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1 A bill to be entitled
2 An act relating to economic development; creating s.
3 288.061, F.S.; creating a uniform process for the review
4 and certification of economic development incentive
5 projects by Enterprise Florida, Inc., and the Office of
6 Tourism, Trade, and Economic Development; amending ss.
7 288.063 and 288.0655, F.S.; conforming the review of
8 transportation projects and rural infrastructure projects
9 to changes made by the act; creating s. 288.097, F.S.;
10 establishing Building Florida's Future Revolving Loan
11 Guarantee Program within the Office of Tourism, Trade, and
12 Economic Development; providing for the program to provide
13 loan guarantees or credit enhancements to units of local
14 government or to private entities for use in constructing
15 or modernizing facilities and infrastructure necessary to
16 attract or expand certain industries as part of an
17 economic-development project; providing requirements and
18 criteria for the office to consider in evaluating
19 requests; requiring Enterprise Florida, Inc., to assist
20 the office in its evaluation; requiring the Office of
21 Tourism, Trade, and Economic Development to adopt rules;
22 requiring that the office provide an annual report to the
23 Legislature regarding the program; providing an
24 appropriation; making the fund contingent on passage of a
25 companion bill; amending s. 288.1045, F.S.; revising the
26 sources of funds that may be used to provide refunds for
27 the qualified defense contractor tax refund program;
28 conforming the review of Department of Defense projects to
29 changes made by the act; providing that the amount of the

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30 tax refund may be reduced by the value of the land
31 granted; deleting a requirement for an annual report;
32 amending s. 288.106, F.S.; revising information that must
33 be submitted by a qualified target industry business
34 applying for a tax refund; modifying the definition of
35 rural county; application process to changes made by the
36 act; modifying the criteria for businesses to be eligible
37 for an economic stimulus exemption; extending the
38 application period; amending s. 288.107, F.S.; conforming
39 review of applications for payment of brownfield
40 redevelopment bonus refunds to changes made by the act;
41 amending s. 288.108, F.S.; conforming the review of grant
42 applications for high-impact businesses to changes made by
43 the act; deleting provisions requiring an annual report;
44 amending s. 288.1088, F.S.; conforming the review of
45 projects funded by the Quick Action Closing Fund to
46 changes made by the act; amending s. 288.1089, F.S.;
47 providing definitions; revising application requirements
48 for innovation incentive awards; revising evaluation and
49 recommendation requirements for innovative incentive
50 awards; requiring the Legislative Budget Commission to
51 review and approve an innovation incentive award before
52 the Executive Office of the Governor releases the funds;
53 revising agreement requirements for payment of incentives;
54 requiring award recipients to comply with certain business
55 ethics developed by Enterprise Florida, Inc.; requiring
56 the Office of Tourism, Trade, and Economic Development to
57 adopt rules regarding incentives for the purchases of
58 goods and services in this state and to require the

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59 grantee to submit data on activities and performance
60 regarding the purchases of goods and services in this
61 state; amending s. 288.955, F.S.; revising definitions;
62 requiring the Scripps Florida Funding Corporation, along
63 with the Office of Tourism, Trade, and Economic
64 Development and Enterprise Florida, Inc., to review the
65 performance and progress of grant recipients of the
66 Innovation Incentive Program; revising membership
67 requirements of the board of directors of the Scripps
68 Florida Funding Corporation; authorizing the corporation
69 to include on the same meeting agenda matters related to
70 The Scripps Research Institute and the Innovation
71 Incentive Program; deleting obsolete provisions; revising
72 the duties of the corporation; revising the contract
73 requirements between the corporation and the grant
74 recipients; requiring the Office of Tourism, Trade, and
75 Economic Development to adopt rules regarding incentives
76 for the purchases of goods and services in this state and
77 to require the grantee to submit data on activities and
78 performance regarding the purchase of goods and services
79 in this state; requiring the corporation to submit to the
80 Governor and the Legislature a report related to the
81 activities of the Innovation Incentive Program; providing
82 requirements for the report; amending s. 288.9624, F.S.;
83 providing that venture-capital funds affiliated with
84 certain state universities are eligible for investment by
85 the Florida Opportunity Fund; amending s. 220.191, F.S.;
86 requiring applications for capital investment tax credits
87 to be reviewed under a specified provision; amending s.

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88 288.063, F.S.; requiring that adoption of criteria by
89 which certain transportation projects are to be specified
90 and identified be done in accordance with a specified
91 provision; amending s. 288.065, F.S.; revising Rural
92 Community Development Revolving Loan Fund program
93 requirements; amending s. 288.0655, F.S.; authorizing the
94 Office of Tourism, Trade, and Economic Development to
95 award grants for a certain percentage of total
96 infrastructure project costs for certain catalyst site
97 funding applications; providing for waiver of the local
98 matching requirement; expanding eligible facilities for
99 authorized infrastructure projects; amending s. 288.0656,
100 F.S.; providing legislative intent; revising and providing
101 definitions; providing certain additional review and
102 action requirements for REDI relating to rural
103 communities; revising representation on REDI; deleting a
104 limitation on characterization as a rural area of critical
105 economic concern; authorizing rural areas of critical
106 economic concern to designate certain catalyst projects
107 for certain purposes; providing project requirements;
108 requiring the initiative to assist local governments with
109 certain comprehensive planning needs; providing procedures
110 and requirements for such assistance; revising certain
111 reporting requirements for REDI; amending s. 288.0657,
112 F.S.; revising the definition for a rural community;
113 providing two full-time equivalent position and an
114 appropriation for the Office of Tourism, Trade, and
115 Economic Development; amending ss. 257.193, 288.019,
116 288.06561, and 627.6699, F.S.; conforming cross-

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117 references; providing an effective date.

118
119 Be It Enacted by the Legislature of the State of Florida:

120
121 Section 1. Section 288.061, Florida Statutes, is created to
122 read:

123 288.061 Economic development incentive application
124 process.--

125 (1) In order to expedite and provide a quick review process
126 for certifying economic development incentive applications under
127 this part, Enterprise Florida, Inc., shall review each submitted
128 application and inform the applicant if its application is not
129 complete within 10 business days. Once the application is deemed
130 complete, Enterprise Florida, Inc., shall have 10 business days
131 to evaluate the application and recommend approval or disapproval
132 to the director of the Office of Tourism, Trade, and Economic
133 Development. In recommending approval, Enterprise Florida, Inc.,
134 shall include in its evaluation a recommended grant award amount
135 and a review of the applicant's ability to meet specific program
136 criteria.

137 (2) Upon receipt of the evaluation and recommendation of
138 Enterprise Florida, Inc., the Office of Tourism, Trade, and
139 Economic Development shall have 10 calendar days to notify
140 Enterprise Florida, Inc., if the application is not complete. The
141 director shall have 35 calendar days following the time the
142 recommendation is received from Enterprise Florida, Inc., to
143 review the application and issue a letter of certification to the
144 applicant which approves or disapproves the application and
145 includes justification, unless the applicant requests an

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146 extension of time. The final order shall specify the total amount
147 of the award, the performance conditions that must be met in
148 order to obtain the award, and the schedule for payment.

149 Section 2. Subsection (4) of section 288.063, Florida
150 Statutes, is amended to read:

151 288.063 Contracts for transportation projects.--

152 (4) The Office of Tourism, Trade, and Economic Development
153 may adopt criteria by which transportation projects are to be
154 reviewed and certified in accordance with s. 288.061 ~~specified~~
155 ~~and identified~~. In approving transportation projects for funding,
156 ~~the office of Tourism, Trade, and Economic Development~~ shall
157 consider factors including, but not limited to, the cost per job
158 created or retained considering the amount of transportation
159 funds requested; the average hourly rate of wages for jobs
160 created; the reliance on the program as an inducement for the
161 project's location decision; the amount of capital investment to
162 be made by the business; the demonstrated local commitment; the
163 location of the project in an enterprise zone designated pursuant
164 to s. 290.0055; the location of the project in a spaceport
165 territory as defined in s. 331.304; the unemployment rate of the
166 surrounding area; the poverty rate of the community; and the
167 adoption of an economic element as part of its local
168 comprehensive plan in accordance with s. 163.3177(7)(j). The
169 ~~office of Tourism, Trade, and Economic Development~~ may contact
170 any agency it deems appropriate for additional input regarding
171 the approval of projects.

172 Section 3. Subsection (3) of section 288.0655, Florida
173 Statutes, is amended to read:

174 288.0655 Rural Infrastructure Fund.--

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175 (3) The office, in consultation with Enterprise Florida,
176 Inc., VISIT Florida, the Department of Environmental Protection,
177 and the Florida Fish and Wildlife Conservation Commission, as
178 appropriate, shall review and certify applications pursuant to s.
179 288.061. The review shall include an evaluation of ~~and evaluate~~
180 the economic benefit of the projects and their long-term
181 viability. The office shall have final approval for any grant
182 under this section ~~and must make a grant decision within 30 days~~
183 ~~of receiving a completed application.~~

184 Section 4. Section 288.097, Florida Statutes, is created to
185 read:

186 288.097 Building Florida's Future Revolving Loan Guarantee
187 Program.--

188 (1) There is created within the Office of Tourism, Trade,
189 and Economic Development the Building Florida's Future Revolving
190 Loan Guarantee Program. The purpose of the program is to provide
191 loan guarantees or credit enhancements to units of local
192 government or private entities seeking financing to construct or
193 modernize facilities and infrastructure necessary to attract or
194 expand targeted industries as part of an economic-development
195 project. As used in this section, the term "targeted industries"
196 means those industries referenced in s. 288.106(1)(o).

197 (2) The program may provide loan guarantees or other credit
198 enhancements to applicants seeking financing for the following
199 purposes:

200 (a) The acquisition of land, buildings, or fixed equipment;
201 (b) Site preparation and the construction or reconstruction
202 of buildings; or

203 (c) The installation of or provision of access to

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204 telecommunications, energy sources, or other water supply
205 utilities.

206 (3) (a) All moneys available within the program's trust
207 fund, including investment earnings, are designated to carry out
208 the purposes of this section.

209 (b) Any funds within the trust fund which are not needed on
210 an immediate basis for loan guarantees or credit enhancements may
211 be invested pursuant to s. 215.49. The cost of administering the
212 program may be paid from reasonable service fees that may be
213 imposed upon applicants so as to enhance program perpetuity.

214 (4) The office also shall consider, but need not be limited
215 to, the following criteria in evaluating projects for assistance:

216 (a) A demonstration that the project would create or
217 enhance economic benefits.

218 (b) The likelihood that the loan guarantee or credit
219 enhancement would enable the project to proceed.

220 (c) The extent to which assistance would foster innovative
221 public-private partnerships and attract private debt or equity
222 investment.

223 (d) The creditworthiness of the entity or entities applying
224 to the program.

225 (e) Whether the project is consistent, to the maximum
226 extent feasible, with local government comprehensive plans.

227 (5) Enterprise Florida, Inc., shall assist the office in
228 evaluating applications and determining whether an applicant
229 meets the conditions of subsection (4).

230 (6) The office shall adopt rules to administer the program
231 which specify the application forms, deadlines for submitting
232 applications, requirements for the selection process, and

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233 requirements for audits.

234 (7) The office shall submit to the President of the Senate
235 and the Speaker of the House of Representatives an annual report
236 concerning activity within the program. The first report shall be
237 submitted on January 5, 2009, and subsequent reports shall be
238 submitted on January 5 every year thereafter, so long as the
239 revolving fund exists.

240 (8) The fund shall be created if CS/CS/SB Senate Bill 2712
241 or similar legislation is adopted in the same legislative session
242 or an extension thereof and becomes law.

243 Section 5. For the 2008-2009 fiscal year, the sum of \$20
244 million is appropriated from the General Revenue Fund to the
245 Building Florida's Future Revolving Trust Fund which shall be
246 used by the Office of Tourism, Trade, and Economic Development
247 for the purposes of administering this act. Notwithstanding the
248 provisions of s. 216.301, Florida Statutes, the unexpended
249 balance of this appropriation shall not revert.

250 Section 6. Paragraph (f) of subsection (2), paragraphs (b),
251 (c), (d), (g), and (h) of subsection (3), paragraph (c) of
252 subsection (5), and paragraphs (d) and (e) of subsection (6) of
253 section 288.1045, Florida Statutes, are amended to read:

254 288.1045 Qualified defense contractor tax refund program.--

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

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

258 1. Receive refunds from the account for corporate income
259 taxes due and paid pursuant to chapter 220 by that business
260 beginning with the first taxable year of the business after
261 entering into the agreement.

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262 2. Receive funds from the General Revenue Fund and the
263 Economic Development Trust Fund for the following taxes due and
264 paid by that business ~~the qualified applicant beginning with the~~
265 ~~applicant's first taxable year that begins~~ after entering into
266 the agreement:

267 ~~a.1.~~ Taxes on sales, use, and other transactions paid
268 pursuant to chapter 212.

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

270 ~~b.3.~~ Intangible personal property taxes paid pursuant to
271 chapter 199.

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

273 ~~d.5.~~ Excise taxes paid on documents pursuant to chapter
274 201.

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

277 ~~f.7.~~ State communications services taxes administered under
278 chapter 202. This provision does not apply to the gross receipts
279 tax imposed under chapter 203 and administered under chapter 202
280 or the local communications services tax authorized under s.
281 202.19.

282
283 However, a qualified applicant may not receive a tax refund
284 pursuant to this section for any amount of credit, refund, or
285 exemption granted such contractor for any of such taxes. If a
286 refund for such taxes is provided by the office, which taxes are
287 subsequently adjusted by the application of any credit, refund,
288 or exemption granted to the qualified applicant other than that
289 provided in this section, the qualified applicant shall reimburse
290 the Economic Development Trust Fund for the amount of such

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291 credit, refund, or exemption. A qualified applicant must notify
292 and tender payment to the office within 20 days after receiving a
293 credit, refund, or exemption, other than that provided in this
294 section. The addition of communications services taxes
295 administered under chapter 202 is remedial in nature and
296 retroactive to October 1, 2001. The office may make supplemental
297 tax refund payments to allow for tax refunds for communications
298 services taxes paid by an eligible qualified defense contractor
299 after October 1, 2001.

