchandise for  
2802 resale or supplies for use in their business operations. This  
2803 sub-subparagraph does not apply to an agent-driver or a  
2804 commission-driver and does not apply to sideline sales  
2805 activities performed on behalf of a person other than the  
2806 salesperson's principal.

2807       4. The services described in subparagraph 3. are  
2808 employment subject to this chapter only if:

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2809 a. The contract of service contemplates that substantially  
2810 all of the services are to be performed personally by the  
2811 individual;

2812 b. The individual does not have a substantial investment  
2813 in facilities used in connection with the services, other than  
2814 facilities used for transportation; and

2815 c. The services are not in the nature of a single  
2816 transaction that is not part of a continuing relationship with  
2817 the person for whom the services are performed.

2818 Section 25. Subsection (2) of section 257.193, Florida  
2819 Statutes, is amended to read:

2820 257.193 Community Libraries in Caring Program.--

2821 (2) The purpose of the Community Libraries in Caring  
2822 Program is to assist libraries in rural communities, as defined  
2823 in s. 288.0656~~(2)(b)~~ and subject to the provisions of s.  
2824 288.06561, to strengthen their collections and services, improve  
2825 literacy in their communities, and improve the economic  
2826 viability of their communities.

2827 Section 26. Section 288.019, Florida Statutes, is amended  
2828 to read:

2829 288.019 Rural considerations in grant review and  
2830 evaluation processes.--Notwithstanding any other law, and to the  
2831 fullest extent possible, the member agencies and organizations  
2832 of the Rural Economic Development Initiative (REDI) as defined  
2833 in s. 288.0656(6)(a) shall review all grant and loan application  
2834 evaluation criteria to ensure the fullest access for rural  
2835 counties as defined in s. 288.0656~~(2)(b)~~ to resources available  
2836 throughout the state.

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2837 (1) Each REDI agency and organization shall review all  
2838 evaluation and scoring procedures and develop modifications to  
2839 those procedures which minimize the impact of a project within a  
2840 rural area.

2841 (2) Evaluation criteria and scoring procedures must  
2842 provide for an appropriate ranking based on the proportionate  
2843 impact that projects have on a rural area when compared with  
2844 similar project impacts on an urban area.

2845 (3) Evaluation criteria and scoring procedures must  
2846 recognize the disparity of available fiscal resources for an  
2847 equal level of financial support from an urban county and a  
2848 rural county.

2849 (a) The evaluation criteria should weight contribution in  
2850 proportion to the amount of funding available at the local  
2851 level.

2852 (b) In-kind match should be allowed and applied as  
2853 financial match when a county is experiencing financial distress  
2854 through elevated unemployment at a rate in excess of the state's  
2855 average by 5 percentage points or because of the loss of its ad  
2856 valorem base.

2857 (4) For existing programs, the modified evaluation  
2858 criteria and scoring procedure must be delivered to the Office  
2859 of Tourism, Trade, and Economic Development for distribution to  
2860 the REDI agencies and organizations. The REDI agencies and  
2861 organizations shall review and make comments. Future rules,  
2862 programs, evaluation criteria, and scoring processes must be  
2863 brought before a REDI meeting for review, discussion, and

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2864 recommendation to allow rural counties fuller access to the  
2865 state's resources.

2866 Section 27. Section 288.06561, Florida Statutes, is  
2867 amended to read:

2868 288.06561 Reduction or waiver of financial match  
2869 requirements.--Notwithstanding any other law, the member  
2870 agencies and organizations of the Rural Economic Development  
2871 Initiative (REDI), as defined in s. 288.0656(6)(a), shall review  
2872 the financial match requirements for projects in rural areas as  
2873 defined in s. 288.0656~~(2)(b)~~.

2874 (1) Each agency and organization shall develop a proposal  
2875 to waive or reduce the match requirement for rural areas.

2876 (2) Agencies and organizations shall ensure that all  
2877 proposals are submitted to the Office of Tourism, Trade, and  
2878 Economic Development for review by the REDI agencies.

2879 (3) These proposals shall be delivered to the Office of  
2880 Tourism, Trade, and Economic Development for distribution to the  
2881 REDI agencies and organizations. A meeting of REDI agencies and  
2882 organizations must be called within 30 days after receipt of  
2883 such proposals for REDI comment and recommendations on each  
2884 proposal.

2885 (4) Waivers and reductions must be requested by the county  
2886 or community, and such county or community must have three or  
2887 more of the factors identified in s. 288.0656(2)(a).

