

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 and certified under a specified provision;
45 | creating s. 288.061, F.S.; providing an economic
46 | development incentive application process; providing time
47 | periods and requirements for certification for economic
48 | development incentive applications; amending s. 288.063,
49 | F.S.; requiring that adoption of criteria by which certain
50 | transportation projects are to be reviewed and certified
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 reviewed and
86 | certified under a specified provision; amending s.
87 | 288.108, F.S.; requiring that applications for high-impact
88 | business performance grants be considered under a
89 | specified provision; deleting certain final order and
90 | report requirements; amending s. 288.1088, F.S.; requiring
91 | that applications concerning the Quick Action Closing Fund
92 | be considered under a specified provision; providing a
93 | time 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. 288.1089, F.S.;
96 | revising application requirements for innovation incentive
97 | awards; revising evaluation and recommendation
98 | requirements for innovation incentive awards; requiring
99 | the Legislative Budget Commission to review and approve an
100 | innovation incentive award before the Executive Office of
101 | the Governor releases the funds; revising requirements for
102 | agreements setting forth the conditions for payment of
103 | incentives; revising provisions relating to ethical
104 | standards for reward recipients; amending s. 288.1162,
105 | F.S.; revising provisions relating to funding for
106 | relocation of spring training franchises; requiring local
107 | governments receiving funds to submit annual reports;
108 | providing for decertification of an applicant; requiring
109 | the Office of Tourism, Trade, and Economic Development to
110 | develop a comprehensive strategic plan including the use
111 | of financial resources for the purpose of retaining the
112 | tradition of spring training in this state; creating a

113 Commissioner of Baseball in Florida and providing criteria
114 for and duties of the position; providing rulemaking
115 authority; amending s. 288.1254, F.S., relating to the
116 reversion of appropriations for film incentives; providing
117 a limited amount of funds to be used for international
118 cultural festivals upon certain determinations; amending
119 s. 288.7102, F.S.; revising provisions relating to the
120 application and certification process for the Black
121 Business Loan Program; providing requirements concerning
122 distribution of program funding; amending s. 288.955,
123 F.S.; revising definitions relating to the Scripps Florida
124 Funding Corporation; requiring the Scripps Florida Funding
125 Corporation, along with the Office of Tourism, Trade, and
126 Economic Development and Enterprise Florida, Inc., to
127 review the performance and progress of grant recipients of
128 the Innovation Incentive Program; conforming provisions
129 relating to members of the board of directors; deleting
130 obsolete provisions; revising the duties of the
131 corporation; requiring an annual report on Innovation
132 Incentive Program activities; amending s. 288.9624, F.S.,
133 relating to the Florida Opportunity Fund; revising the
134 determination of a fund allocation manager; providing that
135 venture capital funds affiliated with certain state
136 universities are eligible for investment by the fund;
137 providing for specified direct business investments by the
138 fund; amending s. 290.0055, F.S.; providing for expansion
139 of enterprise zones located entirely within state
140 designated rural areas of critical economic concern;

141 providing limits on such expansion; amending s. 403.973,
 142 F.S.; providing expedited permitting for certain projects;
 143 amending s. 443.036, F.S.; revising the definition of the
 144 term "employee leasing company" for purposes of
 145 unemployment compensation; amending s. 443.1216, F.S.;
 146 requiring quarterly reports by employee leasing companies
 147 that include client and establishment specific
 148 information; authorizing the Agency for Workforce
 149 Innovation to adopt rules; providing enforcement
 150 authority; creating s. 770.041, F.S.; providing a private
 151 cause of action for negligent evaluation, ranking, or
 152 rating of a business; providing for attorney fees,
 153 expenses, costs, and damages; amending ss. 257.193,
 154 288.019, 288.06561, 288.7094, and 627.6699, F.S.;
 155 conforming cross-references; authorizing positions and
 156 providing an appropriation for the Office of Tourism,
 157 Trade, and Economic Development; providing severability;
 158 providing effective dates.

159
 160 Be It Enacted by the Legislature of the State of Florida:

161
 162 Section 1. Section 288.7001, Florida Statutes, is created
 163 to read:

164 288.7001 Small Business Regulatory Advisory Council.--

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

167 (2) FINDINGS AND PURPOSE.--The Legislature finds and
 168 declares that:

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

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

173 (c) Fundamental changes that are needed in the regulatory
174 culture of state agencies to make them not only more responsive,
175 but responsive in a timelier fashion, to small business should
176 be made without compromising the statutory missions of the
177 agencies.

178 (d) When adopting rules to protect the health, safety, and
179 economic welfare of the state, agencies should seek to achieve
180 statutory goals as effectively and efficiently as possible
181 without imposing unnecessary burdens on small businesses.

182 (e) Uniform regulatory reporting requirements can impose
183 unnecessary and disproportionately burdensome demands, including
184 legal, accounting, and consulting costs, upon small businesses
185 with limited resources.

186 (f) The failure to recognize differences in the scale and
187 resources of regulated businesses can adversely affect
188 competition in the marketplace, discourage innovation, and
189 restrict improvements in productivity.

190 (g) Unnecessary rules create entry barriers in many
191 industries and discourage potential entrepreneurs from
192 introducing beneficial products and processes.

193 (h) The practice of treating all regulated businesses as
194 equivalent may lead to inefficient use of agency resources,
195 enforcement problems and, in some cases, to actions inconsistent

196 with stated legislative intent of health, safety, environmental,
 197 economic welfare, and other legislation.

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

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

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

203 (b) "Council" means the Small Business Regulatory Advisory
 204 Council.

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

206 (d) "Small business" means a small business as defined in
 207 s. 288.703.

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

209 (a) The Small Business Regulatory Advisory Council is
 210 created. The council shall consist of nine members who are
 211 current or former small business owners, three appointed by the
 212 Governor, three appointed by the President of the Senate, and
 213 three appointed by the Speaker of the House of Representatives.
 214 The initial appointments to the council must be made within 60
 215 days after the effective date of this act. The members shall be
 216 from different geographic regions of the state. Members shall
 217 serve 4-year terms; however, in order to establish staggered
 218 terms, for the initial appointments, each appointing official
 219 shall appoint one member to a 2-year term and two members to a
 220 4-year term. A member shall not serve more than three
 221 consecutive terms. Members shall select the chairperson from
 222 among the members of the council. The council shall meet
 223 quarterly or upon the call of the chairperson. A majority of the

224 members constitutes a quorum for the conduct of business.
225 Members of the council shall serve without compensation. The
226 appointing official may remove his or her appointee without
227 cause at any time. A member whose term has expired shall
228 continue to serve on the council until such time as a
229 replacement is appointed. Vacancies shall be filled for the
230 remainder of the term and by the original appointing official.

231 (b) The council is established, assigned to, and
232 administratively housed within the Florida Small Business
233 Development Center Network, which shall provide staff support to
234 the council.

235 (c) The council may:

236 1. Provide agencies with recommendations regarding
237 proposed rules or programs that may adversely affect small
238 business;

239 2. Consider requests from small business owners to review
240 rules or programs adopted by an agency;

241 3. Consider requests from small business owners to review
242 small business owners' private property rights related to rules
243 or programs adopted or implemented by an agency; and

244 4. Review rules promulgated by an agency to determine
245 whether a rule places an unnecessary burden on small business
246 and make recommendations to the agency to mitigate the adverse
247 effects.

248 (d) The council does not have authority to:

249 1. Initiate or intervene in any administrative or judicial
250 proceeding; or

251 2. Issue subpoenas.

252 (e) The council shall prepare and submit a written annual
253 report to the Governor, the President of the Senate, and the
254 Speaker of the House of Representatives that describes its
255 activities and recommendations.

256 (5) PERIODIC REVIEW OF RULES.--

257 (a) In coordination with the schedule for reviewing state
258 agencies and advisory committees provided in s. 11.905, the
259 council may review rules of agencies subject to review to
260 determine whether the rules should be continued without change
261 or should be amended or repealed to reduce the impact of the
262 rules on small businesses, subject to the requirement that the
263 recommendations of the council must be feasible and consistent
264 with the stated objectives of the rules.

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

268 1. The continued need for the rule.

269 2. The nature of complaints or comments received from the
270 public concerning the rule.

271 3. The complexity of the rule.

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

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

277 (c) Within 6 months after the agency report is submitted
278 to the Joint Legislative Sunset Committee pursuant to s. 11.907,
279 the council shall provide a report to the Governor, the

280 President of the Senate, the Speaker of the House of
 281 Representatives, and the Joint Legislative Sunset Committee that
 282 includes recommendations and evaluations of agency rules and
 283 programs regarding regulatory fairness for small businesses. A
 284 component of the report shall be a rating system, developed by
 285 the council, entitled "Small Business Friendliness and
 286 Development Scorecard."

287 Section 2. Section 288.7002, Florida Statutes, is created
 288 to read:

289 288.7002 Small business advocate.--

290 (1) FINDINGS AND PURPOSE.--

291 (a) The Legislature finds and declares that it is in the
 292 public interest to aid, counsel, assist, and protect, insofar as
 293 is possible, the interests of small business concerns in order
 294 to preserve free competitive enterprise and maintain a healthy
 295 state economy.

296 (b) The Legislature finds that the state should provide a
 297 point person to advocate the causes of small business and to
 298 provide small businesses with the information they need to
 299 survive in the marketplace.

300 (2) DEFINITIONS.--

301 (a) "Advocate" means the Florida Small Business Advocate,
 302 who is also the Director of the Office of Small Business
 303 Advocate.

304 (b) "Director" means the Director of the Office of Small
 305 Business Advocate.

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

307 (3) OFFICE OF SMALL BUSINESS ADVOCATE.--The Office of
 308 Small Business Advocate is established, assigned to, and
 309 administratively housed within the Florida Small Business
 310 Development Center Network. The director shall be the Florida
 311 Small Business Advocate.

312 (4) DIRECTOR OF THE OFFICE OF SMALL BUSINESS ADVOCATE;
 313 APPOINTMENT; DUTIES.--

314 (a) The advocate shall be selected by the director of the
 315 Florida Small Business Development Center Network and shall be
 316 an employee of or under contract with the Florida Small Business
 317 Development Center Network. Preferred qualifications for the
 318 advocate include at least 5 years' experience in small business,
 319 extensive knowledge of the issues and challenges of importance
 320 to small business, and actual experience in small business
 321 advocacy and assistance.

322 (b) The duties and functions of the advocate shall include
 323 all of the following:

324 1. Act as staff for the Small Business Regulatory Advisory
 325 Council.

326 2. Serve as principal advocate in the state on behalf of
 327 small businesses, including, but not limited to, advisory
 328 participation in the consideration of all legislation and
 329 administrative rules that affect small businesses, and advocacy
 330 on state policy and programs related to small businesses on
 331 disaster preparedness and recovery, including providing
 332 technical assistance.

333 3. Represent the views and interests of small businesses
 334 before agencies whose policies and activities may affect small

335 businesses. Among other activities, the advocate may encourage
336 standardized applications and information packages that would
337 include all the information needed by each agency that a
338 business has to deal with to prevent an applicant from having to
339 fill out duplicative information on forms from various agencies.

340 4. Enlist the cooperation and assistance of public and
341 private agencies, businesses, and other organizations in
342 disseminating information about the programs and services
343 provided by all levels of government that are of benefit to
344 small businesses and information on how small businesses can
345 participate in, or make use of, those programs and services.

346 5. Issue a report every 2 years evaluating the efforts of
347 agencies that significantly regulate small businesses, to assist
348 minority and other small business enterprises, and to make
349 recommendations that may be appropriate to assist the
350 development and strengthening of minority and other small
351 business enterprises.

352 6. Consult with experts and authorities in the fields of
353 small business investment, venture capital investment, and
354 commercial banking, including comparable financial institutions
355 involved in the financing of business; with individuals with
356 regulatory, legal, economic, or financial expertise, including
357 members of the academic community; and with individuals who
358 generally represent the public interest.

359 7. Seek the assistance and cooperation of all agencies and
360 departments providing services to or affecting small business to
361 ensure coordination of state efforts.

362 8. Receive and respond to complaints from small businesses
363 concerning the actions of agencies and the operative effects of
364 state laws and regulations adversely affecting those businesses.

365 The advocate shall establish an annual process for small
366 businesses to nominate agency rules or programs for reform. The
367 advocate shall publish those nominations online and update the
368 status of agency action on the proposed reforms twice yearly.

369 9. Counsel small businesses on how to resolve questions
370 and problems concerning the relationship of small business to
371 state government.

372 10. Maintain, publicize, and distribute an annual list of
373 persons serving as small business ombudsmen throughout state
374 government.

375 11. Coordinate a statewide conference on small business
376 with public and private organizations and entities impacting
377 small business in the state.

378 12. Coordinate annual public meetings to share best
379 practices for small business disaster preparedness. The meetings
380 shall be held in consultation with regional and statewide small
381 business organizations and shall take place in different
382 locations throughout the state.

383 (5) REPORTS AND DOCUMENTS FURNISHED TO SMALL BUSINESS
384 ADVOCATE; ANNUAL REPORTS.--

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

389 (b) The advocate shall prepare and submit a written annual
 390 report to the Governor, the President of the Senate, and the
 391 Speaker of the House of Representatives that describes the
 392 activities and recommendations of the office.

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

395 11.908 Committee duties.--No later than March 1 of the
 396 year in which a state agency or its advisory committees are
 397 scheduled to be reviewed, the committee shall and the joint
 398 committee may:

399 (2) Consult with the Legislative Budget Commission, the
 400 Small Business Regulatory Advisory Council, relevant substantive
 401 and appropriations committees of the Senate and the House of
 402 Representatives, the Governor's Office of Policy and Budgeting,
 403 the Auditor General, and the Chief Financial Officer, or their
 404 successors, relating to the review of the agency and its
 405 advisory committees.

406 Section 4. Paragraph (a) of subsection (2) of section
 407 11.911, Florida Statutes, is amended to read:

408 11.911 Committee recommendations.--

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

411 (a) Make recommendations on the abolition, continuation,
 412 or reorganization of each state agency and its advisory
 413 committees and on the need for the performance of the functions
 414 of the agency and its advisory committees. If the committee
 415 recommends continuation or reorganization, the committee shall
 416 include in its recommendations the report of the Small Business

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417 Regulatory Advisory Council, as provided in s. 288.7001,
418 regarding the rules of each agency.

419 Section 5. Section 11.919, Florida Statutes, is amended to
420 read:

421 11.919 Assistance of and access to state agencies.--

422 (1) The committee and the Small Business Regulatory
423 Advisory Council may access or request information and request
424 the assistance of state agencies and officers. When assistance
425 is requested, a state agency or officer shall assist the
426 committee and the Small Business Regulatory Advisory Council.

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

430 Section 6. Paragraph (b) of subsection (3) of section
431 120.54, Florida Statutes, is amended to read:

432 120.54 Rulemaking.--

433 (3) ADOPTION PROCEDURES.--

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

435 1. Statement of estimated regulatory costs.--Prior to the
436 adoption, amendment, or repeal of any rule other than an
437 emergency rule, an agency is encouraged to prepare a statement
438 of estimated regulatory costs of the proposed rule, as provided
439 by s. 120.541. However, an agency shall prepare a statement of
440 estimated regulatory costs of the proposed rule, as provided by
441 s. 120.541, if the proposed rule will have an impact on small
442 business.

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

444 a. Each agency, before the adoption, amendment, or repeal
445 of a rule, shall consider the impact of the rule on small
446 businesses as defined by s. 288.703 and the impact of the rule
447 on small counties or small cities as defined by s. 120.52.
448 Whenever practicable, an agency shall tier its rules to reduce
449 disproportionate impacts on small businesses, small counties, or
450 small cities to avoid regulating small businesses, small
451 counties, or small cities that do not contribute significantly
452 to the problem the rule is designed to address. An agency may
453 define "small business" to include businesses employing more
454 than 100 persons, may define "small county" to include those
455 with populations of more than 75,000, and may define "small
456 city" to include those with populations of more than 10,000, if
457 it finds that such a definition is necessary to adapt a rule to
458 the needs and problems of small businesses, small counties, or
459 small cities. The agency shall consider each of the following
460 methods for reducing the impact of the proposed rule on small
461 businesses, small counties, and small cities, or any combination
462 of these entities:

463 (I) Establishing less stringent compliance or reporting
464 requirements in the rule.

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

467 (III) Consolidating or simplifying the rule's compliance
468 or reporting requirements.

469 (IV) Establishing performance standards or best-management
470 practices to replace design or operational standards in the
471 rule.

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

474 b.(I) If the agency determines that the proposed action
 475 will affect small businesses as defined by the agency as
 476 provided in sub-subparagraph a., the agency shall send written
 477 notice of the rule to the Small Business Regulatory Advisory
 478 Council and ~~small business ombudsman~~ of the Office of Tourism,
 479 Trade, and Economic Development not less than 28 days prior to
 480 the intended action.

481 (II) Each agency shall adopt those regulatory alternatives
 482 offered by the Small Business Regulatory Advisory Council ~~small~~
 483 ~~business ombudsman~~ and provided to the agency no later than 21
 484 days after the council's ~~ombudsman's~~ receipt of the written
 485 notice of the rule which it finds are feasible and consistent
 486 with the stated objectives of the proposed rule and which would
 487 reduce the impact on small businesses. When regulatory
 488 alternatives are offered by the Small Business Regulatory
 489 Advisory Council ~~small business ombudsman~~, the 90-day period for
 490 filing the rule in subparagraph (e)2. is extended for a period
 491 of 21 days.