300 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
301 DETERMINATION.--

302 (b) Applications for certification based on the
303 consolidation of a Department of Defense contract or a new
304 Department of Defense contract must be submitted to the office as
305 prescribed by the office and must include, but are not limited
306 to, the following information:

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

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

313 3. The Department of Defense contract numbers of the
314 contract to be consolidated, the new Department of Defense
315 contract number, or the "RFP" number of a proposed Department of
316 Defense contract.

317 4. The date the contract was executed or is expected to be
318 executed, and the date the contract is due to expire or is
319 expected to expire.

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320 5. The commencement date for project operations under the
321 contract in this state.

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

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

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

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

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

334 10.11. A brief statement concerning the applicant's need
335 for tax refunds, and the proposed uses of such refunds by the
336 applicant.

337 11.12. A resolution adopted by the governing board ~~county~~
338 ~~commissioners~~ of the county or municipality in which the project
339 will be located, which recommends that the applicant be approved
340 as a qualified applicant, and which indicates that the necessary
341 commitments of local financial support for the applicant exist.
342 Prior to the adoption of the resolution, the county commission
343 may review the proposed public or private sources of ~~such~~ support
344 and determine whether the proposed sources of local financial
345 support can be provided or, for any applicant whose project is
346 located in a county designated by the Rural Economic Development
347 Initiative, a resolution adopted by the county commissioners of
348 such county requesting that the applicant's project be exempt

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349 from the local financial support requirement.

350 ~~12.13.~~ Any additional information requested by the office.

351 (c) Applications for certification based on the conversion
352 of defense production jobs to nondefense production jobs must be
353 submitted to the office as prescribed by the office and must
354 include, but are not limited to, the following information:

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

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

361 3. The Department of Defense contract numbers of the
362 contract under which the defense production jobs will be
363 converted to nondefense production jobs.

364 4. The date the contract was executed, and the date the
365 contract is due to expire or is expected to expire, or was
366 canceled.

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

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

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

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

377 9. The number of full-time equivalent jobs in this state to

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378 be retained by the project.

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

381 10.11. A brief statement concerning the applicant's need
382 for tax refunds, and the proposed uses of such refunds by the
383 applicant.

384 11.12. A resolution adopted by the governing board ~~county~~
385 ~~commissioners~~ of the county or municipality in which the project
386 will be located, which recommends that the applicant be approved
387 as a qualified applicant, and which indicates that the necessary
388 commitments of local financial support for the applicant exist.
389 Prior to the adoption of the resolution, the county commission
390 may review the proposed public or private sources of ~~such~~ support
391 and determine whether the proposed sources of local financial
392 support can be provided or, for any applicant whose project is
393 located in a county designated by the Rural Economic Development
394 Initiative, a resolution adopted by the county commissioners of
395 such county requesting that the applicant's project be exempt
396 from the local financial support requirement.

397 ~~12.13.~~ Any additional information requested by the office.

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

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

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

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407 3. The business entity holding a valid Department of
408 Defense contract or branch of the Armed Forces of the United
409 States that previously occupied the facility, and the date such
410 entity last occupied the facility.

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

414 5. The date the contract to reuse the facility was executed
415 or is expected to be executed, and the date the contract is due
416 to expire or is expected to expire.

417 6. The commencement date for project operations under the
418 contract in this state.

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

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

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

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

428 10.11. A brief statement concerning the applicant's need
429 for tax refunds, and the proposed uses of such refunds by the
430 applicant.

431 11.12. A resolution adopted by the governing board ~~county~~
432 ~~commissioners~~ of the county or municipality in which the project
433 will be located, which recommends that the applicant be approved
434 as a qualified applicant, and which indicates that the necessary
435 commitments of local financial support for the applicant exist.

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436 Prior to the adoption of the resolution, the county commission
437 may review the proposed public or private sources of ~~such~~ support
438 and determine whether the proposed sources of local financial
439 support can be provided or, for any applicant whose project is
440 located in a county designated by the Rural Economic Development
441 Initiative, a resolution adopted by the county commissioners of
442 such county requesting that the applicant's project be exempt
443 from the local financial support requirement.

444 ~~12.13.~~ Any additional information requested by the office.

445 (g) Applications shall be reviewed and certified pursuant
446 to s. 288.061. If appropriate, the director shall enter into a
447 written agreement with the qualified applicant pursuant to
448 subsection (4). ~~The office shall forward its written findings and~~
449 ~~evaluation on each application meeting the requirements of~~
450 ~~paragraphs (b) and (c), paragraphs (c) and (e), or paragraphs (d)~~
451 ~~and (e) to the director within 60 calendar days after receipt of~~
452 ~~a complete application. The office shall notify each applicant~~
453 ~~when its application is complete, and when the 60-day period~~
454 ~~begins. In its written report to the director, the office shall~~
455 ~~specifically address each of the factors specified in paragraph~~
456 ~~(f), and shall make a specific assessment with respect to the~~
457 ~~minimum requirements established in paragraph (e). The office~~
458 ~~shall include in its report projections of the tax refunds the~~
459 ~~applicant would be eligible to receive in each fiscal year based~~
460 ~~on the creation and maintenance of the net new Florida jobs~~
461 ~~specified in subparagraph (b)6., subparagraph (c)6., or~~
462 ~~subparagraph (d)7. as of December 31 of the preceding state~~
463 ~~fiscal year.~~

464 ~~(h) Within 30 days after receipt of the office's findings~~

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465 ~~and evaluation, the director shall issue a letter of~~
466 ~~certification which either approves or disapproves an~~
467 ~~application. The decision must be in writing and provide the~~
468 ~~justifications for either approval or disapproval. If~~
469 ~~appropriate, the director shall enter into a written agreement~~
470 ~~with the qualified applicant pursuant to subsection (4).~~

471 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
472 CONTRACTOR.--

473 (c) A tax refund may not be approved for any qualified
474 applicant unless local financial support has been paid to the
475 Economic Development Trust Fund for that refund. If the local
476 financial support is less than 20 percent of the approved tax
477 refund, the tax refund shall be reduced. The tax refund paid may
478 not exceed 5 times the local financial support received. Funding
479 from local sources includes tax abatement under s. 196.1995 or
480 the appraised market value of municipal or county land, including
481 any improvements or structures conveyed or provided at a discount
482 through a sale of lease to that ~~provided to a qualified~~
483 applicant. The amount of any tax refund for an applicant approved
484 under this section shall be reduced by the amount of any ~~such~~ tax
485 abatement granted or the value of the land granted, including the
486 value of any improvements or structures, and the limitations in
487 subsection (2) and paragraph (3)(h) shall be reduced by the
488 amount of any such tax abatement or the value of the land
489 granted, including any improvements or structures. A report
490 listing all sources of ~~the~~ local financial support shall be
491 provided to the office if ~~when~~ such support is paid to the
492 Economic Development Trust Fund.

493 (6) ADMINISTRATION.--

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494 ~~(d) By December 1 of each year, the office shall submit a~~
495 ~~complete and detailed report to the Governor, the President of~~
496 ~~the Senate, and the Speaker of the House of Representatives of~~
497 ~~all tax refunds paid under this section, including analyses of~~
498 ~~benefits and costs, types of projects supported, employment and~~
499 ~~investment created, geographic distribution of tax refunds~~
500 ~~granted, and minority business participation. The report must~~
501 ~~indicate whether the moneys appropriated by the Legislature to~~
502 ~~the qualified applicant tax refund program were expended in a~~
503 ~~prudent, fiducially sound manner.~~

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

507 Section 7. Paragraph (r) of subsection (1), subsection (3),
508 and paragraph (b) of subsection (4) of section 288.106, Florida
509 Statutes, are amended to read:

510 288.106 Tax refund program for qualified target industry
511 businesses.--

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

513 (r) "Rural county" means a county with a population of
514 75,000 or fewer or a county with a population of 120,000 ~~100,000~~
515 or fewer which is contiguous to a county with a population of
516 75,000 or fewer.

517 (4) TAX REFUND AGREEMENT.--

518 (b) Compliance with the terms and conditions of the
519 agreement is a condition precedent for the receipt of a tax
520 refund each year. The failure to comply with the terms and
521 conditions of the tax refund agreement results in the loss of
522 eligibility for receipt of all tax refunds previously authorized

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523 under this section and the revocation by the director of the
524 certification of the business entity as a qualified target
525 industry business, unless the business is eligible to receive and
526 elects to accept a prorated refund under paragraph (5)(d) or the
527 office grants the business an economic-stimulus exemption.

528 1. A qualified target industry business may submit, in
529 writing, a request to the office for an economic-stimulus
530 exemption. The request must provide quantitative evidence
531 demonstrating how negative economic conditions in the business's
532 industry, ~~the effects of the impact of a named hurricane or~~
533 ~~tropical storm, or specific acts of terrorism affecting the~~
534 ~~qualified target industry business~~ have prevented the business
535 from complying with the terms and conditions of its tax refund
536 agreement.

537 2. Upon receipt of a request under subparagraph 1., the
538 director shall have 45 days to notify the requesting business, in
539 writing, if its exemption has been granted or denied. In
540 determining if an exemption should be granted, the director shall
541 consider the extent to which negative economic conditions in the
542 requesting business's industry, ~~the effects of the impact of a~~
543 ~~named hurricane or tropical storm, or specific acts of terrorism~~
544 ~~affecting the qualified target industry business~~ have prevented
545 the business from complying with the terms and conditions of its
546 tax refund agreement. The office shall consider current Florida
547 employment statistics by industry, including whether the
548 business's industry had substantial job loss during the prior
549 year, when determining whether an economic stimulus exemption
550 shall be granted.

551 3. As a condition for receiving a prorated refund under

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552 paragraph (5) (d) or an economic-stimulus exemption under this
553 paragraph, a qualified target industry business must agree to
554 renegotiate its tax refund agreement with the office to, at a
555 minimum, ensure that the terms of the agreement comply with
556 current law and office procedures governing application for and
557 award of tax refunds. Upon approving the award of a prorated
558 refund or granting an economic-stimulus exemption, the office
559 shall renegotiate the tax refund agreement with the business as
560 required by this subparagraph. When amending the agreement of a
561 business receiving an economic-stimulus exemption, the office may
562 extend the duration of the agreement for a period not to exceed 2
563 years.

564 4. A qualified target industry business may submit a
565 request for an economic-stimulus exemption to the office in lieu
566 of any tax refund claim scheduled to be submitted after January
567 1, 2008 ~~2005~~, but before July 1, 2009 ~~2006~~.

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

571 (3) APPLICATION AND APPROVAL PROCESS.--

572 (a) To apply for certification as a qualified target
573 industry business under this section, the business must file an
574 application with the office before the business has made the
575 decision to locate a new business in this state or before the
576 business had made the decision to expand an existing business in
577 this state. The application must ~~shall~~ include, but is not
578 limited to, the following information:

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

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

583 3. A description of the type of business activity or
584 product covered by the project, including, at a minimum, the
585 NAICS ~~four-digit~~ SIC codes for all activities included in the
586 project.

587 4. The number of net new full-time equivalent state ~~Florida~~
588 jobs at the qualified target industry business as of December 31
589 of each year included in the project and the average wage for ~~of~~
590 those jobs. If more than one type of business activity or product
591 is included in the project, the number of jobs and average wage
592 for those jobs must be separately stated for each type of
593 business activity or product.

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

596 6. The anticipated commencement date of the project.

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

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

602 9. A resolution adopted by the governing board of the
603 county or municipality in which the project will be located,
604 which resolution recommends that certain types of businesses be
605 approved as a qualified target industry business and states that
606 the commitments of local financial support necessary for the
607 target industry business exist. In advance of the passage of such
608 resolution, the office may also accept an official letter from an
609 authorized local economic development agency that endorses the

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610 proposed target industry project and pledges that sources of
611 local financial support for such project exist. For the purposes
612 of making pledges of local financial support under this
613 subsection, the authorized local economic development agency must
614 ~~shall~~ be officially designated by the passage of a one-time
615 resolution by the local governing authority.

616 10. Any additional information requested by the office.

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

620 1. The jobs proposed to be provided under the application,
621 pursuant to subparagraph (a)4., must pay an estimated annual
622 average wage equaling at least 115 percent of the average private
623 sector wage in the area where the business is to be located or
624 the statewide private sector average wage. In determining the
625 average annual wage, the office shall include only new proposed
626 jobs, and wages for existing jobs shall be excluded from the
627 calculation. The office may waive the ~~this~~ average wage
628 requirement at the request of the local governing body
629 recommending the project and Enterprise Florida, Inc. The wage
630 requirement may only be waived for a project located in a
631 brownfield area designated under s. 376.80, ~~or~~ in a rural city or
632 county, or in an enterprise zone and only when the merits of the
633 individual project or the specific circumstances in the community
634 in relationship to the project warrant such action. If the local
635 governing body and Enterprise Florida, Inc., make such a
636 recommendation, it must be transmitted in writing and the
637 specific justification for the waiver recommendation must be
638 explained. If the director elects to waive the wage requirement,

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639 the waiver must be stated in writing and the reasons for granting
640 the waiver must be explained.

