

1 A bill to be entitled
2 An act relating to economic development; creating s.
3 288.7001, F.S.; providing a short title; providing
4 findings and purpose; providing definitions; creating the
5 Small Business Regulatory Advisory Council; providing for
6 appointments, membership, and meetings; providing
7 administrative location for the council; providing powers
8 and limitations of the council; providing for coordinated
9 review of agency rules by the council with agency sunset
10 review; providing timelines for review; providing for the
11 council to issue a business-friendly scorecard of agency
12 rules; creating s. 288.7002, F.S.; providing findings and
13 purpose; providing definitions; providing for selection of
14 the Florida Small Business Advocate; providing for
15 preferred qualifications of the advocate; providing duties
16 of the advocate; providing for agency cooperation with the
17 advocate; providing for an annual report by the advocate
18 to the Governor and Legislature; amending s. 11.908, F.S.;
19 requiring a Joint Legislative Sunset Committee to consult
20 with the Small Business Regulatory Advisory Council in its
21 sunset review of a state agency; amending s. 11.911, F.S.;
22 requiring the Legislative Sunset Committee to include in
23 its report any recommendations of the Small Business
24 Regulatory Advisory Council concerning the rules of an
25 agency recommended to be continued or reorganized;
26 amending s. 11.919, F.S.; requiring agency assistance to
27 the Small Business Regulatory Advisory Council;
28 authorizing the council to access or request information

29 | and assistance; amending s. 120.54, F.S.; requiring an
30 | agency to prepare a statement of estimated regulatory
31 | costs; requiring agency notification to the Small Business
32 | Regulatory Advisory Council relating to proposed agency
33 | action affecting small business; requiring an agency to
34 | adopt regulatory alternatives offered by the council under
35 | certain circumstances; providing for rule filing extension
36 | when regulatory alternatives are offered by the council;
37 | providing for outside review of regulatory alternatives
38 | not adopted by an agency and for an agency response;
39 | amending s. 120.74, F.S.; requiring biennial rule review
40 | by agency to consider the impact of rules on small
41 | business and include the results in a report to the
42 | Legislature; amending s. 220.191, F.S.; requiring
43 | applications for capital investment tax credits to be
44 | reviewed under a specified provision; creating s. 288.061,
45 | F.S.; providing an economic development incentive
46 | application process; providing time periods and
47 | requirements for certification for economic development
48 | incentive applications; amending s. 288.063, F.S.;
49 | requiring that adoption of criteria by which certain
50 | transportation projects are to be specified and identified
51 | be done in accordance with a specified provision; amending
52 | s. 288.065, F.S.; revising Rural Community Development
53 | Revolving Loan Fund program requirements; amending s.
54 | 288.0655, F.S.; authorizing the Office of Tourism, Trade,
55 | and Economic Development to award grants for a certain
56 | percentage of total infrastructure project costs for

57 | certain catalyst site funding applications; providing for
58 | waiver of the local matching requirement; expanding
59 | eligible facilities for authorized infrastructure
60 | projects; amending s. 288.0656, F.S.; providing
61 | legislative intent; revising and providing definitions;
62 | providing certain additional review and action
63 | requirements for REDI relating to rural communities;
64 | revising representation on REDI; deleting a limitation on
65 | characterization as a rural area of critical economic
66 | concern; authorizing rural areas of critical economic
67 | concern to designate certain catalyst projects for certain
68 | purposes; providing project requirements; requiring the
69 | initiative to assist local governments with certain
70 | comprehensive planning needs; providing procedures and
71 | requirements for such assistance; revising certain
72 | reporting requirements for REDI; amending s. 288.0657,
73 | F.S.; revising the definition for a rural community;
74 | amending s. 288.1045, F.S.; revising provisions relating
75 | to the application and refund process for the qualified
76 | defense contractor tax refund program; revising the cap on
77 | refunds per applicant; deleting a report requirement;
78 | extending the expiration date; amending s. 288.106, F.S.;
79 | revising provisions relating to the application process
80 | for the qualified target industry businesses; revising an
81 | economic-stimulus exemption request provision; deleting an
82 | expiration provision; amending s. 288.107, F.S.; providing
83 | additional criteria for participation in the brownfield
84 | redevelopment bonus refund; requiring that applications

85 | for brownfield redevelopment bonus refunds be considered
86 | under a specified provision; amending s. 288.108, F.S.;
87 | requiring that applications for high-impact business
88 | performance grants be considered under a specified
89 | provision; deleting certain final order and report
90 | requirements; amending s. 288.1088, F.S.; requiring that
91 | applications concerning the Quick Action Closing Fund be
92 | considered under a specified provision; providing a time
93 | period for the director to recommend approval or
94 | disapproval of a project for receipt of funds from the
95 | Quick Action Closing Fund; amending s. 288.1162, F.S.;
96 | revising provisions relating to funding for relocation of
97 | spring training franchises; amending s. 288.1254, F.S.,
98 | relating to appropriations to permit a limited amount of
99 | funds to be used for film or arts festivals upon certain
100 | determinations; requiring the Office of Tourism, Trade,
101 | and Economic Development shall develop a comprehensive
102 | strategic plan including the use of financial resources
103 | for the purpose of retaining the tradition of spring
104 | training in Florida; amending s. 288.7102, F.S.; revising
105 | provisions relating to the application and certification
106 | process for the Black Business Loan Program; providing
107 | requirements concerning distribution of program funding;
108 | amending s. 288.9624, F.S.; revising the determination of
109 | a fund allocation manager; amending s. 290.0055, F.S.;
110 | providing for expansion of enterprise zones located
111 | entirely within state designated rural areas of critical
112 | economic concern; providing limits on such expansion;

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113 creating s. 501.701, F.S.; providing definitions; creating
 114 a business evaluation process for consumer complaints;
 115 providing one full-time equivalent position and an
 116 appropriation for the Office of Tourism, Trade, and
 117 Economic Development; amending ss. 257.193, 288.019,
 118 288.06561, 288.7094, and 627.6699, F.S.; conforming cross-
 119 references; providing an effective date.

120

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

122

123 Section 1. Section 288.7001, Florida Statutes, is created
 124 to read:

125 288.7001 Small Business Regulatory Advisory Council.--

126 (1) SHORT TITLE.--This section may be cited as the "Small
 127 Business Regulatory Relief Act."

128 (2) FINDINGS AND PURPOSE.--The Legislature finds and
 129 declares that:

130 (a) A vibrant and growing small business sector is
 131 critical to creating jobs in a dynamic economy.

132 (b) At times, small businesses bear a disproportionate
 133 share of regulatory costs and burdens.

134 (c) Fundamental changes that are needed in the regulatory
 135 culture of state agencies to make them not only more responsive,
 136 but responsive in a timelier fashion, to small business should
 137 be made without compromising the statutory missions of the
 138 agencies.

139 (d) When adopting rules to protect the health, safety, and
 140 economic welfare of the state, agencies should seek to achieve

141 statutory goals as effectively and efficiently as possible
 142 without imposing unnecessary burdens on small businesses.

143 (e) Uniform regulatory reporting requirements can impose
 144 unnecessary and disproportionately burdensome demands, including
 145 legal, accounting, and consulting costs, upon small businesses
 146 with limited resources.

147 (f) The failure to recognize differences in the scale and
 148 resources of regulated businesses can adversely affect
 149 competition in the marketplace, discourage innovation, and
 150 restrict improvements in productivity.

151 (g) Unnecessary rules create entry barriers in many
 152 industries and discourage potential entrepreneurs from
 153 introducing beneficial products and processes.

154 (h) The practice of treating all regulated businesses as
 155 equivalent may lead to inefficient use of agency resources,
 156 enforcement problems and, in some cases, to actions inconsistent
 157 with stated legislative intent of health, safety, environmental,
 158 economic welfare, and other legislation.

159 (i) Alternative regulatory approaches that do not conflict
 160 with applicable statutes may be available to minimize the
 161 significant economic impact of rules on small businesses.

162 (3) DEFINITIONS.--As used in this section, the term:

163 (a) "Agency" means an agency as defined in s. 120.52.

164 (b) "Council" means the Small Business Regulatory Advisory
 165 Council.

166 (c) "Rule" means a rule as defined in s. 120.52.

167 (d) "Small business" means a small business as defined in
 168 s. 288.703.

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169 (4) CREATION; MEMBERSHIP; POWERS AND DUTIES.--

170 (a) The Small Business Regulatory Advisory Council is
171 created. The council shall consist of nine members who are
172 current or former small business owners, three appointed by the
173 Governor, three appointed by the President of the Senate, and
174 three appointed by the Speaker of the House of Representatives.
175 The initial appointments to the council must be made within 60
176 days after the effective date of this act. The members shall be
177 from different geographic regions of the state. Members shall
178 serve 4-year terms; however, in order to establish staggered
179 terms, for the initial appointments, each appointing official
180 shall appoint one member to a 2-year term and two members to a
181 4-year term. A member shall not serve more than three
182 consecutive terms. Members shall select the chairperson from
183 among the members of the council. The council shall meet
184 quarterly or upon the call of the chairperson. A majority of the
185 members constitutes a quorum for the conduct of business.
186 Members of the council shall serve without compensation. The
187 appointing official may remove his or her appointee without
188 cause at any time. A member whose term has expired shall
189 continue to serve on the council until such time as a
190 replacement is appointed. Vacancies shall be filled for the
191 remainder of the term and by the original appointing official.

192 (b) The council is established, assigned to, and
193 administratively housed within the Florida Small Business
194 Development Center Network, which shall provide staff support to
195 the council.

196 (c) The council may:

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- 197 1. Provide agencies with recommendations regarding
198 proposed rules or programs that may adversely affect small
199 business;
- 200 2. Consider requests from small business owners to review
201 rules or programs adopted by an agency;
- 202 3. Consider requests from small business owners to review
203 small business owners' private property rights related to rules
204 or programs adopted or implemented by an agency; and
- 205 4. Review rules promulgated by an agency to determine
206 whether a rule places an unnecessary burden on small business
207 and make recommendations to the agency to mitigate the adverse
208 effects.
- 209 (d) The council does not have authority to:
- 210 1. Initiate or intervene in any administrative or judicial
211 proceeding; or
- 212 2. Issue subpoenas.
- 213 (e) The council shall prepare and submit a written annual
214 report to the Governor, the President of the Senate, and the
215 Speaker of the House of Representatives that describes its
216 activities and recommendations.
- 217 (5) PERIODIC REVIEW OF RULES.--
- 218 (a) In coordination with the schedule for reviewing state
219 agencies and advisory committees provided in s. 11.905, the
220 council may review rules of agencies subject to review to
221 determine whether the rules should be continued without change
222 or should be amended or repealed to reduce the impact of the
223 rules on small businesses, subject to the requirement that the

224 recommendations of the council must be feasible and consistent
 225 with the stated objectives of the rules.

226 (b) In reviewing agency rules to reduce the impact on
 227 small businesses, the council, in coordination with the agency,
 228 shall consider the following factors:

229 1. The continued need for the rule.

230 2. The nature of complaints or comments received from the
 231 public concerning the rule.

232 3. The complexity of the rule.

233 4. The extent to which the rule overlaps, duplicates, or
 234 conflicts with other federal, state, or local government rules.

235 5. The length of time since the rule has been evaluated or
 236 the degree to which technology, economic conditions, or other
 237 factors have changed in the topical area affected by the rule.

238 (c) Within 6 months after the agency report is submitted
 239 to the Joint Legislative Sunset Committee pursuant to s. 11.907,
 240 the council shall provide a report to the Governor, the
 241 President of the Senate, the Speaker of the House of
 242 Representatives, and the Joint Legislative Sunset Committee that
 243 includes recommendations and evaluations of agency rules and
 244 programs regarding regulatory fairness for small businesses. A
 245 component of the report shall be a rating system, developed by
 246 the council, entitled "Small Business Friendliness and
 247 Development Scorecard."

248 Section 2. Section 288.7002, Florida Statutes, is created
 249 to read:

250 288.7002 Small business advocate.--

251 (1) FINDINGS AND PURPOSE.--

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252 (a) The Legislature finds and declares that it is in the
253 public interest to aid, counsel, assist, and protect, insofar as
254 is possible, the interests of small business concerns in order
255 to preserve free competitive enterprise and maintain a healthy
256 state economy.

257 (b) The Legislature finds that the state should provide a
258 point person to advocate the causes of small business and to
259 provide small businesses with the information they need to
260 survive in the marketplace.

261 (2) DEFINITIONS.--

262 (a) "Advocate" means the Florida Small Business Advocate,
263 who is also the Director of the Office of Small Business
264 Advocate.

265 (b) "Director" means the Director of the Office of Small
266 Business Advocate.

267 (c) "Office" means the Office of Small Business Advocate.

268 (3) OFFICE OF SMALL BUSINESS ADVOCATE.--The Office of
269 Small Business Advocate is established, assigned to, and
270 administratively housed within the Florida Small Business
271 Development Center Network. The director shall be the Florida
272 Small Business Advocate.

273 (4) DIRECTOR OF THE OFFICE OF SMALL BUSINESS ADVOCATE;
274 APPOINTMENT; DUTIES.--

275 (a) The advocate shall be selected by the director of the
276 Florida Small Business Development Center Network and shall be
277 an employee of or under contract with the Florida Small Business
278 Development Center Network. Preferred qualifications for the
279 advocate include at least 5 years' experience in small business,

280 extensive knowledge of the issues and challenges of importance
 281 to small business, and actual experience in small business
 282 advocacy and assistance.

283 (b) The duties and functions of the advocate shall include
 284 all of the following:

285 1. Act as staff for the Small Business Regulatory Advisory
 286 Council.

287 2. Serve as principal advocate in the state on behalf of
 288 small businesses, including, but not limited to, advisory
 289 participation in the consideration of all legislation and
 290 administrative rules that affect small businesses, and advocacy
 291 on state policy and programs related to small businesses on
 292 disaster preparedness and recovery, including providing
 293 technical assistance.

294 3. Represent the views and interests of small businesses
 295 before agencies whose policies and activities may affect small
 296 businesses. Among other activities, the advocate may encourage
 297 standardized applications and information packages that would
 298 include all the information needed by each agency that a
 299 business has to deal with to prevent an applicant from having to
 300 fill out duplicative information on forms from various agencies.