492 (III) If an agency does not adopt all alternatives offered
 493 pursuant to this sub-subparagraph, it shall, prior to rule
 494 adoption or amendment and pursuant to subparagraph (d)1., file a
 495 detailed written statement with the committee explaining the
 496 reasons for failure to adopt such alternatives. Within 3 working
 497 days of the filing of such notice, the agency shall send a copy
 498 of such notice to the Small Business Regulatory Advisory Council
 499 ~~small business ombudsman~~. The Small Business Regulatory Advisory

500 Council may make a request of the President of the Senate and
501 the Speaker of the House of Representatives that the presiding
502 officers direct the Office of Program Policy Analysis and
503 Government Accountability to determine whether the rejected
504 alternatives reduce the impact on small business while meeting
505 the stated objectives of the proposed rule. Within 60 days after
506 the date of the directive from the presiding officers, the
507 Office of Program Policy Analysis and Government Accountability
508 shall report to the Administrative Procedures Committee its
509 findings as to whether an alternative reduces the impact on
510 small business while meeting the stated objectives of the
511 proposed rule. The Office of Program Policy Analysis and
512 Government Accountability shall consider the proposed rule, the
513 economic impact statement, the written statement of the agency,
514 the proposed alternatives, and any comment submitted during the
515 comment period on the proposed rule. The Office of Program
516 Policy Analysis and Government Accountability shall submit a
517 report of its findings and recommendations to the Governor, the
518 President of the Senate, and the Speaker of the House of
519 Representatives. The Administrative Procedures Committee shall
520 report such findings to the agency, and the agency shall respond
521 in writing to the Administrative Procedures Committee if the
522 Office of Program Policy Analysis and Government Accountability
523 found that the alternative reduced the impact on small business
524 while meeting the stated objectives of the proposed rule. If the
525 agency will not adopt the alternative, it must also provide a
526 detailed written statement to the Administrative Procedures
527 Committee as to why it will not adopt the alternative.

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

531 120.74 Agency review, revision, and report.--

532 (1) Each agency shall review and revise its rules as often
533 as necessary to ensure that its rules are correct and comply
534 with statutory requirements. Additionally, each agency shall
535 perform a formal review of its rules every 2 years. In the
536 review, each agency must:

537 (g) Determine whether the rules should be continued
538 without change or should be amended or repealed to reduce the
539 impact on small business while meeting the stated objectives of
540 the proposed rule.

541 ~~(2) Beginning October 1, 1997, and~~ By October 1 of every
542 odd-numbered ~~other~~ year thereafter, the head of each agency
543 shall file a report with the President of the Senate, the
544 Speaker of the House of Representatives, and the committee, with
545 a copy to each appropriate standing committee of the
546 Legislature, which certifies that the agency has complied with
547 the requirements of this subsection. The report must specify any
548 changes made to its rules as a result of the review and, when
549 appropriate, recommend statutory changes that will promote
550 efficiency, reduce paperwork, or decrease costs to government
551 and the private sector. The report must specifically address the
552 economic impact of the rules on small business. The report must
553 identify the types of cases or disputes in which the agency is
554 involved which should be conducted under the summary hearing
555 process described in s. 120.574.

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

558 220.191 Capital investment tax credit.--

559 (5) Applications shall be reviewed and certified pursuant
 560 to s. 288.061. The office, upon a recommendation by Enterprise
 561 Florida, Inc., shall first certify a business as eligible to
 562 receive tax credits pursuant to this section prior to the
 563 commencement of operations of a qualifying project, and such
 564 certification shall be transmitted to the Department of Revenue.
 565 Upon receipt of the certification, the Department of Revenue
 566 shall enter into a written agreement with the qualifying
 567 business specifying, at a minimum, the method by which income
 568 generated by or arising out of the qualifying project will be
 569 determined.

570 Section 9. Section 288.061, Florida Statutes, is created
 571 to read:

572 288.061 Economic development incentive application
 573 process.--

574 (1) In order to expedite and provide a timely review for
 575 the certification of economic development incentive
 576 applications, Enterprise Florida, Inc., shall review each
 577 submitted application and inform the applicant business whether
 578 or not its application is complete within 10 working days. Once
 579 the application is deemed complete, Enterprise Florida, Inc.,
 580 has 10 working days to evaluate the application and recommend
 581 approval or disapproval of the application to the director of
 582 the Office of Tourism, Trade, and Economic Development. In
 583 recommending an applicant business for approval, Enterprise

584 Florida, Inc., shall include in its evaluation a recommended
 585 grant award amount and a review of the applicant's ability to
 586 meet specific program criteria.

587 (2) Upon receipt of the evaluation and recommendation of
 588 Enterprise Florida, Inc., the Office of Tourism, Trade, and
 589 Economic Development has 10 calendar days to notify Enterprise
 590 Florida, Inc., if the application is not complete. The director
 591 has 35 calendar days from the time the recommendation was
 592 received from Enterprise Florida, Inc., to review the
 593 application and issue a letter of certification to the applicant
 594 that either approves or disapproves an applicant business that
 595 includes justification, unless the business requests an
 596 extension of the time. The final order shall specify the total
 597 amount of the award, the performance conditions that must be met
 598 to obtain the award, and the schedule for payment.

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

601 288.063 Contracts for transportation projects.--

602 (4) The Office of Tourism, Trade, and Economic Development
 603 may adopt criteria by which transportation projects are to be
 604 reviewed and certified in accordance with s. 288.061 ~~specified~~
 605 ~~and identified~~. In approving transportation projects for
 606 funding, the Office of Tourism, Trade, and Economic Development
 607 shall consider factors including, but not limited to, the cost
 608 per job created or retained considering the amount of
 609 transportation funds requested; the average hourly rate of wages
 610 for jobs created; the reliance on the program as an inducement
 611 for the project's location decision; the amount of capital

612 investment to be made by the business; the demonstrated local
 613 commitment; the location of the project in an enterprise zone
 614 designated pursuant to s. 290.0055; the location of the project
 615 in a spaceport territory as defined in s. 331.304; the
 616 unemployment rate of the surrounding area; the poverty rate of
 617 the community; and the adoption of an economic element as part
 618 of its local comprehensive plan in accordance with s.
 619 163.3177(7)(j). The Office of Tourism, Trade, and Economic
 620 Development may contact any agency it deems appropriate for
 621 additional input regarding the approval of projects.

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

624 288.065 Rural Community Development Revolving Loan Fund.--

625 (2) The program shall provide for long-term loans, loan
 626 guarantees, and loan loss reserves to units of local
 627 governments, or economic development organizations substantially
 628 underwritten by a unit of local government, within counties with
 629 populations of 75,000 or less, or any county that has a
 630 population of 120,000 ~~100,000~~ or less and is contiguous to a
 631 county with a population of 75,000 or less, as determined by the
 632 most recent official estimate pursuant to s. 186.901, residing
 633 in incorporated and unincorporated areas of the county, or to
 634 units of local government, or economic development organizations
 635 substantially underwritten by a unit of local government, within
 636 a rural area of critical economic concern. Requests for loans
 637 shall be made by application to the Office of Tourism, Trade,
 638 and Economic Development. Loans shall be made pursuant to
 639 agreements specifying the terms and conditions agreed to between

640 the applicant and the Office of Tourism, Trade, and Economic
 641 Development. The loans shall be the legal obligations of the
 642 applicant. All repayments of principal and interest shall be
 643 returned to the loan fund and made available for loans to other
 644 applicants. However, in a rural area of critical economic
 645 concern designated by the Governor, and upon approval by the
 646 Office of Tourism, Trade, and Economic Development, repayments
 647 of principal and interest may be retained by the applicant if
 648 such repayments are dedicated and matched to fund regionally
 649 based economic development organizations representing the rural
 650 area of critical economic concern.

651 Section 12. Paragraphs (b) and (e) of subsection (2) and
 652 subsection (3) of section 288.0655, Florida Statutes, are
 653 amended to read:

654 288.0655 Rural Infrastructure Fund.--

655 (2)

656 (b) To facilitate access of rural communities and rural
 657 areas of critical economic concern as defined by the Rural
 658 Economic Development Initiative to infrastructure funding
 659 programs of the Federal Government, such as those offered by the
 660 United States Department of Agriculture and the United States
 661 Department of Commerce, and state programs, including those
 662 offered by Rural Economic Development Initiative agencies, and
 663 to facilitate local government or private infrastructure funding
 664 efforts, the office may award grants for up to 30 percent of the
 665 total infrastructure project cost. If an application for funding
 666 is for a catalyst site, as defined in s. 288.0656, the office
 667 may award grants for up to 40 percent of the total

668 infrastructure project cost. Eligible projects must be related
669 to specific job-creation or job-retention opportunities.
670 Eligible projects may also include improving any inadequate
671 infrastructure that has resulted in regulatory action that
672 prohibits economic or community growth or reducing the costs to
673 community users of proposed infrastructure improvements that
674 exceed such costs in comparable communities. Eligible uses of
675 funds shall include improvements to public infrastructure for
676 industrial or commercial sites and upgrades to or development of
677 public tourism infrastructure. Authorized infrastructure may
678 include the following public or public-private partnership
679 facilities: storm water systems; telecommunications facilities;
680 broadband; roads or other remedies to transportation
681 impediments; nature-based tourism facilities; or other physical
682 requirements necessary to facilitate tourism, trade, and
683 economic development activities in the community. Authorized
684 infrastructure may also include publicly or privately owned:
685 self-powered nature-based tourism facilities;
686 telecommunications; broadband; and additions to the distribution
687 facilities of the existing natural gas utility as defined in s.
688 366.04(3)(c), the existing electric utility as defined in s.
689 366.02, or the existing water or wastewater utility as defined
690 in s. 367.021(12), or any other existing water or wastewater
691 facility, which owns a gas or electric distribution system or a
692 water or wastewater system in this state where:

- 693 1. A contribution-in-aid of construction is required to
694 serve public or public-private partnership facilities under the

695 tariffs of any natural gas, electric, water, or wastewater
 696 utility as defined herein; and

697 2. Such utilities as defined herein are willing and able
 698 to provide such service.

699 (e) To enable local governments to access the resources
 700 available pursuant to s. 403.973(19), the office may award
 701 grants for surveys, feasibility studies, and other activities
 702 related to the identification and preclearance review of land
 703 which is suitable for preclearance review. Authorized grants
 704 under this paragraph shall not exceed \$75,000 each, except in
 705 the case of a project in a rural area of critical economic
 706 concern, in which case the grant shall not exceed \$300,000. Any
 707 funds awarded under this paragraph must be matched at a level of
 708 50 percent with local funds, except that any funds awarded for a
 709 project in a rural area of critical economic concern must be
 710 matched at a level of 33 percent with local funds. If an
 711 application for funding is for a catalyst site, as defined in s.
 712 288.0656, the requirement for local match may be waived. In
 713 evaluating applications under this paragraph, the office shall
 714 consider the extent to which the application seeks to minimize
 715 administrative and consultant expenses.

716 (3) The office, in consultation with Enterprise Florida,
 717 Inc., VISIT Florida, the Department of Environmental Protection,
 718 and the Florida Fish and Wildlife Conservation Commission, as
 719 appropriate, shall review and certify applications pursuant to
 720 s. 288.061. The review shall include an evaluation of ~~and~~
 721 ~~evaluate~~ the economic benefit of the projects and their long-
 722 term viability. The office shall have final approval for any

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723 grant under this section ~~and must make a grant decision within~~
724 ~~30 days of receiving a completed application.~~

725 Section 13. Section 288.0656, Florida Statutes, is amended
726 to read:

727 288.0656 Rural Economic Development Initiative.--

728 (1) (a) Recognizing that rural communities and regions
729 continue to face extraordinary challenges in their efforts to
730 achieve significant improvements to their economies,
731 specifically in terms of personal income, job creation, average
732 wages, and strong tax bases, it is the intent of the Legislature
733 to encourage and facilitate the location and expansion in such
734 rural communities of major economic development projects of
735 significant scale.

736 (b) The Rural Economic Development Initiative, known as
737 "REDI," is created within the Office of Tourism, Trade, and
738 Economic Development, and the participation of state and
739 regional agencies in this initiative is authorized.

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

741 (a) "Catalyst project" means a business locating or
742 expanding in a rural area of critical economic concern to serve
743 as an economic growth opportunity of regional significance for
744 the growth of a regional target industry cluster. The project
745 must provide capital investment on a scale significant enough to
746 affect the entire region and result in the development of high-
747 wage and high-skill jobs.

748 (b) "Catalyst site" means a parcel or parcel of lands
749 within a rural area of critical economic concern that has been
750 prioritized as a geographic site for economic development

751 through partnerships with state, regional, and local
752 organizations. The site must be reviewed by REDI and approved by
753 the Office of Tourism, Trade, and Economic Development for
754 purposes of locating a catalyst project.

755 (c)-(a) "Economic distress" means conditions affecting the
756 fiscal and economic viability of a rural community, including
757 such factors as low per capita income, low per capita taxable
758 values, high unemployment, high underemployment, low weekly
759 earned wages compared to the state average, low housing values
760 compared to the state average, high percentages of the
761 population receiving public assistance, high poverty levels
762 compared to the state average, and a lack of year-round stable
763 employment opportunities.

764 (d) "Rural area of critical economic concern" means a
765 rural community, or a region composed of rural communities,
766 designated by the Governor, that has been adversely affected by
767 an extraordinary economic event, severe or chronic distress, or
768 a natural disaster or that presents a unique economic
769 development opportunity of regional impact.

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

- 771 1. A county with a population of 75,000 or less.
- 772 2. A county with a population of 120,000 ~~100,000~~ or less
773 that is contiguous to a county with a population of 75,000 or
774 less.
- 775 3. A municipality within a county described in
776 subparagraph 1. or subparagraph 2.
- 777 4. An unincorporated federal enterprise community or an
778 incorporated rural city with a population of 25,000 or less and

779 an employment base focused on traditional agricultural or
780 resource-based industries, located in a county not defined as
781 rural, which has at least three or more of the economic distress
782 factors identified in paragraph (a) and verified by the Office
783 of Tourism, Trade, and Economic Development.

784

785 For purposes of this paragraph, population shall be determined
786 in accordance with the most recent official estimate pursuant to
787 s. 186.901.

788 (3) REDI shall be responsible for coordinating and
789 focusing the efforts and resources of state and regional
790 agencies on the problems which affect the fiscal, economic, and
791 community viability of Florida's economically distressed rural
792 communities, working with local governments, community-based
793 organizations, and private organizations that have an interest
794 in the growth and development of these communities to find ways
795 to balance environmental and growth management issues with local
796 needs.

797 (4) REDI shall review and evaluate the impact of statutes
798 and rules on rural communities and shall work to minimize any
799 adverse impact and undertake outreach and capacity building
800 efforts.

801 (5) REDI shall facilitate better access to state resources
802 by promoting direct access and referrals to appropriate state
803 and regional agencies and statewide organizations. REDI may
804 undertake outreach, capacity-building, and other advocacy
805 efforts to improve conditions in rural communities. These

806 | activities may include sponsorship of conferences and
 807 | achievement awards.

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

- 812 | 1. The Department of Community Affairs.
- 813 | 2. The Department of Transportation.
- 814 | 3. The Department of Environmental Protection.
- 815 | 4. The Department of Agriculture and Consumer Services.
- 816 | 5. The Department of State.
- 817 | 6. The Department of Health.
- 818 | 7. The Department of Children and Family Services.
- 819 | 8. The Department of Corrections.
- 820 | 9. The Agency for Workforce Innovation.
- 821 | 10. The Department of Education.
- 822 | 11. The Department of Juvenile Justice.
- 823 | 12. The Fish and Wildlife Conservation Commission.
- 824 | 13. Each water management district.
- 825 | 14. Enterprise Florida, Inc.
- 826 | 15. Workforce Florida, Inc.
- 827 | 16. The Florida Commission on Tourism or VISIT Florida.
- 828 | 17. The Florida Regional Planning Council Association.
- 829 | 18. The Agency for Health Care Administration ~~Florida~~
 830 | ~~State Rural Development Council.~~
- 831 | 19. The Institute of Food and Agricultural Sciences
 832 | (IFAS).

833 |

834 An alternate for each designee shall also be chosen, and the
 835 names of the designees and alternates shall be sent to the
 836 director of the Office of Tourism, Trade, and Economic
 837 Development.

838 (b) Each REDI representative must have comprehensive
 839 knowledge of his or her agency's functions, both regulatory and
 840 service in nature, and of the state's economic goals, policies,
 841 and programs. This person shall be the primary point of contact
 842 for his or her agency with REDI on issues and projects relating
 843 to economically distressed rural communities and with regard to
 844 expediting project review, shall ensure a prompt effective
 845 response to problems arising with regard to rural issues, and
 846 shall work closely with the other REDI representatives in the
 847 identification of opportunities for preferential awards of
 848 program funds and allowances and waiver of program requirements
 849 when necessary to encourage and facilitate long-term private
 850 capital investment and job creation.

851 (c) The REDI representatives shall work with REDI in the
 852 review and evaluation of statutes and rules for adverse impact
 853 on rural communities and the development of alternative
 854 proposals to mitigate that impact.