641 2. The target industry business's project must result in
642 the creation of at least 10 jobs at such project and, if an
643 expansion of an existing business, must result in a net increase
644 in employment of at least ~~not less than~~ 10 percent at the ~~such~~
645 business. Notwithstanding the definition of the term "expansion
646 of an existing business" in paragraph (1)(g), at the request of
647 the local governing body recommending the project and Enterprise
648 Florida, Inc., the office may define an "expansion of an existing
649 business" in a rural community or an enterprise zone as the
650 expansion of a business resulting in a net increase in employment
651 of less than 10 percent at such business if the merits of the
652 individual project or the specific circumstances in the community
653 in relationship to the project warrant such action. If the local
654 governing body and Enterprise Florida, Inc., make such a request,
655 it must be transmitted in writing and the specific justification
656 for the request must be explained. If the director elects to
657 grant the ~~such~~ request, it ~~such election~~ must be stated in
658 writing and the reason for granting the request must be
659 explained.

660 3. The business activity or product for the applicant's
661 project is within an industry or industries that have been
662 identified by the office to be high-value-added industries that
663 contribute to the area and to the economic growth of the state
664 and that produce a higher standard of living for residents
665 ~~citizens~~ of this state in the new global economy or that can be
666 shown to make an equivalent contribution to the area and state's
667 economic progress. The director must approve requests to waive

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668 the wage requirement for brownfield areas designated under s.
669 376.80 unless it is demonstrated that such action is not in the
670 public interest.

671 (c) Each application meeting the requirements of paragraph
672 (b) must be submitted to the office for determination of
673 eligibility. The office shall review and evaluate each
674 application based on, but not limited to, the following criteria:

675 1. Expected contributions to the state strategic economic
676 development plan adopted by Enterprise Florida, Inc., taking into
677 account the long-term effects of the project and of the applicant
678 on the state economy.

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

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

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

685 5. The effect of the project on the local community, taking
686 into account the unemployment rate for the county where the
687 project will be located.

688 6. The effect of any tax refunds granted pursuant to this
689 section on the viability of the project and the probability that
690 the project will be undertaken in this state if such tax refunds
691 are granted to the applicant, taking into account the expected
692 long-term commitment of the applicant to economic growth and
693 employment in this state.

694 7. The expected long-term commitment to this state
695 resulting from the project.

696 8. A review of the business's past activities in this state

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697 or other states, including whether such business has been
698 subjected to criminal or civil fines and penalties. ~~Nothing in~~
699 This subparagraph does not ~~shall~~ require the disclosure of
700 confidential information.

701 (d) Applications shall be reviewed and certified pursuant
702 to s. 288.061 ~~The office shall forward its written findings and~~
703 ~~evaluation concerning each application meeting the requirements~~
704 ~~of paragraph (b) to the director within 45 calendar days after~~
705 ~~receipt of a complete application. The office shall notify each~~
706 ~~target industry business when its application is complete, and of~~
707 ~~the time when the 45-day period begins. In its written report to~~
708 ~~the director, the office shall specifically address each of the~~
709 ~~factors specified in paragraph (c) and shall make a specific~~
710 ~~assessment with respect to the minimum requirements established~~
711 ~~in paragraph (b).~~ The office shall include in its review report
712 projections of the tax refunds the business would be eligible to
713 receive in each fiscal year based on the creation and maintenance
714 of the net new Florida jobs specified in subparagraph (a)4. as of
715 December 31 of the preceding state fiscal year.

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

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

724 (e) (f) The director may not certify any target industry
725 business as a qualified target industry business if the value of

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726 tax refunds to be included in that letter of certification
727 exceeds the available amount of authority to certify new
728 businesses as determined in s. 288.095(3). However, if the
729 commitments of local financial support represent less than 20
730 percent of the eligible tax refund payments, or to otherwise
731 preserve the viability and fiscal integrity of the program, the
732 director may certify a qualified target industry business to
733 receive tax refund payments of less than the allowable amounts
734 specified in paragraph (2) (b). A letter of certification that
735 approves an application must specify the maximum amount of tax
736 refund that will be available to the qualified industry business
737 in each fiscal year and the total amount of tax refunds that will
738 be available to the business for all fiscal years.

739 ~~(f)(g) Nothing in~~ This section does not shall create a
740 presumption that an applicant shall will receive any tax refunds
741 under this section. However, the office may issue nonbinding
742 opinion letters, upon the request of prospective applicants, as
743 to the applicants' eligibility and the potential amount of
744 refunds.

745 Section 8. Paragraph (f) of subsection (4) of section
746 288.107, Florida Statutes, is amended to read:

747 288.107 Brownfield redevelopment bonus refunds.--

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

749 (f) Applications shall be reviewed and certified pursuant
750 to s. 288.106. The office shall review all applications submitted
751 under s. 288.106 or other similar application forms for other
752 eligible businesses as defined in paragraph (1) (e) which indicate
753 that the proposed project will be located in a brownfield and
754 determine, with the assistance of the Department of Environmental

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755 Protection, that the project location is within a brownfield as
756 provided in this act.

757 Section 9. Paragraphs (b), (c), and (d) of subsection (5)
758 and subsections (7) and (8) of section 288.108, Florida Statutes,
759 are amended to read:

760 288.108 High-impact business.--

761 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.--

762 (b) Applications shall be reviewed and certified pursuant
763 to s. 288.106 Enterprise Florida, Inc., shall review each
764 submitted application and inform the applicant business whether
765 or not its application is complete within 10 working days. Once
766 the application is deemed complete, Enterprise Florida, Inc., has
767 10 working days within which to evaluate the application and
768 recommend approval or disapproval of the application to the
769 director. In recommending an applicant business for approval,
770 Enterprise Florida, Inc., shall include a recommended grant award
771 amount in its evaluation forwarded to the office.

772 ~~(c) Upon receipt of the evaluation and recommendation of~~
773 ~~Enterprise Florida, Inc., the director has 5 working days to~~
774 ~~enter a final order that either approves or disapproves an~~
775 ~~applicant business as a qualified high-impact business facility,~~
776 ~~unless the business requests an extension of the time. The final~~
777 ~~order shall specify the total amount of the qualified high-impact~~
778 ~~business facility performance grant award, the performance~~
779 ~~conditions that must be met to obtain the award, and the schedule~~
780 ~~for payment of the performance grant.~~

781 (c) ~~(d)~~ The director and the qualified high-impact business
782 shall enter into a performance grant agreement setting forth the
783 conditions for payment of the qualified high-impact business

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784 performance grant. The agreement shall include the total amount
785 of the qualified high-impact business facility performance grant
786 award, the performance conditions that must be met to obtain the
787 award, including the employment, average salary, investment, the
788 methodology for determining if the conditions have been met, and
789 the schedule of performance grant payments.

790 ~~(7) REPORTING.--The office shall by December 1 of each year~~
791 ~~issue a complete and detailed report of all designated high-~~
792 ~~impact sectors, all applications received and their disposition,~~
793 ~~all final orders issued, and all payments made, including~~
794 ~~analyses of benefits and costs, types of projects supported, and~~
795 ~~employment and investments created. The report shall be submitted~~
796 ~~to the Governor, the President of the Senate, and the Speaker of~~
797 ~~the House of Representatives.~~

798 ~~(7)(8) RULEMAKING.--The office may adopt rules necessary to~~
799 ~~administer carry out the provisions of this section.~~

800 Section 10. Paragraph (a) of subsection (3) of section
801 288.1088, Florida Statutes, is amended to read:

802 288.1088 Quick Action Closing Fund.--

803 (3)(a) Enterprise Florida, Inc., shall review applications
804 pursuant to s. 288.061(1) and determine eligibility of each
805 project consistent with the criteria in subsection (2).
806 Enterprise Florida, Inc., in consultation with the Office of
807 Tourism, Trade, and Economic Development, may waive these
808 criteria based on extraordinary circumstances if the project
809 would significantly benefit the local or regional economy.
810 Enterprise Florida, Inc., shall evaluate individual proposals for
811 high-impact business facilities and forward recommendations
812 regarding the use of moneys in the fund for such facilities to

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813 the director of the Office of Tourism, Trade, and Economic
814 Development. The ~~Such~~ evaluation and recommendation must include,
815 but need not be limited to:

816 1. A description of the type of facility or infrastructure,
817 its operations, and the associated product or service associated
818 with the facility.

819 2. The number of full-time-equivalent jobs that will be
820 created by the facility and the total estimated average annual
821 wages of those jobs or, in the case of privately developed rural
822 infrastructure, the types of business activities and jobs
823 stimulated by the investment.

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

826 4. A statement of any special impacts the facility is
827 expected to stimulate in a particular business sector in the
828 state or regional economy or in the state's universities and
829 community colleges.

830 5. A statement of the role the incentive is expected to
831 play in the decision of the applicant business to locate or
832 expand in this state or for the private investor to provide
833 critical rural infrastructure.

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

836 a. A financial analysis of the company, including an
837 evaluation of the company's short-term liquidity ratio as
838 measured by its assets to liability, the company's profitability
839 ratio, and the company's long-term solvency as measured by its
840 debt-to-equity ratio;

841 b. The historical market performance of the company;

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

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

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

847 Section 11. Section 288.1089, Florida Statutes, is amended
848 to read:

849 288.1089 Innovation Incentive Program.--

850 (1) The Innovation Incentive Program is created within the
851 Office of Tourism, Trade, and Economic Development to ensure that
852 sufficient resources are available to allow the state to respond
853 expeditiously to extraordinary economic opportunities and to
854 compete effectively for high-value research and development and
855 innovation business projects.

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

857 (a) "Average private sector wage" means the statewide
858 average wage in the private sector or the average of all private
859 sector wages in the county or in the standard metropolitan area
860 in which the project is located as determined by the Agency for
861 Workforce Innovation.

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

864 (c) "Corporation" means the Scripps Florida Funding
865 Corporation.

866 (d)~~(e)~~ "Cumulative investment" means cumulative capital
867 investment and all eligible capital costs, as defined in s.
868 220.191.

869 (e)~~(d)~~ "Director" means the director of the Office of
870 Tourism, Trade, and Economic Development.

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871 (f)~~(e)~~ "Enterprise zone" means an area designated as an
872 enterprise zone pursuant to s. 290.0065.

873 (g)~~(f)~~ "Fiscal year" means the state fiscal year.

874 (h)~~(g)~~ "Innovation business" means a business expanding or
875 locating in this state that is likely to serve as a catalyst for
876 the growth of an existing or emerging technology cluster or will
877 significantly impact the regional economy in which it is to
878 expand or locate.

879 (i)~~(h)~~ "Jobs" means full-time equivalent positions, as that
880 term is consistent with terms used by the Agency for Workforce
881 Innovation and the United States Department of Labor for purposes
882 of unemployment compensation tax administration and employment
883 estimation, resulting directly from a project in this state. The
884 term does not include temporary construction jobs.

885 (j)~~(i)~~ "Match" means funding from local sources, public or
886 private, which will be paid to the applicant and which is equal
887 to 100 percent of an award. Eligible match funding may include
888 any tax abatement granted to the applicant under s. 196.1995 or
889 the appraised market value of land, buildings, infrastructure, or
890 equipment conveyed or provided at a discount to the applicant.
891 Complete documentation of a match payment or other conveyance
892 must be presented to and verified by the office prior to transfer
893 of state funds to an applicant. An applicant may not provide,
894 directly or indirectly, more than 5 percent of match funding in
895 any fiscal year. The sources of such funding may not include,
896 directly or indirectly, state funds appropriated from the General
897 Revenue Fund or any state trust fund, excluding tax revenues
898 shared with local governments pursuant to law.

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899 (k) "Naming opportunities" means charitable donations from
900 any person or entity in consideration for the right to have all
901 or a portion of the facility named for or in the memory of any
902 person, living or dead, or for any entity.

903 (l) "Net royalty revenues" means all royalty revenues less
904 the cost of obtaining, maintaining, and enforcing related patent
905 and intellectual property rights, both foreign and domestic.

906 (m)~~(j)~~ "Office" means the Office of Tourism, Trade, and
907 Economic Development.

908 (n)~~(k)~~ "Project" means the location to or expansion in this
909 state by an innovation business or research and development
910 applicant approved for an award pursuant to this section.

911 (o)~~(l)~~ "Research and development" means basic and applied
912 research in the sciences or engineering, as well as the design,
913 development, and testing of prototypes or processes of new or
914 improved products. Research and development does not include
915 market research, routine consumer product testing, sales
916 research, research in the social sciences or psychology,
917 nontechnological activities, or technical services.

918 (p)~~(m)~~ "Research and development facility" means a facility
919 that is predominately engaged in research and development
920 activities. For purposes of this paragraph, the term
921 "predominantly" means at least 51 percent of the time.

922 (q)~~(n)~~ "Rural area" means a rural city, rural community, or
923 rural county as defined in s. 288.106.

924 (3) To be eligible for consideration for an innovation
925 incentive award, an innovation business or research and
926 development entity must submit a written application to
927 Enterprise Florida, Inc., before making a decision to locate new

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928 operations in this state or expand an existing operation in this
929 state. The application must include, but not be limited to:

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

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

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

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

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

943 (f) The number of net new full-time equivalent jobs in this
944 state the applicant anticipates having created as of December 31
945 of each year in the project; ~~and~~ the average annual wage of such
946 jobs; and the average annual wage of nonmanagement, nonresearch
947 jobs.

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

950 (h) The anticipated commencement date of the project.

951 (i) A detailed explanation of why the innovation incentive
952 is needed to induce the applicant to expand or locate in the
953 state and whether an award would cause the applicant to locate or
954 expand in this state.

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955 (j) If applicable, an estimate of the proportion of the
956 revenues resulting from the project that will be generated
957 outside this state.