301 4. Enlist the cooperation and assistance of public and
 302 private agencies, businesses, and other organizations in
 303 disseminating information about the programs and services
 304 provided by all levels of government that are of benefit to
 305 small businesses and information on how small businesses can
 306 participate in, or make use of, those programs and services.

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307 5. Issue a report every 2 years evaluating the efforts of
308 agencies that significantly regulate small businesses, to assist
309 minority and other small business enterprises, and to make
310 recommendations that may be appropriate to assist the
311 development and strengthening of minority and other small
312 business enterprises.

313 6. Consult with experts and authorities in the fields of
314 small business investment, venture capital investment, and
315 commercial banking, including comparable financial institutions
316 involved in the financing of business; with individuals with
317 regulatory, legal, economic, or financial expertise, including
318 members of the academic community; and with individuals who
319 generally represent the public interest.

320 7. Seek the assistance and cooperation of all agencies and
321 departments providing services to or affecting small business to
322 ensure coordination of state efforts.

323 8. Receive and respond to complaints from small businesses
324 concerning the actions of agencies and the operative effects of
325 state laws and regulations adversely affecting those businesses.
326 The advocate shall establish an annual process for small
327 businesses to nominate agency rules or programs for reform. The
328 advocate shall publish those nominations online and update the
329 status of agency action on the proposed reforms twice yearly.

330 9. Counsel small businesses on how to resolve questions
331 and problems concerning the relationship of small business to
332 state government.

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333 10. Maintain, publicize, and distribute an annual list of
334 persons serving as small business ombudsmen throughout state
335 government.

336 11. Coordinate a statewide conference on small business
337 with public and private organizations and entities impacting
338 small business in the state.

339 12. Coordinate annual public meetings to share best
340 practices for small business disaster preparedness. The meetings
341 shall be held in consultation with regional and statewide small
342 business organizations and shall take place in different
343 locations throughout the state.

344 (5) REPORTS AND DOCUMENTS FURNISHED TO SMALL BUSINESS
345 ADVOCATE; ANNUAL REPORTS.--

346 (a) Each agency of the state shall furnish to the advocate
347 the reports, documents, and information that are public records
348 and that the director deems necessary to carry out his or her
349 functions under this chapter.

350 (b) The advocate shall prepare and submit a written annual
351 report to the Governor, the President of the Senate, and the
352 Speaker of the House of Representatives that describes the
353 activities and recommendations of the office.

354 Section 3. Subsection (2) of section 11.908, Florida
355 Statutes, is amended to read:

356 11.908 Committee duties.--No later than March 1 of the
357 year in which a state agency or its advisory committees are
358 scheduled to be reviewed, the committee shall and the joint
359 committee may:

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360 (2) Consult with the Legislative Budget Commission, the
 361 Small Business Regulatory Advisory Council, relevant substantive
 362 and appropriations committees of the Senate and the House of
 363 Representatives, the Governor's Office of Policy and Budgeting,
 364 the Auditor General, and the Chief Financial Officer, or their
 365 successors, relating to the review of the agency and its
 366 advisory committees.

367 Section 4. Paragraph (a) of subsection (2) of section
 368 11.911, Florida Statutes, is amended to read:

369 11.911 Committee recommendations.--

370 (2) In its report on a state agency, the joint committee
 371 shall:

372 (a) Make recommendations on the abolition, continuation,
 373 or reorganization of each state agency and its advisory
 374 committees and on the need for the performance of the functions
 375 of the agency and its advisory committees. If the committee
 376 recommends continuation or reorganization, the committee shall
 377 include in its recommendations the report of the Small Business
 378 Regulatory Advisory Council, as provided in s. 288.7001,
 379 regarding the rules of each agency.

380 Section 5. Section 11.919, Florida Statutes, is amended to
 381 read:

382 11.919 Assistance of and access to state agencies.--

383 (1) The committee and the Small Business Regulatory
 384 Advisory Council may access or request information and request
 385 the assistance of state agencies and officers. When assistance
 386 is requested, a state agency or officer shall assist the
 387 committee and the Small Business Regulatory Advisory Council.

388 (2) In carrying out its functions under ss. 11.901-11.920,
 389 the committee or its designated staff member may inspect the
 390 records, documents, and files of any state agency.

391 Section 6. Paragraph (b) of subsection (3) of section
 392 120.54, Florida Statutes, is amended to read:

393 120.54 Rulemaking.--

394 (3) ADOPTION PROCEDURES.--

395 (b) Special matters to be considered in rule adoption.--

396 1. Statement of estimated regulatory costs.--Prior to the
 397 adoption, amendment, or repeal of any rule other than an
 398 emergency rule, an agency is encouraged to prepare a statement
 399 of estimated regulatory costs of the proposed rule, as provided
 400 by s. 120.541. However, an agency shall prepare a statement of
 401 estimated regulatory costs of the proposed rule, as provided by
 402 s. 120.541, if the proposed rule will have an impact on small
 403 business.

404 2. Small businesses, small counties, and small cities.--

405 a. Each agency, before the adoption, amendment, or repeal
 406 of a rule, shall consider the impact of the rule on small
 407 businesses as defined by s. 288.703 and the impact of the rule
 408 on small counties or small cities as defined by s. 120.52.
 409 Whenever practicable, an agency shall tier its rules to reduce
 410 disproportionate impacts on small businesses, small counties, or
 411 small cities to avoid regulating small businesses, small
 412 counties, or small cities that do not contribute significantly
 413 to the problem the rule is designed to address. An agency may
 414 define "small business" to include businesses employing more
 415 than 100 persons, may define "small county" to include those

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416 with populations of more than 75,000, and may define "small
 417 city" to include those with populations of more than 10,000, if
 418 it finds that such a definition is necessary to adapt a rule to
 419 the needs and problems of small businesses, small counties, or
 420 small cities. The agency shall consider each of the following
 421 methods for reducing the impact of the proposed rule on small
 422 businesses, small counties, and small cities, or any combination
 423 of these entities:

424 (I) Establishing less stringent compliance or reporting
 425 requirements in the rule.

426 (II) Establishing less stringent schedules or deadlines in
 427 the rule for compliance or reporting requirements.

428 (III) Consolidating or simplifying the rule's compliance
 429 or reporting requirements.

430 (IV) Establishing performance standards or best-management
 431 practices to replace design or operational standards in the
 432 rule.

433 (V) Exempting small businesses, small counties, or small
 434 cities from any or all requirements of the rule.

435 b.(I) If the agency determines that the proposed action
 436 will affect small businesses as defined by the agency as
 437 provided in sub-subparagraph a., the agency shall send written
 438 notice of the rule to the Small Business Regulatory Advisory
 439 Council and ~~small business ombudsman~~ of the Office of Tourism,
 440 Trade, and Economic Development not less than 28 days prior to
 441 the intended action.

442 (II) Each agency shall adopt those regulatory alternatives
 443 offered by the Small Business Regulatory Advisory Council ~~small~~

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444 ~~business ombudsman~~ and provided to the agency no later than 21
445 days after the council's ~~ombudsman's~~ receipt of the written
446 notice of the rule which it finds are feasible and consistent
447 with the stated objectives of the proposed rule and which would
448 reduce the impact on small businesses. When regulatory
449 alternatives are offered by the Small Business Regulatory
450 Advisory Council ~~small business ombudsman~~, the 90-day period for
451 filing the rule in subparagraph (e)2. is extended for a period
452 of 21 days.

453 (III) If an agency does not adopt all alternatives offered
454 pursuant to this sub-subparagraph, it shall, prior to rule
455 adoption or amendment and pursuant to subparagraph (d)1., file a
456 detailed written statement with the committee explaining the
457 reasons for failure to adopt such alternatives. Within 3 working
458 days of the filing of such notice, the agency shall send a copy
459 of such notice to the Small Business Regulatory Advisory Council
460 ~~small business ombudsman~~. The Small Business Regulatory Advisory
461 Council may make a request of the President of the Senate and
462 the Speaker of the House of Representatives that the presiding
463 officers direct the Office of Program Policy Analysis and
464 Government Accountability to determine whether the rejected
465 alternatives reduce the impact on small business while meeting
466 the stated objectives of the proposed rule. Within 60 days after
467 the date of the directive from the presiding officers, the
468 Office of Program Policy Analysis and Government Accountability
469 shall report to the Administrative Procedures Committee its
470 findings as to whether an alternative reduces the impact on
471 small business while meeting the stated objectives of the

472 proposed rule. The Office of Program Policy Analysis and
 473 Government Accountability shall consider the proposed rule, the
 474 economic impact statement, the written statement of the agency,
 475 the proposed alternatives, and any comment submitted during the
 476 comment period on the proposed rule. The Office of Program
 477 Policy Analysis and Government Accountability shall submit a
 478 report of its findings and recommendations to the Governor, the
 479 President of the Senate, and the Speaker of the House of
 480 Representatives. The Administrative Procedures Committee shall
 481 report such findings to the agency, and the agency shall respond
 482 in writing to the Administrative Procedures Committee if the
 483 Office of Program Policy Analysis and Government Accountability
 484 found that the alternative reduced the impact on small business
 485 while meeting the stated objectives of the proposed rule. If the
 486 agency will not adopt the alternative, it must also provide a
 487 detailed written statement to the Administrative Procedures
 488 Committee as to why it will not adopt the alternative.

489 Section 7. Paragraph (g) is added to subsection (1) of
 490 section 120.74, Florida Statutes, and subsection (2) of that
 491 section is amended, to read:

492 120.74 Agency review, revision, and report.--

493 (1) Each agency shall review and revise its rules as often
 494 as necessary to ensure that its rules are correct and comply
 495 with statutory requirements. Additionally, each agency shall
 496 perform a formal review of its rules every 2 years. In the
 497 review, each agency must:

498 (g) Determine whether the rules should be continued
 499 without change or should be amended or repealed to reduce the

500 impact on small business while meeting the stated objectives of
 501 the proposed rule.

502 (2) ~~Beginning October 1, 1997, and~~ By October 1 of every
 503 odd-numbered ~~other~~ year ~~thereafter~~, the head of each agency
 504 shall file a report with the President of the Senate, the
 505 Speaker of the House of Representatives, and the committee, with
 506 a copy to each appropriate standing committee of the
 507 Legislature, which certifies that the agency has complied with
 508 the requirements of this subsection. The report must specify any
 509 changes made to its rules as a result of the review and, when
 510 appropriate, recommend statutory changes that will promote
 511 efficiency, reduce paperwork, or decrease costs to government
 512 and the private sector. The report must specifically address the
 513 economic impact of the rules on small business. The report must
 514 identify the types of cases or disputes in which the agency is
 515 involved which should be conducted under the summary hearing
 516 process described in s. 120.574.

517 Section 8. Subsection (5) of section 220.191, Florida
 518 Statutes, is amended to read:

519 220.191 Capital investment tax credit.--

520 (5) Applications shall be reviewed pursuant to s. 288.061.
 521 The office, upon a recommendation by Enterprise Florida, Inc.,
 522 shall first certify a business as eligible to receive tax
 523 credits pursuant to this section prior to the commencement of
 524 operations of a qualifying project, and such certification shall
 525 be transmitted to the Department of Revenue. Upon receipt of the
 526 certification, the Department of Revenue shall enter into a
 527 written agreement with the qualifying business specifying, at a

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528 minimum, the method by which income generated by or arising out
529 of the qualifying project will be determined.

530 Section 9. Section 288.061, Florida Statutes, is created
531 to read:

532 288.061 Economic development incentive application
533 process.--

534 (1) In order to expedite and provide a timely review for
535 the certification of economic development incentive
536 applications, Enterprise Florida, Inc., shall review each
537 submitted application and inform the applicant business whether
538 or not its application is complete within 10 working days. Once
539 the application is deemed complete, Enterprise Florida, Inc.,
540 has 10 working days to evaluate the application and recommend
541 approval or disapproval of the application to the director of
542 the Office of Tourism, Trade, and Economic Development. In
543 recommending an applicant business for approval, Enterprise
544 Florida, Inc., shall include in its evaluation a recommended
545 grant award amount and a review of the applicant's ability to
546 meet specific program criteria.

547 (2) Upon receipt of the evaluation and recommendation of
548 Enterprise Florida, Inc., the Office of Tourism, Trade, and
549 Economic Development has 10 calendar days to notify Enterprise
550 Florida, Inc., if the application is not complete. The director
551 has 35 calendar days from the time the recommendation was
552 received from Enterprise Florida, Inc., to review the
553 application and issue a letter of certification to the applicant
554 that either approves or disapproves an applicant business that
555 includes justification, unless the business requests an

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556 extension of the time. The final order shall specify the total
557 amount of the award, the performance conditions that must be met
558 to obtain the award, and the schedule for payment.

559 Section 10. Subsection (4) of section 288.063, Florida
560 Statutes, is amended to read:

561 288.063 Contracts for transportation projects.--

562 (4) The Office of Tourism, Trade, and Economic Development
563 may adopt criteria by which transportation projects are to be
564 specified and identified in accordance with s. 288.061. In
565 approving transportation projects for funding, the Office of
566 Tourism, Trade, and Economic Development shall consider factors
567 including, but not limited to, the cost per job created or
568 retained considering the amount of transportation funds
569 requested; the average hourly rate of wages for jobs created;
570 the reliance on the program as an inducement for the project's
571 location decision; the amount of capital investment to be made
572 by the business; the demonstrated local commitment; the location
573 of the project in an enterprise zone designated pursuant to s.
574 290.0055; the location of the project in a spaceport territory
575 as defined in s. 331.304; the unemployment rate of the
576 surrounding area; the poverty rate of the community; and the
577 adoption of an economic element as part of its local
578 comprehensive plan in accordance with s. 163.3177(7)(j). The
579 Office of Tourism, Trade, and Economic Development may contact
580 any agency it deems appropriate for additional input regarding
581 the approval of projects.