855 (d) Each REDI representative shall be responsible for
 856 ensuring that each district office or facility of his or her
 857 agency is informed about the Rural Economic Development
 858 Initiative and for providing assistance throughout the agency in
 859 the implementation of REDI activities.

860 (7) (a) REDI may recommend to the Governor up to three
 861 rural areas of critical economic concern. ~~A rural area of~~

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862 ~~critical economic concern must be a rural community, or a region~~
863 ~~composed of such, that has been adversely affected by an~~
864 ~~extraordinary economic event or a natural disaster or that~~
865 ~~presents a unique economic development opportunity of regional~~
866 ~~impact that will create more than 1,000 jobs over a 5-year~~
867 ~~period.~~ The Governor may by executive order designate up to
868 three rural areas of critical economic concern which will
869 establish these areas as priority assignments for REDI as well
870 as to allow the Governor, acting through REDI, to waive
871 criteria, requirements, or similar provisions of any economic
872 development incentive. Such incentives shall include, but not be
873 limited to: the Qualified Target Industry Tax Refund Program
874 under s. 288.106, the Quick Response Training Program under s.
875 288.047, the Quick Response Training Program for participants in
876 the welfare transition program under s. 288.047(8),
877 transportation projects under s. 288.063, the brownfield
878 redevelopment bonus refund under s. 288.107, and the rural job
879 tax credit program under ss. 212.098 and 220.1895.

880 (b) Designation as a rural area of critical economic
881 concern under this subsection shall be contingent upon the
882 execution of a memorandum of agreement among the Office of
883 Tourism, Trade, and Economic Development; the governing body of
884 the county; and the governing bodies of any municipalities to be
885 included within a rural area of critical economic concern. Such
886 agreement shall specify the terms and conditions of the
887 designation, including, but not limited to, the duties and
888 responsibilities of the county and any participating
889 municipalities to take actions designed to facilitate the

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890 retention and expansion of existing businesses in the area, as
891 well as the recruitment of new businesses to the area.

892 (c) Each rural area of critical economic concern may
893 designate catalyst projects, provided that each catalyst project
894 is specifically recommended by REDI, identified as a catalyst
895 project by Enterprise Florida, Inc., and confirmed as a catalyst
896 project by the Office of Tourism, Trade, and Economic
897 Development. All state agencies and departments shall use all
898 available tools and resources to the extent permissible by law
899 to promote the creation and development of each catalyst project
900 and the development of catalyst sites.

901 (8) REDI shall assist local governments within rural areas
902 of critical economic concern with comprehensive planning needs
903 with efforts that further the provisions of this section. Such
904 assistance shall reflect a multidisciplinary approach among all
905 agencies and shall include economic development and planning
906 objectives.

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

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

912 2. REDI representatives shall meet with the local
913 government within 15 days after such request to develop the
914 scope of assistance that will be provided to assist the
915 development, transmittal, and adoption of the proposed
916 comprehensive plan amendment.

917 3. As part of the assistance provided, REDI
 918 representatives shall also identify other needed local and
 919 developer actions for approval of the project and recommend a
 920 timeline for the local government and developer that will
 921 minimize project delays.

922 (b) In addition, REDI shall solicit requests each year for
 923 assistance from local governments within a rural area of
 924 critical economic concern to update the future land use element
 925 and other associated elements of the local government's
 926 comprehensive plan to better position the community to respond
 927 to economic development potential within the county or
 928 municipality. REDI shall provide direct assistance to such local
 929 governments to update their comprehensive plans pursuant to this
 930 paragraph. At least one comprehensive planning technical
 931 assistance effort shall be selected each year.

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

935 (9)-(8) REDI shall submit a report to the Governor, the
 936 President of the Senate, and the Speaker of the House of
 937 Representatives each year on or before September ~~February~~ 1 on
 938 all REDI activities for the prior fiscal year. This report shall
 939 include a status report on all projects currently being
 940 coordinated through REDI, the number of preferential awards and
 941 allowances made pursuant to this section, the dollar amount of
 942 such awards, and the names of the recipients. The report shall
 943 also include a description of all waivers of program

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944 requirements granted. The report shall also include information
 945 as to the economic impact of the projects coordinated by REDI.

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

948 288.0657 Florida rural economic development strategy
 949 grants.--

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

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

953 (b) A county with a population of 120,000 ~~100,000~~ or less
 954 that is contiguous to a county with a population of 75,000 or
 955 less.

956 (c) A municipality within a county described in paragraph
 957 (a) or paragraph (b).

958
 959 For purposes of this subsection, population shall be determined
 960 in accordance with the most recent official estimate pursuant to
 961 s. 186.901.

962 Section 15. Paragraphs (b), (c), and (f) of subsection
 963 (2), paragraphs (b), (c), (d), (g), and (h) of subsection (3),
 964 paragraph (c) of subsection (5), paragraphs (d) and (e) of
 965 subsection (6), and subsection (8) of section 288.1045, Florida
 966 Statutes, are amended to read:

967 288.1045 Qualified defense contractor tax refund
 968 program.--

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

970 (b) Upon approval by the director, a qualified defense
 971 contractor business shall be allowed tax refund payments equal

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972 to \$3,000 times the number of jobs specified in the tax refund
973 agreement under subparagraph (4)(a)1. or equal to \$6,000 times
974 the number of jobs if the project is located in a rural county
975 or an enterprise zone. Further, a qualified defense contractor
976 business shall be allowed additional tax refund payments equal
977 to \$1,000 times the number of jobs specified in the tax refund
978 agreement under subparagraph (4)(a)1. if such jobs pay an annual
979 average wage of at least 150 percent of the average private
980 sector wage in the area or equal to \$2,000 times the number of
981 jobs if such jobs pay an annual average wage of at least 200
982 percent of the average private sector wage in the area A
983 ~~qualified applicant may not be qualified for any project to~~
984 ~~receive more than \$5,000 times the number of jobs provided in~~
985 ~~the tax refund agreement pursuant to subparagraph (4)(a)1. A~~
986 qualified applicant may not receive refunds of more than 25
987 percent of the total tax refunds provided in the tax refund
988 agreement pursuant to subparagraph (4)(a)1. in any fiscal year,
989 provided that no qualified applicant may receive more than \$2.5
990 million in tax refunds pursuant to this section in any fiscal
991 year.

992 (c) A qualified applicant may not receive more than \$5
993 ~~\$7.5~~ million in tax refunds pursuant to this section in all
994 fiscal years.

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

997 1. Receive refunds from the account for corporate income
998 taxes due and paid pursuant to chapter 220 by that business

999 beginning with the first taxable year of the business which
 1000 begins after entering into the agreement.

1001 2. Receive funds from the General Revenue Fund and the
 1002 Economic Development Trust Fund for the following taxes due and
 1003 paid by that business ~~the qualified applicant beginning with the~~
 1004 ~~applicant's first taxable year that begins~~ after entering into
 1005 the agreement:

1006 ~~a.1.~~ Taxes on sales, use, and other transactions paid
 1007 pursuant to chapter 212.

1008 ~~2. Corporate income taxes paid pursuant to chapter 220.~~

1009 ~~b.3.~~ Intangible personal property taxes paid pursuant to
 1010 chapter 199.

1011 ~~c.4.~~ Emergency excise taxes paid pursuant to chapter 221.

1012 ~~d.5.~~ Excise taxes paid on documents pursuant to chapter
 1013 201.

1014 ~~e.6.~~ Ad valorem taxes paid, as defined in s. 220.03(1)(a)
 1015 on June 1, 1996.

1016 ~~f.7.~~ State communications services taxes administered
 1017 under chapter 202. This provision does not apply to the gross
 1018 receipts tax imposed under chapter 203 and administered under
 1019 chapter 202 or the local communications services tax authorized
 1020 under s. 202.19.

1021
 1022 However, a qualified applicant may not receive a tax refund
 1023 pursuant to this section for any amount of credit, refund, or
 1024 exemption granted such contractor for any of such taxes. If a
 1025 refund for such taxes is provided by the office, which taxes are
 1026 subsequently adjusted by the application of any credit, refund,

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1027 or exemption granted to the qualified applicant other than that
 1028 provided in this section, the qualified applicant shall
 1029 reimburse the Economic Development Trust Fund for the amount of
 1030 such credit, refund, or exemption. A qualified applicant must
 1031 notify and tender payment to the office within 20 days after
 1032 receiving a credit, refund, or exemption, other than that
 1033 provided in this section. The addition of communications
 1034 services taxes administered under chapter 202 is remedial in
 1035 nature and retroactive to October 1, 2001. The office may make
 1036 supplemental tax refund payments to allow for tax refunds for
 1037 communications services taxes paid by an eligible qualified
 1038 defense contractor after October 1, 2001.

1039 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
 1040 DETERMINATION.--

1041 (b) Applications for certification based on the
 1042 consolidation of a Department of Defense contract or a new
 1043 Department of Defense contract must be submitted to the office
 1044 as prescribed by the office and must include, but are not
 1045 limited to, the following information:

1046 1. The applicant's federal employer identification number,
 1047 the applicant's Florida sales tax registration number, and a
 1048 ~~notarized~~ signature of an officer of the applicant.

1049 2. The permanent location of the manufacturing,
 1050 assembling, fabricating, research, development, or design
 1051 facility in this state at which the project is or is to be
 1052 located.

1053 3. The Department of Defense contract numbers of the
 1054 contract to be consolidated, the new Department of Defense

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1055 contract number, or the "RFP" number of a proposed Department of
 1056 Defense contract.

1057 4. The date the contract was executed or is expected to be
 1058 executed, and the date the contract is due to expire or is
 1059 expected to expire.

1060 5. The commencement date for project operations under the
 1061 contract in this state.

1062 6. The number of net new full-time equivalent Florida jobs
 1063 included in the project as of December 31 of each year and the
 1064 average wage of such jobs.

1065 7. The total number of full-time equivalent employees
 1066 employed by the applicant in this state.

1067 8. The percentage of the applicant's gross receipts
 1068 derived from Department of Defense contracts during the 5
 1069 taxable years immediately preceding the date the application is
 1070 submitted.

1071 9. The number of full-time equivalent jobs in this state
 1072 to be retained by the project.

1073 ~~10. The estimated amount of tax refunds to be claimed for~~
 1074 ~~each fiscal year.~~

1075 10.11. A brief statement concerning the applicant's need
 1076 for tax refunds, and the proposed uses of such refunds by the
 1077 applicant.

1078 11.12. A resolution adopted by the governing board ~~county~~
 1079 ~~commissioners~~ of the county or municipality in which the project
 1080 will be located, which recommends the applicant be approved as a
 1081 qualified applicant, and which indicates that the necessary
 1082 commitments of local financial support for the applicant exist.

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1083 Prior to the adoption of the resolution, the county commission
 1084 may review the proposed public or private sources of such
 1085 support and determine whether the proposed sources of local
 1086 financial support can be provided or, for any applicant whose
 1087 project is located in a county designated by the Rural Economic
 1088 Development Initiative, a resolution adopted by the county
 1089 commissioners of such county requesting that the applicant's
 1090 project be exempt from the local financial support requirement.

1091 ~~12.13-~~ Any additional information requested by the office.

1092 (c) Applications for certification based on the conversion
 1093 of defense production jobs to nondefense production jobs must be
 1094 submitted to the office as prescribed by the office and must
 1095 include, but are not limited to, the following information:

1096 1. The applicant's federal employer identification number,
 1097 the applicant's Florida sales tax registration number, and a
 1098 ~~notarized~~ signature of an officer of the applicant.

1099 2. The permanent location of the manufacturing,
 1100 assembling, fabricating, research, development, or design
 1101 facility in this state at which the project is or is to be
 1102 located.

1103 3. The Department of Defense contract numbers of the
 1104 contract under which the defense production jobs will be
 1105 converted to nondefense production jobs.

1106 4. The date the contract was executed, and the date the
 1107 contract is due to expire or is expected to expire, or was
 1108 canceled.

1109 5. The commencement date for the nondefense production
 1110 operations in this state.

1111 6. The number of net new full-time equivalent Florida jobs
 1112 included in the nondefense production project as of December 31
 1113 of each year and the average wage of such jobs.

1114 7. The total number of full-time equivalent employees
 1115 employed by the applicant in this state.

1116 8. The percentage of the applicant's gross receipts
 1117 derived from Department of Defense contracts during the 5
 1118 taxable years immediately preceding the date the application is
 1119 submitted.

1120 9. The number of full-time equivalent jobs in this state
 1121 to be retained by the project.

1122 ~~10. The estimated amount of tax refunds to be claimed for~~
 1123 ~~each fiscal year.~~

1124 10.11. A brief statement concerning the applicant's need
 1125 for tax refunds, and the proposed uses of such refunds by the
 1126 applicant.

1127 ~~11.12.~~ A resolution adopted by the governing board ~~county~~
 1128 ~~commissioners~~ of the county or municipality in which the project
 1129 will be located, which recommends the applicant be approved as a
 1130 qualified applicant, and which indicates that the necessary
 1131 commitments of local financial support for the applicant exist.
 1132 Prior to the adoption of the resolution, the county commission
 1133 may review the proposed public or private sources of such
 1134 support and determine whether the proposed sources of local
 1135 financial support can be provided or, for any applicant whose
 1136 project is located in a county designated by the Rural Economic
 1137 Development Initiative, a resolution adopted by the county

1138 commissioners of such county requesting that the applicant's
 1139 project be exempt from the local financial support requirement.

1140 ~~12.13-~~ Any additional information requested by the office.

1141 (d) Applications for certification based on a contract for
 1142 reuse of a defense-related facility must be submitted to the
 1143 office as prescribed by the office and must include, but are not
 1144 limited to, the following information:

1145 1. The applicant's Florida sales tax registration number
 1146 and a ~~notarized~~ signature of an officer of the applicant.

1147 2. The permanent location of the manufacturing,
 1148 assembling, fabricating, research, development, or design
 1149 facility in this state at which the project is or is to be
 1150 located.

1151 3. The business entity holding a valid Department of
 1152 Defense contract or branch of the Armed Forces of the United
 1153 States that previously occupied the facility, and the date such
 1154 entity last occupied the facility.

1155 4. A copy of the contract to reuse the facility, or such
 1156 alternative proof as may be prescribed by the office that the
 1157 applicant is seeking to contract for the reuse of such facility.

1158 5. The date the contract to reuse the facility was
 1159 executed or is expected to be executed, and the date the
 1160 contract is due to expire or is expected to expire.

1161 6. The commencement date for project operations under the
 1162 contract in this state.

1163 7. The number of net new full-time equivalent Florida jobs
 1164 included in the project as of December 31 of each year and the
 1165 average wage of such jobs.

1166 8. The total number of full-time equivalent employees
 1167 employed by the applicant in this state.

1168 9. The number of full-time equivalent jobs in this state
 1169 to be retained by the project.

1170 ~~10. The estimated amount of tax refunds to be claimed for~~
 1171 ~~each fiscal year.~~

1172 10.11. A brief statement concerning the applicant's need
 1173 for tax refunds, and the proposed uses of such refunds by the
 1174 applicant.

1175 11.12. A resolution adopted by the governing board ~~county~~
 1176 ~~commissioners~~ of the county or municipality in which the project
 1177 will be located, which recommends the applicant be approved as a
 1178 qualified applicant, and which indicates that the necessary
 1179 commitments of local financial support for the applicant exist.
 1180 Prior to the adoption of the resolution, the county commission
 1181 may review the proposed public or private sources of such
 1182 support and determine whether the proposed sources of local
 1183 financial support can be provided or, for any applicant whose
 1184 project is located in a county designated by the Rural Economic
 1185 Development Initiative, a resolution adopted by the county
 1186 commissioners of such county requesting that the applicant's
 1187 project be exempt from the local financial support requirement.

1188 12.13. Any additional information requested by the office.

1189 (g) Applications shall be reviewed and certified pursuant
 1190 to s. 288.061. If appropriate, the director shall enter into a
 1191 written agreement with the qualified applicant pursuant to
 1192 subsection (4). ~~The office shall forward its written findings~~
 1193 ~~and evaluation on each application meeting the requirements of~~

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1194 ~~paragraphs (b) and (c), paragraphs (c) and (e), or paragraphs~~
1195 ~~(d) and (e) to the director within 60 calendar days after~~
1196 ~~receipt of a complete application. The office shall notify each~~
1197 ~~applicant when its application is complete, and when the 60 day~~
1198 ~~period begins. In its written report to the director, the office~~
1199 ~~shall specifically address each of the factors specified in~~
1200 ~~paragraph (f), and shall make a specific assessment with respect~~
1201 ~~to the minimum requirements established in paragraph (e). The~~
1202 ~~office shall include in its report projections of the tax~~
1203 ~~refunds the applicant would be eligible to receive in each~~
1204 ~~fiscal year based on the creation and maintenance of the net new~~
1205 ~~Florida jobs specified in subparagraph (b)6., subparagraph~~
1206 ~~(c)6., or subparagraph (d)7. as of December 31 of the preceding~~
1207 ~~state fiscal year.~~

1208 ~~(h) Within 30 days after receipt of the office's findings~~
1209 ~~and evaluation, the director shall issue a letter of~~
1210 ~~certification which either approves or disapproves an~~
1211 ~~application. The decision must be in writing and provide the~~
1212 ~~justifications for either approval or disapproval. If~~
1213 ~~appropriate, the director shall enter into a written agreement~~
1214 ~~with the qualified applicant pursuant to subsection (4).~~

1215 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
1216 CONTRACTOR.--

1217 (c) A tax refund may not be approved for any qualified
1218 applicant unless local financial support has been paid to the
1219 Economic Development Trust Fund for that refund. If the local
1220 financial support is less than 20 percent of the approved tax
1221 refund, the tax refund shall be reduced. The tax refund paid may

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1222 not exceed 5 times the local financial support received. Funding
 1223 from local sources includes tax abatement under s. 196.1995 or
 1224 the appraised market value of municipal or county land,
 1225 including any improvements or structures, conveyed or provided
 1226 at a discount through a sale or lease to that ~~provided to a~~
 1227 ~~qualified~~ applicant. The amount of any tax refund for an
 1228 applicant approved under this section shall be reduced by the
 1229 amount of any such tax abatement granted or the value of the
 1230 land granted, including the value of any improvements or
 1231 structures;~~7~~ and the limitations in subsection (2) ~~and paragraph~~
 1232 ~~(3)(h)~~ shall be reduced by the amount of any such tax abatement
 1233 or the value of the land granted, including any improvements or
 1234 structures. A report listing all sources of the local financial
 1235 support shall be provided to the office when such support is
 1236 paid to the Economic Development Trust Fund.