958 (4) To qualify for review by the office, the applicant
959 must, at a minimum, establish the following to the satisfaction
960 of Enterprise Florida, Inc., and the office:

961 (a) The jobs created by the project must pay an estimated
962 annual average wage equaling at least 130 percent of the average
963 private sector wage. The office may waive this average wage
964 requirement at the request of Enterprise Florida, Inc., for a
965 project located in a rural area, a brownfield area, or an
966 enterprise zone, when the merits of the individual project or the
967 specific circumstances in the community in relationship to the
968 project warrant such action. A recommendation for waiver by
969 Enterprise Florida, Inc., must include a specific justification
970 for the waiver and be transmitted to the office in writing. If
971 the director elects to waive the wage requirement, the waiver
972 must be stated in writing and the reasons for granting the waiver
973 must be explained.

974 (b) A research and development project must:

975 1. Serve as a catalyst for an emerging or evolving
976 technology cluster.

977 2. Demonstrate a plan for significant higher education
978 collaboration.

979 3. Provide the state, at a minimum, a break-even return on
980 investment within a 20-year period.

981 4. Be provided with a one-to-one match from the local
982 community. The match requirement may be reduced or waived in

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983 rural areas of critical economic concern or reduced in rural
984 areas, brownfield areas, and enterprise zones.

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

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

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

992 2. Have an activity or product that is within an industry
993 that is designated as a target industry business under s. 288.106
994 or a designated sector under s. 288.108.

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

997 b. Have a cumulative investment that exceeds \$250 million
998 within a 10-year period if the project is located in a rural
999 area, brownfield area, or an enterprise zone.

1000 4. Be provided with a one-to-one match from the local
1001 community. The match requirement may be reduced or waived in
1002 rural areas of critical economic concern or reduced in rural
1003 areas, brownfield areas, and enterprise zones.

1004 (5) Enterprise Florida, Inc., shall evaluate proposals for
1005 innovation incentive awards and transmit recommendations for
1006 awards to the office. Such evaluation and recommendation must
1007 include, but need not be limited to:

1008 (a) A description of the project, its required facilities,
1009 and the associated product, service, or research and development
1010 associated with the project.

1011 (b) The percentage of match provided for the project.

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1012 (c) The number of full-time equivalent jobs that will be
1013 created by the project, the total estimated average annual wages
1014 of such jobs, the average annual wages of nonmanagement and
1015 nonresearch jobs, and the types of business activities and jobs
1016 likely to be stimulated by the project.

1017 (d) The cumulative investment to be dedicated to the
1018 project within 5 years and the total investment expected in the
1019 project if more than 5 years.

1020 (e) The projected economic and fiscal impacts on the local
1021 and state economies relative to investment.

1022 (f) A statement of any special impacts the project is
1023 expected to stimulate in a particular business sector in the
1024 state or regional economy or in the state's universities and
1025 community colleges.

1026 (g) A statement of any anticipated or proposed
1027 relationships with state universities.

1028 (h) A statement of the role the incentive is expected to
1029 play in the decision of the applicant to locate or expand in this
1030 state.

1031 (i) A recommendation and explanation of the amount of the
1032 award needed to cause the applicant to expand or locate in this
1033 state.

1034 (j) A discussion of the efforts and commitments made by the
1035 local community in which the project is to be located to induce
1036 the applicant's location or expansion, taking into consideration
1037 local resources and abilities.

1038 (k) A recommendation for specific performance criteria the
1039 applicant would be expected to achieve in order to receive

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1040 payments from the fund and penalties or sanctions for failure to
1041 meet or maintain performance conditions.

1042 (1) For a research and development facility project:

1043 1. A description of the extent to which the project has the
1044 potential to serve as catalyst for an emerging or evolving
1045 cluster.

1046 2. A description of the extent to which the project has or
1047 could have a long-term collaborative research and development
1048 relationship with one or more universities or community colleges
1049 in this state.

1050 3. A description of the existing or projected impact of the
1051 project on established clusters or targeted industry sectors.

1052 4. A description of the project's contribution to the
1053 diversity and resiliency of the innovation economy of this state.

1054 5. A description of the project's impact on special needs
1055 communities, including, but not limited to, rural areas,
1056 distressed urban areas, and enterprise zones.

1057 (6) In consultation with Enterprise Florida, Inc., the
1058 office may negotiate the proposed amount of an award for any
1059 applicant meeting the requirements of this section. In
1060 negotiating such award, the office shall consider the amount of
1061 the incentive needed to cause the applicant to locate or expand
1062 in this state in conjunction with other relevant applicant impact
1063 and cost information and analysis as described in this section.
1064 Particular emphasis shall be given to the potential for the
1065 project to stimulate additional private investment and high-
1066 quality employment opportunities in the area.

1067 (7) Upon receipt of the evaluation and recommendation from
1068 Enterprise Florida, Inc., the director shall recommend to the

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1069 Governor the approval or disapproval of an award. In recommending
1070 approval ~~of an award~~, the director shall include proposed
1071 performance conditions that the applicant must meet in order to
1072 obtain incentive funds and any other conditions that must be met
1073 before the receipt of any incentive funds. The Governor shall
1074 consult with the President of the Senate and the Speaker of the
1075 House of Representatives before giving approval for an award.
1076 Upon review and approval of an award by the Legislative Budget
1077 Commission, the Executive Office of the Governor shall release
1078 the funds ~~pursuant to the legislative consultation and review~~
1079 ~~requirements set forth in s. 216.177.~~

1080 (8) After the conditions ~~Upon approval by the Governor and~~
1081 ~~release of the funds as set forth in subsection (7)~~ have been
1082 met, the director shall issue a letter certifying the applicant
1083 as qualified for an award. The office and the award recipient
1084 ~~applicant~~ shall enter into an agreement that sets forth the
1085 conditions for payment of incentives. The agreement must include
1086 at a minimum:

1087 (a) The total amount of funds awarded.†

1088 (b) The performance conditions that must be met to obtain
1089 the award or portions of the award, including, but not limited
1090 to, net new employment in the state, average wage, and total
1091 cumulative investment. Where applicable, the performance
1092 conditions must be at least at the levels specified in this
1093 section for an applicant to qualify for consideration for an
1094 Innovation Incentive Program grant award.†

1095 (c) Demonstration of a baseline of current service and a
1096 measure of enhanced capability.†

1097 (d) The methodology for validating performance.†

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1098 (e) The schedule of payments.~~;~~ ~~and~~

1099 (f)1. A reinvestment requirement. Each award recipient
1100 shall be required to reinvest between 10 percent and 15 percent
1101 of the net royalty revenues, including revenues from spin-off
1102 companies and the revenues from the sale of stock it receives
1103 from the licensing or transfer of inventions, methods, processes,
1104 and other patentable discoveries conceived or reduced to practice
1105 using its Florida facilities or its Florida-based employees, in
1106 whole or in part, to which the grant recipient becomes entitled
1107 during the 20 years following the effective date of its agreement
1108 with the state. Each award recipient also shall reinvest between
1109 10 percent and 15 percent of the gross revenues it receives from
1110 naming opportunities associated with any facility it builds in
1111 this state.

1112 2. Reinvestment payments under this paragraph shall
1113 commence no later than 6 months after the grant recipient has
1114 received the final disbursement under the contract and continue
1115 until the maximum reinvestment, as specified in the contract, has
1116 been paid. Reinvestment payments shall be remitted to the state
1117 for deposit in the Biomedical Research Trust Fund for companies
1118 that specialize in biomedicine or life sciences, or in the
1119 Economic Development Trust Fund for companies that specialize in
1120 fields other than biomedicine or the life sciences, except that
1121 10 percent of each reinvestment payment shall be deposited in the
1122 Building Florida's Future Revolving Loan Guarantee Fund for its
1123 specified purposes. If these trust funds no longer exist at the
1124 time of the reinvestment, the state's share of reinvestment shall
1125 be deposited in their successor trust funds, as determined by
1126 law. Each award recipient shall annually submit a schedule of the

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1127 shares of stock held by it as payment of the royalty required by
1128 this paragraph and report on any trades or activity concerning
1129 such stock. Each award recipient's reinvestment obligations
1130 survives the expiration or termination of its agreement with the
1131 state.

1132 (g) Sanctions for failure to meet performance conditions,
1133 including any clawback provisions.

1134 (h) Requirements for the establishment of internship
1135 programs or other learning opportunities for educators and
1136 secondary, postsecondary, graduate, and doctoral students.

1137 (i) Requirements for each award recipient to submit
1138 quarterly reports and annual reports related to activities and
1139 performance to the office and to Enterprise Florida, Inc.

1140 (j) An annual accounting to the office of the expenditure
1141 of funds disbursed under this section.

1142 (k) A process for amending the agreement.

1143 (9) Enterprise Florida, Inc., shall assist the office in
1144 validating the performance of an innovation business or research
1145 and development facility that has received an award.

1146 (10) At the conclusion of the innovation incentive award
1147 agreement, or its earlier termination, Enterprise Florida, Inc.,
1148 shall, within 90 days, report the results of the innovation
1149 incentive award to the Governor, the President of the Senate, and
1150 the Speaker of the House of Representatives.

1151 (11)-(10) Each award recipient shall comply with Enterprise
1152 Florida, Inc., shall develop business ethics standards developed
1153 by Enterprise Florida, Inc., which are based on appropriate best
1154 industry practices which shall be applicable to all award
1155 recipients. The standards shall address ethical duties of

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1156 business enterprises, fiduciary responsibilities of management,
1157 and compliance with the laws of this state. ~~Enterprise Florida,~~
1158 ~~Inc., may collaborate with the State University System in~~
1159 ~~reviewing and evaluating appropriate business ethics standards.~~
1160 ~~Such standards shall be provided to the Governor, the President~~
1161 ~~of the Senate, and the Speaker of the House of Representatives by~~
1162 ~~December 31, 2006. An award agreement entered into on or after~~
1163 ~~December 31, 2006, shall require a recipient to comply with the~~
1164 ~~business ethics standards developed pursuant to this section.~~

1165 (12) The Office of Tourism, Trade, and Economic Development
1166 shall adopt rules regarding incentives for the making of
1167 purchases of goods and services from vendors in this state,
1168 including requiring the grantee to maintain a policy of making
1169 purchases from distributors and vendors located in enterprise
1170 zones as defined in s. 290.0065, and requiring the grantee to
1171 establish and maintain policies to promote supplier diversity of
1172 Florida entities using the guidelines developed by the Office of
1173 Supplier Diversity under s. 287.09451.

1174 (13) The Office of Tourism, Trade, and Economic Development
1175 shall adopt rules requiring the grantee to submit data on
1176 activities and performance during each fiscal year regarding the
1177 purchases of goods and services from vendors in this state,
1178 including the use of distributors and vendors located in
1179 enterprise zones as defined in s. 290.0065, and the fulfillment
1180 of policies to promote supplier diversity of Florida entities
1181 using the guidelines developed by the Office of Supplier
1182 Diversity under s. 287.09451.

1183 Section 12. Section 288.955, Florida Statutes, is amended
1184 to read:

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1185 288.955 Scripps Florida Funding Corporation.--

1186 (1) DEFINITIONS.--As used in this section, the term:

1187 (a) "Agreement" means an agreement between the Office of
1188 Tourism, Trade, and Economic Development and recipients of
1189 Innovation Incentive Program grants pursuant to s. 288.1089.

1190 (b) ~~(a)~~ "Contract" means the contract executed between the
1191 corporation and the grantee under this section.

1192 (c) ~~(b)~~ "Corporation" means the Scripps Florida Funding
1193 Corporation created under this section.

1194 (d) ~~(c)~~ "Grantee" means The Scripps Research Institute, a
1195 not-for-profit public benefit corporation, or a division,
1196 subsidiary, affiliate, or entity formed by The Scripps Research
1197 Institute to establish a state-of-the-art biomedical research
1198 institution and campus in this state.

1199 (2) CREATION.--

1200 (a) There is created a not-for-profit corporation known as
1201 the Scripps Florida Funding Corporation, which shall be
1202 registered, incorporated, organized, and operated under chapter
1203 617.

1204 (b) The corporation is not a unit or entity of state
1205 government. However, the corporation is subject to the provisions
1206 of s. 24, Art. I of the State Constitution and chapter 119,
1207 relating to public meetings and records, and the provisions of
1208 chapter 286 relating to public meetings and records.

1209 (c) The corporation must establish at least one corporate
1210 office in this state and appoint a registered agent.

1211 (d) The corporation shall hire or contract for all staff
1212 necessary to the proper execution of its powers and duties within
1213 the funds appropriated to implement this section and shall

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1214 require that all officers, directors, and employees of the
1215 corporation comply with the code of ethics for public officers
1216 and employees under part III of chapter 112. In no case may the
1217 corporation expend more than \$300,000 in the first year and
1218 \$200,000 per year thereafter for staffing and necessary
1219 administrative expenditures, including, but not limited to,
1220 travel and per diem and audit expenditures, using funds
1221 appropriated to implement this section.

1222 (e) The Office of Tourism, Trade, and Economic Development
1223 shall provide administrative support to the corporation as
1224 requested by the corporation. In the event of the dissolution of
1225 the corporation, the office shall be the corporation's successor
1226 in interest and shall assume all rights, duties, and obligations
1227 of the corporation under any contract to which the corporation is
1228 then a party and under law.

1229 (3) PURPOSES ~~PURPOSE~~.--

1230 (a) The corporation shall be organized to receive, hold,
1231 invest, administer, and disburse funds appropriated by the
1232 Legislature for the establishment and operation of a state-of-
1233 the-art biomedical research institution and campus in this state
1234 by The Scripps Research Institute. The corporation shall
1235 safeguard the state's commitment of financial support by ensuring
1236 that, as a condition for the receipt of these funds, the grantee
1237 meets its contractual obligations. In this manner, the
1238 corporation shall facilitate and oversee the state goal and
1239 public purpose of providing financial support for the institution
1240 and campus in order to expand the amount and prominence of
1241 biomedical research conducted in this state, provide an
1242 inducement for high-technology businesses to locate in this

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1243 state, create educational opportunities through access to and
1244 partnerships with the institution, and promote improved health
1245 care through the scientific outcomes of the institution.