582 Section 11. Subsection (2) of section 288.065, Florida
583 Statutes, is amended to read:

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584 288.065 Rural Community Development Revolving Loan Fund.--
585 (2) The program shall provide for long-term loans, loan
586 guarantees, and loan loss reserves to units of local
587 governments, or economic development organizations substantially
588 underwritten by a unit of local government, within counties with
589 populations of 75,000 or less, or any county that has a
590 population of 120,000 ~~100,000~~ or less and is contiguous to a
591 county with a population of 75,000 or less, as determined by the
592 most recent official estimate pursuant to s. 186.901, residing
593 in incorporated and unincorporated areas of the county, or to
594 units of local government, or economic development organizations
595 substantially underwritten by a unit of local government, within
596 a rural area of critical economic concern. Requests for loans
597 shall be made by application to the Office of Tourism, Trade,
598 and Economic Development. Loans shall be made pursuant to
599 agreements specifying the terms and conditions agreed to between
600 the applicant and the Office of Tourism, Trade, and Economic
601 Development. The loans shall be the legal obligations of the
602 applicant. All repayments of principal and interest shall be
603 returned to the loan fund and made available for loans to other
604 applicants. However, in a rural area of critical economic
605 concern designated by the Governor, and upon approval by the
606 Office of Tourism, Trade, and Economic Development, repayments
607 of principal and interest may be retained by the applicant if
608 such repayments are dedicated and matched to fund regionally
609 based economic development organizations representing the rural
610 area of critical economic concern.

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611 Section 12. Paragraphs (b) and (e) of subsection (2) and
 612 subsection (3) of section 288.0655, Florida Statutes, are
 613 amended to read:

614 288.0655 Rural Infrastructure Fund.--

615 (2)

616 (b) To facilitate access of rural communities and rural
 617 areas of critical economic concern as defined by the Rural
 618 Economic Development Initiative to infrastructure funding
 619 programs of the Federal Government, such as those offered by the
 620 United States Department of Agriculture and the United States
 621 Department of Commerce, and state programs, including those
 622 offered by Rural Economic Development Initiative agencies, and
 623 to facilitate local government or private infrastructure funding
 624 efforts, the office may award grants for up to 30 percent of the
 625 total infrastructure project cost. If an application for funding
 626 is for a catalyst site, as defined in s. 288.0656, the office
 627 may award grants for up to 40 percent of the total
 628 infrastructure project cost. Eligible projects must be related
 629 to specific job-creation or job-retention opportunities.
 630 Eligible projects may also include improving any inadequate
 631 infrastructure that has resulted in regulatory action that
 632 prohibits economic or community growth or reducing the costs to
 633 community users of proposed infrastructure improvements that
 634 exceed such costs in comparable communities. Eligible uses of
 635 funds shall include improvements to public infrastructure for
 636 industrial or commercial sites and upgrades to or development of
 637 public tourism infrastructure. Authorized infrastructure may
 638 include the following public or public-private partnership

639 facilities: storm water systems; telecommunications facilities;
 640 broadband; roads or other remedies to transportation
 641 impediments; nature-based tourism facilities; or other physical
 642 requirements necessary to facilitate tourism, trade, and
 643 economic development activities in the community. Authorized
 644 infrastructure may also include publicly or privately owned
 645 self-powered nature-based tourism facilities;
 646 telecommunications; broadband; and additions to the distribution
 647 facilities of the existing natural gas utility as defined in s.
 648 366.04(3)(c), the existing electric utility as defined in s.
 649 366.02, or the existing water or wastewater utility as defined
 650 in s. 367.021(12), or any other existing water or wastewater
 651 facility, which owns a gas or electric distribution system or a
 652 water or wastewater system in this state where:

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

657 2. Such utilities as defined herein are willing and able
 658 to provide such service.

659 (e) To enable local governments to access the resources
 660 available pursuant to s. 403.973(19), the office may award
 661 grants for surveys, feasibility studies, and other activities
 662 related to the identification and preclearance review of land
 663 which is suitable for preclearance review. Authorized grants
 664 under this paragraph shall not exceed \$75,000 each, except in
 665 the case of a project in a rural area of critical economic
 666 concern, in which case the grant shall not exceed \$300,000. Any

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667 funds awarded under this paragraph must be matched at a level of
 668 50 percent with local funds, except that any funds awarded for a
 669 project in a rural area of critical economic concern must be
 670 matched at a level of 33 percent with local funds. If an
 671 application for funding is for a catalyst site, as defined in s.
 672 288.0656, the requirement for local match may be waived. In
 673 evaluating applications under this paragraph, the office shall
 674 consider the extent to which the application seeks to minimize
 675 administrative and consultant expenses.

676 (3) The office, in consultation with Enterprise Florida,
 677 Inc., VISIT Florida, the Department of Environmental Protection,
 678 and the Florida Fish and Wildlife Conservation Commission, as
 679 appropriate, shall review applications pursuant to s. 288.061
 680 and evaluate the economic benefit of the projects and their
 681 long-term viability. The office shall have final approval for
 682 any grant under this section ~~and must make a grant decision~~
 683 ~~within 30 days of receiving a completed application.~~

684 Section 13. Section 288.0656, Florida Statutes, is amended
 685 to read:

686 288.0656 Rural Economic Development Initiative.--

687 (1) (a) Recognizing that rural communities and regions
 688 continue to face extraordinary challenges in their efforts to
 689 achieve significant improvements to their economies,
 690 specifically in terms of personal income, job creation, average
 691 wages, and strong tax bases, it is the intent of the Legislature
 692 to encourage and facilitate the location and expansion in such
 693 rural communities of major economic development projects of
 694 significant scale.

695 **(b)** The Rural Economic Development Initiative, known as
 696 "REDI," is created within the Office of Tourism, Trade, and
 697 Economic Development, and the participation of state and
 698 regional agencies in this initiative is authorized.

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

700 **(a)** "Catalyst project" means a business locating or
 701 expanding in a rural area of critical economic concern that is
 702 likely to serve as an economic growth opportunity of regional
 703 significance for the growth of an existing or emerging industry
 704 cluster that will facilitate the development of high-wage and
 705 high-skill jobs.

706 **(b)** "Catalyst site" means a parcel or parcels of land
 707 within a rural area of critical economic concern that has been
 708 prioritized by representatives of the jurisdictions within the
 709 rural area of critical economic concern, reviewed by REDI, and
 710 approved by the Office of Tourism, Trade, and Economic
 711 Development for purposes of locating a catalyst project.

712 **(c)-(a)** "Economic distress" means conditions affecting the
 713 fiscal and economic viability of a rural community, including
 714 such factors as low per capita income, low per capita taxable
 715 values, high unemployment, high underemployment, low weekly
 716 earned wages compared to the state average, low housing values
 717 compared to the state average, high percentages of the
 718 population receiving public assistance, high poverty levels
 719 compared to the state average, and a lack of year-round stable
 720 employment opportunities.

721 **(d)** "Rural area of critical economic concern" means a
 722 rural community, or a region composed of rural communities,

723 designated by the Governor, that has been adversely affected by
 724 an extraordinary economic event, severe or chronic distress, or
 725 a natural disaster or that presents a unique economic
 726 development opportunity of regional impact.

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

- 728 1. A county with a population of 75,000 or less.
- 729 2. A county with a population of 120,000 ~~100,000~~ or less
 730 that is contiguous to a county with a population of 75,000 or
 731 less.
- 732 3. A municipality within a county described in
 733 subparagraph 1. or subparagraph 2.
- 734 4. An unincorporated federal enterprise community or an
 735 incorporated rural city with a population of 25,000 or less and
 736 an employment base focused on traditional agricultural or
 737 resource-based industries, located in a county not defined as
 738 rural, which has at least three or more of the economic distress
 739 factors identified in paragraph (a) and verified by the Office
 740 of Tourism, Trade, and Economic Development.

741
 742 For purposes of this paragraph, population shall be determined
 743 in accordance with the most recent official estimate pursuant to
 744 s. 186.901.

745 (3) REDI shall be responsible for coordinating and
 746 focusing the efforts and resources of state and regional
 747 agencies on the problems which affect the fiscal, economic, and
 748 community viability of Florida's economically distressed rural
 749 communities, working with local governments, community-based
 750 organizations, and private organizations that have an interest

751 in the growth and development of these communities to find ways
 752 to balance environmental and growth management issues with local
 753 needs.

754 (4) REDI shall review and evaluate the impact of statutes
 755 and rules on rural communities and shall work to minimize any
 756 adverse impact and undertake outreach and capacity building
 757 efforts.

758 (5) REDI shall facilitate better access to state resources
 759 by promoting direct access and referrals to appropriate state
 760 and regional agencies and statewide organizations. REDI may
 761 undertake outreach, capacity-building, and other advocacy
 762 efforts to improve conditions in rural communities. These
 763 activities may include sponsorship of conferences and
 764 achievement awards.

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

- 769 1. The Department of Community Affairs.
- 770 2. The Department of Transportation.
- 771 3. The Department of Environmental Protection.
- 772 4. The Department of Agriculture and Consumer Services.
- 773 5. The Department of State.
- 774 6. The Department of Health.
- 775 7. The Department of Children and Family Services.
- 776 8. The Department of Corrections.
- 777 9. The Agency for Workforce Innovation.
- 778 10. The Department of Education.

- 779 11. The Department of Juvenile Justice.
- 780 12. The Fish and Wildlife Conservation Commission.
- 781 13. Each water management district.
- 782 14. Enterprise Florida, Inc.
- 783 15. Workforce Florida, Inc.
- 784 16. The Florida Commission on Tourism or VISIT Florida.
- 785 17. The Florida Regional Planning Council Association.
- 786 18. The Agency for Health Care Administration ~~Florida~~
- 787 ~~State Rural Development Council.~~
- 788 19. The Institute of Food and Agricultural Sciences
- 789 (IFAS).

790

791 An alternate for each designee shall also be chosen, and the

792 names of the designees and alternates shall be sent to the

793 director of the Office of Tourism, Trade, and Economic

794 Development.

795 (b) Each REDI representative must have comprehensive

796 knowledge of his or her agency's functions, both regulatory and

797 service in nature, and of the state's economic goals, policies,

798 and programs. This person shall be the primary point of contact

799 for his or her agency with REDI on issues and projects relating

800 to economically distressed rural communities and with regard to

801 expediting project review, shall ensure a prompt effective

802 response to problems arising with regard to rural issues, and

803 shall work closely with the other REDI representatives in the

804 identification of opportunities for preferential awards of

805 program funds and allowances and waiver of program requirements

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806 when necessary to encourage and facilitate long-term private
807 capital investment and job creation.

808 (c) The REDI representatives shall work with REDI in the
809 review and evaluation of statutes and rules for adverse impact
810 on rural communities and the development of alternative
811 proposals to mitigate that impact.

812 (d) Each REDI representative shall be responsible for
813 ensuring that each district office or facility of his or her
814 agency is informed about the Rural Economic Development
815 Initiative and for providing assistance throughout the agency in
816 the implementation of REDI activities.

817 (7) (a) REDI may recommend to the Governor up to three
818 rural areas of critical economic concern. ~~A rural area of~~
819 ~~critical economic concern must be a rural community, or a region~~
820 ~~composed of such, that has been adversely affected by an~~
821 ~~extraordinary economic event or a natural disaster or that~~
822 ~~presents a unique economic development opportunity of regional~~
823 ~~impact that will create more than 1,000 jobs over a 5 year~~
824 ~~period.~~ The Governor may by executive order designate up to
825 three rural areas of critical economic concern which will
826 establish these areas as priority assignments for REDI as well
827 as to allow the Governor, acting through REDI, to waive
828 criteria, requirements, or similar provisions of any economic
829 development incentive. Such incentives shall include, but not be
830 limited to: the Qualified Target Industry Tax Refund Program
831 under s. 288.106, the Quick Response Training Program under s.
832 288.047, the Quick Response Training Program for participants in
833 the welfare transition program under s. 288.047(8),

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834 transportation projects under s. 288.063, the brownfield
835 redevelopment bonus refund under s. 288.107, and the rural job
836 tax credit program under ss. 212.098 and 220.1895.

837 (b) Designation as a rural area of critical economic
838 concern under this subsection shall be contingent upon the
839 execution of a memorandum of agreement among the Office of
840 Tourism, Trade, and Economic Development; the governing body of
841 the county; and the governing bodies of any municipalities to be
842 included within a rural area of critical economic concern. Such
843 agreement shall specify the terms and conditions of the
844 designation, including, but not limited to, the duties and
845 responsibilities of the county and any participating
846 municipalities to take actions designed to facilitate the
847 retention and expansion of existing businesses in the area, as
848 well as the recruitment of new businesses to the area.

849 (c) Each rural area of critical economic concern may
850 designate catalyst projects, provided that each catalyst project
851 is specifically recommended by REDI, identified as a catalyst
852 project by Enterprise Florida, Inc., and confirmed as a catalyst
853 project by the Office of Tourism, Trade, and Economic
854 Development. All state agencies and departments shall use all
855 available tools and resources to the extent permissible by law
856 to promote the creation and development of each catalyst project
857 and the development of catalyst sites.

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

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862 agencies and shall include economic development and planning
863 objectives.

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

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

869 2. REDI representatives shall meet with the local
870 government within 15 days after such request to develop the
871 scope of assistance that will be provided to assist the
872 development, transmittal, and adoption of the proposed
873 comprehensive plan amendment.

874 3. As part of the assistance provided, REDI
875 representatives shall also identify other needed local and
876 developer actions for approval of the project and recommend a
877 timeline for the local government and developer that will
878 minimize project delays.

879 (b) In addition, REDI shall solicit requests each year for
880 assistance from local governments within a rural area of
881 critical economic concern to update the future land use element
882 and other associated elements of the local government's
883 comprehensive plan to better position the community to respond
884 to economic development potential within the county or
885 municipality. REDI shall provide direct assistance to such local
886 governments to update their comprehensive plans pursuant to this
887 paragraph. At least one comprehensive planning technical
888 assistance effort shall be selected each year.

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

892 (9)~~(8)~~ REDI shall submit a report to the Governor, the
 893 President of the Senate, and the Speaker of the House of
 894 Representatives each year on or before September ~~February~~ 1 on
 895 all REDI activities for the prior fiscal year. This report shall
 896 include a status report on all projects currently being
 897 coordinated through REDI, the number of preferential awards and
 898 allowances made pursuant to this section, the dollar amount of
 899 such awards, and the names of the recipients. The report shall
 900 also include a description of all waivers of program
 901 requirements granted. The report shall also include information
 902 as to the economic impact of the projects coordinated by REDI.