1237 (6) ADMINISTRATION.--

1238 ~~(d) By December 1 of each year, the office shall submit a~~
 1239 ~~complete and detailed report to the Governor, the President of~~
 1240 ~~the Senate, and the Speaker of the House of Representatives of~~
 1241 ~~all tax refunds paid under this section, including analyses of~~
 1242 ~~benefits and costs, types of projects supported, employment and~~
 1243 ~~investment created, geographic distribution of tax refunds~~
 1244 ~~granted, and minority business participation. The report must~~
 1245 ~~indicate whether the moneys appropriated by the Legislature to~~
 1246 ~~the qualified applicant tax refund program were expended in a~~
 1247 ~~prudent, fiducially sound manner.~~

1248 (d)~~(e)~~ Funds specifically appropriated for the tax refund
 1249 program under this section may not be used for any purpose other
 1250 than the payment of tax refunds authorized by this section.

1251 (8) EXPIRATION.--An applicant may not be certified as
 1252 qualified under this section after June 30, 2014 ~~2010~~. A tax
 1253 refund agreement existing on that date shall continue in effect
 1254 in accordance with its terms.

1255 Section 16. Section 288.106, Florida Statutes, is amended
 1256 to read:

1257 288.106 Tax refund program for qualified target industry
 1258 businesses.--

1259 (1) DEFINITIONS.--As used in this section:

1260 (a) "Account" means the Economic Development Incentives
 1261 Account within the Economic Development Trust Fund established
 1262 under s. 288.095.

1263 (b) "Average private sector wage in the area" means the
 1264 statewide private sector average wage or the average of all
 1265 private sector wages and salaries in the county or in the
 1266 standard metropolitan area in which the business is located.

1267 (c) "Business" means an employing unit, as defined in s.
 1268 443.036, which is registered for unemployment compensation
 1269 purposes with the state agency providing unemployment tax
 1270 collection services under contract with the Agency for Workforce
 1271 Innovation through an interagency agreement pursuant to s.
 1272 443.1316, or a subcategory or division of an employing unit
 1273 which is accepted by the state agency providing unemployment tax
 1274 collection services as a reporting unit.

1275 (d) "Corporate headquarters business" means an
 1276 international, national, or regional headquarters office of a
 1277 multinational or multistate business enterprise or national
 1278 trade association, whether separate from or connected with other
 1279 facilities used by such business.

1280 (e) "Office" means the Office of Tourism, Trade, and
 1281 Economic Development.

1282 (f) "Enterprise zone" means an area designated as an
 1283 enterprise zone pursuant to s. 290.0065.

1284 (g) "Expansion of an existing business" means the
 1285 expansion of an existing Florida business by or through
 1286 additions to real and personal property, resulting in a net
 1287 increase in employment of not less than 10 percent at such
 1288 business.

1289 (h) "Fiscal year" means the fiscal year of the state.

1290 (i) "Jobs" means full-time equivalent positions, as that
 1291 term is consistent with terms used by the Agency for Workforce
 1292 Innovation and the United States Department of Labor for
 1293 purposes of unemployment compensation tax administration and
 1294 employment estimation, resulting directly from a project in this
 1295 state. The term does not include temporary construction jobs
 1296 involved with the construction of facilities for the project or
 1297 any jobs previously included in any application for tax refunds
 1298 under s. 288.1045 or this section.

1299 (j) "Local financial support" means funding from local
 1300 sources, public or private, which is paid to the Economic
 1301 Development Trust Fund and which is equal to 20 percent of the
 1302 annual tax refund for a qualified target industry business. A

1303 qualified target industry business may not provide, directly or
 1304 indirectly, more than 5 percent of such funding in any fiscal
 1305 year. The sources of such funding may not include, directly or
 1306 indirectly, state funds appropriated from the General Revenue
 1307 Fund or any state trust fund, excluding tax revenues shared with
 1308 local governments pursuant to law.

1309 (k) "Local financial support exemption option" means the
 1310 option to exercise an exemption from the local financial support
 1311 requirement available to any applicant whose project is located
 1312 in a brownfield area or a county with a population of 75,000 or
 1313 fewer or a county with a population of 120,000 ~~100,000~~ or fewer
 1314 which is contiguous to a county with a population of 75,000 or
 1315 fewer. Any applicant that exercises this option shall not be
 1316 eligible for more than 80 percent of the total tax refunds
 1317 allowed such applicant under this section.

1318 (l) "New business" means a business which heretofore did
 1319 not exist in this state, first beginning operations on a site
 1320 located in this state and clearly separate from any other
 1321 commercial or industrial operations owned by the same business.

1322 (m) "Project" means the creation of a new business or
 1323 expansion of an existing business.

1324 (n) "Director" means the Director of the Office of
 1325 Tourism, Trade, and Economic Development.

1326 (o) "Target industry business" means a corporate
 1327 headquarters business or any business that is engaged in one of
 1328 the target industries identified pursuant to the following
 1329 criteria developed by the office in consultation with Enterprise
 1330 Florida, Inc.:

1331 1. Future growth.--Industry forecasts should indicate
1332 strong expectation for future growth in both employment and
1333 output, according to the most recent available data. Special
1334 consideration should be given to Florida's growing access to
1335 international markets or to replacing imports.

1336 2. Stability.--The industry should not be subject to
1337 periodic layoffs, whether due to seasonality or sensitivity to
1338 volatile economic variables such as weather. The industry should
1339 also be relatively resistant to recession, so that the demand
1340 for products of this industry is not necessarily subject to
1341 decline during an economic downturn.

1342 3. High wage.--The industry should pay relatively high
1343 wages compared to statewide or area averages.

1344 4. Market and resource independent.--The location of
1345 industry businesses should not be dependent on Florida markets
1346 or resources as indicated by industry analysis except when the
1347 product replaces an imported, nonrenewable energy fuel source or
1348 except when using a renewable resource in the production of
1349 alternative energy. Special consideration should be given to the
1350 development of strong industrial clusters which include defense
1351 and homeland security businesses.

1352 5. Industrial base diversification and strengthening.--The
1353 industry should contribute toward expanding or diversifying the
1354 state's or area's economic base, as indicated by analysis of
1355 employment and output shares compared to national and regional
1356 trends. Special consideration should be given to industries that
1357 strengthen regional economies by adding value to basic products

1358 or building regional industrial clusters as indicated by
 1359 industry analysis.

1360 6. Economic benefits.--The industry should have strong
 1361 positive impacts on or benefits to the state and regional
 1362 economies.

1363
 1364 The office, in consultation with Enterprise Florida, Inc., shall
 1365 develop a list of such target industries annually and submit
 1366 such list as part of the final agency legislative budget request
 1367 submitted pursuant to s. 216.023(1). A target industry business
 1368 may not include any industry engaged in retail activities; any
 1369 electrical utility company; any phosphate or other solid
 1370 minerals severance, mining, or processing operation; any oil or
 1371 gas exploration or production operation except when the product
 1372 replaces an imported, nonrenewable energy fuel source; or any
 1373 firm subject to regulation by the Division of Hotels and
 1374 Restaurants of the Department of Business and Professional
 1375 Regulation.

1376 (p) "Taxable year" means taxable year as defined in s.
 1377 220.03(1)(y).

1378 (q) "Qualified target industry business" means a target
 1379 industry business that has been approved by the director to be
 1380 eligible for tax refunds pursuant to this section.

1381 (r) "Rural county" means a county with a population of
 1382 75,000 or fewer or a county with a population of 120,000 ~~100,000~~
 1383 or fewer which is contiguous to a county with a population of
 1384 75,000 or fewer.

1385 (s) "Rural city" means a city with a population of 10,000
 1386 or less, or a city with a population of greater than 10,000 but
 1387 less than 20,000 which has been determined by the Office of
 1388 Tourism, Trade, and Economic Development to have economic
 1389 characteristics such as, but not limited to, a significant
 1390 percentage of residents on public assistance, a significant
 1391 percentage of residents with income below the poverty level, or
 1392 a significant percentage of the city's employment base in
 1393 agriculture-related industries.

1394 (t) "Rural community" means:

- 1395 1. A county with a population of 75,000 or less.
- 1396 2. A county with a population of 120,000 ~~100,000~~ or less
 1397 that is contiguous to a county with a population of 75,000 or
 1398 less.
- 1399 3. A municipality within a county described in
 1400 subparagraph 1. or subparagraph 2.

1401
 1402 For purposes of this paragraph, population shall be determined
 1403 in accordance with the most recent official estimate pursuant to
 1404 s. 186.901.

1405 (u) "Authorized local economic development agency" means
 1406 any public or private entity, including those defined in s.
 1407 288.075, authorized by a county or municipality to promote the
 1408 general business or industrial interests of that county or
 1409 municipality.

1410 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

1411 (a) There shall be allowed, from the account, a refund to
 1412 a qualified target industry business for the amount of eligible

1413 taxes certified by the director which were paid by such
 1414 business. The total amount of refunds for all fiscal years for
 1415 each qualified target industry business must be determined
 1416 pursuant to subsection (3). The annual amount of a refund to a
 1417 qualified target industry business must be determined pursuant
 1418 to subsection (5).

1419 (b) Upon approval by the director, a qualified target
 1420 industry business shall be allowed tax refund payments equal to
 1421 \$3,000 times the number of jobs specified in the tax refund
 1422 agreement under subparagraph (4)(a)1., or equal to \$6,000 times
 1423 the number of jobs if the project is located in a rural county
 1424 or an enterprise zone. Further, a qualified target industry
 1425 business shall be allowed additional tax refund payments equal
 1426 to \$1,000 times the number of jobs specified in the tax refund
 1427 agreement under subparagraph (4)(a)1., if such jobs pay an
 1428 annual average wage of at least 150 percent of the average
 1429 private sector wage in the area, or equal to \$2,000 times the
 1430 number of jobs if such jobs pay an annual average wage of at
 1431 least 200 percent of the average private sector wage in the
 1432 area. A qualified target industry business may not receive
 1433 refund payments of more than 25 percent of the total tax refunds
 1434 specified in the tax refund agreement under subparagraph
 1435 (4)(a)1. in any fiscal year. Further, a qualified target
 1436 industry business may not receive more than \$1.5 million in
 1437 refunds under this section in any single fiscal year, or more
 1438 than \$2.5 million in any single fiscal year if the project is
 1439 located in an enterprise zone. A qualified target industry may
 1440 not receive more than \$5 million in refund payments under this

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1441 section in all fiscal years, or more than \$7.5 million if the
 1442 project is located in an enterprise zone. Funds made available
 1443 pursuant to this section may not be expended in connection with
 1444 the relocation of a business from one community to another
 1445 community in this state unless the Office of Tourism, Trade, and
 1446 Economic Development determines that without such relocation the
 1447 business will move outside this state or determines that the
 1448 business has a compelling economic rationale for the relocation
 1449 and that the relocation will create additional jobs.

1450 (c) After entering into a tax refund agreement under
 1451 subsection (4), a qualified target industry business may:

1452 1. Receive refunds from the account for the following
 1453 taxes due and paid by that business beginning with the first
 1454 taxable year of the business which begins after entering into
 1455 the agreement:

1456 a. Corporate income taxes under chapter 220.

1457 b. Insurance premium tax under s. 624.509.

1458 2. Receive refunds from the account for the following
 1459 taxes due and paid by that business after entering into the
 1460 agreement:

1461 a. Taxes on sales, use, and other transactions under
 1462 chapter 212.

1463 b. Intangible personal property taxes under chapter 199.

1464 c. Emergency excise taxes under chapter 221.

1465 d. Excise taxes on documents under chapter 201.

1466 e. Ad valorem taxes paid, as defined in s. 220.03(1).

1467 f. State communications services taxes administered under
 1468 chapter 202. This provision does not apply to the gross receipts

1469 tax imposed under chapter 203 and administered under chapter 202
 1470 or the local communications services tax authorized under s.
 1471 202.19.

1472
 1473 The addition of state communications services taxes administered
 1474 under chapter 202 is remedial in nature and retroactive to
 1475 October 1, 2001. The office may make supplemental tax refund
 1476 payments to allow for tax refunds for communications services
 1477 taxes paid by an eligible qualified target industry business
 1478 after October 1, 2001.

1479 (d) However, a qualified target industry business may not
 1480 receive a refund under this section for any amount of credit,
 1481 refund, or exemption granted to that business for any of such
 1482 taxes. If a refund for such taxes is provided by the office,
 1483 which taxes are subsequently adjusted by the application of any
 1484 credit, refund, or exemption granted to the qualified target
 1485 industry business other than as provided in this section, the
 1486 business shall reimburse the account for the amount of that
 1487 credit, refund, or exemption. A qualified target industry
 1488 business shall notify and tender payment to the office within 20
 1489 days after receiving any credit, refund, or exemption other than
 1490 one provided in this section.

1491 (e) A qualified target industry business that fraudulently
 1492 claims a refund under this section:

- 1493 1. Is liable for repayment of the amount of the refund to
 1494 the account, plus a mandatory penalty in the amount of 200
 1495 percent of the tax refund which shall be deposited into the
 1496 General Revenue Fund.

1497 2. Is guilty of a felony of the third degree, punishable
1498 as provided in s. 775.082, s. 775.083, or s. 775.084.

1499 (3) APPLICATION AND APPROVAL PROCESS.--

1500 (a) To apply for certification as a qualified target
1501 industry business under this section, the business must file an
1502 application with the office before the business has made the
1503 decision to locate a new business in this state or before the
1504 business had made the decision to expand an existing business in
1505 this state. The application shall include, but is not limited
1506 to, the following information:

1507 1. The applicant's federal employer identification number
1508 and the applicant's state sales tax registration number.

1509 2. The permanent location of the applicant's facility in
1510 this state at which the project is or is to be located.

1511 3. A description of the type of business activity or
1512 product covered by the project, including a minimum of a four-
1513 digit NAICS ~~SIC codes~~ for all activities included in the
1514 project.

1515 4. The number of net new full-time equivalent Florida jobs
1516 at the qualified target industry business as of December 31 of
1517 each year included in the project and the average wage of those
1518 jobs. If more than one type of business activity or product is
1519 included in the project, the number of jobs and average wage for
1520 those jobs must be separately stated for each type of business
1521 activity or product.

1522 5. The total number of full-time equivalent employees
1523 employed by the applicant in this state.

1524 6. The anticipated commencement date of the project.

1525 7. A brief statement concerning the role that the tax
 1526 refunds requested will play in the decision of the applicant to
 1527 locate or expand in this state.

1528 8. An estimate of the proportion of the sales resulting
 1529 from the project that will be made outside this state.

1530 9. A resolution adopted by the governing board of the
 1531 county or municipality in which the project will be located,
 1532 which resolution recommends that certain types of businesses be
 1533 approved as a qualified target industry business and states that
 1534 the commitments of local financial support necessary for the
 1535 target industry business exist. In advance of the passage of
 1536 such resolution, the office may also accept an official letter
 1537 from an authorized local economic development agency that
 1538 endorses the proposed target industry project and pledges that
 1539 sources of local financial support for such project exist. For
 1540 the purposes of making pledges of local financial support under
 1541 this subsection, the authorized local economic development
 1542 agency shall be officially designated by the passage of a one-
 1543 time resolution by the local governing authority.

1544 10. Any additional information requested by the office.

1545 (b) To qualify for review by the office, the application
 1546 of a target industry business must, at a minimum, establish the
 1547 following to the satisfaction of the office:

1548 1. The jobs proposed to be provided under the application,
 1549 pursuant to subparagraph (a)4., must pay an estimated annual
 1550 average wage equaling at least 115 percent of the average
 1551 private sector wage in the area where the business is to be
 1552 located or the statewide private sector average wage. In

1553 determining the average annual wage, the office shall only
1554 include new proposed jobs, and wages for existing jobs shall be
1555 excluded from this calculation. The office may waive the ~~this~~
1556 average wage requirement at the request of the local governing
1557 body recommending the project and Enterprise Florida, Inc. The
1558 wage requirement may only be waived for a project located in a
1559 brownfield area designated under s. 376.80 or in a rural city or
1560 county or in an enterprise zone and only when the merits of the
1561 individual project or the specific circumstances in the
1562 community in relationship to the project warrant such action. If
1563 the local governing body and Enterprise Florida, Inc., make such
1564 a recommendation, it must be transmitted in writing and the
1565 specific justification for the waiver recommendation must be
1566 explained. If the director elects to waive the wage requirement,
1567 the waiver must be stated in writing and the reasons for
1568 granting the waiver must be explained.