1246 (b) The corporation also shall serve in an oversight
1247 capacity for the Innovation Incentive Program created in s.
1248 288.1089. In that capacity, the corporation shall enter into a
1249 partnership with the Office of Tourism, Trade, and Economic
1250 Development and Enterprise Florida, Inc., in reviewing the
1251 performance and progress of grant recipients of the Innovation
1252 Incentive Program.

1253 (4) BOARD; MEMBERSHIP.--The corporation shall be governed
1254 by a board of directors.

1255 (a) The board of directors shall consist of nine voting
1256 members, of whom the Governor shall appoint three, the President
1257 of the Senate shall appoint three, and the Speaker of the House
1258 of Representatives shall appoint three. The director of the
1259 Office of Tourism, Trade, and Economic Development or the
1260 director's designee shall serve as an ex-officio, nonvoting
1261 member of the board of directors.

1262 (b) Each member of the board of directors shall serve for a
1263 term of 4 years, and ~~except that initially the Governor, the~~
1264 ~~President of the Senate, and the Speaker of the House of~~
1265 ~~Representatives each shall appoint one member for a term of 1~~
1266 ~~year, one member for a term of 2 years, and one member for a term~~
1267 ~~of 4 years to achieve staggered terms among the members of the~~
1268 ~~board.~~ a member is not eligible for reappointment to the board,
1269 ~~except, however, that a member appointed to an initial term of 1~~
1270 ~~year or 2 years may be reappointed for an additional term of 4~~
1271 ~~years, and a person appointed to fill a vacancy with 2 years or~~

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1272 ~~less remaining on the term may be reappointed for an additional~~
1273 ~~term of 4 years. The Governor, the President of the Senate, and~~
1274 ~~the Speaker of the House of Representatives shall make their~~
1275 ~~initial appointments to the board by November 15, 2003.~~

1276 (c) The Governor, the President of the Senate, or the
1277 Speaker of the House of Representatives, respectively, shall fill
1278 a vacancy on the board of directors, according to who appointed
1279 the member whose vacancy is to be filled or whose term has
1280 expired. A vacancy that occurs before the scheduled expiration of
1281 the term of the member shall be filled for the remainder of the
1282 unexpired term.

1283 (d) Each member of the board of directors who is not
1284 otherwise required to file financial disclosure under s. 8, Art.
1285 II of the State Constitution or s. 112.3144 shall file disclosure
1286 of financial interests under s. 112.3145.

1287 (e) A person may not be appointed to the board of directors
1288 if he or she has had any direct interest in any contract,
1289 franchise, privilege, or other benefit granted by The Scripps
1290 Research Institute, or any of its affiliate organizations, or
1291 with any grant recipients of the Innovation Incentive Program
1292 within 5 years before appointment. A person appointed to the
1293 board of directors must agree to refrain from having any direct
1294 interest in any contract, franchise, privilege, or other benefit
1295 granted by The Scripps Research Institute, or any of its
1296 affiliate organizations, or with any grant recipients of the
1297 Innovation Incentive Program during the term of his or her
1298 appointment and for 5 years after the termination of such
1299 appointment. It is a misdemeanor of the first degree, punishable
1300 as provided in s. 775.083 or s. 775.084, for a person to accept

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1301 appointment to the board of directors in violation of this
1302 paragraph or to accept a direct interest in any contract,
1303 franchise, privilege, or other benefit granted by the institution
1304 or affiliate within 5 years after the termination of his or her
1305 service on the board.

1306 (f) Each member of the board of directors shall serve
1307 without compensation, but shall receive travel and per diem
1308 expenses as provided in s. 112.061 while in the performance of
1309 his or her duties.

1310 (g) Each member of the board of directors is accountable
1311 for the proper performance of the duties of office, and each
1312 member owes a fiduciary duty to the people of the state to ensure
1313 that funds provided in furtherance of this section are disbursed
1314 and used as prescribed by law and contract. The Governor, the
1315 President of the Senate, or the Speaker of the House of
1316 Representatives, according to which officer appointed the member,
1317 may remove a member for malfeasance, misfeasance, neglect of
1318 duty, incompetence, permanent inability to perform official
1319 duties, unexcused absence from three consecutive meetings of the
1320 board, arrest or indictment for a crime that is a felony or a
1321 misdemeanor involving theft or a crime of dishonesty, or pleading
1322 nolo contendere to, or being found guilty of, any crime.

1323 (5) ORGANIZATION; MEETINGS.--

1324 (a)1. The board of directors shall annually elect a
1325 chairperson and a vice chairperson from among the board's
1326 members. The members may, by a vote of five of the nine board
1327 members, remove a member from the position of chairperson or vice
1328 chairperson prior to the expiration of his or her term as
1329 chairperson or vice chairperson. His or her successor shall be

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1330 elected to serve for the balance of the removed chairperson's or
1331 vice chairperson's term.

1332 2. The chairperson is responsible to ensure that records
1333 are kept of the proceedings of the board of directors and is the
1334 custodian of all books, documents, and papers filed with the
1335 board; the minutes of meetings of the board; and the official
1336 seal of the corporation.

1337 (b)1. The board of directors shall meet upon the call of
1338 the chairperson or at the request of a majority of the members,
1339 but no less than three times per calendar year.

1340 2. A majority of the voting members of the board of
1341 directors constitutes a quorum. Except as otherwise provided in
1342 this section, the board may take official action by a majority
1343 vote of the members present at any meeting at which a quorum is
1344 present. Members may not vote by proxy.

1345 3. A member of the board may participate in a meeting of
1346 the board by telephone or videoconference through which each
1347 member may hear every other member.

1348 (c) The corporation may include on the same meeting agenda
1349 matters related to The Scripps Research Institute and the
1350 Innovation Incentive Program.

1351 (6) POWERS AND DUTIES.--

1352 (a) The corporation is organized to receive, hold, invest,
1353 administer, and disburse funds appropriated by the Legislature in
1354 support of The Scripps Research Institute ~~this section~~ and to
1355 disburse any income generated from the investment of these funds
1356 consistent with the purpose and provisions of this section. In
1357 addition to the powers and duties prescribed in chapter 617 and

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1358 the articles and bylaws adopted under that chapter, the
1359 corporation:

1360 1.(a) May make and enter into contracts and assume any
1361 other functions that are necessary to carry out the provisions of
1362 this section related to The Scripps Research Institute.

1363 2.(b) May enter into leases and contracts for the purchase
1364 of real property and hold notes, mortgages, guarantees, or
1365 security agreements to secure the performance of obligations of
1366 the grantee under the contract.

1367 3.(e) May perform all acts and things necessary or
1368 convenient to carry out the powers expressly granted in this
1369 section and in the a contract entered into between the
1370 corporation and the grantee.

1371 4.(d) May make expenditures, from funds provided by this
1372 state, including any necessary administrative expenditures
1373 consistent with its powers.

1374 ~~(c) May indemnify, and purchase and maintain insurance on~~
1375 ~~behalf of, directors, officers, and employees of the corporation~~
1376 ~~against any personal liability or accountability.~~

1377 5.(f) Shall disburse funds pursuant to the provisions of
1378 this section and a contract entered into between the corporation
1379 and the grantee.

1380 6.(g) Shall receive and review reports and financial
1381 documentation provided by the grantee to ensure compliance with
1382 the provisions of this section and provisions of the contract.

1383 7.(h) Shall prepare an annual report as prescribed in
1384 subsection (14).

1385 (b) The corporation also is directed to:

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1386 1. Review the business plans, quarterly reports, annual
1387 reports, and audit reports of entities that have received a grant
1388 from the Innovation Incentive Program pursuant to s. 288.1089.

1389 2. Invite all Innovation Incentive Program grant recipients
1390 to appear at its meetings to present progress reports on their
1391 activities.

1392 3. Prepare an annual report as prescribed in subsection
1393 (15).

1394 (c) The corporation may indemnify, purchase, and maintain
1395 insurance on behalf of directors, officers, and employees of the
1396 corporation against any personal liability or accountability.

1397 (d) The corporation may otherwise perform all acts and
1398 things necessary or convenient to carry out the powers expressly
1399 granted in this section.

1400 (7) INVESTMENT OF FUNDS.--The corporation must enter into
1401 an agreement with the State Board of Administration under which
1402 funds received by the corporation from the Office of Tourism,
1403 Trade, and Economic Development which are not disbursed to the
1404 grantee shall be invested by the State Board of Administration on
1405 behalf of the corporation. Funds shall be invested in suitable
1406 instruments authorized under s. 215.47 and specified in
1407 investment guidelines established and agreed to by the State
1408 Board of Administration and the corporation.

1409 (8) CONTRACT.--

1410 (a) The 20-year contract negotiated and executed by the
1411 corporation with the grantee ~~By January 30, 2004, the corporation~~
1412 ~~shall negotiate and execute a contract with the grantee for a~~
1413 ~~term of 20 years. Such contract shall govern the disbursement and~~
1414 ~~use of funds under this section. The board may, by a simple~~

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1415 ~~majority vote, authorize one 45-day extension of this deadline.~~
1416 ~~The corporation may not execute the contract unless the contract~~
1417 ~~is approved by the affirmative vote of at least seven of the nine~~
1418 ~~members of the board of directors. At least 14 days before~~
1419 ~~execution of the contract, The Scripps Research Institute must~~
1420 ~~submit to the board, the Governor, the President of the Senate,~~
1421 ~~and the Speaker of the House of Representatives an organizational~~
1422 ~~plan, in a form and manner prescribed by the board, for the~~
1423 ~~establishment of a state-of-the-art biomedical research~~
1424 ~~institution and campus in this state, and the board must submit a~~
1425 ~~copy of the proposed contract to the Governor, the President of~~
1426 ~~the Senate, and the Speaker of the House of Representatives.~~

1427 ~~(b) The contract, at a minimum, must contain provisions:~~

1428 1. Specifying the procedures and schedules that govern the
1429 disbursement of funds under this section and specifying the
1430 conditions or deliverables that the grantee must satisfy before
1431 the release of each disbursement.

1432 2. Requiring the grantee to submit to the corporation a
1433 business plan in a form and manner prescribed by the corporation.

1434 3. Prohibiting The Scripps Research Institute or the
1435 grantee from establishing other biomedical science or research
1436 facilities in any state other than this state or California for a
1437 period of 12 years from the commencement of the contract. Nothing
1438 in this subparagraph shall prohibit the grantee from establishing
1439 or engaging in normal collaborative activities with other
1440 organizations.

1441 4. Governing the ownership of or security interests in real
1442 property and personal property, including, but not limited to,
1443 research equipment, obtained through the financial support of

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1444 state or local government, including a provision that in the
1445 event of a breach of the contract or in the event the grantee
1446 ceases operations in this state, such property purchased with
1447 state funds shall revert to the state and such property purchased
1448 with local funds shall revert to the local governing authority.

1449 5. Requiring the grantee to be an equal opportunity
1450 employer.

1451 6. Requiring the grantee to maintain a policy of awarding
1452 preference in employment to residents of this state, as defined
1453 by law, except for professional scientific staff positions
1454 requiring a doctoral degree, postdoctoral training positions, and
1455 graduate student positions.

1456 7. Requiring the grantee to maintain a policy of making
1457 purchases from vendors in this state, to the extent it is cost-
1458 effective and scientifically sound.

1459 8. Requiring the grantee to use the Internet-based job-
1460 listing system of the Agency for Workforce Innovation in
1461 advertising employment opportunities.

1462 9. Requiring the grantee to establish accredited science
1463 degree programs.

1464 10. Requiring the grantee to establish internship programs
1465 to create learning opportunities for educators and secondary,
1466 postsecondary, graduate, and doctoral students.

1467 11. Requiring the grantee to submit data to the corporation
1468 on the activities and performance during each fiscal year and to
1469 provide to the corporation an annual accounting of the
1470 expenditure of funds disbursed under this section.

1471 12. Establishing that the corporation shall review the
1472 activities of the grantee to assess the grantee's financial and

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1473 operational compliance with the provisions of the contract and
1474 with relevant provisions of law.

1475 13. Authorizing the grantee, when feasible, to use
1476 information submitted by it to the Federal Government or to other
1477 organizations awarding research grants to the grantee to help
1478 meet reporting requirements imposed under this section or the
1479 contract, if the information satisfies the reporting standards of
1480 this section and the contract.

1481 14. Unless amended pursuant to the force majeure provisions
1482 in subsection (18), requiring the grantee during the first 7
1483 years of the contract to create 545 positions and to acquire
1484 associated research equipment for the grantee's facility in this
1485 state, and pay for related maintenance of the equipment, in a
1486 total amount of not less than \$45 million.

1487 15. Requiring the grantee to progress in the creation of
1488 the total number of jobs prescribed in subparagraph 14. on the
1489 following schedule: At least 38 positions in the 1st year, 168
1490 positions in the 2nd year, 280 positions in the 3rd year, 367
1491 positions in the 4th year, 436 positions in the 5th year, 500
1492 positions in the 6th year, and 545 positions in the 7th year. The
1493 corporation's board of directors may allow the grantee to deviate
1494 downward from such employee levels by 25 percent in any year, to
1495 allow the grantee flexibility in achieving the objectives set
1496 forth in the business plan provided to the corporation; however,
1497 the grantee must have no fewer than 545 positions by the end of
1498 the 7th year.

1499 16. Requiring the grantee to allow the corporation to
1500 retain an independent certified public accountant licensed in
1501 this state pursuant to chapter 473 to inspect the records of the

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1502 grantee in order to audit the expenditure of funds disbursed to
1503 the grantee. The independent certified public accountant shall
1504 not disclose any confidential or proprietary scientific
1505 information of the grantee.