903 Section 14. Subsection (1) of section 288.0657, Florida
 904 Statutes, is amended to read:

905 288.0657 Florida rural economic development strategy
 906 grants.--

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

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

910 (b) A county with a population of 120,000 ~~100,000~~ or less
 911 that is contiguous to a county with a population of 75,000 or
 912 less.

913 (c) A municipality within a county described in paragraph

914 (a) or paragraph (b).
 915

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916 For purposes of this subsection, population shall be determined
917 in accordance with the most recent official estimate pursuant to
918 s. 186.901.

919 Section 15. Paragraphs (b), (c), and (f) of subsection
920 (2), paragraphs (b), (c), (d), (g), and (h) of subsection (3),
921 paragraph (c) of subsection (5), paragraphs (d) and (e) of
922 subsection (6), and subsection (8) of section 288.1045, Florida
923 Statutes, are amended to read:

924 288.1045 Qualified defense contractor tax refund
925 program.--

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

927 (b) Upon approval by the director, a qualified defense
928 contractor business shall be allowed tax refund payments equal
929 to \$3,000 times the number of jobs specified in the tax refund
930 agreement under subparagraph (4)(a)1. or equal to \$6,000 times
931 the number of jobs if the project is located in a rural county
932 or an enterprise zone. Further, a qualified defense contractor
933 business shall be allowed additional tax refund payments equal
934 to \$1,000 times the number of jobs specified in the tax refund
935 agreement under subparagraph (4)(a)1. if such jobs pay an annual
936 average wage of at least 150 percent of the average private
937 sector wage in the area or equal to \$2,000 times the number of
938 jobs if such jobs pay an annual average wage of at least 200
939 percent of the average private sector wage in the area A
940 ~~qualified applicant may not be qualified for any project to~~
941 ~~receive more than \$5,000 times the number of jobs provided in~~
942 ~~the tax refund agreement pursuant to subparagraph (4)(a)1. A~~
943 qualified applicant may not receive refunds of more than 25

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944 percent of the total tax refunds provided in the tax refund
 945 agreement pursuant to subparagraph (4)(a)1. in any fiscal year,
 946 provided that no qualified applicant may receive more than \$2.5
 947 million in tax refunds pursuant to this section in any fiscal
 948 year.

949 (c) A qualified applicant may not receive more than \$5
 950 ~~\$7.5~~ million in tax refunds pursuant to this section in all
 951 fiscal years.

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

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

958 2. Receive funds from the General Revenue Fund and the
 959 Economic Development Trust Fund for the following taxes due and
 960 paid by that business ~~the qualified applicant beginning with the~~
 961 ~~applicant's first taxable year that begins~~ after entering into
 962 the agreement:

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

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

966 ~~b.3.~~ Intangible personal property taxes paid pursuant to
 967 chapter 199.

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

969 ~~d.5.~~ Excise taxes paid on documents pursuant to chapter
 970 201.

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

973 f.7. State communications services taxes administered
 974 under chapter 202. This provision does not apply to the gross
 975 receipts tax imposed under chapter 203 and administered under
 976 chapter 202 or the local communications services tax authorized
 977 under s. 202.19.

978
 979 However, a qualified applicant may not receive a tax refund
 980 pursuant to this section for any amount of credit, refund, or
 981 exemption granted such contractor for any of such taxes. If a
 982 refund for such taxes is provided by the office, which taxes are
 983 subsequently adjusted by the application of any credit, refund,
 984 or exemption granted to the qualified applicant other than that
 985 provided in this section, the qualified applicant shall
 986 reimburse the Economic Development Trust Fund for the amount of
 987 such credit, refund, or exemption. A qualified applicant must
 988 notify and tender payment to the office within 20 days after
 989 receiving a credit, refund, or exemption, other than that
 990 provided in this section. The addition of communications
 991 services taxes administered under chapter 202 is remedial in
 992 nature and retroactive to October 1, 2001. The office may make
 993 supplemental tax refund payments to allow for tax refunds for
 994 communications services taxes paid by an eligible qualified
 995 defense contractor after October 1, 2001.

996 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
 997 DETERMINATION.--

998 (b) Applications for certification based on the
 999 consolidation of a Department of Defense contract or a new
 1000 Department of Defense contract must be submitted to the office
 1001 as prescribed by the office and must include, but are not
 1002 limited to, the following information:

1003 1. The applicant's federal employer identification number,
 1004 the applicant's Florida sales tax registration number, and a
 1005 ~~notarized~~ signature of an officer of the applicant.

1006 2. The permanent location of the manufacturing,
 1007 assembling, fabricating, research, development, or design
 1008 facility in this state at which the project is or is to be
 1009 located.

1010 3. The Department of Defense contract numbers of the
 1011 contract to be consolidated, the new Department of Defense
 1012 contract number, or the "RFP" number of a proposed Department of
 1013 Defense contract.

1014 4. The date the contract was executed or is expected to be
 1015 executed, and the date the contract is due to expire or is
 1016 expected to expire.

1017 5. The commencement date for project operations under the
 1018 contract in this state.

1019 6. The number of net new full-time equivalent Florida jobs
 1020 included in the project as of December 31 of each year and the
 1021 average wage of such jobs.

1022 7. The total number of full-time equivalent employees
 1023 employed by the applicant in this state.

1024 8. The percentage of the applicant's gross receipts
 1025 derived from Department of Defense contracts during the 5

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1026 taxable years immediately preceding the date the application is
 1027 submitted.

1028 9. The number of full-time equivalent jobs in this state
 1029 to be retained by the project.

1030 ~~10. The estimated amount of tax refunds to be claimed for~~
 1031 ~~each fiscal year.~~

1032 10.11. A brief statement concerning the applicant's need
 1033 for tax refunds, and the proposed uses of such refunds by the
 1034 applicant.

1035 11.12. A resolution adopted by the governing board ~~county~~
 1036 ~~commissioners~~ of the county or municipality in which the project
 1037 will be located, which recommends the applicant be approved as a
 1038 qualified applicant, and which indicates that the necessary
 1039 commitments of local financial support for the applicant exist.
 1040 Prior to the adoption of the resolution, the county commission
 1041 may review the proposed public or private sources of such
 1042 support and determine whether the proposed sources of local
 1043 financial support can be provided or, for any applicant whose
 1044 project is located in a county designated by the Rural Economic
 1045 Development Initiative, a resolution adopted by the county
 1046 commissioners of such county requesting that the applicant's
 1047 project be exempt from the local financial support requirement.

1048 12.13. Any additional information requested by the office.

1049 (c) Applications for certification based on the conversion
 1050 of defense production jobs to nondefense production jobs must be
 1051 submitted to the office as prescribed by the office and must
 1052 include, but are not limited to, the following information:

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1053 1. The applicant's federal employer identification number,
 1054 the applicant's Florida sales tax registration number, and a
 1055 ~~notarized~~ signature of an officer of the applicant.

1056 2. The permanent location of the manufacturing,
 1057 assembling, fabricating, research, development, or design
 1058 facility in this state at which the project is or is to be
 1059 located.

1060 3. The Department of Defense contract numbers of the
 1061 contract under which the defense production jobs will be
 1062 converted to nondefense production jobs.

1063 4. The date the contract was executed, and the date the
 1064 contract is due to expire or is expected to expire, or was
 1065 canceled.

1066 5. The commencement date for the nondefense production
 1067 operations in this state.

1068 6. The number of net new full-time equivalent Florida jobs
 1069 included in the nondefense production project as of December 31
 1070 of each year and the average wage of such jobs.

1071 7. The total number of full-time equivalent employees
 1072 employed by the applicant in this state.

1073 8. The percentage of the applicant's gross receipts
 1074 derived from Department of Defense contracts during the 5
 1075 taxable years immediately preceding the date the application is
 1076 submitted.

1077 9. The number of full-time equivalent jobs in this state
 1078 to be retained by the project.

1079 ~~10. The estimated amount of tax refunds to be claimed for~~
 1080 ~~each fiscal year.~~

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1081 ~~10.11.~~ A brief statement concerning the applicant's need
 1082 for tax refunds, and the proposed uses of such refunds by the
 1083 applicant.

1084 ~~11.12.~~ A resolution adopted by the governing board ~~county~~
 1085 ~~commissioners~~ of the county or municipality in which the project
 1086 will be located, which recommends the applicant be approved as a
 1087 qualified applicant, and which indicates that the necessary
 1088 commitments of local financial support for the applicant exist.
 1089 Prior to the adoption of the resolution, the county commission
 1090 may review the proposed public or private sources of such
 1091 support and determine whether the proposed sources of local
 1092 financial support can be provided or, for any applicant whose
 1093 project is located in a county designated by the Rural Economic
 1094 Development Initiative, a resolution adopted by the county
 1095 commissioners of such county requesting that the applicant's
 1096 project be exempt from the local financial support requirement.

1097 ~~12.13.~~ Any additional information requested by the office.

1098 (d) Applications for certification based on a contract for
 1099 reuse of a defense-related facility must be submitted to the
 1100 office as prescribed by the office and must include, but are not
 1101 limited to, the following information:

1102 1. The applicant's Florida sales tax registration number
 1103 and a ~~notarized~~ signature of an officer of the applicant.

1104 2. The permanent location of the manufacturing,
 1105 assembling, fabricating, research, development, or design
 1106 facility in this state at which the project is or is to be
 1107 located.

1108 3. The business entity holding a valid Department of
 1109 Defense contract or branch of the Armed Forces of the United
 1110 States that previously occupied the facility, and the date such
 1111 entity last occupied the facility.

1112 4. A copy of the contract to reuse the facility, or such
 1113 alternative proof as may be prescribed by the office that the
 1114 applicant is seeking to contract for the reuse of such facility.

1115 5. The date the contract to reuse the facility was
 1116 executed or is expected to be executed, and the date the
 1117 contract is due to expire or is expected to expire.

1118 6. The commencement date for project operations under the
 1119 contract in this state.

1120 7. The number of net new full-time equivalent Florida jobs
 1121 included in the project as of December 31 of each year and the
 1122 average wage of such jobs.

1123 8. The total number of full-time equivalent employees
 1124 employed by the applicant in this state.

1125 9. The number of full-time equivalent jobs in this state
 1126 to be retained by the project.

1127 ~~10. The estimated amount of tax refunds to be claimed for~~
 1128 ~~each fiscal year.~~

1129 10.11. A brief statement concerning the applicant's need
 1130 for tax refunds, and the proposed uses of such refunds by the
 1131 applicant.

1132 11.12. A resolution adopted by the governing board ~~county~~
 1133 ~~commissioners~~ of the county or municipality in which the project
 1134 will be located, which recommends the applicant be approved as a
 1135 qualified applicant, and which indicates that the necessary

1136 commitments of local financial support for the applicant exist.
 1137 Prior to the adoption of the resolution, the county commission
 1138 may review the proposed public or private sources of such
 1139 support and determine whether the proposed sources of local
 1140 financial support can be provided or, for any applicant whose
 1141 project is located in a county designated by the Rural Economic
 1142 Development Initiative, a resolution adopted by the county
 1143 commissioners of such county requesting that the applicant's
 1144 project be exempt from the local financial support requirement.

1145 ~~12.13-~~ Any additional information requested by the office.

1146 (g) Applications shall be approved pursuant to s. 288.061.

1147 If appropriate, the director shall enter into a written
 1148 agreement with the qualified applicant pursuant to subsection
 1149 (4). ~~The office shall forward its written findings and~~
 1150 ~~evaluation on each application meeting the requirements of~~
 1151 ~~paragraphs (b) and (c), paragraphs (c) and (e), or paragraphs~~
 1152 ~~(d) and (e) to the director within 60 calendar days after~~
 1153 ~~receipt of a complete application. The office shall notify each~~
 1154 ~~applicant when its application is complete, and when the 60-day~~
 1155 ~~period begins. In its written report to the director, the office~~
 1156 ~~shall specifically address each of the factors specified in~~
 1157 ~~paragraph (f), and shall make a specific assessment with respect~~
 1158 ~~to the minimum requirements established in paragraph (e). The~~
 1159 ~~office shall include in its report projections of the tax~~
 1160 ~~refunds the applicant would be eligible to receive in each~~
 1161 ~~fiscal year based on the creation and maintenance of the net new~~
 1162 ~~Florida jobs specified in subparagraph (b)6., subparagraph~~

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1163 ~~(c)6., or subparagraph (d)7. as of December 31 of the preceding~~
 1164 ~~state fiscal year.~~

1165 ~~(h) Within 30 days after receipt of the office's findings~~
 1166 ~~and evaluation, the director shall issue a letter of~~
 1167 ~~certification which either approves or disapproves an~~
 1168 ~~application. The decision must be in writing and provide the~~
 1169 ~~justifications for either approval or disapproval. If~~
 1170 ~~appropriate, the director shall enter into a written agreement~~
 1171 ~~with the qualified applicant pursuant to subsection (4).~~

1172 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
 1173 CONTRACTOR.--

1174 (c) A tax refund may not be approved for any qualified
 1175 applicant unless local financial support has been paid to the
 1176 Economic Development Trust Fund for that refund. If the local
 1177 financial support is less than 20 percent of the approved tax
 1178 refund, the tax refund shall be reduced. The tax refund paid may
 1179 not exceed 5 times the local financial support received. Funding
 1180 from local sources includes tax abatement under s. 196.1995 or
 1181 the appraised market value of municipal or county land,
 1182 including any improvements or structures, conveyed or provided
 1183 at a discount through a sale or lease to that provided to a
 1184 qualified applicant. The amount of any tax refund for an
 1185 applicant approved under this section shall be reduced by the
 1186 amount of any such tax abatement granted or the value of the
 1187 land granted, including the value of any improvements or
 1188 structures;⁷ and the limitations in subsection (2) ~~and paragraph~~
 1189 ~~(3)(h)~~ shall be reduced by the amount of any such tax abatement
 1190 or the value of the land granted, including any improvements or

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1191 structures. A report listing all sources of the local financial
 1192 support shall be provided to the office when such support is
 1193 paid to the Economic Development Trust Fund.