1569 2. The target industry business's project must result in
1570 the creation of at least 10 jobs at such project and, if an
1571 expansion of an existing business, must result in a net increase
1572 in employment of at least ~~not less than~~ 10 percent at the ~~such~~
1573 business. Notwithstanding the definition of the term "expansion
1574 of an existing business" in paragraph (1)(g), at the request of
1575 the local governing body recommending the project and Enterprise
1576 Florida, Inc., the office may define an "expansion of an
1577 existing business" in a rural community or an enterprise zone as
1578 the expansion of a business resulting in a net increase in
1579 employment of less than 10 percent at such business if the
1580 merits of the individual project or the specific circumstances

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1581 in the community in relationship to the project warrant such
1582 action. If the local governing body and Enterprise Florida,
1583 Inc., make such a request, it must be transmitted in writing and
1584 the specific justification for the request must be explained. If
1585 the director elects to grant the ~~such~~ request, it ~~such~~ election
1586 must be stated in writing and the reason for granting the
1587 request must be explained.

1588 3. The business activity or product for the applicant's
1589 project is within an industry or industries that have been
1590 identified by the office to be high-value-added industries that
1591 contribute to the area and to the economic growth of the state
1592 and that produce a higher standard of living for residents
1593 ~~citizens~~ of this state in the new global economy or that can be
1594 shown to make an equivalent contribution to the area and state's
1595 economic progress. The director must approve requests to waive
1596 the wage requirement for brownfield areas designated under s.
1597 376.80 unless it is demonstrated that such action is not in the
1598 public interest.

1599 (c) Each application meeting the requirements of paragraph
1600 (b) must be submitted to the office for determination of
1601 eligibility. The office shall review and evaluate each
1602 application based on, but not limited to, the following
1603 criteria:

1604 1. Expected contributions to the state strategic economic
1605 development plan adopted by Enterprise Florida, Inc., taking
1606 into account the long-term effects of the project and of the
1607 applicant on the state economy.

1608 2. The economic benefit of the jobs created by the project
 1609 in this state, taking into account the cost and average wage of
 1610 each job created.

1611 3. The amount of capital investment to be made by the
 1612 applicant in this state.

1613 4. The local commitment and support for the project.

1614 5. The effect of the project on the local community,
 1615 taking into account the unemployment rate for the county where
 1616 the project will be located.

1617 6. The effect of any tax refunds granted pursuant to this
 1618 section on the viability of the project and the probability that
 1619 the project will be undertaken in this state if such tax refunds
 1620 are granted to the applicant, taking into account the expected
 1621 long-term commitment of the applicant to economic growth and
 1622 employment in this state.

1623 7. The expected long-term commitment to this state
 1624 resulting from the project.

1625 8. A review of the business's past activities in this
 1626 state or other states, including whether such business has been
 1627 subjected to criminal or civil fines and penalties. ~~Nothing in~~
 1628 This subparagraph does not ~~shall~~ require the disclosure of
 1629 confidential information.

1630 (d) Applications shall be reviewed and certified pursuant
 1631 to s. 288.061. ~~The office shall forward its written findings and~~
 1632 ~~evaluation concerning each application meeting the requirements~~
 1633 ~~of paragraph (b) to the director within 45 calendar days after~~
 1634 ~~receipt of a complete application. The office shall notify each~~
 1635 ~~target industry business when its application is complete, and~~

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1636 ~~of the time when the 45 day period begins. In its written report~~
1637 ~~to the director, the office shall specifically address each of~~
1638 ~~the factors specified in paragraph (c) and shall make a specific~~
1639 ~~assessment with respect to the minimum requirements established~~
1640 ~~in paragraph (b).~~ The office shall include in its review report
1641 projections of the tax refunds the business would be eligible to
1642 receive in each fiscal year based on the creation and
1643 maintenance of the net new Florida jobs specified in
1644 subparagraph (a)4. as of December 31 of the preceding state
1645 fiscal year. If appropriate, the director shall enter into a
1646 written agreement with the qualified target industry business
1647 pursuant to subsection (4).

1648 ~~(e)1. Within 30 days after receipt of the office's~~
1649 ~~findings and evaluation, the director shall issue a letter of~~
1650 ~~certification that either approves or disapproves the~~
1651 ~~application of the target industry business. The decision must~~
1652 ~~be in writing and must provide the justifications for approval~~
1653 ~~or disapproval.~~

1654 ~~2. If appropriate, the director shall enter into a written~~
1655 ~~agreement with the qualified target industry business pursuant~~
1656 ~~to subsection (4).~~

1657 (e)(f) The director may not certify any target industry
1658 business as a qualified target industry business if the value of
1659 tax refunds to be included in that letter of certification
1660 exceeds the available amount of authority to certify new
1661 businesses as determined in s. 288.095(3). However, if the
1662 commitments of local financial support represent less than 20
1663 percent of the eligible tax refund payments, or to otherwise

1664 preserve the viability and fiscal integrity of the program, the
 1665 director may certify a qualified target industry business to
 1666 receive tax refund payments of less than the allowable amounts
 1667 specified in paragraph (2)(b). A letter of certification that
 1668 approves an application must specify the maximum amount of tax
 1669 refund that will be available to the qualified industry business
 1670 in each fiscal year and the total amount of tax refunds that
 1671 will be available to the business for all fiscal years.

1672 (f)~~(g)~~ ~~Nothing in This section does not shall~~ create a
 1673 presumption that an applicant shall ~~will~~ receive any tax refunds
 1674 under this section. However, the office may issue nonbinding
 1675 opinion letters, upon the request of prospective applicants, as
 1676 to the applicants' eligibility and the potential amount of
 1677 refunds.

1678 (4) TAX REFUND AGREEMENT.--

1679 (a) Each qualified target industry business must enter
 1680 into a written agreement with the office which specifies, at a
 1681 minimum:

1682 1. The total number of full-time equivalent jobs in this
 1683 state that will be dedicated to the project, the average wage of
 1684 those jobs, the definitions that will apply for measuring the
 1685 achievement of these terms during the pendency of the agreement,
 1686 and a time schedule or plan for when such jobs will be in place
 1687 and active in this state.

1688 2. The maximum amount of tax refunds which the qualified
 1689 target industry business is eligible to receive on the project
 1690 and the maximum amount of a tax refund that the qualified target
 1691 industry business is eligible to receive for each fiscal year,

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1692 based on the job creation and maintenance schedule specified in
1693 subparagraph 1.

1694 3. That the office may review and verify the financial and
1695 personnel records of the qualified target industry business to
1696 ascertain whether that business is in compliance with this
1697 section.

1698 4. The date by which, in each fiscal year, the qualified
1699 target industry business may file a claim under subsection (5)
1700 to be considered to receive a tax refund in the following fiscal
1701 year.

1702 5. That local financial support will be annually available
1703 and will be paid to the account. The director may not enter into
1704 a written agreement with a qualified target industry business if
1705 the local financial support resolution is not passed by the
1706 local governing authority within 90 days after he or she has
1707 issued the letter of certification under subsection (3).

1708 (b) Compliance with the terms and conditions of the
1709 agreement is a condition precedent for the receipt of a tax
1710 refund each year. The failure to comply with the terms and
1711 conditions of the tax refund agreement results in the loss of
1712 eligibility for receipt of all tax refunds previously authorized
1713 under this section and the revocation by the director of the
1714 certification of the business entity as a qualified target
1715 industry business, unless the business is eligible to receive
1716 and elects to accept a prorated refund under paragraph (5)(d) or
1717 the office grants the business an economic-stimulus exemption.

1718 1. A qualified target industry business may submit, in
1719 writing, a request to the office for an economic-stimulus

1720 exemption. The request must provide quantitative evidence
1721 demonstrating how negative economic conditions in the business's
1722 industry, the effects of the impact of a named hurricane or
1723 tropical storm, or specific acts of terrorism affecting the
1724 qualified target industry business have prevented the business
1725 from complying with the terms and conditions of its tax refund
1726 agreement.

1727 2. Upon receipt of a request under subparagraph 1., the
1728 director shall have 45 days to notify the requesting business,
1729 in writing, if its exemption has been granted or denied. In
1730 determining if an exemption should be granted, the director
1731 shall consider the extent to which negative economic conditions
1732 in the requesting business's industry have occurred in the state
1733 ~~and, the effects of the impact of a named hurricane or tropical~~
1734 ~~storm, or specific acts of terrorism affecting the qualified~~
1735 ~~target industry business~~ have prevented the business from
1736 complying with the terms and conditions of its tax refund
1737 agreement. The office shall consider Florida current employment
1738 statistics by industry, including whether the business's
1739 industry had substantial job loss during the prior year, when
1740 determining whether an exemption shall be granted.

1741 3. As a condition for receiving a prorated refund under
1742 paragraph (5) (d) or an economic-stimulus exemption under this
1743 paragraph, a qualified target industry business must agree to
1744 renegotiate its tax refund agreement with the office to, at a
1745 minimum, ensure that the terms of the agreement comply with
1746 current law and office procedures governing application for and
1747 award of tax refunds. Upon approving the award of a prorated

1748 refund or granting an economic-stimulus exemption, the office
 1749 shall renegotiate the tax refund agreement with the business as
 1750 required by this subparagraph. When amending the agreement of a
 1751 business receiving an economic-stimulus exemption, the office
 1752 may extend the duration of the agreement for a period not to
 1753 exceed 2 years.

1754 4. A qualified target industry business may submit a
 1755 request for an economic-stimulus exemption to the office in lieu
 1756 of any tax refund claim scheduled to be submitted after January
 1757 1, 2008 ~~2005~~, but before July 1, 2009 ~~2006~~.

1758 5. A qualified target industry business that receives an
 1759 economic-stimulus exemption may not receive a tax refund for the
 1760 period covered by the exemption.

1761 (c) The agreement must be signed by the director and by an
 1762 authorized officer of the qualified target industry business
 1763 within 120 days after the issuance of the letter of
 1764 certification under subsection (3), but not before passage and
 1765 receipt of the resolution of local financial support. The office
 1766 may grant an extension of this period at the written request of
 1767 the qualified target industry business.

1768 (d) The agreement must contain the following legend,
 1769 clearly printed on its face in bold type of not less than 10
 1770 points in size: "This agreement is neither a general obligation
 1771 of the State of Florida, nor is it backed by the full faith and
 1772 credit of the State of Florida. Payment of tax refunds are
 1773 conditioned on and subject to specific annual appropriations by
 1774 the Florida Legislature of moneys sufficient to pay amounts
 1775 authorized in section 288.106, Florida Statutes."

1776 (5) ANNUAL CLAIM FOR REFUND.--

1777 (a) To be eligible to claim any scheduled tax refund, a
 1778 qualified target industry business that has entered into a tax
 1779 refund agreement with the office under subsection (4) must apply
 1780 by January 31 of each fiscal year to the office for the tax
 1781 refund scheduled to be paid from the appropriation for the
 1782 fiscal year that begins on July 1 following the January 31
 1783 claims-submission date. The office may, upon written request,
 1784 grant a 30-day extension of the filing date.

1785 (b) The claim for refund by the qualified target industry
 1786 business must include a copy of all receipts pertaining to the
 1787 payment of taxes for which the refund is sought and data related
 1788 to achievement of each performance item specified in the tax
 1789 refund agreement. The amount requested as a tax refund may not
 1790 exceed the amount specified for the relevant fiscal year in that
 1791 agreement.

1792 (c) A tax refund may not be approved for a qualified
 1793 target industry business unless the required local financial
 1794 support has been paid into the account for that refund. If the
 1795 local financial support provided is less than 20 percent of the
 1796 approved tax refund, the tax refund must be reduced. In no event
 1797 may the tax refund exceed an amount that is equal to 5 times the
 1798 amount of the local financial support received. Further, funding
 1799 from local sources includes any tax abatement granted to that
 1800 business under s. 196.1995 or the appraised market value of
 1801 municipal or county land conveyed or provided at a discount to
 1802 that business. The amount of any tax refund for such business
 1803 approved under this section must be reduced by the amount of any

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1804 such tax abatement granted or the value of the land granted; and
1805 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
1806 be reduced by the amount of any such tax abatement or the value
1807 of the land granted. A report listing all sources of the local
1808 financial support shall be provided to the office when such
1809 support is paid to the account.

1810 (d) A prorated tax refund, less a 5-percent penalty, shall
1811 be approved for a qualified target industry business provided
1812 all other applicable requirements have been satisfied and the
1813 business proves to the satisfaction of the director that it has
1814 achieved at least 80 percent of its projected employment and
1815 that the average wage paid by the business is at least 90
1816 percent of the average wage specified in the tax refund
1817 agreement, but in no case less than 115 percent of the average
1818 private sector wage in the area available at the time of
1819 certification, or 150 percent or 200 percent of the average
1820 private sector wage if the business requested the additional
1821 per-job tax refund authorized in paragraph (2)(b) for wages
1822 above those levels. The prorated tax refund shall be calculated
1823 by multiplying the tax refund amount for which the qualified
1824 target industry business would have been eligible, if all
1825 applicable requirements had been satisfied, by the percentage of
1826 the average employment specified in the tax refund agreement
1827 which was achieved, and by the percentage of the average wages
1828 specified in the tax refund agreement which was achieved.

1829 (e) The director, with such assistance as may be required
1830 from the office, the Department of Revenue, or the Agency for
1831 Workforce Innovation, shall, by June 30 following the scheduled

1832 date for submission of the tax refund claim, specify by written
 1833 order the approval or disapproval of the tax refund claim and,
 1834 if approved, the amount of the tax refund that is authorized to
 1835 be paid to the qualified target industry business for the annual
 1836 tax refund. The office may grant an extension of this date on
 1837 the request of the qualified target industry business for the
 1838 purpose of filing additional information in support of the
 1839 claim.

1840 (f) The total amount of tax refund claims approved by the
 1841 director under this section in any fiscal year must not exceed
 1842 the amount authorized under s. 288.095(3).

1843 (g) This section does not create a presumption that a tax
 1844 refund claim will be approved and paid.

1845 (h) Upon approval of the tax refund under paragraphs (c),
 1846 (d), and (e), the Chief Financial Officer shall issue a warrant
 1847 for the amount specified in the written order. If the written
 1848 order is appealed, the Chief Financial Officer may not issue a
 1849 warrant for a refund to the qualified target industry business
 1850 until the conclusion of all appeals of that order.

1851 (6) ADMINISTRATION.--

1852 (a) The office is authorized to verify information
 1853 provided in any claim submitted for tax credits under this
 1854 section with regard to employment and wage levels or the payment
 1855 of the taxes to the appropriate agency or authority, including
 1856 the Department of Revenue, the Agency for Workforce Innovation,
 1857 or any local government or authority.

1858 (b) To facilitate the process of monitoring and auditing
 1859 applications made under this program, the office may provide a

1860 list of qualified target industry businesses to the Department
 1861 of Revenue, to the Agency for Workforce Innovation, or to any
 1862 local government or authority. The office may request the
 1863 assistance of those entities with respect to monitoring jobs,
 1864 wages, and the payment of the taxes listed in subsection (2).

1865 (c) Funds specifically appropriated for the tax refund
 1866 program for qualified target industry businesses may not be used
 1867 for any purpose other than the payment of tax refunds authorized
 1868 by this section.

1869 (7) Notwithstanding paragraphs (4)(a) and (5)(c), the
 1870 office may approve a waiver of the local financial support
 1871 requirement for a business located in any of the following
 1872 counties in which businesses received emergency loans
 1873 administered by the office in response to the named hurricanes
 1874 of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,
 1875 Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,
 1876 Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,
 1877 Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A
 1878 waiver may be granted only if the office determines that the
 1879 local financial support cannot be provided or that doing so
 1880 would effect a demonstrable hardship on the unit of local
 1881 government providing the local financial support. If the office
 1882 grants a waiver of the local financial support requirement, the
 1883 state shall pay 100 percent of the refund due to an eligible
 1884 business. The waiver shall apply for tax refund applications
 1885 made for fiscal years 2004-2005, 2005-2006, and 2006-2007.

1886 ~~(8) EXPIRATION. An applicant may not be certified as~~
 1887 ~~qualified under this section after June 30, 2010. A tax refund~~

1888 ~~agreement existing on that date shall continue in effect in~~
 1889 ~~accordance with its terms.~~

1890 Section 17. Subsection (3) and paragraph (f) of subsection
 1891 (4) of section 288.107, Florida Statutes, are amended to read:

1892 288.107 Brownfield redevelopment bonus refunds.--

1893 (3) CRITERIA.--The minimum criteria for participation in
 1894 the brownfield redevelopment bonus refund are:

1895 (a) The creation of at least 10 new full-time permanent
 1896 jobs. Such jobs shall not include construction or site
 1897 rehabilitation jobs associated with the implementation of a
 1898 brownfield site agreement as described in s. 376.80(5).

1899 (b) The completion of a fixed capital investment of at
 1900 least \$2 million in mixed-use business activities, including
 1901 multiunit housing, commercial, retail, and industrial in
 1902 brownfield areas, by an eligible business applying for a refund
 1903 under paragraph (2)(b) which provides benefits to its employees.