1506 17. Requiring the grantee to purchase liability insurance
1507 and governing the coverage level of such insurance.
1508

1509 The Office of Tourism, Trade, and Economic Development shall
1510 adopt rules regarding incentives for a grantee in purchasing
1511 goods and services from vendors in this state, including
1512 requiring the grantee to maintain a policy of making purchases
1513 from distributors and vendors located in enterprise zones as
1514 defined in s. 290.0065 and requiring the grantee to establish and
1515 maintain policies to promote supplier diversity of Florida
1516 entities using the guidelines developed by the Office of Supplier
1517 Diversity under s. 287.09451. The Office of Tourism, Trade, and
1518 Economic Development shall adopt rules requiring the grantee to
1519 submit data on activities and performance during each fiscal year
1520 regarding the purchases of goods and services from vendors in
1521 this state, including the use of distributors and vendors located
1522 in enterprise zones as defined in s. 290.0065 and the fulfillment
1523 of policies to promote supplier diversity of Florida entities
1524 using the guidelines developed by the Office of Supplier
1525 Diversity under s. 287.09451.

1526 (b)(e) An amendment to the contract is not effective unless
1527 it is approved by the affirmative vote of at least seven of the
1528 nine members of the board of directors.

1529 (9) PERFORMANCE EXPECTATIONS FOR THE SCRIPPS RESEARCH
1530 INSTITUTE.--In addition to the provisions prescribed in

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1531 subsection (8), the contract between the corporation and the
1532 grantee shall include a provision that the grantee, in
1533 cooperation with the Office of Tourism, Trade, and Economic
1534 Development, shall report to the corporation on an annual basis
1535 certain performance expectations that reflect the aspirations of
1536 the Governor and the Legislature for the benefits accruing to
1537 this state as a result of the funds appropriated pursuant to this
1538 section. These shall include, but are not limited to, performance
1539 expectations addressing:

1540 (a) The number and dollar value of research grants obtained
1541 from the Federal Government or sources other than this state.

1542 (b) The percentage of total research dollars received by
1543 The Scripps Research Institute from sources other than this state
1544 which is used to conduct research activities by the grantee in
1545 this state.

1546 (c) The number or value of patents obtained by the grantee.

1547 (d) The number or value of licensing agreements executed by
1548 the grantee.

1549 (e) The extent to which research conducted by the grantee
1550 results in commercial applications.

1551 (f) The number of collaborative agreements reached and
1552 maintained with colleges and universities in this state and with
1553 research institutions in this state, including agreements that
1554 foster participation in research opportunities by public and
1555 private colleges and universities and research institutions in
1556 this state with significant minority populations, including
1557 historically black colleges and universities.

1558 (g) The number of collaborative partnerships established
1559 and maintained with businesses in this state.

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1560 (h) The total amount of funding received by the grantee
1561 from sources other than the State of Florida.

1562 (i) The number or value of spin-off businesses created in
1563 this state as a result of commercialization of the research of
1564 the grantee.

1565 (j) The number or value of businesses recruited to this
1566 state by the grantee.

1567 (k) The establishment and implementation of policies to
1568 promote supplier diversity using the guidelines developed by the
1569 Office of Supplier Diversity under s. 287.09451 and to comply
1570 with the ordinances, including any small business ordinances,
1571 enacted by the county and which are applicable to the biomedical
1572 research institution and campus located in this state.

1573 (l) The designation by the grantee of a representative to
1574 coordinate with the Office of Supplier Diversity.

1575 (m) The establishment and implementation of a program to
1576 conduct workforce recruitment activities at public and private
1577 colleges and universities and community colleges in this state
1578 which request the participation of the grantee.

1579

1580 ~~The contract shall require the grantee to provide information to~~
1581 ~~the corporation on the progress in meeting these performance~~
1582 ~~expectations on an annual basis.~~ It is the intent of the
1583 Legislature that, in fulfilling its obligation to work with
1584 Florida's public and private colleges and universities, The
1585 Scripps Research Institute's Florida facility work with such
1586 colleges and universities regardless of size.

1587 (10) DISBURSEMENT CONDITIONS.--In addition to the
1588 provisions prescribed in subsection (8), the contract between the

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1589 corporation and the grantee shall include disbursement conditions
1590 that must be satisfied by the grantee as a condition for the
1591 continued disbursement of funds under this section. These
1592 disbursement conditions shall be negotiated between the
1593 corporation and the grantee and shall not be designed to impede
1594 the ability of the grantee to attain full operational status. The
1595 disbursement conditions may be appropriately varied as to
1596 timeframes, numbers, values, and percentages. The disbursement
1597 conditions shall include, but are not limited to, the following
1598 areas:

1599 (a) Demonstrate creation of jobs and report on the average
1600 salaries paid.

1601 (b) Beginning 18 months after the grantee's occupancy of
1602 its permanent facility, the grantee shall annually obtain
1603 \$100,000 of nonstate funding for each full-time equivalent
1604 tenured-track faculty member employed at the grantee's Florida
1605 facility.

1606 (c) No later than 3 years after the grantee's occupancy of
1607 its permanent facility, the grantee shall apply to the relevant
1608 accrediting agency for accreditation of its Florida graduate
1609 program.

1610 (d) The grantee shall purchase equipment for its Florida
1611 facility as scheduled in its contract with the corporation.

1612 (e) No later than 18 months after occupying its permanent
1613 facility, the grantee shall establish a program for qualified
1614 graduate students from Florida universities permitting them
1615 access to the facility for doctoral, thesis-related research.

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1616 (f) No later than 18 months after occupancy of the
1617 permanent facility, the grantee shall establish a summer
1618 internship for high school students.

1619 (g) No later than 3 years after occupancy of the permanent
1620 facility, the grantee shall establish a research program for
1621 middle and high school teachers.

1622 (h) No later than 18 months after occupancy of the
1623 permanent facility, the grantee shall establish a program for
1624 adjunct professors.

1625 (i) No later than 6 months after commissioning its high
1626 throughput technology, the grantee shall establish a program to
1627 allow open access for qualified science projects.

1628 (j) ~~Beginning June 2004,~~ The grantee shall collaborate
1629 ~~commence collaborative efforts~~ with Florida public and private
1630 colleges and universities, and shall continue cooperative
1631 collaboration through the term of the agreement.

1632 (k) Beginning 18 months after the grantee occupies the
1633 permanent facility, the grantee shall establish an annual seminar
1634 series featuring a review of the science work done by the grantee
1635 and its collaborators at the Florida facility.

1636 (l) ~~Beginning June 2004,~~ The grantee shall collaborate
1637 ~~commence collaboration efforts~~ with the Office of Tourism, Trade,
1638 and Economic Development by complying with reasonable requests
1639 for cooperation in economic development efforts in the
1640 biomed/biotech industry. ~~No later than July 2004,~~ The grantee
1641 shall also designate a person who shall be charged with assisting
1642 in these collaborative efforts.

1643 (11) DISBURSEMENTS TO THE SCRIPPS RESEARCH INSTUTUTE.--

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1644 (a) The corporation shall disburse funds to the grantee
1645 over a period of 7 calendar years starting in the calendar year
1646 beginning January 1, 2004, under the terms and conditions of the
1647 contract. The corporation shall complete disbursement of the
1648 total amount of funds payable to the grantee under the contract
1649 no later than December 31, 2010, unless the grantee fails to
1650 satisfy the terms and conditions of the contract. Any funds of
1651 the corporation that are not disbursed by December 31, 2010,
1652 shall be paid to the Biomedical Research Trust Fund of the
1653 Department of Health.

1654 (b) The contract shall provide for a reduction or
1655 elimination of funding in any year if:

- 1656 1. The grantee is no longer operating in this state;
- 1657 2. The grantee has failed to commit in writing to maintain
1658 operations in the state for the succeeding year; or
- 1659 3. The grantee commits a material default or breach of the
1660 contract, as defined and governed by the contract. Determination
1661 of material default or breach of contract shall require the
1662 affirmative vote of at least seven of the nine members of the
1663 board.

1664 (c) Each disbursement by the corporation to the grantee
1665 under this section is conditioned upon the affirmative approval
1666 of at least five of the nine members of the board of directors
1667 and upon demonstration by the grantee that it has met the
1668 particular contractual deliverables that are the basis for that
1669 disbursement.

1670 (12) USE OF FUNDS.--

1671 (a) Funds appropriated in furtherance of this section may
1672 not be disbursed or expended for activities that do not

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1673 principally benefit or that are not directly related to the
1674 establishment or operation of the grantee in this state, except
1675 upon approval of the affirmative vote of at least seven of the
1676 nine members of the board of directors.

1677 (b) ~~No~~ Funds appropriated in furtherance of this section
1678 may not be used for the purpose of lobbying any branch or agency
1679 of state government or any political subdivision of the state.

1680 (c) The grantee must provide for separate accounts for any
1681 funds appropriated in furtherance of this section and separate
1682 books and records relating to The Scripps Research Institute's
1683 Florida operation.

1684 (13) REINVESTMENT.--

1685 (a) The grantee shall reinvest 15 percent of the net
1686 royalty revenues, including the revenues from the sale of stock,
1687 received by The Scripps Research Institute from the licensing or
1688 transfer of inventions, methods, processes, and other patentable
1689 discoveries conceived or reduced to practice using the grantee's
1690 Florida facilities or Florida employees, in whole or in part, and
1691 to which the grantee becomes entitled during the 20 years
1692 following the effective date of the contract between the
1693 corporation and the grantee. For purposes of this paragraph, the
1694 term "net royalty revenues" means all royalty revenues less the
1695 cost of obtaining, maintaining, and enforcing related patent and
1696 intellectual property rights, both foreign and domestic.
1697 Reinvestment payments under this paragraph shall commence no
1698 later than 6 months after the grantee has received the final
1699 disbursement under the contract and shall continue until the
1700 maximum reinvestment has been paid.

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1701 (b) The grantee shall reinvest 15 percent of the gross
1702 revenues it receives from naming opportunities associated with
1703 any facility it builds in this state. For purposes of this
1704 section, the term "naming opportunities" includes charitable
1705 donations from any person or entity in consideration for the
1706 right to have all or a portion of the facility named for or in
1707 the memory of any person, living or dead, or for any entity. The
1708 obligation to make reinvestment payments under this section shall
1709 commence upon the execution of the contract between the
1710 corporation and the grantee.

1711
1712 All reinvestment payments made pursuant to this section shall be
1713 remitted to the state for deposit in the Biomedical Research
1714 Trust Fund or, if such fund has ceased to exist, in another trust
1715 fund that supports biomedical research, as determined by law. The
1716 maximum reinvestment required of the grantee pursuant to this
1717 subsection shall not exceed \$200 million. At such time as the
1718 reinvestment payments equal \$155 million or the contract expires,
1719 whichever is earlier, the board of the corporation shall
1720 determine whether the performance expectations and disbursement
1721 conditions have been met. If the board determines that the
1722 performance expectations and disbursement conditions have been
1723 met, the amount of \$200 million shall be reduced to \$155 million.
1724 The grantee shall annually submit a schedule of the shares of
1725 stock held by it as payment of the royalty referred to in
1726 paragraph (a) and report on any trades or activity concerning
1727 such stock. The grantee's obligations under this subsection shall
1728 survive the expiration or termination of the contract between the
1729 corporation and the grantee.

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1730 (14) ANNUAL REPORT ON THE SCRIPPS RESEARCH INSTITUTE.--By
1731 December 1 of each year, the corporation shall prepare a report
1732 of the activities and outcomes under this section for the
1733 preceding fiscal year. The report, at a minimum, must include:

1734 (a) A description of the activities of the corporation in
1735 managing and enforcing the contract with the grantee.

1736 (b) An accounting of the amount of funds disbursed during
1737 the preceding fiscal year to the grantee.

1738 (c) An accounting of expenditures by the grantee during the
1739 fiscal year of funds disbursed under this section.

1740 (d) Information on the number and salary level of jobs
1741 created by the grantee, including the number and salary level of
1742 jobs created for residents of this state.

1743 (e) Information on the amount and nature of economic
1744 activity generated through the activities of the grantee.

1745 (f) An assessment of factors affecting the progress toward
1746 achieving the projected biotech industry cluster associated with
1747 the grantee's operations, as projected by economists on behalf of
1748 the Executive Office of the Governor.

1749 (g) A compliance and financial audit of the accounts and
1750 records of the corporation at the end of the preceding fiscal
1751 year conducted by an independent certified public accountant in
1752 accordance with rules of the Auditor General.

1753 (h) A description of the status of the performance
1754 expectations under subsection (9) and the disbursement conditions
1755 under subsection (10).
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1757 The corporation shall submit the report to the Governor, the
1758 President of the Senate, and the Speaker of the House of
1759 Representatives.

1760 (15) REPORT ON INNOVATION INCENTIVE PROGRAM

1761 ACTIVITIES.--The corporation shall prepare an annual report of
1762 the activities and outcomes related to its oversight role for the
1763 Innovation Incentive Program for the preceding fiscal year. The
1764 report, at a minimum, must include:

1765 (a) An assessment of the progress made by each grant
1766 recipient of the Innovation Incentive Program in achieving its
1767 agreement objectives, benchmarks, and performance expectations,
1768 and a discussion of all relevant factors related to its progress
1769 or lack thereof.

1770 (b) A review of the previous year's compliance and
1771 financial audits of the accounts and records of each grant
1772 recipient conducted by an independent certified public accountant
1773 in accordance with rules of the Auditor General.

1774 (c) Any recommended legislative changes or administrative
1775 improvements that may be undertaken by the Executive Office of
1776 the Governor.

1777
1778 The corporation shall submit the report to the Governor, the
1779 President of the Senate, and the Speaker of the House of
1780 Representatives by January 10 of each year, beginning in 2009.