1194 (6) ADMINISTRATION.--

1195 ~~(d) By December 1 of each year, the office shall submit a~~
 1196 ~~complete and detailed report to the Governor, the President of~~
 1197 ~~the Senate, and the Speaker of the House of Representatives of~~
 1198 ~~all tax refunds paid under this section, including analyses of~~
 1199 ~~benefits and costs, types of projects supported, employment and~~
 1200 ~~investment created, geographic distribution of tax refunds~~
 1201 ~~granted, and minority business participation. The report must~~
 1202 ~~indicate whether the moneys appropriated by the Legislature to~~
 1203 ~~the qualified applicant tax refund program were expended in a~~
 1204 ~~prudent, fiducially sound manner.~~

1205 (d)(e) Funds specifically appropriated for the tax refund
 1206 program under this section may not be used for any purpose other
 1207 than the payment of tax refunds authorized by this section.

1208 (8) EXPIRATION.--An applicant may not be certified as
 1209 qualified under this section after June 30, 2014 ~~2010~~. A tax
 1210 refund agreement existing on that date shall continue in effect
 1211 in accordance with its terms.

1212 Section 16. Section 288.106, Florida Statutes, is amended
 1213 to read:

1214 288.106 Tax refund program for qualified target industry
 1215 businesses.--

1216 (1) DEFINITIONS.--As used in this section:

1217 (a) "Account" means the Economic Development Incentives
 1218 Account within the Economic Development Trust Fund established
 1219 under s. 288.095.

1220 (b) "Average private sector wage in the area" means the
 1221 statewide private sector average wage or the average of all
 1222 private sector wages and salaries in the county or in the
 1223 standard metropolitan area in which the business is located.

1224 (c) "Business" means an employing unit, as defined in s.
 1225 443.036, which is registered for unemployment compensation
 1226 purposes with the state agency providing unemployment tax
 1227 collection services under contract with the Agency for Workforce
 1228 Innovation through an interagency agreement pursuant to s.
 1229 443.1316, or a subcategory or division of an employing unit
 1230 which is accepted by the state agency providing unemployment tax
 1231 collection services as a reporting unit.

1232 (d) "Corporate headquarters business" means an
 1233 international, national, or regional headquarters office of a
 1234 multinational or multistate business enterprise or national
 1235 trade association, whether separate from or connected with other
 1236 facilities used by such business.

1237 (e) "Office" means the Office of Tourism, Trade, and
 1238 Economic Development.

1239 (f) "Enterprise zone" means an area designated as an
 1240 enterprise zone pursuant to s. 290.0065.

1241 (g) "Expansion of an existing business" means the
 1242 expansion of an existing Florida business by or through
 1243 additions to real and personal property, resulting in a net

1244 increase in employment of not less than 10 percent at such
 1245 business.

1246 (h) "Fiscal year" means the fiscal year of the state.

1247 (i) "Jobs" means full-time equivalent positions, as that
 1248 term is consistent with terms used by the Agency for Workforce
 1249 Innovation and the United States Department of Labor for
 1250 purposes of unemployment compensation tax administration and
 1251 employment estimation, resulting directly from a project in this
 1252 state. The term does not include temporary construction jobs
 1253 involved with the construction of facilities for the project or
 1254 any jobs previously included in any application for tax refunds
 1255 under s. 288.1045 or this section.

1256 (j) "Local financial support" means funding from local
 1257 sources, public or private, which is paid to the Economic
 1258 Development Trust Fund and which is equal to 20 percent of the
 1259 annual tax refund for a qualified target industry business. A
 1260 qualified target industry business may not provide, directly or
 1261 indirectly, more than 5 percent of such funding in any fiscal
 1262 year. The sources of such funding may not include, directly or
 1263 indirectly, state funds appropriated from the General Revenue
 1264 Fund or any state trust fund, excluding tax revenues shared with
 1265 local governments pursuant to law.

1266 (k) "Local financial support exemption option" means the
 1267 option to exercise an exemption from the local financial support
 1268 requirement available to any applicant whose project is located
 1269 in a brownfield area or a county with a population of 75,000 or
 1270 fewer or a county with a population of 120,000 ~~100,000~~ or fewer
 1271 which is contiguous to a county with a population of 75,000 or

1272 fewer. Any applicant that exercises this option shall not be
 1273 eligible for more than 80 percent of the total tax refunds
 1274 allowed such applicant under this section.

1275 (l) "New business" means a business which heretofore did
 1276 not exist in this state, first beginning operations on a site
 1277 located in this state and clearly separate from any other
 1278 commercial or industrial operations owned by the same business.

1279 (m) "Project" means the creation of a new business or
 1280 expansion of an existing business.

1281 (n) "Director" means the Director of the Office of
 1282 Tourism, Trade, and Economic Development.

1283 (o) "Target industry business" means a corporate
 1284 headquarters business or any business that is engaged in one of
 1285 the target industries identified pursuant to the following
 1286 criteria developed by the office in consultation with Enterprise
 1287 Florida, Inc.:

1288 1. Future growth.--Industry forecasts should indicate
 1289 strong expectation for future growth in both employment and
 1290 output, according to the most recent available data. Special
 1291 consideration should be given to Florida's growing access to
 1292 international markets or to replacing imports.

1293 2. Stability.--The industry should not be subject to
 1294 periodic layoffs, whether due to seasonality or sensitivity to
 1295 volatile economic variables such as weather. The industry should
 1296 also be relatively resistant to recession, so that the demand
 1297 for products of this industry is not necessarily subject to
 1298 decline during an economic downturn.

1299 3. High wage.--The industry should pay relatively high
1300 wages compared to statewide or area averages.

1301 4. Market and resource independent.--The location of
1302 industry businesses should not be dependent on Florida markets
1303 or resources as indicated by industry analysis except when the
1304 product replaces an imported, nonrenewable energy fuel source or
1305 except when using a renewable resource in the production of
1306 alternative energy. Special consideration should be given to the
1307 development of strong industrial clusters which include defense
1308 and homeland security businesses.

1309 5. Industrial base diversification and strengthening.--The
1310 industry should contribute toward expanding or diversifying the
1311 state's or area's economic base, as indicated by analysis of
1312 employment and output shares compared to national and regional
1313 trends. Special consideration should be given to industries that
1314 strengthen regional economies by adding value to basic products
1315 or building regional industrial clusters as indicated by
1316 industry analysis.

1317 6. Economic benefits.--The industry should have strong
1318 positive impacts on or benefits to the state and regional
1319 economies.

1320
1321 The office, in consultation with Enterprise Florida, Inc., shall
1322 develop a list of such target industries annually and submit
1323 such list as part of the final agency legislative budget request
1324 submitted pursuant to s. 216.023(1). A target industry business
1325 may not include any industry engaged in retail activities; any
1326 electrical utility company; any phosphate or other solid

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1327 minerals severance, mining, or processing operation; any oil or
 1328 gas exploration or production operation except when the product
 1329 replaces an imported, nonrenewable energy fuel source; or any
 1330 firm subject to regulation by the Division of Hotels and
 1331 Restaurants of the Department of Business and Professional
 1332 Regulation.

1333 (p) "Taxable year" means taxable year as defined in s.
 1334 220.03(1)(y).

1335 (q) "Qualified target industry business" means a target
 1336 industry business that has been approved by the director to be
 1337 eligible for tax refunds pursuant to this section.

1338 (r) "Rural county" means a county with a population of
 1339 75,000 or fewer or a county with a population of 120,000 ~~100,000~~
 1340 or fewer which is contiguous to a county with a population of
 1341 75,000 or fewer.

1342 (s) "Rural city" means a city with a population of 10,000
 1343 or less, or a city with a population of greater than 10,000 but
 1344 less than 20,000 which has been determined by the Office of
 1345 Tourism, Trade, and Economic Development to have economic
 1346 characteristics such as, but not limited to, a significant
 1347 percentage of residents on public assistance, a significant
 1348 percentage of residents with income below the poverty level, or
 1349 a significant percentage of the city's employment base in
 1350 agriculture-related industries.

1351 (t) "Rural community" means:

1352 1. A county with a population of 75,000 or less.

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1353 2. A county with a population of 120,000 ~~±00,000~~ or less
 1354 that is contiguous to a county with a population of 75,000 or
 1355 less.

1356 3. A municipality within a county described in
 1357 subparagraph 1. or subparagraph 2.

1358
 1359 For purposes of this paragraph, population shall be determined
 1360 in accordance with the most recent official estimate pursuant to
 1361 s. 186.901.

1362 (u) "Authorized local economic development agency" means
 1363 any public or private entity, including those defined in s.
 1364 288.075, authorized by a county or municipality to promote the
 1365 general business or industrial interests of that county or
 1366 municipality.

1367 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

1368 (a) There shall be allowed, from the account, a refund to
 1369 a qualified target industry business for the amount of eligible
 1370 taxes certified by the director which were paid by such
 1371 business. The total amount of refunds for all fiscal years for
 1372 each qualified target industry business must be determined
 1373 pursuant to subsection (3). The annual amount of a refund to a
 1374 qualified target industry business must be determined pursuant
 1375 to subsection (5).

1376 (b) Upon approval by the director, a qualified target
 1377 industry business shall be allowed tax refund payments equal to
 1378 \$3,000 times the number of jobs specified in the tax refund
 1379 agreement under subparagraph (4) (a)1., or equal to \$6,000 times
 1380 the number of jobs if the project is located in a rural county

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1381 or an enterprise zone. Further, a qualified target industry
1382 business shall be allowed additional tax refund payments equal
1383 to \$1,000 times the number of jobs specified in the tax refund
1384 agreement under subparagraph (4)(a)1., if such jobs pay an
1385 annual average wage of at least 150 percent of the average
1386 private sector wage in the area, or equal to \$2,000 times the
1387 number of jobs if such jobs pay an annual average wage of at
1388 least 200 percent of the average private sector wage in the
1389 area. A qualified target industry business may not receive
1390 refund payments of more than 25 percent of the total tax refunds
1391 specified in the tax refund agreement under subparagraph
1392 (4)(a)1. in any fiscal year. Further, a qualified target
1393 industry business may not receive more than \$1.5 million in
1394 refunds under this section in any single fiscal year, or more
1395 than \$2.5 million in any single fiscal year if the project is
1396 located in an enterprise zone. A qualified target industry may
1397 not receive more than \$5 million in refund payments under this
1398 section in all fiscal years, or more than \$7.5 million if the
1399 project is located in an enterprise zone. Funds made available
1400 pursuant to this section may not be expended in connection with
1401 the relocation of a business from one community to another
1402 community in this state unless the Office of Tourism, Trade, and
1403 Economic Development determines that without such relocation the
1404 business will move outside this state or determines that the
1405 business has a compelling economic rationale for the relocation
1406 and that the relocation will create additional jobs.

1407 (c) After entering into a tax refund agreement under
1408 subsection (4), a qualified target industry business may:

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1409 1. Receive refunds from the account for the following
 1410 taxes due and paid by that business beginning with the first
 1411 taxable year of the business which begins after entering into
 1412 the agreement:

1413 a. Corporate income taxes under chapter 220.
 1414 b. Insurance premium tax under s. 624.509.

1415 2. Receive refunds from the account for the following
 1416 taxes due and paid by that business after entering into the
 1417 agreement:

1418 a. Taxes on sales, use, and other transactions under
 1419 chapter 212.
 1420 b. Intangible personal property taxes under chapter 199.
 1421 c. Emergency excise taxes under chapter 221.
 1422 d. Excise taxes on documents under chapter 201.
 1423 e. Ad valorem taxes paid, as defined in s. 220.03(1).
 1424 f. State communications services taxes administered under
 1425 chapter 202. This provision does not apply to the gross receipts
 1426 tax imposed under chapter 203 and administered under chapter 202
 1427 or the local communications services tax authorized under s.
 1428 202.19.
 1429

1430 The addition of state communications services taxes administered
 1431 under chapter 202 is remedial in nature and retroactive to
 1432 October 1, 2001. The office may make supplemental tax refund
 1433 payments to allow for tax refunds for communications services
 1434 taxes paid by an eligible qualified target industry business
 1435 after October 1, 2001.

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1436 (d) However, a qualified target industry business may not
 1437 receive a refund under this section for any amount of credit,
 1438 refund, or exemption granted to that business for any of such
 1439 taxes. If a refund for such taxes is provided by the office,
 1440 which taxes are subsequently adjusted by the application of any
 1441 credit, refund, or exemption granted to the qualified target
 1442 industry business other than as provided in this section, the
 1443 business shall reimburse the account for the amount of that
 1444 credit, refund, or exemption. A qualified target industry
 1445 business shall notify and tender payment to the office within 20
 1446 days after receiving any credit, refund, or exemption other than
 1447 one provided in this section.

1448 (e) A qualified target industry business that fraudulently
 1449 claims a refund under this section:

1450 1. Is liable for repayment of the amount of the refund to
 1451 the account, plus a mandatory penalty in the amount of 200
 1452 percent of the tax refund which shall be deposited into the
 1453 General Revenue Fund.

1454 2. Is guilty of a felony of the third degree, punishable
 1455 as provided in s. 775.082, s. 775.083, or s. 775.084.

1456 (3) APPLICATION AND APPROVAL PROCESS.--

1457 (a) To apply for certification as a qualified target
 1458 industry business under this section, the business must file an
 1459 application with the office before the business has made the
 1460 decision to locate a new business in this state or before the
 1461 business had made the decision to expand an existing business in
 1462 this state. The application shall include, but is not limited
 1463 to, the following information:

- 1464 1. The applicant's federal employer identification number
 1465 and the applicant's state sales tax registration number.
- 1466 2. The permanent location of the applicant's facility in
 1467 this state at which the project is or is to be located.
- 1468 3. A description of the type of business activity or
 1469 product covered by the project, including a minimum of a four-
 1470 digit NAICS ~~SIC codes~~ for all activities included in the
 1471 project.
- 1472 4. The number of net new full-time equivalent Florida jobs
 1473 at the qualified target industry business as of December 31 of
 1474 each year included in the project and the average wage of those
 1475 jobs. If more than one type of business activity or product is
 1476 included in the project, the number of jobs and average wage for
 1477 those jobs must be separately stated for each type of business
 1478 activity or product.
- 1479 5. The total number of full-time equivalent employees
 1480 employed by the applicant in this state.
- 1481 6. The anticipated commencement date of the project.
- 1482 7. A brief statement concerning the role that the tax
 1483 refunds requested will play in the decision of the applicant to
 1484 locate or expand in this state.
- 1485 8. An estimate of the proportion of the sales resulting
 1486 from the project that will be made outside this state.
- 1487 9. A resolution adopted by the governing board of the
 1488 county or municipality in which the project will be located,
 1489 which resolution recommends that certain types of businesses be
 1490 approved as a qualified target industry business and states that
 1491 the commitments of local financial support necessary for the

1492 target industry business exist. In advance of the passage of
 1493 such resolution, the office may also accept an official letter
 1494 from an authorized local economic development agency that
 1495 endorses the proposed target industry project and pledges that
 1496 sources of local financial support for such project exist. For
 1497 the purposes of making pledges of local financial support under
 1498 this subsection, the authorized local economic development
 1499 agency shall be officially designated by the passage of a one-
 1500 time resolution by the local governing authority.