1904 (c) That the designation as a brownfield will diversify
 1905 and strengthen the economy of the area surrounding the site.

1906 (d) That the designation as a brownfield will promote
 1907 capital investment in the area beyond that contemplated for the
 1908 rehabilitation of the site.

1909 (e) A resolution adopted by the governing board of the
 1910 county or municipality in which the project will be located that
 1911 recommends that certain types of businesses be approved.

1912 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

1913 (f) Applications shall be reviewed and certified pursuant
 1914 to s. 288.061. The office shall review all applications
 1915 submitted under s. 288.106 or other similar application forms

1916 for other eligible businesses as defined in paragraph (1)(e)
 1917 which indicate that the proposed project will be located in a
 1918 brownfield and determine, with the assistance of the Department
 1919 of Environmental Protection, that the project location is within
 1920 a brownfield as provided in this act.

1921 Section 18. Paragraphs (b) and (c) of subsection (5) and
 1922 subsection (7) of section 288.108, Florida Statutes, are amended
 1923 to read:

1924 288.108 High-impact business.--

1925 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT
 1926 AGREEMENT.--

1927 (b) Applications shall be reviewed and certified pursuant
 1928 to s. 288.061. Enterprise Florida, Inc., shall review each
 1929 ~~submitted application and inform the applicant business whether~~
 1930 ~~or not its application is complete within 10 working days. Once~~
 1931 ~~the application is deemed complete, Enterprise Florida, Inc.,~~
 1932 ~~has 10 working days within which to evaluate the application and~~
 1933 ~~recommend approval or disapproval of the application to the~~
 1934 ~~director. In recommending an applicant business for approval,~~
 1935 ~~Enterprise Florida, Inc., shall include a recommended grant~~
 1936 ~~award amount in its evaluation forwarded to the office.~~

1937 ~~(c) Upon receipt of the evaluation and recommendation of~~
 1938 ~~Enterprise Florida, Inc., the director has 5 working days to~~
 1939 ~~enter a final order that either approves or disapproves an~~
 1940 ~~applicant business as a qualified high impact business facility,~~
 1941 ~~unless the business requests an extension of the time. The final~~
 1942 ~~order shall specify the total amount of the qualified high-~~
 1943 ~~impact business facility performance grant award, the~~

1944 ~~performance conditions that must be met to obtain the award, and~~
 1945 ~~the schedule for payment of the performance grant.~~

1946 ~~(7) REPORTING. The office shall by December 1 of each~~
 1947 ~~year issue a complete and detailed report of all designated~~
 1948 ~~high impact sectors, all applications received and their~~
 1949 ~~disposition, all final orders issued, and all payments made,~~
 1950 ~~including analyses of benefits and costs, types of projects~~
 1951 ~~supported, and employment and investments created. The report~~
 1952 ~~shall be submitted to the Governor, the President of the Senate,~~
 1953 ~~and the Speaker of the House of Representatives.~~

1954 Section 19. Paragraphs (a) and (b) of subsection (3) of
 1955 section 288.1088, Florida Statutes, are amended to read:

1956 288.1088 Quick Action Closing Fund.--

1957 (3) (a) Enterprise Florida, Inc., shall review applications
 1958 pursuant to s. 288.061(1) and determine eligibility of each
 1959 project consistent with the criteria in subsection (2).
 1960 Enterprise Florida, Inc., in consultation with the Office of
 1961 Tourism, Trade, and Economic Development, may waive these
 1962 criteria based on extraordinary circumstances or in rural areas
 1963 of critical economic concern if the project would significantly
 1964 benefit the local or regional economy. Enterprise Florida, Inc.,
 1965 shall evaluate individual proposals for high-impact business
 1966 facilities and forward recommendations regarding the use of
 1967 moneys in the fund for such facilities to the director of the
 1968 Office of Tourism, Trade, and Economic Development. Such
 1969 evaluation and recommendation must include, but need not be
 1970 limited to:

- 1971 1. A description of the type of facility or
 1972 infrastructure, its operations, and the associated product or
 1973 service associated with the facility.
- 1974 2. The number of full-time-equivalent jobs that will be
 1975 created by the facility and the total estimated average annual
 1976 wages of those jobs or, in the case of privately developed rural
 1977 infrastructure, the types of business activities and jobs
 1978 stimulated by the investment.
- 1979 3. The cumulative amount of investment to be dedicated to
 1980 the facility within a specified period.
- 1981 4. A statement of any special impacts the facility is
 1982 expected to stimulate in a particular business sector in the
 1983 state or regional economy or in the state's universities and
 1984 community colleges.
- 1985 5. A statement of the role the incentive is expected to
 1986 play in the decision of the applicant business to locate or
 1987 expand in this state or for the private investor to provide
 1988 critical rural infrastructure.
- 1989 6. A report evaluating the quality and value of the
 1990 company submitting a proposal. The report must include:
- 1991 a. A financial analysis of the company, including an
 1992 evaluation of the company's short-term liquidity ratio as
 1993 measured by its assets to liability, the company's profitability
 1994 ratio, and the company's long-term solvency as measured by its
 1995 debt-to-equity ratio;
- 1996 b. The historical market performance of the company;
- 1997 c. A review of any independent evaluations of the company;

1998 | d. A review of the latest audit of the company's financial
1999 | statement and the related auditor's management letter; and

2000 | e. A review of any other types of audits that are related
2001 | to the internal and management controls of the company.

2002 | (b) Upon receipt of the evaluation and recommendation from
2003 | Enterprise Florida, Inc., the director shall recommend approval
2004 | or disapproval of a project for receipt of funds from the Quick
2005 | Action Closing Fund within 35 calendar days to the Governor. In
2006 | recommending a project, the director shall include proposed
2007 | performance conditions that the project must meet to obtain
2008 | incentive funds. The Governor shall provide the evaluation of
2009 | projects recommended for approval to the President of the Senate
2010 | and the Speaker of the House of Representatives and consult with
2011 | the President of the Senate and the Speaker of the House of
2012 | Representatives before giving final approval for a project. The
2013 | Executive Office of the Governor shall recommend approval of a
2014 | project and the release of funds pursuant to the legislative
2015 | consultation and review requirements set forth in s. 216.177.
2016 | The recommendation must include proposed performance conditions
2017 | that the project must meet in order to obtain funds.

2018 | Section 20. Paragraph (f) of subsection (3), paragraph (c)
2019 | of subsection (5), and subsections (7), (8), (9), and (10) of
2020 | section 288.1089, Florida Statutes, are amended to read:

2021 | 288.1089 Innovation Incentive Program.--

2022 | (3) To be eligible for consideration for an innovation
2023 | incentive award, an innovation business or research and
2024 | development entity must submit a written application to
2025 | Enterprise Florida, Inc., before making a decision to locate new

2026 operations in this state or expand an existing operation in this
 2027 state. The application must include, but not be limited to:

2028 (f) The number of net new full-time equivalent jobs in
 2029 this state the applicant anticipates having created as of
 2030 December 31 of each year in the project; and the average annual
 2031 wage of such jobs; and the average annual wage of nonmanagement,
 2032 nonresearch jobs.

2033 (5) Enterprise Florida, Inc., shall evaluate proposals for
 2034 innovation incentive awards and transmit recommendations for
 2035 awards to the office. Such evaluation and recommendation must
 2036 include, but need not be limited to:

2037 (c) The number of full-time equivalent jobs that will be
 2038 created by the project, the total estimated average annual wages
 2039 of such jobs, the average annual wages of nonmanagement and
 2040 nonresearch jobs, and the types of business activities and jobs
 2041 likely to be stimulated by the project.

2042 (7) Upon receipt of the evaluation and recommendation from
 2043 Enterprise Florida, Inc., the director shall recommend to the
 2044 Governor the approval or disapproval of an award. In
 2045 recommending approval ~~of an award,~~ the director shall include
 2046 proposed performance conditions that the applicant must meet in
 2047 order to obtain incentive funds and any other conditions that
 2048 must be met before the receipt of any incentive funds. The
 2049 Governor shall consult with the President of the Senate and the
 2050 Speaker of the House of Representatives before giving approval
 2051 for an award. Upon review and approval of an award by the
 2052 Legislative Budget Commission, the Executive Office of the

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2053 Governor shall release the funds ~~pursuant to the legislative~~
 2054 ~~consultation and review requirements set forth in s. 216.177.~~

2055 (8) After the conditions ~~Upon approval by the Governor and~~
 2056 ~~release of the funds as~~ set forth in subsection (7) have been
 2057 met, the director shall issue a letter certifying the applicant
 2058 as qualified for an award. The office and the award recipient
 2059 ~~applicant~~ shall enter into an agreement that sets forth the
 2060 conditions for payment of incentives. The agreement must include
 2061 at a minimum:

2062 (a) The total amount of funds awarded.†

2063 (b) The performance conditions that must be met to obtain
 2064 the award or portions of the award, including, but not limited
 2065 to, net new employment in the state, average wage, and total
 2066 cumulative investment. Where applicable, the performance
 2067 conditions must be at least at the levels specified in this
 2068 section for an applicant to qualify for consideration for an
 2069 Innovation Incentive Program grant award.†

2070 (c) Demonstration of a baseline of current service and a
 2071 measure of enhanced capability.†

2072 (d) The methodology for validating performance.†

2073 (e) The schedule of payments.† ~~and~~

2074 (f) Sanctions for failure to meet performance conditions,
 2075 including any clawback provisions.

2076 (g) Requirements for the establishment of internship
 2077 programs or other learning opportunities for educators and
 2078 secondary, postsecondary, graduate, and doctoral students.

2079 (h) Requirements for each award recipient to submit
 2080 quarterly reports and annual reports related to activities and

2081 performance to the office and to Enterprise Florida, Inc.
 2082 (i) An annual accounting to the office of the expenditure
 2083 of funds disbursed under this section.
 2084 (j) A process for amending the agreement.
 2085 (9) Enterprise Florida, Inc., shall assist the office in
 2086 validating the performance of an innovation business or research
 2087 and development facility that has received an award.
 2088 (10) At the conclusion of the innovation incentive award
 2089 agreement, or its earlier termination, Enterprise Florida, Inc.,
 2090 shall, within 90 days, report the results of the innovation
 2091 incentive award to the Governor, the President of the Senate,
 2092 and the Speaker of the House of Representatives.
 2093 (11)~~(10)~~ Each award recipient shall comply with Enterprise
 2094 ~~Florida, Inc., shall develop~~ business ethics standards developed
 2095 by Enterprise Florida, Inc., which are based on appropriate best
 2096 industry practices ~~which shall be applicable to all award~~
 2097 ~~recipients.~~ The standards shall address ethical duties of
 2098 business enterprises, fiduciary responsibilities of management,
 2099 and compliance with the laws of this state. ~~Enterprise Florida,~~
 2100 ~~Inc., may collaborate with the State University System in~~
 2101 ~~reviewing and evaluating appropriate business ethics standards.~~
 2102 ~~Such standards shall be provided to the Governor, the President~~
 2103 ~~of the Senate, and the Speaker of the House of Representatives~~
 2104 ~~by December 31, 2006. An award agreement entered into on or~~
 2105 ~~after December 31, 2006, shall require a recipient to comply~~
 2106 ~~with the business ethics standards developed pursuant to this~~
 2107 ~~section.~~

2108 Section 21. Subsections (5), (6), and (9) of section
 2109 288.1162, Florida Statutes, are amended, and subsections (10),
 2110 (11), (12), and (13) are added to that section, to read:

2111 288.1162 Professional sports franchises; spring training
 2112 franchises; duties.--

2113 (5) (a) As used in this section, the term "retained spring
 2114 training franchise" means a spring training franchise that has
 2115 been based in this state prior to January 1, 2000.

2116 (b) Prior to certifying an applicant as a "facility for a
 2117 retained spring training franchise," the Office of Tourism,
 2118 Trade, and Economic Development must determine that:

2119 1. A "unit of local government" as defined in s. 218.369
 2120 is responsible for the acquisition, construction, management, or
 2121 operation of the facility for a retained spring training
 2122 franchise or holds title to the property on which the facility
 2123 for a retained spring training franchise is located.

2124 2. The applicant has a verified copy of a signed agreement
 2125 with a retained spring training franchise for the use of the
 2126 facility for a term of at least 15 years.

2127 3. The applicant has a financial commitment to provide 50
 2128 percent or more of the funds required by an agreement for the
 2129 acquisition, construction, or renovation of the facility for a
 2130 retained spring training franchise. The agreement can be
 2131 contingent upon the awarding of funds under this section and
 2132 other conditions precedent to use by the spring training
 2133 franchise.

2134 4. The applicant has projections, verified by the Office
 2135 of Tourism, Trade, and Economic Development, which demonstrate

2136 that the facility for a retained spring training franchise will
 2137 attract a paid attendance of at least 50,000 annually.

2138 5. The facility for a retained spring training franchise
 2139 is located in a county that is levying a tourist development tax
 2140 pursuant to s. 125.0104.

2141 ~~(c)1.~~ The Office of Tourism, Trade, and Economic
 2142 Development shall competitively evaluate applications for
 2143 funding of a facility for a retained spring training franchise.
 2144 The total number of certifications made by the Office of
 2145 Tourism, Trade, and Economic Development shall not exceed 10. If
 2146 the Office of Tourism, Trade, and Economic Development withdraws
 2147 certification for any given facility, the Office of Tourism,
 2148 Trade, and Economic Development may accept applications for an
 2149 additional certification. ~~Applications must be submitted by~~
 2150 ~~October 1, 2000, with certifications to be made by January 1,~~
 2151 ~~2001. If the number of applicants exceeds five and the aggregate~~
 2152 ~~funding request of all applications exceeds \$208,335 per month,~~
 2153 ~~the office shall rank the applications according to a selection~~
 2154 ~~criteria, certifying the highest ranked proposals.~~ The
 2155 evaluation criteria shall include, with priority given in
 2156 descending order to the following items:

2157 ~~1.a.~~ The intended use of the funds by the applicant for
 2158 acquisition of a facility, construction of a new facility, or
 2159 renovation of an existing facility, with priority given to the
 2160 construction of a new facility.

2161 ~~2.b.~~ The length of time that the existing franchise has
 2162 been located in the state, with priority given to retaining
 2163 franchises that have been in the same location the longest.

2164 3.e. The length of time that a facility to be used by a
 2165 retained spring training franchise has been used by one or more
 2166 spring training franchises, with priority given to a facility
 2167 that has been in continuous use as a facility for spring
 2168 training the longest.

2169 4.d. For those teams leasing a spring training facility
 2170 from a unit of local government, the remaining time on the lease
 2171 for facilities used by the spring training franchise, with
 2172 priority given to the shortest time period remaining on the
 2173 lease.

2174 5.e. The duration of the future-use agreement with the
 2175 retained spring training franchise, with priority given to the
 2176 future-use agreement having the longest duration.

2177 6.f. The amount of the local match, with priority given to
 2178 the largest percentage of local match proposed.

2179 7.g. The net increase of total active recreation space
 2180 owned by the applying unit of local government following the
 2181 acquisition of land for the spring training facility, with
 2182 priority given to the largest percentage increase of total
 2183 active recreation space.

2184 8.h. The location of the facility in a brownfield, an
 2185 enterprise zone, a community redevelopment area, or other area
 2186 of targeted development or revitalization included in an Urban
 2187 Infill Redevelopment Plan, with priority given to facilities
 2188 located in these areas.

2189 9.i. The projections on paid attendance attracted by the
 2190 facility and the proposed effect on the economy of the local

2191 community, with priority given to the highest projected paid
 2192 attendance.

2193 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
 2194 ~~and Economic Development shall competitively evaluate~~
 2195 ~~applications for funding of facilities for retained spring~~
 2196 ~~training franchises in addition to those certified and funded~~
 2197 ~~under subparagraph 1. An applicant that is a unit of government~~
 2198 ~~that has an agreement for a retained spring training franchise~~
 2199 ~~for 15 or more years which was entered into between July 1,~~
 2200 ~~2003, and July 1, 2004, shall be eligible for funding.~~
 2201 ~~Applications must be submitted by October 1, 2006, with~~
 2202 ~~certifications to be made by January 1, 2007. The office shall~~
 2203 ~~rank the applications according to selection criteria,~~
 2204 ~~certifying no more than five proposals. The aggregate funding~~
 2205 ~~request of all applicants certified shall not exceed an~~
 2206 ~~aggregate funding request of \$208,335 per month. The evaluation~~
 2207 ~~criteria shall include the following, with priority given in~~
 2208 ~~descending order:~~

2209 ~~a. The intended use of the funds by the applicant for~~
 2210 ~~acquisition or construction of a new facility.~~

2211 ~~b. The intended use of the funds by the applicant to~~
 2212 ~~renovate a facility.~~

2213 ~~c. The length of time that a facility to be used by a~~
 2214 ~~retained spring training franchise has been used by one or more~~
 2215 ~~spring training franchises, with priority given to a facility~~
 2216 ~~that has been in continuous use as a facility for spring~~
 2217 ~~training the longest.~~

2218 ~~d. For those teams leasing a spring training facility from~~
 2219 ~~a unit of local government, the remaining time on the lease for~~
 2220 ~~facilities used by the spring training franchise, with priority~~
 2221 ~~given to the shortest time period remaining on the lease. For~~
 2222 ~~consideration under this subparagraph, the remaining time on the~~
 2223 ~~lease shall not exceed 5 years, unless an agreement of 15 years~~
 2224 ~~or more was entered into between July 1, 2003, and July 1, 2004.~~

2225 ~~e. The duration of the future use agreement with the~~
 2226 ~~retained spring training franchise, with priority given to the~~
 2227 ~~future use agreement having the longest duration.~~

2228 ~~f. The amount of the local match, with priority given to~~
 2229 ~~the largest percentage of local match proposed.~~

2230 ~~g. The net increase of total active recreation space owned~~
 2231 ~~by the applying unit of local government following the~~
 2232 ~~acquisition of land for the spring training facility, with~~
 2233 ~~priority given to the largest percentage increase of total~~
 2234 ~~active recreation space.~~

2235 ~~h. The location of the facility in a brownfield area, an~~
 2236 ~~enterprise zone, a community redevelopment area, or another area~~
 2237 ~~of targeted development or revitalization included in an urban~~
 2238 ~~infill redevelopment plan, with priority given to facilities~~
 2239 ~~located in those areas.~~

2240 ~~i. The projections on paid attendance attracted by the~~
 2241 ~~facility and the proposed effect on the economy of the local~~
 2242 ~~community, with priority given to the highest projected paid~~
 2243 ~~attendance.~~

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2244 (d) Funds may not be expended to subsidize privately owned
 2245 and maintained facilities for use by the spring training
 2246 franchise.