1781 (16)-(15) PROGRAM EVALUATION.--

1782 (a) Before January 1, 2007, the Office of Program Policy
1783 Analysis and Government Accountability shall conduct a
1784 performance audit of the Office of Tourism, Trade, and Economic
1785 Development and the corporation relating to the provisions of

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1786 this section. The audit shall assess the implementation and
1787 outcomes of activities under this section. At a minimum, the
1788 audit shall address:

1789 1. Performance of the Office of Tourism, Trade, and
1790 Economic Development in disbursing funds appropriated under this
1791 section.

1792 2. Performance of the corporation in managing and enforcing
1793 the contract with the grantee.

1794 3. Compliance by the corporation with the provisions of
1795 this section and the provisions of the contract.

1796 4. Economic activity generated through funds disbursed
1797 under the contract.

1798 (b) Before January 1, 2010, the Office of Program Policy
1799 Analysis and Government Accountability shall update the report
1800 required under paragraph (a) ~~this subsection~~. In addition to
1801 addressing the items prescribed in paragraph (a), the updated
1802 report shall include a recommendation on whether the Legislature
1803 should retain the statutory authority for the corporation taking
1804 into account the corporation's oversight role for the Innovation
1805 Incentive Program.

1806
1807 A report of each audit's findings and recommendations shall be
1808 submitted to the Governor, the President of the Senate, and the
1809 Speaker of the House of Representatives. In completing the
1810 performance audits required under this subsection, the Office of
1811 Program Policy Analysis and Government Accountability shall
1812 maximize the use of reports submitted by the grantee to the
1813 Federal Government or to other organizations awarding research
1814 grants to the grantee.

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1815 (17)~~(16)~~ LIABILITY.--

1816 (a) The appropriation or disbursement of funds under this
1817 section does not constitute a debt, liability, or obligation of
1818 the State of Florida, any political subdivision thereof, or the
1819 corporation or a pledge of the faith and credit of the state or
1820 of any such political subdivision.

1821 (b) The appropriation or disbursement of funds under this
1822 section does not subject the State of Florida, any political
1823 subdivision thereof, or the corporation to liability related to
1824 the research activities and research products of the grantee.

1825 (18)~~(17)~~ FORCE MAJEURE.--Notwithstanding any other
1826 provisions contained in this act, if the grantee is prevented
1827 from timely achieving any deadlines set forth in this act due to
1828 its inability to occupy its permanent Florida facility within 2
1829 years after entering into the memorandum of agreement pursuant to
1830 s. 403.973, as a result of permitting delays and related
1831 administrative or judicial proceedings, acts of God, labor
1832 disturbances, or other similar events beyond the control of the
1833 grantee, the deadline shall be extended by the number of days by
1834 which the grantee was delayed in commencing its occupancy of its
1835 permanent Florida facility. In no event shall the extension be
1836 for more than 4 years. Upon the occurrence of a force majeure
1837 event, the Scripps Florida Funding Corporation shall continue to
1838 fund the grantee at a level that permits it to sustain its
1839 current level of operations until the force majeure event ceases
1840 and the grantee is able to resume the contract schedule governing
1841 disbursement.

1842 Section 13. Paragraph (a) of subsection (4) of section
1843 288.9624, Florida Statutes, is amended to read:

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1844 288.9624 Florida Opportunity Fund; creation; duties.--

1845 (4) For the purpose of mobilizing investment in a broad
1846 variety of Florida-based, new technology companies and generating
1847 a return sufficient to continue reinvestment, the fund shall:

1848 (a)1. Except as otherwise provided in this section, invest
1849 directly only in seed and early stage venture capital funds that
1850 have experienced managers or management teams with demonstrated
1851 experience, expertise, and a successful history in the investment
1852 of venture capital funds. Investments must be focused,~~focusing~~
1853 on opportunities in this state. The fund may not make direct
1854 investments in individual businesses. While not precluded from
1855 investing in venture capital funds that have investments outside
1856 this state, the fund must require a venture capital fund to show
1857 a record of successful investment in this state, to be based in
1858 this state, or to have an office in this state staffed with a
1859 full-time, professional venture investment executive in order to
1860 be eligible for investment.

1861 2. In entering into partnerships with state universities
1862 that are designated as research universities having very high
1863 research activity by the 2005 Carnegie Classifications, invest
1864 directly in state-based seed or early stage venture capital
1865 funds. These investments shall be used to support companies that
1866 are developing the commercialization of a particular product or
1867 service, and that are operating from laboratory or office space
1868 on a university campus which has been constructed by a private
1869 developer who is providing a minimum match of \$3 for every \$1 of
1870 state funds for construction and investment. The fund may not
1871 make direct investments in individual businesses.

1872 Section 14. Subsection (5) of section 220.191, Florida

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1873 Statutes, is amended to read:

1874 220.191 Capital investment tax credit.--

1875 (5) Applications shall be reviewed and certified pursuant
1876 to s. 288.061. The office, upon a recommendation by Enterprise
1877 Florida, Inc., shall first certify a business as eligible to
1878 receive tax credits pursuant to this section prior to the
1879 commencement of operations of a qualifying project, and such
1880 certification shall be transmitted to the Department of Revenue.
1881 Upon receipt of the certification, the Department of Revenue
1882 shall enter into a written agreement with the qualifying business
1883 specifying, at a minimum, the method by which income generated by
1884 or arising out of the qualifying project will be determined.

1885 Section 15. Subsection (2) of section 288.065, Florida
1886 Statutes, is amended to read:

1887 288.065 Rural Community Development Revolving Loan Fund.--

1888 (2) The program shall provide for long-term loans, loan
1889 guarantees, and loan loss reserves to units of local governments,
1890 or economic development organizations substantially underwritten
1891 by a unit of local government, within counties with populations
1892 of 75,000 or less, or any county that has a population of 120,000
1893 ~~100,000~~ or less and is contiguous to a county with a population
1894 of 75,000 or less, as determined by the most recent official
1895 estimate pursuant to s. 186.901, residing in incorporated and
1896 unincorporated areas of the county, or to units of local
1897 government, or economic development organizations substantially
1898 underwritten by a unit of local government, within a rural area
1899 of critical economic concern. Requests for loans shall be made by
1900 application to the Office of Tourism, Trade, and Economic
1901 Development. Loans shall be made pursuant to agreements

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1902 specifying the terms and conditions agreed to between the
1903 applicant and the Office of Tourism, Trade, and Economic
1904 Development. The loans shall be the legal obligations of the
1905 applicant. All repayments of principal and interest shall be
1906 returned to the loan fund and made available for loans to other
1907 applicants. However, in a rural area of critical economic concern
1908 designated by the Governor, and upon approval by the Office of
1909 Tourism, Trade, and Economic Development, repayments of principal
1910 and interest may be retained by the applicant if such repayments
1911 are dedicated and matched to fund regionally based economic
1912 development organizations representing the rural area of critical
1913 economic concern.

1914 Section 16. Paragraphs (b) and (e) of subsection (2) and
1915 subsection (3) of section 288.0655, Florida Statutes, are amended
1916 to read:

1917 288.0655 Rural Infrastructure Fund.--

1918 (2)

1919 (b) To facilitate access of rural communities and rural
1920 areas of critical economic concern as defined by the Rural
1921 Economic Development Initiative to infrastructure funding
1922 programs of the Federal Government, such as those offered by the
1923 United States Department of Agriculture and the United States
1924 Department of Commerce, and state programs, including those
1925 offered by Rural Economic Development Initiative agencies, and to
1926 facilitate local government or private infrastructure funding
1927 efforts, the office may award grants for up to 30 percent of the
1928 total infrastructure project cost. If an application for funding
1929 is for a catalyst site, as defined in s. 288.0656, the office may
1930 award grants for up to 40 percent of the total infrastructure

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1931 project cost. Eligible projects must be related to specific job-
1932 creation or job-retention opportunities. Eligible projects may
1933 also include improving any inadequate infrastructure that has
1934 resulted in regulatory action that prohibits economic or
1935 community growth or reducing the costs to community users of
1936 proposed infrastructure improvements that exceed such costs in
1937 comparable communities. Eligible uses of funds shall include
1938 improvements to public infrastructure for industrial or
1939 commercial sites and upgrades to or development of public tourism
1940 infrastructure. Authorized infrastructure may include the
1941 following public or public-private partnership facilities: storm
1942 water systems; telecommunications facilities; broadband; roads or
1943 other remedies to transportation impediments; nature-based
1944 tourism facilities; or other physical requirements necessary to
1945 facilitate tourism, trade, and economic development activities in
1946 the community. Authorized infrastructure may also include
1947 publicly or privately owned self-powered nature-based tourism
1948 facilities; telecommunications; broadband; and additions to the
1949 distribution facilities of the existing natural gas utility as
1950 defined in s. 366.04(3)(c), the existing electric utility as
1951 defined in s. 366.02, or the existing water or wastewater utility
1952 as defined in s. 367.021(12), or any other existing water or
1953 wastewater facility, which owns a gas or electric distribution
1954 system or a water or wastewater system in this state where:

- 1955 1. A contribution-in-aid of construction is required to
1956 serve public or public-private partnership facilities under the
1957 tariffs of any natural gas, electric, water, or wastewater
1958 utility as defined herein; and
- 1959 2. Such utilities as defined herein are willing and able to

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1960 provide such service.

1961 (e) To enable local governments to access the resources
1962 available pursuant to s. 403.973(19), the office may award grants
1963 for surveys, feasibility studies, and other activities related to
1964 the identification and preclearance review of land which is
1965 suitable for preclearance review. Authorized grants under this
1966 paragraph shall not exceed \$75,000 each, except in the case of a
1967 project in a rural area of critical economic concern, in which
1968 case the grant shall not exceed \$300,000. Any funds awarded under
1969 this paragraph must be matched at a level of 50 percent with
1970 local funds, except that any funds awarded for a project in a
1971 rural area of critical economic concern must be matched at a
1972 level of 33 percent with local funds. If an application for
1973 funding is for a catalyst site, as defined in s. 288.0656, the
1974 requirement for local match may be waived. In evaluating
1975 applications under this paragraph, the office shall consider the
1976 extent to which the application seeks to minimize administrative
1977 and consultant expenses.

1978 (3) The office, in consultation with Enterprise Florida,
1979 Inc., VISIT Florida, the Department of Environmental Protection,
1980 and the Florida Fish and Wildlife Conservation Commission, as
1981 appropriate, shall review and certify applications pursuant to s.
1982 288.061. The review shall include an evaluation of ~~and evaluate~~
1983 the economic benefit of the projects and their long-term
1984 viability. The office shall have final approval for any grant
1985 under this section ~~and must make a grant decision within 30 days~~
1986 ~~of receiving a completed application.~~

1987 Section 17. Section 288.0656, Florida Statutes, is amended
1988 to read:

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1989 288.0656 Rural Economic Development Initiative.--

1990 (1) (a) Recognizing that rural communities and regions
1991 continue to face extraordinary challenges in their efforts to
1992 achieve significant improvements to their economies, specifically
1993 in terms of personal income, job creation, average wages, and
1994 strong tax bases, it is the intent of the Legislature to
1995 encourage and facilitate the location and expansion in such rural
1996 communities of major economic development projects of significant
1997 scale.

1998 (b) The Rural Economic Development Initiative, known as
1999 "REDI," is created within the Office of Tourism, Trade, and
2000 Economic Development, and the participation of state and regional
2001 agencies in this initiative is authorized.

2002 (2) As used in this section, the term:

2003 (a) "Catalyst project" means a business locating or
2004 expanding in a rural area of critical economic concern that will
2005 serve as an economic growth opportunity of regional significance
2006 for the growth of a regional target industry cluster. The project
2007 will provide capital investment of significant scale which will
2008 affect the entire region and the development of high-wage and
2009 high-skill jobs.

2010 (b) "Catalyst site" means a parcel or parcel of lands
2011 within a rural area of critical economic concern that has been
2012 prioritized as a geographic site for economic development through
2013 partnerships with state, regional, and local organizations. The
2014 site must be reviewed by REDI, and approved by the Office of
2015 Tourism, Trade, and Economic Development for purposes of locating
2016 a catalyst project.

2017 (c) ~~(a)~~ "Economic distress" means conditions affecting the

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2018 fiscal and economic viability of a rural community, including
2019 such factors as low per capita income, low per capita taxable
2020 values, high unemployment, high underemployment, low weekly
2021 earned wages compared to the state average, low housing values
2022 compared to the state average, high percentages of the population
2023 receiving public assistance, high poverty levels compared to the
2024 state average, and a lack of year-round stable employment
2025 opportunities.

2026 (d) "Rural area of critical economic concern" means a rural
2027 community, or a region composed of rural communities, designated
2028 by the Governor, that has been adversely affected by an
2029 extraordinary economic event, severe or chronic distress, or a
2030 natural disaster or that presents a unique economic development
2031 opportunity of regional impact.

2032 (e) ~~(b)~~ "Rural community" means:

2033 1. A county with a population of 75,000 or less.

2034 2. A county with a population of 120,000 ~~100,000~~ or less
2035 that is contiguous to a county with a population of 75,000 or
2036 less.

2037 3. A municipality within a county described in subparagraph
2038 1. or subparagraph 2.

2039 4. An unincorporated federal enterprise community or an
2040 incorporated rural city with a population of 25,000 or less and
2041 an employment base focused on traditional agricultural or
2042 resource-based industries, located in a county not defined as
2043 rural, which has at least three or more of the economic distress
2044 factors identified in paragraph (a) and verified by the Office of
2045 Tourism, Trade, and Economic Development.

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2047 For purposes of this paragraph, population shall be determined in
2048 accordance with the most recent official estimate pursuant to s.
2049 186.901.