2888 (5) Any other funds available to the project may be used  
2889 for financial match of federal programs when there is fiscal  
2890 hardship, and the match requirements may not be waived or  
2891 reduced.

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2892 (6) When match requirements are not reduced or eliminated,  
2893 donations of land, though usually not recognized as an in-kind  
2894 match, may be permitted.

2895 (7) To the fullest extent possible, agencies and  
2896 organizations shall expedite the rule adoption and amendment  
2897 process if necessary to incorporate the reduction in match by  
2898 rural areas in fiscal distress.

2899 (8) REDI shall include in its annual report an evaluation  
2900 on the status of changes to rules, number of awards made with  
2901 waivers, and recommendations for future changes.

2902 Section 28. Subsection (2) of section 288.7094, Florida  
2903 Statutes, is amended to read:

2904 288.7094 Black business investment corporations.--

2905 (2) A black business investment corporation that meets the  
2906 requirements of s. 288.7102(4)~~(3)~~ is eligible to participate in  
2907 the Black Business Loan Program and shall receive priority  
2908 consideration by the Office of Tourism, Trade, and Economic  
2909 Development for participation in the program.

2910 Section 29. Paragraph (d) of subsection (15) of section  
2911 627.6699, Florida Statutes, is amended to read:

2912 627.6699 Employee Health Care Access Act.--

2913 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

2914 (d) Eligibility.--

2915 1. Any small employer that is actively engaged in  
2916 business, has its principal place of business in this state,  
2917 employs up to 25 eligible employees on business days during the  
2918 preceding calendar year, employs at least 2 employees on the

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2919 first day of the plan year, and has had no prior coverage for  
2920 the last 6 months may participate.

2921 2. Any municipality, county, school district, or hospital  
2922 employer located in a rural community as defined in s.  
2923 288.0656(2)(b) may participate.

2924 3. Nursing home employers may participate.

2925 4. Each dependent of a person eligible for coverage is  
2926 also eligible to participate.

2927  
2928 Any employer participating in the program must do so until the  
2929 end of the term for which the carrier providing the coverage is  
2930 obligated to provide such coverage to the program. Coverage for  
2931 a small employer group that ceases to meet the eligibility  
2932 requirements of this section may be terminated at the end of the  
2933 policy period for which the necessary premiums have been paid.

2934 Section 30. In order to carry out the additional  
2935 responsibilities in this act, one full-time equivalent position  
2936 and the recurring sum of \$60,000 for associated salary and  
2937 benefits is appropriated from the General Revenue Fund to the  
2938 Office of Tourism, Trade, and Economic Development.

2939 Section 31. Except as otherwise expressly provided in  
2940 this act, this act shall take effect July 1, 2008.

2941  
2942  
2943 -----

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

2944 Remove the entire title and insert:  
2945

HOUSE AMENDMENT

Bill No. CS/SB 2778

Amendment No.

2946 An act relating to economic development; amending s. 125.0104;  
2947 revising the use of the tourist development tax; amending s.  
2948 220.191, F.S.; requiring applications for capital investment tax  
2949 credits to be reviewed and certified under a specified  
2950 provision; creating s. 288.061, F.S.; providing an economic  
2951 development incentive application process; providing time  
2952 periods and requirements for certification for economic  
2953 development incentive applications; amending s. 288.063, F.S.;  
2954 requiring that adoption of criteria by which certain  
2955 transportation projects are to be reviewed and certified be done  
2956 in accordance with a specified provision; amending s. 288.065,  
2957 F.S.; revising Rural Community Development Revolving Loan Fund  
2958 program requirements; amending s. 288.0655, F.S.; authorizing  
2959 the Office of Tourism, Trade, and Economic Development to award  
2960 grants for a certain percentage of total infrastructure project  
2961 costs for certain catalyst site funding applications; providing  
2962 for waiver of the local matching requirement; expanding eligible  
2963 facilities for authorized infrastructure projects; amending s.  
2964 288.0656, F.S.; providing legislative intent; revising and  
2965 providing definitions; providing certain additional review and  
2966 action requirements for REDI relating to rural communities;  
2967 revising representation on REDI; deleting a limitation on  
2968 characterization as a rural area of critical economic concern;  
2969 authorizing rural areas of critical economic concern to  
2970 designate certain catalyst projects for certain purposes;  
2971 providing project requirements; requiring the initiative to  
2972 assist local governments with certain comprehensive planning  
2973 needs; providing procedures and requirements for such