2247 (e) Funds may be used to relocate a retained spring
 2248 training franchise to another unit of local government if
 2249 approved by the Office of Tourism, Trade, and Economic
 2250 Development ~~only if the existing unit of local government with~~
 2251 ~~the retained spring training franchise agrees to the relocation.~~

2252 (6) (a) An applicant certified as a facility for a new
 2253 professional sports franchise or a facility for a retained
 2254 professional sports franchise or as a facility for a retained
 2255 spring training franchise may use funds provided pursuant to s.
 2256 212.20 only for the public purpose of paying for the
 2257 acquisition, construction, reconstruction, or renovation of a
 2258 facility for a new professional sports franchise, a facility for
 2259 a retained professional sports franchise, or a facility for a
 2260 retained spring training franchise or to pay or pledge for the
 2261 payment of debt service on, or to fund debt service reserve
 2262 funds, arbitrage rebate obligations, or other amounts payable
 2263 with respect to, bonds issued for the acquisition, construction,
 2264 reconstruction, or renovation of such facility or for the
 2265 reimbursement of such costs or the refinancing of bonds issued
 2266 for such purposes.

2267 (b) Beginning September 1, 2008, and every year
 2268 thereafter, each local governmental entity certified to receive
 2269 funding for a facility for a retained spring training franchise
 2270 shall submit to the Office of Tourism, Trade, and Economic
 2271 Development a report that includes, but is not limited to, a

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2272 copy of its most recent annual audit; a detailed report on all
2273 local and state funds expended to date on the project being
2274 financed pursuant to this section; a copy of the contract
2275 between the certified local governmental entity and the spring
2276 training team; and evidence that the certified applicant
2277 continues to meet the criteria in paragraph (5) (b) .

2278 (9) An applicant is not qualified for certification under
2279 this section if the franchise formed the basis for a previous
2280 certification, unless the previous certification was withdrawn
2281 by the facility or invalidated by the Office of Tourism, Trade,
2282 and Economic Development or the Department of Commerce before
2283 any funds were distributed pursuant to s. 212.20 or has been
2284 decertified pursuant to subsection (10). This subsection does
2285 not disqualify an applicant if the previous certification
2286 occurred between May 23, 1993, and May 25, 1993; however, any
2287 funds to be distributed pursuant to s. 212.20 for the second
2288 certification shall be offset by the amount distributed to the
2289 previous certified facility. Distribution of funds for the
2290 second certification shall not be made until all amounts payable
2291 for the first certification have been distributed.

2292 (10) (a) The Office of Tourism, Trade, and Economic
2293 Development may decertify an applicant upon receipt of
2294 information that the applicant no longer meets or satisfies the
2295 criteria in paragraph (5) (b) or upon request of the local
2296 government. The Office of Tourism, Trade, and Economic
2297 Development shall notify the Department of Revenue within 10
2298 days after the decertification.

2299 (b) The Office of Tourism, Trade, and Economic Development
 2300 shall order a decertified applicant to repay the total amount of
 2301 unencumbered state funds received by the applicant and any
 2302 interest earnings on those funds. These funds and their interest
 2303 earnings shall be deposited in the General Revenue Fund.

2304 (11) For the purpose of retaining the tradition of spring
 2305 training baseball in this state, by December 31, 2008, the
 2306 Office of Tourism, Trade, and Economic Development shall develop
 2307 a comprehensive strategic plan related to the following:

2308 (a) Financing of spring training facilities.

2309 (b) Certification and decertification processes, including
 2310 development of the contract or funding agreement to be signed by
 2311 the office and local governments, including local governments
 2312 currently certified.

2313 (c) Clawback of state funds from decertified local
 2314 governments.

2315 (d) Monitoring and oversight of the state funds awarded to
 2316 applicants.

2317 (e) Identification of the financial impact spring training
 2318 has on the state.

2319 (e) Identification of efforts made by other states to
 2320 develop or grow their baseball spring training efforts and the
 2321 effect of those efforts on this state's relationship with
 2322 professional baseball.

2323 (f) Legislative recommendations on how to sustain or
 2324 improve this state's spring training tradition.

2325

2326 A copy of the strategic plan shall be submitted to the Governor,
 2327 the President of the Senate, and the Speaker of the House of
 2328 Representatives.

2329 (12) (a) The Office of Tourism, Trade, and Economic
 2330 Development shall conduct a national search for a qualified
 2331 person to fill the position of Commissioner of Baseball in
 2332 Florida, and the Executive Director of the Office of Tourism,
 2333 Trade, and Economic Development shall hire the Commissioner of
 2334 Baseball in Florida. Guidelines for selection of the
 2335 Commissioner of Baseball in Florida shall include, but not be
 2336 limited to, the Commissioner of Baseball in Florida having the
 2337 following:

2338 1. A working knowledge of spring training baseball
 2339 activities in this state, including, but not limited to, the
 2340 financial and day-to-day operations of spring training baseball
 2341 in this state.

2342 2. Marketing and promotion experience related to spring
 2343 training baseball in this state.

2344 3. Experience working with the owners and general managers
 2345 of professional baseball franchises.

2346 4. Experience working with state and local governmental
 2347 agencies.

2348 (b) The duties of the Commissioner of Baseball in Florida
 2349 include, but are not limited to, the following:

2350 1. Executing strategies and tactics as called for in the
 2351 strategic plan, including, but not limited to, creating a
 2352 mechanism for building and maintaining a relationship that is
 2353 mutually beneficial to the state and baseball ownership groups.

2354 2. Reporting to the director of the Office of Tourism,
 2355 Trade, and Economic Development on competitive activities and
 2356 factors that may threaten spring training in this state.

2357 3. Developing, monitoring, and reporting performance
 2358 measures that represent and illustrate the status and health of
 2359 baseball spring training in this state.

2360 4. Evaluating and recommending program direction congruent
 2361 with the strategic plan.

2362 5. Implementing, monitoring, reporting, and otherwise
 2363 managing the implementation of incentive programs as authorized
 2364 and funded by the Legislature.

2365 (13) The Office of Tourism, Trade, and Economic
 2366 Development may adopt rules pursuant to ss. 120.536(1) and
 2367 120.54 to administer this section.

2368 Section 22. Subsection (8) is added to section 288.1254,
 2369 Florida Statutes, to read:

2370 288.1254 Entertainment industry financial incentive
 2371 program.--

2372 (8) REVERSION OF FUNDS; USE FOR FILM OR ARTS
 2373 FESTIVALS.--Notwithstanding any provision of s. 216.301 to the
 2374 contrary, funds appropriated for the purposes of implementing
 2375 this section shall not revert until the end of the second fiscal
 2376 year of the appropriation. Upon determination by the Office of
 2377 Film and Entertainment, up to \$1.5 million of funds appropriated
 2378 in fiscal year 2008-2009 may be used for international cultural
 2379 festival planning and programming that generates significant
 2380 regional or statewide return on investment and uses existing
 2381 state-owned cultural facilities.

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2382 Section 23. Section 288.7102, Florida Statutes, is amended
 2383 to read:

2384 288.7102 Black Business Loan Program.--

2385 (1) The Black Business Loan Program is established in the
 2386 Office of Tourism, Trade, and Economic Development. Under the
 2387 program, the office shall annually certify eligible recipients
 2388 and subsequently disburse funds appropriated by the Legislature,
 2389 through such eligible recipients, to black business enterprises
 2390 that cannot obtain capital through conventional lending
 2391 institutions but that could otherwise compete successfully in
 2392 the private sector.

2393 (2)~~(1)~~ The office shall establish an ~~a~~ uniform, open, and
 2394 ~~competitive~~ application and annual certification process for
 2395 entities seeking eligible recipients who seek funds to
 2396 participate in providing ~~provide~~ loans, loan guarantees, or
 2397 investments in black business enterprises pursuant to the
 2398 Florida Black Business Investment Act. The board shall receive
 2399 the applications and make recommendations for certification to
 2400 the office. The office shall processes all applications and
 2401 recertifications submitted by July 1 on or before September 30.

2402 (3)~~(2)~~ If the Black Business Loan Program is appropriated
 2403 any funding in a fiscal year, the office shall distribute an
 2404 equal amount of the appropriation, calculated as the total
 2405 annual appropriation divided by the total number of the program
 2406 recipients certified on or before September 30 of that fiscal
 2407 year ~~The office, in consultation with the board, shall develop~~
 2408 ~~an allocation policy to ensure that services provided under ss.~~
 2409 ~~288.707 288.714 for the benefit of black business enterprises~~

2410 ~~are disbursed equitably throughout the state. The board shall~~
 2411 ~~facilitate the formation of black business investment~~
 2412 ~~corporations in communities that are not served by such~~
 2413 ~~corporations.~~

2414 (4)~~(3)~~ To be eligible to receive funds and provide loans,
 2415 loan guarantees, or investments under this section, a recipient
 2416 must:

2417 (a) Be a corporation registered in the state.

2418 (b) Demonstrate that its board of directors includes
 2419 citizens of the state experienced in the development of black
 2420 business enterprises.

2421 (c) Demonstrate that the recipient has a business plan
 2422 that allows the recipient to operate in a manner consistent with
 2423 ss. 288.707-288.714 and the rules of the office.

2424 (d) Demonstrate that the recipient has the technical
 2425 skills to analyze and evaluate applications by black business
 2426 enterprises for loans, loan guarantees, or investments.

2427 (e) Demonstrate that the recipient has established viable
 2428 partnerships with public and private funding sources, economic
 2429 development agencies, and workforce development and job referral
 2430 networks.

2431 (f) Demonstrate that the recipient can provide a private
 2432 match equal to 20 percent of the amount of funds provided by the
 2433 office.

2434 (g) Agree to maintain the recipient's books and records
 2435 relating to funds received by the office according to generally
 2436 accepted accounting principles and in accordance with the

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2437 requirements of s. 215.97(7) and to make those books and records
2438 available to the office for inspection upon reasonable notice.

2439 (5)~~(4)~~ The board shall annually recommend to the office
2440 certification of each eligible recipient, who must meet the
2441 provisions of ss. 288.707-288.714, the terms of the contract
2442 between the recipient and the office, and any other applicable
2443 state or federal laws. An entity may not receive funds under ss.
2444 288.707-288.714 unless the entity meets annual certification
2445 requirements.

2446 (6)~~(5)~~ Upon approval by the office and prior to release of
2447 the funds as provided in this section, the office shall issue a
2448 letter certifying the applicant as qualified for an award. The
2449 office and the applicant shall enter into an agreement that sets
2450 forth the conditions for award of the funds. The agreement must
2451 include the total amount of funds awarded; the performance
2452 conditions that must be met once the funding has been awarded,
2453 including, but not limited to, compliance with all of the
2454 requirements of this section for eligible recipients of funds
2455 under this section; and sanctions for failure to meet
2456 performance conditions, including any provisions to recover
2457 awards.

2458 (7)~~(6)~~(a) The office, in consultation with the board,
2459 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
2460 implement this section.

2461 (b) The board shall adopt policies and procedures
2462 necessary to implement this section.

2463 (8)~~(7)~~ A black business investment corporation certified
2464 by the office as an eligible recipient under this section is

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2465 authorized to use funds appropriated for the Black Business Loan
 2466 Program in any of the following forms:

2467 (a) Purchases of stock, preferred or common, voting or
 2468 nonvoting; however, no more than 40 percent of the funds may be
 2469 used for direct investments in black business enterprises;

2470 (b) Loans or loan guarantees, with or without recourse, in
 2471 either a subordinated or priority position; or

2472 (c) Technical support to black business enterprises, not
 2473 to exceed 7 percent of the funds received, and direct
 2474 administrative costs, not to exceed 10 percent of the funds
 2475 received.

2476 (9)~~(8)~~ It is the intent of the Legislature that if any one
 2477 type of investment mechanism authorized in subsection (8) ~~(7)~~ is
 2478 held to be invalid, all other valid mechanisms remain available.

2479 (10)~~(9)~~ All loans, loan guarantees, and investments, and
 2480 any income related thereto, shall be used to carry out the
 2481 public purpose of ss. 288.707-288.714, which is to develop black
 2482 business enterprises. This subsection does not preclude a
 2483 reasonable profit for the participating black business
 2484 investment corporation or for return of equity developed to the
 2485 state and participating financial institutions upon any
 2486 distribution of the assets or excess income of the investment
 2487 corporation.

2488 Section 24. Section 288.955, Florida Statutes, is amended
 2489 to read:

2490 288.955 Scripps Florida Funding Corporation.--

2491 (1) DEFINITIONS.--As used in this section, the term:

2492 (a) "Agreement" means an agreement between the Office of

2493 Tourism, Trade, and Economic Development and recipients of
 2494 Innovation Incentive Program grants pursuant to s. 288.1089.

2495 (b)~~(a)~~ "Contract" means the contract executed between the
 2496 corporation and the grantee under this section.

2497 (c)~~(b)~~ "Corporation" means the Scripps Florida Funding
 2498 Corporation created under this section.

2499 (d)~~(e)~~ "Grantee" means The Scripps Research Institute, a
 2500 not-for-profit public benefit corporation, or a division,
 2501 subsidiary, affiliate, or entity formed by The Scripps Research
 2502 Institute to establish a state-of-the-art biomedical research
 2503 institution and campus in this state.

2504 (2) CREATION.--

2505 (a) There is created a not-for-profit corporation known as
 2506 the Scripps Florida Funding Corporation, which shall be
 2507 registered, incorporated, organized, and operated under chapter
 2508 617.

2509 (b) The corporation is not a unit or entity of state
 2510 government. However, the corporation is subject to the
 2511 provisions of s. 24, Art. I of the State Constitution and
 2512 chapter 119, relating to public meetings and records, and the
 2513 provisions of chapter 286 relating to public meetings and
 2514 records.

2515 (c) The corporation must establish at least one corporate
 2516 office in this state and appoint a registered agent.

2517 (d) The corporation shall hire or contract for all staff
 2518 necessary to the proper execution of its powers and duties
 2519 within the funds appropriated to implement this section and
 2520 shall require that all officers, directors, and employees of the

2521 corporation comply with the code of ethics for public officers
 2522 and employees under part III of chapter 112. In no case may the
 2523 corporation expend more than \$300,000 in the first year and
 2524 \$200,000 per year thereafter for staffing and necessary
 2525 administrative expenditures, including, but not limited to,
 2526 travel and per diem and audit expenditures, using funds
 2527 appropriated to implement this section.

2528 (e) The Office of Tourism, Trade, and Economic Development
 2529 shall provide administrative support to the corporation as
 2530 requested by the corporation. In the event of the dissolution of
 2531 the corporation, the office shall be the corporation's successor
 2532 in interest and shall assume all rights, duties, and obligations
 2533 of the corporation under any contract to which the corporation
 2534 is then a party and under law.

2535 (3) PURPOSES ~~PURPOSE~~.--

2536 (a) The corporation shall be organized to receive, hold,
 2537 invest, administer, and disburse funds appropriated by the
 2538 Legislature for the establishment and operation of a state-of-
 2539 the-art biomedical research institution and campus in this state
 2540 by The Scripps Research Institute. The corporation shall
 2541 safeguard the state's commitment of financial support by
 2542 ensuring that, as a condition for the receipt of these funds,
 2543 the grantee meets its contractual obligations. In this manner,
 2544 the corporation shall facilitate and oversee the state goal and
 2545 public purpose of providing financial support for the
 2546 institution and campus in order to expand the amount and
 2547 prominence of biomedical research conducted in this state,
 2548 provide an inducement for high-technology businesses to locate

2549 in this state, create educational opportunities through access
 2550 to and partnerships with the institution, and promote improved
 2551 health care through the scientific outcomes of the institution.

2552 (b) The corporation also shall serve in an oversight
 2553 capacity for the Innovation Incentive Program created in s.
 2554 288.1089. In that capacity, the corporation shall enter into a
 2555 partnership with the Office of Tourism, Trade, and Economic
 2556 Development and Enterprise Florida, Inc., in reviewing the
 2557 performance and progress of grant recipients of the Innovation
 2558 Incentive Program.