2050 (3) REDI shall be responsible for coordinating and focusing
2051 the efforts and resources of state and regional agencies on the
2052 problems which affect the fiscal, economic, and community
2053 viability of Florida's economically distressed rural communities,
2054 working with local governments, community-based organizations,
2055 and private organizations that have an interest in the growth and
2056 development of these communities to find ways to balance
2057 environmental and growth management issues with local needs.

2058 (4) REDI shall review and evaluate the impact of statutes
2059 and rules on rural communities and shall work to minimize any
2060 adverse impact and undertake outreach and capacity building
2061 efforts.

2062 (5) REDI shall facilitate better access to state resources
2063 by promoting direct access and referrals to appropriate state and
2064 regional agencies and statewide organizations. REDI may undertake
2065 outreach, capacity-building, and other advocacy efforts to
2066 improve conditions in rural communities. These activities may
2067 include sponsorship of conferences and achievement awards.

2068 (6) (a) By August 1 of each year, the head of each of the
2069 following agencies and organizations shall designate a high-level
2070 staff person from within the agency or organization to serve as
2071 the REDI representative for the agency or organization:

- 2072 1. The Department of Community Affairs.
- 2073 2. The Department of Transportation.
- 2074 3. The Department of Environmental Protection.
- 2075 4. The Department of Agriculture and Consumer Services.

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- 2076 5. The Department of State.
2077 6. The Department of Health.
2078 7. The Department of Children and Family Services.
2079 8. The Department of Corrections.
2080 9. The Agency for Workforce Innovation.
2081 10. The Department of Education.
2082 11. The Department of Juvenile Justice.
2083 12. The Fish and Wildlife Conservation Commission.
2084 13. Each water management district.
2085 14. Enterprise Florida, Inc.
2086 15. Workforce Florida, Inc.
2087 16. The Florida Commission on Tourism or VISIT Florida.
2088 17. The Florida Regional Planning Council Association.
2089 18. The Agency for Health Care Administration ~~Florida State~~
2090 ~~Rural Development Council~~.
2091 19. The Institute of Food and Agricultural Sciences (IFAS).
2092

2093 An alternate for each designee shall also be chosen, and the
2094 names of the designees and alternates shall be sent to the
2095 director of the Office of Tourism, Trade, and Economic
2096 Development.

2097 (b) Each REDI representative must have comprehensive
2098 knowledge of his or her agency's functions, both regulatory and
2099 service in nature, and of the state's economic goals, policies,
2100 and programs. This person shall be the primary point of contact
2101 for his or her agency with REDI on issues and projects relating
2102 to economically distressed rural communities and with regard to
2103 expediting project review, shall ensure a prompt effective
2104 response to problems arising with regard to rural issues, and

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2105 shall work closely with the other REDI representatives in the
2106 identification of opportunities for preferential awards of
2107 program funds and allowances and waiver of program requirements
2108 when necessary to encourage and facilitate long-term private
2109 capital investment and job creation.

2110 (c) The REDI representatives shall work with REDI in the
2111 review and evaluation of statutes and rules for adverse impact on
2112 rural communities and the development of alternative proposals to
2113 mitigate that impact.

2114 (d) Each REDI representative shall be responsible for
2115 ensuring that each district office or facility of his or her
2116 agency is informed about the Rural Economic Development
2117 Initiative and for providing assistance throughout the agency in
2118 the implementation of REDI activities.

2119 (7) (a) REDI may recommend to the Governor up to three rural
2120 areas of critical economic concern. ~~A rural area of critical~~
2121 ~~economic concern must be a rural community, or a region composed~~
2122 ~~of such, that has been adversely affected by an extraordinary~~
2123 ~~economic event or a natural disaster or that presents a unique~~
2124 ~~economic development opportunity of regional impact that will~~
2125 ~~create more than 1,000 jobs over a 5-year period.~~ The Governor
2126 may by executive order designate up to three rural areas of
2127 critical economic concern which will establish these areas as
2128 priority assignments for REDI as well as to allow the Governor,
2129 acting through REDI, to waive criteria, requirements, or similar
2130 provisions of any economic development incentive. Such incentives
2131 shall include, but not be limited to: the Qualified Target
2132 Industry Tax Refund Program under s. 288.106, the Quick Response
2133 Training Program under s. 288.047, the Quick Response Training

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2134 Program for participants in the welfare transition program under
2135 s. 288.047(8), transportation projects under s. 288.063, the
2136 brownfield redevelopment bonus refund under s. 288.107, and the
2137 rural job tax credit program under ss. 212.098 and 220.1895.

2138 (b) Designation as a rural area of critical economic
2139 concern under this subsection shall be contingent upon the
2140 execution of a memorandum of agreement among the Office of
2141 Tourism, Trade, and Economic Development; the governing body of
2142 the county; and the governing bodies of any municipalities to be
2143 included within a rural area of critical economic concern. Such
2144 agreement shall specify the terms and conditions of the
2145 designation, including, but not limited to, the duties and
2146 responsibilities of the county and any participating
2147 municipalities to take actions designed to facilitate the
2148 retention and expansion of existing businesses in the area, as
2149 well as the recruitment of new businesses to the area.

2150 (c) Each rural area of critical economic concern may
2151 designate catalyst projects, provided that each catalyst project
2152 is specifically recommended by REDI, identified as a catalyst
2153 project by Enterprise Florida, Inc., and confirmed as a catalyst
2154 project by the Office of Tourism, Trade, and Economic
2155 Development. All state agencies and departments shall use all
2156 available tools and resources to the extent permissible by law to
2157 promote the creation and development of each catalyst project and
2158 the development of catalyst sites.

2159 (8) REDI shall assist local governments within rural areas
2160 of critical economic concern with comprehensive planning needs
2161 with efforts that further the provisions of this section. Such
2162 assistance shall reflect a multidisciplinary approach among all

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2163 agencies and shall include economic development and planning
2164 objectives.

2165 (a) A local government may request assistance in the
2166 preparation of comprehensive plan amendments, pursuant to part II
2167 of chapter 163, that will stimulate economic activity.

2168 1. The local government must contact the Office of Tourism,
2169 Trade, and Economic Development to request assistance.

2170 2. REDI representatives shall meet with the local
2171 government within 15 days after such request to develop the scope
2172 of assistance that will be provided to assist the development,
2173 transmittal, and adoption of the proposed comprehensive plan
2174 amendment.

2175 3. As part of the assistance provided, REDI representatives
2176 shall also identify other needed local and developer actions for
2177 approval of the project and recommend a timeline for the local
2178 government and developer that will minimize project delays.

2179 (b) In addition, REDI shall solicit requests each year for
2180 assistance from local governments within a rural area of critical
2181 economic concern to update the future land use element and other
2182 associated elements of the local government's comprehensive plan
2183 to better position the community to respond to economic
2184 development potential within the county or municipality. REDI
2185 shall provide direct assistance to such local governments to
2186 update their comprehensive plans pursuant to this paragraph. At
2187 least one comprehensive planning technical assistance effort
2188 shall be selected each year.

2189 (c) REDI shall develop and annually update a technical
2190 assistance manual based upon experiences learned in providing
2191 direct assistance under this subsection.

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2192 ~~(9)(8)~~ REDI shall submit a report to the Governor, the
2193 President of the Senate, and the Speaker of the House of
2194 Representatives each year on or before September ~~February~~ 1 on
2195 all REDI activities for the prior fiscal year. This report shall
2196 include a status report on all projects currently being
2197 coordinated through REDI, the number of preferential awards and
2198 allowances made pursuant to this section, the dollar amount of
2199 such awards, and the names of the recipients. The report shall
2200 also include a description of all waivers of program requirements
2201 granted. The report shall also include information as to the
2202 economic impact of the projects coordinated by REDI.

2203 Section 18. Subsection (1) of section 288.0657, Florida
2204 Statutes, is amended to read:

2205 288.0657 Florida rural economic development strategy
2206 grants.--

2207 (1) As used in this section, the term "rural community"
2208 means:

2209 (a) A county with a population of 75,000 or less.

2210 (b) A county with a population of 120,000 ~~100,000~~ or less
2211 that is contiguous to a county with a population of 75,000 or
2212 less.

2213 (c) A municipality within a county described in paragraph
2214 (a) or paragraph (b).

2215

2216 For purposes of this subsection, population shall be determined
2217 in accordance with the most recent official estimate pursuant to
2218 s. 186.901.

2219 Section 19. In order to carry out the additional rural
2220 economic development responsibilities in this act, one full-time

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2221 equivalent position and the recurring sum of \$60,000 for
2222 associated salaries and benefits is appropriated from the General
2223 Revenue Fund to the Office of Tourism, Trade, and Economic
2224 Development.

2225 Section 20. Subsection (2) of section 257.193, Florida
2226 Statutes, is amended to read:

2227 257.193 Community Libraries in Caring Program.--

2228 (2) The purpose of the Community Libraries in Caring
2229 Program is to assist libraries in rural communities, as defined
2230 in s. 288.0656~~(2)(b)~~ and subject to the provisions of s.
2231 288.06561, to strengthen their collections and services, improve
2232 literacy in their communities, and improve the economic viability
2233 of their communities.

2234 Section 21. Section 288.019, Florida Statutes, is amended
2235 to read:

2236 288.019 Rural considerations in grant review and evaluation
2237 processes.--Notwithstanding any other law, and to the fullest
2238 extent possible, the member agencies and organizations of the
2239 Rural Economic Development Initiative (REDI) as defined in s.
2240 288.0656(6)(a) shall review all grant and loan application
2241 evaluation criteria to ensure the fullest access for rural
2242 counties as defined in s. 288.0656~~(2)(b)~~ to resources available
2243 throughout the state.

2244 (1) Each REDI agency and organization shall review all
2245 evaluation and scoring procedures and develop modifications to
2246 those procedures which minimize the impact of a project within a
2247 rural area.

2248 (2) Evaluation criteria and scoring procedures must provide
2249 for an appropriate ranking based on the proportionate impact that

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2250 projects have on a rural area when compared with similar project
2251 impacts on an urban area.

2252 (3) Evaluation criteria and scoring procedures must
2253 recognize the disparity of available fiscal resources for an
2254 equal level of financial support from an urban county and a rural
2255 county.

2256 (a) The evaluation criteria should weight contribution in
2257 proportion to the amount of funding available at the local level.

2258 (b) In-kind match should be allowed and applied as
2259 financial match when a county is experiencing financial distress
2260 through elevated unemployment at a rate in excess of the state's
2261 average by 5 percentage points or because of the loss of its ad
2262 valorem base.

2263 (4) For existing programs, the modified evaluation criteria
2264 and scoring procedure must be delivered to the Office of Tourism,
2265 Trade, and Economic Development for distribution to the REDI
2266 agencies and organizations. The REDI agencies and organizations
2267 shall review and make comments. Future rules, programs,
2268 evaluation criteria, and scoring processes must be brought before
2269 a REDI meeting for review, discussion, and recommendation to
2270 allow rural counties fuller access to the state's resources.

2271 Section 22. Section 288.06561, Florida Statutes, is amended
2272 to read:

2273 288.06561 Reduction or waiver of financial match
2274 requirements.--Notwithstanding any other law, the member agencies
2275 and organizations of the Rural Economic Development Initiative
2276 (REDI), as defined in s. 288.0656(6)(a), shall review the
2277 financial match requirements for projects in rural areas as
2278 defined in s. 288.0656(2)(b).

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2279 (1) Each agency and organization shall develop a proposal
2280 to waive or reduce the match requirement for rural areas.

2281 (2) Agencies and organizations shall ensure that all
2282 proposals are submitted to the Office of Tourism, Trade, and
2283 Economic Development for review by the REDI agencies.

2284 (3) These proposals shall be delivered to the Office of
2285 Tourism, Trade, and Economic Development for distribution to the
2286 REDI agencies and organizations. A meeting of REDI agencies and
2287 organizations must be called within 30 days after receipt of such
2288 proposals for REDI comment and recommendations on each proposal.

2289 (4) Waivers and reductions must be requested by the county
2290 or community, and such county or community must have three or
2291 more of the factors identified in s. 288.0656(2) (a).

2292 (5) Any other funds available to the project may be used
2293 for financial match of federal programs when there is fiscal
2294 hardship, and the match requirements may not be waived or
2295 reduced.

2296 (6) When match requirements are not reduced or eliminated,
2297 donations of land, though usually not recognized as an in-kind
2298 match, may be permitted.

2299 (7) To the fullest extent possible, agencies and
2300 organizations shall expedite the rule adoption and amendment
2301 process if necessary to incorporate the reduction in match by
2302 rural areas in fiscal distress.

2303 (8) REDI shall include in its annual report an evaluation
2304 on the status of changes to rules, number of awards made with
2305 waivers, and recommendations for future changes.

2306 Section 23. Paragraph (d) of subsection (15) of section
2307 627.6699, Florida Statutes, is amended to read:

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2308 627.6699 Employee Health Care Access Act.--
2309 (15) SMALL EMPLOYERS ACCESS PROGRAM.--
2310 (d) Eligibility.--
2311 1. Any small employer that is actively engaged in business,
2312 has its principal place of business in this state, employs up to
2313 25 eligible employees on business days during the preceding
2314 calendar year, employs at least 2 employees on the first day of
2315 the plan year, and has had no prior coverage for the last 6
2316 months may participate.
2317 2. Any municipality, county, school district, or hospital
2318 employer located in a rural community as defined in s.
2319 288.0656(2)(b) may participate.
2320 3. Nursing home employers may participate.
2321 4. Each dependent of a person eligible for coverage is also
2322 eligible to participate.
2323 Any employer participating in the program must do so until the
2324 end of the term for which the carrier providing the coverage is
2325 obligated to provide such coverage to the program. Coverage for a
2326 small employer group that ceases to meet the eligibility
2327 requirements of this section may be terminated at the end of the
2328 policy period for which the necessary premiums have been paid.
2329 Section 24. This act shall take effect upon becoming a law.