1501 10. Any additional information requested by the office.

1502 (b) To qualify for review by the office, the application
 1503 of a target industry business must, at a minimum, establish the
 1504 following to the satisfaction of the office:

1505 1. The jobs proposed to be provided under the application,
 1506 pursuant to subparagraph (a)4., must pay an estimated annual
 1507 average wage equaling at least 115 percent of the average
 1508 private sector wage in the area where the business is to be
 1509 located or the statewide private sector average wage. In
 1510 determining the average annual wage, the office shall only
 1511 include new proposed jobs, and wages for existing jobs shall be
 1512 excluded from this calculation. The office may waive this
 1513 average wage requirement at the request of the local governing
 1514 body recommending the project and Enterprise Florida, Inc. The
 1515 wage requirement may only be waived for a project located in a
 1516 brownfield area designated under s. 376.80 or in a rural city or
 1517 county or in an enterprise zone and only when the merits of the
 1518 individual project or the specific circumstances in the
 1519 community in relationship to the project warrant such action. If

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1520 the local governing body and Enterprise Florida, Inc., make such
1521 a recommendation, it must be transmitted in writing and the
1522 specific justification for the waiver recommendation must be
1523 explained. If the director elects to waive the wage requirement,
1524 the waiver must be stated in writing and the reasons for
1525 granting the waiver must be explained.

1526 2. The target industry business's project must result in
1527 the creation of at least 10 jobs at such project and, if an
1528 expansion of an existing business, must result in a net increase
1529 in employment of not less than 10 percent at such business.
1530 Notwithstanding the definition of the term "expansion of an
1531 existing business" in paragraph (1)(g), at the request of the
1532 local governing body recommending the project and Enterprise
1533 Florida, Inc., the office may define an "expansion of an
1534 existing business" in a rural community or an enterprise zone as
1535 the expansion of a business resulting in a net increase in
1536 employment of less than 10 percent at such business if the
1537 merits of the individual project or the specific circumstances
1538 in the community in relationship to the project warrant such
1539 action. If the local governing body and Enterprise Florida,
1540 Inc., make such a request, it must be transmitted in writing and
1541 the specific justification for the request must be explained. If
1542 the director elects to grant such request, such election must be
1543 stated in writing and the reason for granting the request must
1544 be explained.

1545 3. The business activity or product for the applicant's
1546 project is within an industry or industries that have been
1547 identified by the office to be high-value-added industries that

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1548 contribute to the area and to the economic growth of the state
1549 and that produce a higher standard of living for citizens of
1550 this state in the new global economy or that can be shown to
1551 make an equivalent contribution to the area and state's economic
1552 progress. The director must approve requests to waive the wage
1553 requirement for brownfield areas designated under s. 376.80
1554 unless it is demonstrated that such action is not in the public
1555 interest.

1556 (c) Each application meeting the requirements of paragraph
1557 (b) must be submitted to the office for determination of
1558 eligibility. The office shall review and evaluate each
1559 application based on, but not limited to, the following
1560 criteria:

1561 1. Expected contributions to the state strategic economic
1562 development plan adopted by Enterprise Florida, Inc., taking
1563 into account the long-term effects of the project and of the
1564 applicant on the state economy.

1565 2. The economic benefit of the jobs created by the project
1566 in this state, taking into account the cost and average wage of
1567 each job created.

1568 3. The amount of capital investment to be made by the
1569 applicant in this state.

1570 4. The local commitment and support for the project.

1571 5. The effect of the project on the local community,
1572 taking into account the unemployment rate for the county where
1573 the project will be located.

1574 6. The effect of any tax refunds granted pursuant to this
1575 section on the viability of the project and the probability that

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1576 the project will be undertaken in this state if such tax refunds
1577 are granted to the applicant, taking into account the expected
1578 long-term commitment of the applicant to economic growth and
1579 employment in this state.

1580 7. The expected long-term commitment to this state
1581 resulting from the project.

1582 8. A review of the business's past activities in this
1583 state or other states, including whether such business has been
1584 subjected to criminal or civil fines and penalties. Nothing in
1585 this subparagraph shall require the disclosure of confidential
1586 information.

1587 (d) Applications shall be approved pursuant to s. 288.061.
1588 ~~The office shall forward its written findings and evaluation~~
1589 ~~concerning each application meeting the requirements of~~
1590 ~~paragraph (b) to the director within 45 calendar days after~~
1591 ~~receipt of a complete application. The office shall notify each~~
1592 ~~target industry business when its application is complete, and~~
1593 ~~of the time when the 45 day period begins. In its written report~~
1594 ~~to the director, the office shall specifically address each of~~
1595 ~~the factors specified in paragraph (c) and shall make a specific~~
1596 ~~assessment with respect to the minimum requirements established~~
1597 ~~in paragraph (b).~~ The office shall include in its review report
1598 projections of the tax refunds the business would be eligible to
1599 receive in each fiscal year based on the creation and
1600 maintenance of the net new Florida jobs specified in
1601 subparagraph (a)4. as of December 31 of the preceding state
1602 fiscal year. If appropriate, the director shall enter into a

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1603 written agreement with the qualified target industry business
 1604 pursuant to subsection (4).

1605 ~~(e)1. Within 30 days after receipt of the office's~~
 1606 ~~findings and evaluation, the director shall issue a letter of~~
 1607 ~~certification that either approves or disapproves the~~
 1608 ~~application of the target industry business. The decision must~~
 1609 ~~be in writing and must provide the justifications for approval~~
 1610 ~~or disapproval.~~

1611 ~~2. If appropriate, the director shall enter into a written~~
 1612 ~~agreement with the qualified target industry business pursuant~~
 1613 ~~to subsection (4).~~

1614 (e)~~(f)~~ The director may not certify any target industry
 1615 business as a qualified target industry business if the value of
 1616 tax refunds to be included in that letter of certification
 1617 exceeds the available amount of authority to certify new
 1618 businesses as determined in s. 288.095(3). However, if the
 1619 commitments of local financial support represent less than 20
 1620 percent of the eligible tax refund payments, or to otherwise
 1621 preserve the viability and fiscal integrity of the program, the
 1622 director may certify a qualified target industry business to
 1623 receive tax refund payments of less than the allowable amounts
 1624 specified in paragraph (2)(b). A letter of certification that
 1625 approves an application must specify the maximum amount of tax
 1626 refund that will be available to the qualified industry business
 1627 in each fiscal year and the total amount of tax refunds that
 1628 will be available to the business for all fiscal years.

1629 (f)~~(g)~~ Nothing in this section shall create a presumption
 1630 that an applicant will receive any tax refunds under this

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1631 section. However, the office may issue nonbinding opinion
1632 letters, upon the request of prospective applicants, as to the
1633 applicants' eligibility and the potential amount of refunds.

1634 (4) TAX REFUND AGREEMENT.--

1635 (a) Each qualified target industry business must enter
1636 into a written agreement with the office which specifies, at a
1637 minimum:

1638 1. The total number of full-time equivalent jobs in this
1639 state that will be dedicated to the project, the average wage of
1640 those jobs, the definitions that will apply for measuring the
1641 achievement of these terms during the pendency of the agreement,
1642 and a time schedule or plan for when such jobs will be in place
1643 and active in this state.

1644 2. The maximum amount of tax refunds which the qualified
1645 target industry business is eligible to receive on the project
1646 and the maximum amount of a tax refund that the qualified target
1647 industry business is eligible to receive for each fiscal year,
1648 based on the job creation and maintenance schedule specified in
1649 subparagraph 1.

1650 3. That the office may review and verify the financial and
1651 personnel records of the qualified target industry business to
1652 ascertain whether that business is in compliance with this
1653 section.

1654 4. The date by which, in each fiscal year, the qualified
1655 target industry business may file a claim under subsection (5)
1656 to be considered to receive a tax refund in the following fiscal
1657 year.

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1658 5. That local financial support will be annually available
1659 and will be paid to the account. The director may not enter into
1660 a written agreement with a qualified target industry business if
1661 the local financial support resolution is not passed by the
1662 local governing authority within 90 days after he or she has
1663 issued the letter of certification under subsection (3).

1664 (b) Compliance with the terms and conditions of the
1665 agreement is a condition precedent for the receipt of a tax
1666 refund each year. The failure to comply with the terms and
1667 conditions of the tax refund agreement results in the loss of
1668 eligibility for receipt of all tax refunds previously authorized
1669 under this section and the revocation by the director of the
1670 certification of the business entity as a qualified target
1671 industry business, unless the business is eligible to receive
1672 and elects to accept a prorated refund under paragraph (5)(d) or
1673 the office grants the business an economic-stimulus exemption.

1674 1. A qualified target industry business may submit, in
1675 writing, a request to the office for an economic-stimulus
1676 exemption. The request must provide quantitative evidence
1677 demonstrating how negative economic conditions in the business's
1678 industry, the effects of the impact of a named hurricane or
1679 tropical storm, or specific acts of terrorism affecting the
1680 qualified target industry business have prevented the business
1681 from complying with the terms and conditions of its tax refund
1682 agreement.

1683 2. Upon receipt of a request under subparagraph 1., the
1684 director shall have 45 days to notify the requesting business,
1685 in writing, if its exemption has been granted or denied. In

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1686 determining if an exemption should be granted, the director
 1687 shall consider the extent to which negative economic conditions
 1688 ~~in the requesting business's industry, the effects of the impact~~
 1689 ~~of a named hurricane or tropical storm, or specific acts of~~
 1690 ~~terrorism affecting the qualified target industry business~~ have
 1691 prevented the business from complying with the terms and
 1692 conditions of its tax refund agreement.

1693 3. As a condition for receiving a prorated refund under
 1694 paragraph (5)(d) or an economic-stimulus exemption under this
 1695 paragraph, a qualified target industry business must agree to
 1696 renegotiate its tax refund agreement with the office to, at a
 1697 minimum, ensure that the terms of the agreement comply with
 1698 current law and office procedures governing application for and
 1699 award of tax refunds. Upon approving the award of a prorated
 1700 refund or granting an economic-stimulus exemption, the office
 1701 shall renegotiate the tax refund agreement with the business as
 1702 required by this subparagraph. When amending the agreement of a
 1703 business receiving an economic-stimulus exemption, the office
 1704 may extend the duration of the agreement for a period not to
 1705 exceed 2 years.

1706 4. A qualified target industry business may submit a
 1707 request for an economic-stimulus exemption to the office in lieu
 1708 of any tax refund claim scheduled to be submitted after January
 1709 1, 2008 ~~2005~~, but before July 1, 2009 ~~2006~~.

1710 5. A qualified target industry business that receives an
 1711 economic-stimulus exemption may not receive a tax refund for the
 1712 period covered by the exemption.

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1713 (c) The agreement must be signed by the director and by an
1714 authorized officer of the qualified target industry business
1715 within 120 days after the issuance of the letter of
1716 certification under subsection (3), but not before passage and
1717 receipt of the resolution of local financial support. The office
1718 may grant an extension of this period at the written request of
1719 the qualified target industry business.

1720 (d) The agreement must contain the following legend,
1721 clearly printed on its face in bold type of not less than 10
1722 points in size: "This agreement is neither a general obligation
1723 of the State of Florida, nor is it backed by the full faith and
1724 credit of the State of Florida. Payment of tax refunds are
1725 conditioned on and subject to specific annual appropriations by
1726 the Florida Legislature of moneys sufficient to pay amounts
1727 authorized in section 288.106, Florida Statutes."

1728 (5) ANNUAL CLAIM FOR REFUND.--

1729 (a) To be eligible to claim any scheduled tax refund, a
1730 qualified target industry business that has entered into a tax
1731 refund agreement with the office under subsection (4) must apply
1732 by January 31 of each fiscal year to the office for the tax
1733 refund scheduled to be paid from the appropriation for the
1734 fiscal year that begins on July 1 following the January 31
1735 claims-submission date. The office may, upon written request,
1736 grant a 30-day extension of the filing date.

1737 (b) The claim for refund by the qualified target industry
1738 business must include a copy of all receipts pertaining to the
1739 payment of taxes for which the refund is sought and data related
1740 to achievement of each performance item specified in the tax

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1741 refund agreement. The amount requested as a tax refund may not
 1742 exceed the amount specified for the relevant fiscal year in that
 1743 agreement.

1744 (c) A tax refund may not be approved for a qualified
 1745 target industry business unless the required local financial
 1746 support has been paid into the account for that refund. If the
 1747 local financial support provided is less than 20 percent of the
 1748 approved tax refund, the tax refund must be reduced. In no event
 1749 may the tax refund exceed an amount that is equal to 5 times the
 1750 amount of the local financial support received. Further, funding
 1751 from local sources includes any tax abatement granted to that
 1752 business under s. 196.1995 or the appraised market value of
 1753 municipal or county land conveyed or provided at a discount to
 1754 that business. The amount of any tax refund for such business
 1755 approved under this section must be reduced by the amount of any
 1756 such tax abatement granted or the value of the land granted; and
 1757 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
 1758 be reduced by the amount of any such tax abatement or the value
 1759 of the land granted. A report listing all sources of the local
 1760 financial support shall be provided to the office when such
 1761 support is paid to the account.