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2974 assistance; revising certain reporting requirements for REDI;  
2975 amending s. 288.0657, F.S.; revising the definition for a rural  
2976 community; amending s. 288.1045, F.S.; revising provisions  
2977 relating to the application and refund process for the qualified  
2978 defense contractor tax refund program; deleting a report  
2979 requirement; amending s. 288.106, F.S.; revising provisions  
2980 relating to the application process for the qualified target  
2981 industry businesses; revising an economic-stimulus exemption  
2982 request provision; extending the expiration date; amending s.  
2983 288.107, F.S.; providing additional criteria for participation  
2984 in the brownfield redevelopment bonus refund; requiring that  
2985 applications for brownfield redevelopment bonus refunds be  
2986 reviewed and certified under a specified provision; amending s.  
2987 288.108, F.S.; requiring that applications for high-impact  
2988 business performance grants be considered under a specified  
2989 provision; deleting certain final order and report requirements;  
2990 amending s. 288.1088, F.S.; requiring that applications  
2991 concerning the Quick Action Closing Fund be considered under a  
2992 specified provision; providing a time period for the director to  
2993 recommend approval or disapproval of a project for receipt of  
2994 funds from the Quick Action Closing Fund; amending s. 288.1089,  
2995 F.S.; revising application requirements for innovation incentive  
2996 awards; revising evaluation and recommendation requirements for  
2997 innovation incentive awards; requiring the Legislative Budget  
2998 Commission to review and approve an innovation incentive award  
2999 before the Executive Office of the Governor releases the funds;  
3000 revising requirements for agreements setting forth the  
3001 conditions for payment of incentives; revising provisions

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HOUSE AMENDMENT

Bill No. CS/SB 2778

Amendment No.

3002 relating to ethical standards for reward recipients; amending s.  
3003 288.1162, F.S.; revising provisions relating to funding for  
3004 relocation of spring training franchises; requiring local  
3005 governments receiving funds to submit annual reports; providing  
3006 for decertification of an applicant; requiring the Office of  
3007 Tourism, Trade, and Economic Development to develop a  
3008 comprehensive strategic plan including the use of financial  
3009 resources for the purpose of retaining the tradition of spring  
3010 training in this state; providing rulemaking authority; amending  
3011 s. 288.1254, F.S., relating to the reversion of appropriations  
3012 for film incentives; providing a limited amount of funds to be  
3013 used for international cultural festivals upon certain  
3014 determinations; amending s. 288.7102, F.S.; revising provisions  
3015 relating to the application and certification process for the  
3016 Black Business Loan Program; providing requirements concerning  
3017 distribution of program funding; amending s. 288.955, F.S.;  
3018 revising definitions relating to the Scripps Florida Funding  
3019 Corporation; requiring the Scripps Florida Funding Corporation,  
3020 along with the Office of Tourism, Trade, and Economic  
3021 Development and Enterprise Florida, Inc., to review the  
3022 performance and progress of grant recipients of the Innovation  
3023 Incentive Program; conforming provisions relating to members of  
3024 the board of directors; deleting obsolete provisions; revising  
3025 the duties of the corporation; requiring an annual report on  
3026 Innovation Incentive Program activities; amending s. 288.9622,  
3027 F.S.; revising legislative intent; amending s. 288.9624, F.S.,  
3028 relating to the Florida Opportunity Fund; providing that venture  
3029 capital funds affiliated with certain state universities are

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HOUSE AMENDMENT

Bill No. CS/SB 2778

Amendment No.

3030 eligible for investment by the fund; providing for specified  
3031 direct business investments by the fund; amending s. 290.0055,  
3032 F.S; providing for the expansion of enterprise zones located  
3033 entirely within state designated rural areas of critical  
3034 economic concern; amending s. 403.973, F.S.; providing expedited  
3035 permitting for certain projects; amending s. 443.036, F.S.;  
3036 revising the definition of the term "employee leasing company"  
3037 for purposes of unemployment compensation; amending s. 443.1216,  
3038 F.S.; requiring quarterly reports by employee leasing companies  
3039 that include client and establishment specific information;  
3040 authorizing the Agency for Workforce Innovation to adopt rules;  
3041 providing enforcement authority; amending ss. 257.193, 288.019,  
3042 288.06561, 288.7094, and 627.6699, F.S.; conforming cross-  
3043 references; authorizing a position and providing an  
3044 appropriation for the Office of Tourism, Trade, and Economic  
3045 Development; providing effective dates.

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