1762 (d) A prorated tax refund, less a 5-percent penalty, shall
 1763 be approved for a qualified target industry business provided
 1764 all other applicable requirements have been satisfied and the
 1765 business proves to the satisfaction of the director that it has
 1766 achieved at least 80 percent of its projected employment and
 1767 that the average wage paid by the business is at least 90
 1768 percent of the average wage specified in the tax refund

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1769 agreement, but in no case less than 115 percent of the average
 1770 private sector wage in the area available at the time of
 1771 certification, or 150 percent or 200 percent of the average
 1772 private sector wage if the business requested the additional
 1773 per-job tax refund authorized in paragraph (2)(b) for wages
 1774 above those levels. The prorated tax refund shall be calculated
 1775 by multiplying the tax refund amount for which the qualified
 1776 target industry business would have been eligible, if all
 1777 applicable requirements had been satisfied, by the percentage of
 1778 the average employment specified in the tax refund agreement
 1779 which was achieved, and by the percentage of the average wages
 1780 specified in the tax refund agreement which was achieved.

1781 (e) The director, with such assistance as may be required
 1782 from the office, the Department of Revenue, or the Agency for
 1783 Workforce Innovation, shall, by June 30 following the scheduled
 1784 date for submission of the tax refund claim, specify by written
 1785 order the approval or disapproval of the tax refund claim and,
 1786 if approved, the amount of the tax refund that is authorized to
 1787 be paid to the qualified target industry business for the annual
 1788 tax refund. The office may grant an extension of this date on
 1789 the request of the qualified target industry business for the
 1790 purpose of filing additional information in support of the
 1791 claim.

1792 (f) The total amount of tax refund claims approved by the
 1793 director under this section in any fiscal year must not exceed
 1794 the amount authorized under s. 288.095(3).

1795 (g) This section does not create a presumption that a tax
 1796 refund claim will be approved and paid.

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1797 (h) Upon approval of the tax refund under paragraphs (c),
 1798 (d), and (e), the Chief Financial Officer shall issue a warrant
 1799 for the amount specified in the written order. If the written
 1800 order is appealed, the Chief Financial Officer may not issue a
 1801 warrant for a refund to the qualified target industry business
 1802 until the conclusion of all appeals of that order.

1803 (6) ADMINISTRATION.--

1804 (a) The office is authorized to verify information
 1805 provided in any claim submitted for tax credits under this
 1806 section with regard to employment and wage levels or the payment
 1807 of the taxes to the appropriate agency or authority, including
 1808 the Department of Revenue, the Agency for Workforce Innovation,
 1809 or any local government or authority.

1810 (b) To facilitate the process of monitoring and auditing
 1811 applications made under this program, the office may provide a
 1812 list of qualified target industry businesses to the Department
 1813 of Revenue, to the Agency for Workforce Innovation, or to any
 1814 local government or authority. The office may request the
 1815 assistance of those entities with respect to monitoring jobs,
 1816 wages, and the payment of the taxes listed in subsection (2).

1817 (c) Funds specifically appropriated for the tax refund
 1818 program for qualified target industry businesses may not be used
 1819 for any purpose other than the payment of tax refunds authorized
 1820 by this section.

1821 (7) Notwithstanding paragraphs (4)(a) and (5)(c), the
 1822 office may approve a waiver of the local financial support
 1823 requirement for a business located in any of the following
 1824 counties in which businesses received emergency loans

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1825 administered by the office in response to the named hurricanes
 1826 of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,
 1827 Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,
 1828 Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,
 1829 Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A
 1830 waiver may be granted only if the office determines that the
 1831 local financial support cannot be provided or that doing so
 1832 would effect a demonstrable hardship on the unit of local
 1833 government providing the local financial support. If the office
 1834 grants a waiver of the local financial support requirement, the
 1835 state shall pay 100 percent of the refund due to an eligible
 1836 business. The waiver shall apply for tax refund applications
 1837 made for fiscal years 2004-2005, 2005-2006, and 2006-2007.

1838 ~~(8) EXPIRATION. An applicant may not be certified as~~
 1839 ~~qualified under this section after June 30, 2010. A tax refund~~
 1840 ~~agreement existing on that date shall continue in effect in~~
 1841 ~~accordance with its terms.~~

1842 Section 17. Subsection (3) and paragraph (f) of subsection
 1843 (4) of section 288.107, Florida Statutes, are amended to read:

1844 288.107 Brownfield redevelopment bonus refunds.--

1845 (3) CRITERIA.--The minimum criteria for participation in
 1846 the brownfield redevelopment bonus refund are:

1847 (a) The creation of at least 10 new full-time permanent
 1848 jobs. Such jobs shall not include construction or site
 1849 rehabilitation jobs associated with the implementation of a
 1850 brownfield site agreement as described in s. 376.80(5).

1851 (b) The completion of a fixed capital investment of at
 1852 least \$2 million in mixed-use business activities, including

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1853 multiunit housing, commercial, retail, and industrial in
 1854 brownfield areas, by an eligible business applying for a refund
 1855 under paragraph (2)(b) which provides benefits to its employees.

1856 (c) That the designation as a brownfield will diversify
 1857 and strengthen the economy of the area surrounding the site.

1858 (d) That the designation as a brownfield will promote
 1859 capital investment in the area beyond that contemplated for the
 1860 rehabilitation of the site.

1861 (e) A resolution adopted by the governing board of the
 1862 county or municipality in which the project will be located that
 1863 recommends that certain types of businesses be approved.

1864 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

1865 (f) Applications shall be reviewed pursuant to s. 288.106.

1866 The office shall review all applications submitted under s.
 1867 288.106 or other similar application forms for other eligible
 1868 businesses as defined in paragraph (1)(e) which indicate that
 1869 the proposed project will be located in a brownfield and
 1870 determine, with the assistance of the Department of
 1871 Environmental Protection, that the project location is within a
 1872 brownfield as provided in this act.

1873 Section 18. Paragraphs (b) and (c) of subsection (5) and
 1874 subsection (7) of section 288.108, Florida Statutes, are
 1875 amended, to read:

1876 288.108 High-impact business.--

1877 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT
 1878 AGREEMENT.--

1879 (b) Applications shall be reviewed pursuant to s. 288.106.
 1880 ~~Enterprise Florida, Inc., shall review each submitted~~

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1881 ~~application and inform the applicant business whether or not its~~
1882 ~~application is complete within 10 working days. Once the~~
1883 ~~application is deemed complete, Enterprise Florida, Inc., has 10~~
1884 ~~working days within which to evaluate the application and~~
1885 ~~recommend approval or disapproval of the application to the~~
1886 ~~director. In recommending an applicant business for approval,~~
1887 ~~Enterprise Florida, Inc., shall include a recommended grant~~
1888 ~~award amount in its evaluation forwarded to the office.~~

1889 ~~(c) Upon receipt of the evaluation and recommendation of~~
1890 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1891 ~~enter a final order that either approves or disapproves an~~
1892 ~~applicant business as a qualified high impact business facility,~~
1893 ~~unless the business requests an extension of the time. The final~~
1894 ~~order shall specify the total amount of the qualified high-~~
1895 ~~impact business facility performance grant award, the~~
1896 ~~performance conditions that must be met to obtain the award, and~~
1897 ~~the schedule for payment of the performance grant.~~

1898 ~~(7) REPORTING. The office shall by December 1 of each~~
1899 ~~year issue a complete and detailed report of all designated~~
1900 ~~high impact sectors, all applications received and their~~
1901 ~~disposition, all final orders issued, and all payments made,~~
1902 ~~including analyses of benefits and costs, types of projects~~
1903 ~~supported, and employment and investments created. The report~~
1904 ~~shall be submitted to the Governor, the President of the Senate,~~
1905 ~~and the Speaker of the House of Representatives.~~

1906 Section 19. Paragraphs (a) and (b) of subsection (3) of
1907 section 288.1088, Florida Statutes, are amended to read:

1908 288.1088 Quick Action Closing Fund.--

1909 (3) (a) Enterprise Florida, Inc., shall review applications
 1910 pursuant to s. 288.061(1) and determine eligibility of each
 1911 project consistent with the criteria in subsection (2).
 1912 Enterprise Florida, Inc., in consultation with the Office of
 1913 Tourism, Trade, and Economic Development, may waive these
 1914 criteria based on extraordinary circumstances or in rural areas
 1915 of critical economic concern if the project would significantly
 1916 benefit the local or regional economy. Enterprise Florida, Inc.,
 1917 shall evaluate individual proposals for high-impact business
 1918 facilities and forward recommendations regarding the use of
 1919 moneys in the fund for such facilities to the director of the
 1920 Office of Tourism, Trade, and Economic Development. Such
 1921 evaluation and recommendation must include, but need not be
 1922 limited to:

- 1923 1. A description of the type of facility or
 1924 infrastructure, its operations, and the associated product or
 1925 service associated with the facility.
- 1926 2. The number of full-time-equivalent jobs that will be
 1927 created by the facility and the total estimated average annual
 1928 wages of those jobs or, in the case of privately developed rural
 1929 infrastructure, the types of business activities and jobs
 1930 stimulated by the investment.
- 1931 3. The cumulative amount of investment to be dedicated to
 1932 the facility within a specified period.
- 1933 4. A statement of any special impacts the facility is
 1934 expected to stimulate in a particular business sector in the
 1935 state or regional economy or in the state's universities and
 1936 community colleges.

1937 5. A statement of the role the incentive is expected to
 1938 play in the decision of the applicant business to locate or
 1939 expand in this state or for the private investor to provide
 1940 critical rural infrastructure.

1941 6. A report evaluating the quality and value of the
 1942 company submitting a proposal. The report must include:

1943 a. A financial analysis of the company, including an
 1944 evaluation of the company's short-term liquidity ratio as
 1945 measured by its assets to liability, the company's profitability
 1946 ratio, and the company's long-term solvency as measured by its
 1947 debt-to-equity ratio;

1948 b. The historical market performance of the company;

1949 c. A review of any independent evaluations of the company;

1950 d. A review of the latest audit of the company's financial
 1951 statement and the related auditor's management letter; and

1952 e. A review of any other types of audits that are related
 1953 to the internal and management controls of the company.

1954 (b) Upon receipt of the evaluation and recommendation from
 1955 Enterprise Florida, Inc., the director shall recommend approval
 1956 or disapproval of a project for receipt of funds from the Quick
 1957 Action Closing Fund within 35 calendar days to the Governor. In
 1958 recommending a project, the director shall include proposed
 1959 performance conditions that the project must meet to obtain
 1960 incentive funds. The Governor shall provide the evaluation of
 1961 projects recommended for approval to the President of the Senate
 1962 and the Speaker of the House of Representatives and consult with
 1963 the President of the Senate and the Speaker of the House of
 1964 Representatives before giving final approval for a project. The

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1965 Executive Office of the Governor shall recommend approval of a
 1966 project and the release of funds pursuant to the legislative
 1967 consultation and review requirements set forth in s. 216.177.
 1968 The recommendation must include proposed performance conditions
 1969 that the project must meet in order to obtain funds.

1970 Section 20. Paragraph (d) of subsection (5) of section
 1971 288.1162, Florida Statutes, is amended to read:

1972 288.1162 Professional sports franchises; spring training
 1973 franchises; duties.--

1974 (5)

1975 (d) Funds may not be expended to subsidize privately owned
 1976 and maintained facilities for use by the spring training
 1977 franchise. Funds may be used to relocate a retained spring
 1978 training franchise to another unit of local government upon
 1979 approval of the Office of Tourism, Trade, and Economic
 1980 Development. The Office of Tourism, Trade, and Economic
 1981 Development shall establish criteria for use of the funds to
 1982 relocate a retained spring training franchise consistent with
 1983 the requirements of this section. Spring training franchises
 1984 eligible for a sales tax refund pursuant to s. 212.20 that
 1985 relocate from one Florida community to another shall receive no
 1986 more than 90 percent of the refund. The office may adopt rules
 1987 pursuant to ss. 120.536(1) and 120.54 to administer this section
 1988 ~~only if the existing unit of local government with the retained~~
 1989 ~~spring training franchise agrees to the relocation.~~

1990 Section 21. Subsection (8) is added to section 288.1254,
 1991 Florida Statutes, to read:

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1992 288.1254 Entertainment industry financial incentive
 1993 program.--
 1994 (8) REVERSION OF FUNDS; USE FOR FILM OR ARTS
 1995 FESTIVALS.--Notwithstanding any provision of s. 216.301 to the
 1996 contrary, funds appropriated for the purposes of implementing
 1997 this section shall not revert until the end of the second fiscal
 1998 year of the appropriation. Up to \$1.5 million of funds
 1999 appropriated in any fiscal year may be used for film or arts
 2000 festivals upon determination by the Office of Film and
 2001 Entertainment that such use is consistent with the overall
 2002 purposes of the entertainment industry financial incentive and
 2003 will generate significant regional or statewide return on
 2004 investment.

2005 Section 22. By December 31, 2008, The Office of Tourism,
 2006 Trade, and Economic Development shall develop a comprehensive
 2007 strategic plan including the use of financial resources for the
 2008 purpose of retaining the tradition of spring training in
 2009 Florida. This plan shall identify the financial impact spring
 2010 training has on the State of Florida and shall identify efforts
 2011 made by other states to organize their spring training efforts
 2012 and the effect of those efforts on Florida's relationship with
 2013 professional baseball.

2014 Section 23. Section 288.7102, Florida Statutes, is amended
 2015 to read:

2016 288.7102 Black Business Loan Program.--

2017 (1) The Black Business Loan Program is established in the
 2018 Office of Tourism, Trade, and Economic Development. Under the
 2019 program, the office shall annually certify eligible recipients

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2020 and subsequently disburse funds appropriated by the Legislature,
 2021 through such eligible recipients, to black business enterprises
 2022 that cannot obtain capital through conventional lending
 2023 institutions but that could otherwise compete successfully in
 2024 the private sector.

2025 (2)~~(1)~~ The office shall establish an ~~a uniform, open, and~~
 2026 ~~competitive~~ application and annual certification process for
 2027 entities seeking eligible recipients who seek funds to
 2028 participate in providing ~~provide~~ loans, loan guarantees, or
 2029 investments in black business enterprises pursuant to the
 2030 Florida Black Business Investment Act. The board shall receive
 2031 the applications and make recommendations for certification to
 2032 the office. The office shall processes all applications and
 2033 recertifications submitted by July 1 on or before September 30.

2034 (3)~~(2)~~ If the Black Business Loan Program is appropriated
 2035 any funding in a fiscal year, the office shall distribute an
 2036 equal amount of the appropriation, calculated as the total of
 2037 the program recipients certified on or before September 30 of
 2038 that fiscal year divided by such annual appropriation ~~The~~
 2039 ~~office, in consultation with the board, shall develop an~~
 2040 ~~allocation policy to ensure that services provided under ss.~~
 2041 ~~288.707 288.714 for the benefit of black business enterprises~~
 2042 ~~are disbursed equitably throughout the state. The board shall~~
 2043 ~~facilitate the formation of black business investment~~
 2044 ~~corporations in communities that are not served by such~~
 2045 ~~corporations.~~

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2046 (4)~~(3)~~ To be eligible to receive funds and provide loans,
 2047 loan guarantees, or investments under this section, a recipient
 2048 must:

2049 (a) Be a corporation registered in the state.

2050 (b) Demonstrate that its board of directors includes
 2051 citizens of the state experienced in the development of black
 2052 business enterprises.

2053 (c) Demonstrate that the recipient has a business plan
 2054 that allows the recipient to operate in a manner consistent with
 2055 ss. 288.707-288.714 and the rules of the office.

2056 (d) Demonstrate that the recipient has the technical
 2057 skills to analyze and evaluate applications by black business
 2058 enterprises for loans, loan guarantees, or investments.

2059 (e) Demonstrate that the recipient has established viable
 2060 partnerships with public and private funding sources, economic
 2061 development agencies, and workforce development and job referral
 2062 networks.

2063 (f) Demonstrate that the recipient can provide a private
 2064 match equal to 20 percent of the amount of funds provided by the
 2065 office.

2066 (g) Agree to maintain the recipient's books and records
 2067 relating to funds received by the office according to generally
 2068 accepted accounting principles and in accordance with the
 2069 requirements of s. 215.97(7) and to make those books and records
 2070 available to the office for inspection upon reasonable notice.

2071 (5)~~(4)~~ The board shall annually recommend to the office
 2072 certification of each eligible recipient, who must meet the
 2073 provisions of ss. 288.707-288.714, the terms of the contract

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2074 between the recipient and the office, and any other applicable
 2075 state or federal laws. An entity may not receive funds under ss.
 2076 288.707-288.714 unless the entity meets annual certification
 2077 requirements.

2078 (6)~~(5)~~ Upon approval by the office and prior to release of
 2079 the funds as provided in this section, the office shall issue a
 2080 letter certifying the applicant as qualified for an award. The
 2081 office and the applicant shall enter into an agreement that sets
 2082 forth the conditions for award of the funds. The agreement must
 2083 include the total amount of funds awarded; the performance
 2084 conditions that must be met once the funding has been awarded,
 2085 including, but not limited to, compliance with all of the
 2086 requirements of this section for eligible recipients of funds
 2087 under this section; and sanctions for failure to meet
 2088 performance conditions, including any provisions to recover
 2089 awards.

2090 (7)~~(6)~~(a) The office, in consultation with the board,
 2091 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
 2092 implement this section.

2093 (b) The board shall adopt policies and procedures
 2094 necessary to implement this section.

2095 (8)~~(7)~~ A black business investment corporation certified
 2096 by the office as an eligible recipient under this section is
 2097 authorized to use funds appropriated for the Black Business Loan
 2098 Program in any of the following forms:

2099 (a) Purchases of stock, preferred or common, voting or
 2100 nonvoting; however, no more than 40 percent of the funds may be
 2101 used for direct investments in black business enterprises;

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2102 (b) Loans or loan guarantees, with or without recourse, in
 2103 either a subordinated or priority position; or

2104 (c) Technical support to black business enterprises, not
 2105 to exceed 7 percent of the funds received, and direct
 2106 administrative costs, not to exceed 10 percent of the funds
 2107 received.

2108 (9)~~(8)~~ It is the intent of the Legislature that if any one
 2109 type of investment mechanism authorized in subsection (8) ~~(7)~~ is
 2110 held to be invalid, all other valid mechanisms remain available.

2111 (10)~~(9)~~ All loans, loan guarantees, and investments, and
 2112 any income related thereto, shall be used to carry out the
 2113 public purpose of ss. 288.707-288.714, which is to develop black
 2114 business enterprises. This subsection does not preclude a
 2115 reasonable profit for the participating black business
 2116 investment corporation or for return of equity developed to the
 2117 state and participating financial institutions upon any
 2118 distribution of the assets or excess income of the investment
 2119 corporation.

2120 Section 24. Subsection (2) of section 288.9624, Florida
 2121 Statutes, is amended to read:

2122 288.9624 Florida Opportunity Fund; creation; duties.--

2123 (2) Upon organization, the board shall conduct a national
 2124 solicitation for investment plan proposals from qualified
 2125 venture capital investment managers for the raising and
 2126 investing of capital by the Florida Opportunity Fund. Any
 2127 proposed investment plan must address the applicant's level of
 2128 experience, quality of management, investment philosophy and
 2129 process, provability of success in fundraising, prior investment

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2130 fund results, and plan for achieving the purposes of ss.
 2131 288.9621-288.9624. The board shall recommend ~~select~~ only venture
 2132 capital investment managers having demonstrated expertise in the
 2133 management of and investment in companies for final approval to
 2134 Enterprise Florida, Inc.

2135 Section 25. Subsection (7) is added to section 290.0055,
 2136 Florida Statutes, to read:

2137 290.0055 Local nominating procedure.--

2138 (7) The governing body of a jurisdiction that contains a
 2139 designated enterprise zone that is located entirely within a
 2140 state designated rural area of critical economic concern,
 2141 pursuant to s. 288.0656(7), may apply to the Office of Tourism,
 2142 Trade, and Economic Development to expand its boundaries by not
 2143 more than 3 square miles. The expansion must be continuous to an
 2144 existing enterprise zone boundary. Notwithstanding the area of
 2145 limitations found in subsection (4), the Office of Tourism,
 2146 Trade, and Economic Development may approve the boundary
 2147 amendment if the boundary change continues to satisfy the
 2148 requirements of paragraphs (6)(b) and (c).

2149 Section 26. Section 501.701, Florida Statutes, is created
 2150 to read:

2151 501.701 Business evaluations for consumer complaints.--

2152 (1) As used in this section, the term:

2153 (a) "Agency" means an agency as defined in s. 120.52.

2154 (b) "Business entity" means any form of a corporation,
 2155 partnership, association, cooperative, joint venture, business
 2156 trust, or sole proprietorship that conducts business in this
 2157 state and is registered with the Department of State.

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2158 (c) "Division" means the Division of Consumer Services in
2159 the Department of Agriculture and Consumer Services.

2160 (2) Any business entity that evaluates, ranks, or rates
2161 another business entity based on consumer complaints must
2162 disclose and publish the methodology of the evaluation and
2163 submit the findings to the business entity under review prior to
2164 public disclosure. Each business entity under review shall have
2165 15 days to supply a written statement of explanation or rebuttal
2166 to the finding, and such explanation shall be published with the
2167 findings.

2168 (3) Any agency entity that evaluates, ranks, or rates a
2169 business entity based on consumer complaints must disclose and
2170 publish the methodology of the evaluation and submit the
2171 findings to the business entity under review prior to public
2172 disclosure. Each business entity under review shall have 15 days
2173 to supply a written statement of explanation or rebuttal to the
2174 finding, and such explanation shall be published with the
2175 findings.

2176 (4) In effort to encourage business and industry to
2177 maintain high standards of honesty, fair business practices, and
2178 public responsibility in the production, promotion, and sale of
2179 consumer goods and services, the division shall monitor the
2180 implementation of this section. The division shall receive
2181 complaints and grievances from business and promptly transmit
2182 them to that agency most directly concerned in order that the
2183 complaint or grievance may be expeditiously handled in the best
2184 interest of the business under review. If no agency exists, the
2185 division shall seek a settlement of the complaint using formal

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2186 or informal methods of mediation and conciliation and may seek
 2187 any other resolution of the matter in accordance with its
 2188 jurisdiction.

2189 Section 27. In order to carry out the additional
 2190 responsibilities in this act, one full-time equivalent position
 2191 and the recurring sum of \$60,000 for associated salaries and
 2192 benefits is appropriated from the General Revenue Fund to the
 2193 Office of Tourism, Trade, and Economic Development.

2194 Section 28. Subsection (2) of section 257.193, Florida
 2195 Statutes, is amended to read:

2196 257.193 Community Libraries in Caring Program.--

2197 (2) The purpose of the Community Libraries in Caring
 2198 Program is to assist libraries in rural communities, as defined
 2199 in s. 288.0656~~(2)(b)~~ and subject to the provisions of s.
 2200 288.06561, to strengthen their collections and services, improve
 2201 literacy in their communities, and improve the economic
 2202 viability of their communities.

2203 Section 29. Section 288.019, Florida Statutes, is amended
 2204 to read:

2205 288.019 Rural considerations in grant review and
 2206 evaluation processes.--Notwithstanding any other law, and to the
 2207 fullest extent possible, the member agencies and organizations
 2208 of the Rural Economic Development Initiative (REDI) as defined
 2209 in s. 288.0656(6)(a) shall review all grant and loan application
 2210 evaluation criteria to ensure the fullest access for rural
 2211 counties as defined in s. 288.0656~~(2)(b)~~ to resources available
 2212 throughout the state.

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2213 (1) Each REDI agency and organization shall review all
2214 evaluation and scoring procedures and develop modifications to
2215 those procedures which minimize the impact of a project within a
2216 rural area.

2217 (2) Evaluation criteria and scoring procedures must
2218 provide for an appropriate ranking based on the proportionate
2219 impact that projects have on a rural area when compared with
2220 similar project impacts on an urban area.

2221 (3) Evaluation criteria and scoring procedures must
2222 recognize the disparity of available fiscal resources for an
2223 equal level of financial support from an urban county and a
2224 rural county.

2225 (a) The evaluation criteria should weight contribution in
2226 proportion to the amount of funding available at the local
2227 level.

2228 (b) In-kind match should be allowed and applied as
2229 financial match when a county is experiencing financial distress
2230 through elevated unemployment at a rate in excess of the state's
2231 average by 5 percentage points or because of the loss of its ad
2232 valorem base.

2233 (4) For existing programs, the modified evaluation
2234 criteria and scoring procedure must be delivered to the Office
2235 of Tourism, Trade, and Economic Development for distribution to
2236 the REDI agencies and organizations. The REDI agencies and
2237 organizations shall review and make comments. Future rules,
2238 programs, evaluation criteria, and scoring processes must be
2239 brought before a REDI meeting for review, discussion, and

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2240 recommendation to allow rural counties fuller access to the
 2241 state's resources.

2242 Section 30. Section 288.06561, Florida Statutes, is
 2243 amended to read:

2244 288.06561 Reduction or waiver of financial match
 2245 requirements.--Notwithstanding any other law, the member
 2246 agencies and organizations of the Rural Economic Development
 2247 Initiative (REDI), as defined in s. 288.0656(6)(a), shall review
 2248 the financial match requirements for projects in rural areas as
 2249 defined in s. 288.0656(2)(b).

2250 (1) Each agency and organization shall develop a proposal
 2251 to waive or reduce the match requirement for rural areas.

2252 (2) Agencies and organizations shall ensure that all
 2253 proposals are submitted to the Office of Tourism, Trade, and
 2254 Economic Development for review by the REDI agencies.

2255 (3) These proposals shall be delivered to the Office of
 2256 Tourism, Trade, and Economic Development for distribution to the
 2257 REDI agencies and organizations. A meeting of REDI agencies and
 2258 organizations must be called within 30 days after receipt of
 2259 such proposals for REDI comment and recommendations on each
 2260 proposal.

2261 (4) Waivers and reductions must be requested by the county
 2262 or community, and such county or community must have three or
 2263 more of the factors identified in s. 288.0656(2)(a).

2264 (5) Any other funds available to the project may be used
 2265 for financial match of federal programs when there is fiscal
 2266 hardship, and the match requirements may not be waived or
 2267 reduced.

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2268 (6) When match requirements are not reduced or eliminated,
 2269 donations of land, though usually not recognized as an in-kind
 2270 match, may be permitted.

2271 (7) To the fullest extent possible, agencies and
 2272 organizations shall expedite the rule adoption and amendment
 2273 process if necessary to incorporate the reduction in match by
 2274 rural areas in fiscal distress.

2275 (8) REDI shall include in its annual report an evaluation
 2276 on the status of changes to rules, number of awards made with
 2277 waivers, and recommendations for future changes.

2278 Section 31. Subsection (2) of section 288.7094, Florida
 2279 Statutes, is amended to read:

2280 288.7094 Black business investment corporations.--

2281 (2) A black business investment corporation that meets the
 2282 requirements of s. 288.7102(4)~~(3)~~ is eligible to participate in
 2283 the Black Business Loan Program and shall receive priority
 2284 consideration by the Office of Tourism, Trade, and Economic
 2285 Development for participation in the program.

2286 Section 32. Paragraph (d) of subsection (15) of section
 2287 627.6699, Florida Statutes, is amended to read:

2288 627.6699 Employee Health Care Access Act.--

2289 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

2290 (d) Eligibility.--

2291 1. Any small employer that is actively engaged in
 2292 business, has its principal place of business in this state,
 2293 employs up to 25 eligible employees on business days during the
 2294 preceding calendar year, employs at least 2 employees on the

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2295 first day of the plan year, and has had no prior coverage for
 2296 the last 6 months may participate.

2297 2. Any municipality, county, school district, or hospital
 2298 employer located in a rural community as defined in s.
 2299 288.0656-(2)-(b) may participate.

2300 3. Nursing home employers may participate.

2301 4. Each dependent of a person eligible for coverage is
 2302 also eligible to participate.

2303
 2304 Any employer participating in the program must do so until the
 2305 end of the term for which the carrier providing the coverage is
 2306 obligated to provide such coverage to the program. Coverage for
 2307 a small employer group that ceases to meet the eligibility
 2308 requirements of this section may be terminated at the end of the
 2309 policy period for which the necessary premiums have been paid.

2310 Section 33. This act shall take effect July 1, 2008.