2559 (4) BOARD; MEMBERSHIP.--The corporation shall be governed
 2560 by a board of directors.

2561 (a) The board of directors shall consist of nine voting
 2562 members, of whom the Governor shall appoint three, the President
 2563 of the Senate shall appoint three, and the Speaker of the House
 2564 of Representatives shall appoint three. The director of the
 2565 Office of Tourism, Trade, and Economic Development or the
 2566 director's designee shall serve as an ex-officio, nonvoting
 2567 member of the board of directors.

2568 (b) Each member of the board of directors shall serve for
 2569 a term of 4 years, and ~~except that initially the Governor, the~~
 2570 ~~President of the Senate, and the Speaker of the House of~~
 2571 ~~Representatives each shall appoint one member for a term of 1~~
 2572 ~~year, one member for a term of 2 years, and one member for a~~
 2573 ~~term of 4 years to achieve staggered terms among the members of~~
 2574 ~~the board.~~ a member is not eligible for reappointment to the
 2575 board, ~~except, however, that a member appointed to an initial~~
 2576 ~~term of 1 year or 2 years may be reappointed for an additional~~

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2577 ~~term of 4 years, and a person appointed to fill a vacancy with 2~~
 2578 ~~years or less remaining on the term may be reappointed for an~~
 2579 ~~additional term of 4 years. The Governor, the President of the~~
 2580 ~~Senate, and the Speaker of the House of Representatives shall~~
 2581 ~~make their initial appointments to the board by November 15,~~
 2582 ~~2003.~~

2583 (c) The Governor, the President of the Senate, or the
 2584 Speaker of the House of Representatives, respectively, shall
 2585 fill a vacancy on the board of directors, according to who
 2586 appointed the member whose vacancy is to be filled or whose term
 2587 has expired. A vacancy that occurs before the scheduled
 2588 expiration of the term of the member shall be filled for the
 2589 remainder of the unexpired term.

2590 (d) Each member of the board of directors who is not
 2591 otherwise required to file financial disclosure under s. 8, Art.
 2592 II of the State Constitution or s. 112.3144 shall file
 2593 disclosure of financial interests under s. 112.3145.

2594 (e) A person may not be appointed to the board of
 2595 directors if he or she has had any direct interest in any
 2596 contract, franchise, privilege, or other benefit granted by The
 2597 Scripps Research Institute or any of its affiliate
 2598 organizations, or with any grant recipients of the Innovation
 2599 Incentive Program, within 5 years before appointment. A person
 2600 appointed to the board of directors must agree to refrain from
 2601 having any direct interest in any contract, franchise,
 2602 privilege, or other benefit granted by The Scripps Research
 2603 Institute or any of its affiliate organizations, or with any
 2604 grant recipients of the Innovation Incentive Program, during the

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2605 term of his or her appointment and for 5 years after the
2606 termination of such appointment. It is a misdemeanor of the
2607 first degree, punishable as provided in s. 775.083 or s.
2608 775.084, for a person to accept appointment to the board of
2609 directors in violation of this paragraph or to accept a direct
2610 interest in any contract, franchise, privilege, or other benefit
2611 granted by the institution or affiliate within 5 years after the
2612 termination of his or her service on the board.

2613 (f) Each member of the board of directors shall serve
2614 without compensation, but shall receive travel and per diem
2615 expenses as provided in s. 112.061 while in the performance of
2616 his or her duties.

2617 (g) Each member of the board of directors is accountable
2618 for the proper performance of the duties of office, and each
2619 member owes a fiduciary duty to the people of the state to
2620 ensure that funds provided in furtherance of this section are
2621 disbursed and used as prescribed by law and contract. The
2622 Governor, the President of the Senate, or the Speaker of the
2623 House of Representatives, according to which officer appointed
2624 the member, may remove a member for malfeasance, misfeasance,
2625 neglect of duty, incompetence, permanent inability to perform
2626 official duties, unexcused absence from three consecutive
2627 meetings of the board, arrest or indictment for a crime that is
2628 a felony or a misdemeanor involving theft or a crime of
2629 dishonesty, or pleading nolo contendere to, or being found
2630 guilty of, any crime.

2631 (5) ORGANIZATION; MEETINGS.--

2632 (a)1. The board of directors shall annually elect a
2633 chairperson and a vice chairperson from among the board's
2634 members. The members may, by a vote of five of the nine board
2635 members, remove a member from the position of chairperson or
2636 vice chairperson prior to the expiration of his or her term as
2637 chairperson or vice chairperson. His or her successor shall be
2638 elected to serve for the balance of the removed chairperson's or
2639 vice chairperson's term.

2640 2. The chairperson is responsible to ensure that records
2641 are kept of the proceedings of the board of directors and is the
2642 custodian of all books, documents, and papers filed with the
2643 board; the minutes of meetings of the board; and the official
2644 seal of the corporation.

2645 (b)1. The board of directors shall meet upon the call of
2646 the chairperson or at the request of a majority of the members,
2647 but no less than three times per calendar year.

2648 2. A majority of the voting members of the board of
2649 directors constitutes a quorum. Except as otherwise provided in
2650 this section, the board may take official action by a majority
2651 vote of the members present at any meeting at which a quorum is
2652 present. Members may not vote by proxy.

2653 3. A member of the board may participate in a meeting of
2654 the board by telephone or videoconference through which each
2655 member may hear every other member.

2656 (c) The corporation may include on the same meeting agenda
2657 matters related to The Scripps Research Institute and the
2658 Innovation Incentive Program.

2659 (6) POWERS AND DUTIES.--

2660 (a) The corporation is organized to receive, hold, invest,
 2661 administer, and disburse funds appropriated by the Legislature
 2662 in support of The Scripps Research Institute ~~this section~~ and to
 2663 disburse any income generated from the investment of these funds
 2664 consistent with the purpose and provisions of this section. In
 2665 addition to the powers and duties prescribed in chapter 617 and
 2666 the articles and bylaws adopted under that chapter, the
 2667 corporation:

2668 1.(a) May make and enter into contracts and assume any
 2669 other functions that are necessary to carry out the provisions
 2670 of this section related to The Scripps Research Institute.

2671 2.(b) May enter into leases and contracts for the purchase
 2672 of real property and hold notes, mortgages, guarantees, or
 2673 security agreements to secure the performance of obligations of
 2674 the grantee under the contract.

2675 3.(e) May perform all acts and things necessary or
 2676 convenient to carry out the powers expressly granted in this
 2677 section and in the ~~a~~ contract entered into between the
 2678 corporation and the grantee.

2679 4.(d) May make expenditures, from funds provided by this
 2680 state, including any necessary administrative expenditures
 2681 consistent with its powers.

2682 ~~(c) May indemnify, and purchase and maintain insurance on~~
 2683 ~~behalf of, directors, officers, and employees of the corporation~~
 2684 ~~against any personal liability or accountability.~~

2685 5.(f) Shall disburse funds pursuant to the provisions of
 2686 this section and a contract entered into between the corporation
 2687 and the grantee.

2688 6.~~(g)~~ Shall receive and review reports and financial
 2689 documentation provided by the grantee to ensure compliance with
 2690 the provisions of this section and provisions of the contract.

2691 7.~~(h)~~ Shall prepare an annual report as prescribed in
 2692 subsection (14).

2693 (b) The corporation also is directed to:

2694 1. Review the business plans, quarterly reports, annual
 2695 reports, and audit reports of entities that have received a
 2696 grant from the Innovation Incentive Program pursuant to s.
 2697 288.1089.

2698 2. Invite all Innovation Incentive Program grant
 2699 recipients to appear at its meetings to present progress reports
 2700 on their activities.

2701 3. Prepare an annual report as required in subsection
 2702 (15).

2703 (c) The corporation may indemnify, purchase, and maintain
 2704 insurance on behalf of its directors, officers, and employees
 2705 against any personal liability or accountability.

2706 (d) The corporation may otherwise perform all acts and
 2707 things necessary or convenient to carry out the powers expressly
 2708 granted in this section.

2709 (7) INVESTMENT OF FUNDS.--The corporation must enter into
 2710 an agreement with the State Board of Administration under which
 2711 funds received by the corporation from the Office of Tourism,
 2712 Trade, and Economic Development which are not disbursed to the
 2713 grantee shall be invested by the State Board of Administration
 2714 on behalf of the corporation. Funds shall be invested in
 2715 suitable instruments authorized under s. 215.47 and specified in

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2716 investment guidelines established and agreed to by the State
2717 Board of Administration and the corporation.

2718 (8) CONTRACT.--

2719 (a) The 20-year contract negotiated and executed by the
2720 corporation with the grantee ~~By January 30, 2004, the~~
2721 ~~corporation shall negotiate and execute a contract with the~~
2722 ~~grantee for a term of 20 years. Such contract shall govern the~~
2723 ~~disbursement and use of funds under this section. The board may,~~
2724 ~~by a simple majority vote, authorize one 45 day extension of~~
2725 ~~this deadline. The corporation may not execute the contract~~
2726 ~~unless the contract is approved by the affirmative vote of at~~
2727 ~~least seven of the nine members of the board of directors. At~~
2728 ~~least 14 days before execution of the contract, The Scripps~~
2729 ~~Research Institute must submit to the board, the Governor, the~~
2730 ~~President of the Senate, and the Speaker of the House of~~
2731 ~~Representatives an organizational plan, in a form and manner~~
2732 ~~prescribed by the board, for the establishment of a state of~~
2733 ~~the art biomedical research institution and campus in this~~
2734 ~~state, and the board must submit a copy of the proposed contract~~
2735 ~~to the Governor, the President of the Senate, and the Speaker of~~
2736 ~~the House of Representatives.~~

2737 (b) ~~The contract, at a minimum, must contain provisions:~~

2738 1. Specifying the procedures and schedules that govern the
2739 disbursement of funds under this section and specifying the
2740 conditions or deliverables that the grantee must satisfy before
2741 the release of each disbursement.

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2742 2. Requiring the grantee to submit to the corporation a
2743 business plan in a form and manner prescribed by the
2744 corporation.

2745 3. Prohibiting The Scripps Research Institute or the
2746 grantee from establishing other biomedical science or research
2747 facilities in any state other than this state or California for
2748 a period of 12 years from the commencement of the contract.
2749 Nothing in this subparagraph shall prohibit the grantee from
2750 establishing or engaging in normal collaborative activities with
2751 other organizations.

2752 4. Governing the ownership of or security interests in
2753 real property and personal property, including, but not limited
2754 to, research equipment, obtained through the financial support
2755 of state or local government, including a provision that in the
2756 event of a breach of the contract or in the event the grantee
2757 ceases operations in this state, such property purchased with
2758 state funds shall revert to the state and such property
2759 purchased with local funds shall revert to the local governing
2760 authority.

2761 5. Requiring the grantee to be an equal opportunity
2762 employer.

2763 6. Requiring the grantee to maintain a policy of awarding
2764 preference in employment to residents of this state, as defined
2765 by law, except for professional scientific staff positions
2766 requiring a doctoral degree, postdoctoral training positions,
2767 and graduate student positions.

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2768 | 7. Requiring the grantee to maintain a policy of making
2769 | purchases from vendors in this state, to the extent it is cost-
2770 | effective and scientifically sound.

2771 | 8. Requiring the grantee to use the Internet-based job-
2772 | listing system of the Agency for Workforce Innovation in
2773 | advertising employment opportunities.

2774 | 9. Requiring the grantee to establish accredited science
2775 | degree programs.

2776 | 10. Requiring the grantee to establish internship programs
2777 | to create learning opportunities for educators and secondary,
2778 | postsecondary, graduate, and doctoral students.

2779 | 11. Requiring the grantee to submit data to the
2780 | corporation on the activities and performance during each fiscal
2781 | year and to provide to the corporation an annual accounting of
2782 | the expenditure of funds disbursed under this section.

2783 | 12. Establishing that the corporation shall review the
2784 | activities of the grantee to assess the grantee's financial and
2785 | operational compliance with the provisions of the contract and
2786 | with relevant provisions of law.

2787 | 13. Authorizing the grantee, when feasible, to use
2788 | information submitted by it to the Federal Government or to
2789 | other organizations awarding research grants to the grantee to
2790 | help meet reporting requirements imposed under this section or
2791 | the contract, if the information satisfies the reporting
2792 | standards of this section and the contract.

2793 | 14. Unless amended pursuant to the force majeure
2794 | provisions in subsection (18), requiring the grantee during the
2795 | first 7 years of the contract to create 545 positions and to

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2796 acquire associated research equipment for the grantee's facility
2797 in this state, and pay for related maintenance of the equipment,
2798 in a total amount of not less than \$45 million.

2799 15. Requiring the grantee to progress in the creation of
2800 the total number of jobs prescribed in subparagraph 14. on the
2801 following schedule: At least 38 positions in the 1st year, 168
2802 positions in the 2nd year, 280 positions in the 3rd year, 367
2803 positions in the 4th year, 436 positions in the 5th year, 500
2804 positions in the 6th year, and 545 positions in the 7th year.
2805 The corporation's board of directors may allow the grantee to
2806 deviate downward from such employee levels by 25 percent in any
2807 year, to allow the grantee flexibility in achieving the
2808 objectives set forth in the business plan provided to the
2809 corporation; however, the grantee must have no fewer than 545
2810 positions by the end of the 7th year.

2811 16. Requiring the grantee to allow the corporation to
2812 retain an independent certified public accountant licensed in
2813 this state pursuant to chapter 473 to inspect the records of the
2814 grantee in order to audit the expenditure of funds disbursed to
2815 the grantee. The independent certified public accountant shall
2816 not disclose any confidential or proprietary scientific
2817 information of the grantee.

2818 17. Requiring the grantee to purchase liability insurance
2819 and governing the coverage level of such insurance.

2820 (b)~~(e)~~ An amendment to the contract is not effective
2821 unless it is approved by the affirmative vote of at least seven
2822 of the nine members of the board of directors.

2823 (9) PERFORMANCE EXPECTATIONS FOR THE SCRIPPS RESEARCH
 2824 INSTITUTE.--In addition to the provisions prescribed in
 2825 subsection (8), the contract between the corporation and the
 2826 grantee shall include a provision that the grantee, in
 2827 cooperation with the Office of Tourism, Trade, and Economic
 2828 Development, shall report to the corporation on an annual basis
 2829 certain performance expectations that reflect the aspirations of
 2830 the Governor and the Legislature for the benefits accruing to
 2831 this state as a result of the funds appropriated pursuant to
 2832 this section. These shall include, but are not limited to,
 2833 performance expectations addressing:

2834 (a) The number and dollar value of research grants
 2835 obtained from the Federal Government or sources other than this
 2836 state.

2837 (b) The percentage of total research dollars received by
 2838 The Scripps Research Institute from sources other than this
 2839 state which is used to conduct research activities by the
 2840 grantee in this state.

2841 (c) The number or value of patents obtained by the
 2842 grantee.

2843 (d) The number or value of licensing agreements executed
 2844 by the grantee.

2845 (e) The extent to which research conducted by the grantee
 2846 results in commercial applications.

2847 (f) The number of collaborative agreements reached and
 2848 maintained with colleges and universities in this state and with
 2849 research institutions in this state, including agreements that
 2850 foster participation in research opportunities by public and

2851 private colleges and universities and research institutions in
 2852 this state with significant minority populations, including
 2853 historically black colleges and universities.

2854 (g) The number of collaborative partnerships established
 2855 and maintained with businesses in this state.

2856 (h) The total amount of funding received by the grantee
 2857 from sources other than the State of Florida.

2858 (i) The number or value of spin-off businesses created in
 2859 this state as a result of commercialization of the research of
 2860 the grantee.

2861 (j) The number or value of businesses recruited to this
 2862 state by the grantee.

2863 (k) The establishment and implementation of policies to
 2864 promote supplier diversity using the guidelines developed by the
 2865 Office of Supplier Diversity under s. 287.09451 and to comply
 2866 with the ordinances, including any small business ordinances,
 2867 enacted by the county and which are applicable to the biomedical
 2868 research institution and campus located in this state.

2869 (l) The designation by the grantee of a representative to
 2870 coordinate with the Office of Supplier Diversity.

2871 (m) The establishment and implementation of a program to
 2872 conduct workforce recruitment activities at public and private
 2873 colleges and universities and community colleges in this state
 2874 which request the participation of the grantee.

2875
 2876 ~~The contract shall require the grantee to provide information to~~
 2877 ~~the corporation on the progress in meeting these performance~~
 2878 ~~expectations on an annual basis. It is the intent of the~~

2879 Legislature that, in fulfilling its obligation to work with
 2880 Florida's public and private colleges and universities, The
 2881 Scripps Research Institute's Florida facility work with such
 2882 colleges and universities regardless of size.

2883 (10) DISBURSEMENT CONDITIONS.--In addition to the
 2884 provisions prescribed in subsection (8), the contract between
 2885 the corporation and the grantee shall include disbursement
 2886 conditions that must be satisfied by the grantee as a condition
 2887 for the continued disbursement of funds under this section.
 2888 These disbursement conditions shall be negotiated between the
 2889 corporation and the grantee and shall not be designed to impede
 2890 the ability of the grantee to attain full operational status.
 2891 The disbursement conditions may be appropriately varied as to
 2892 timeframes, numbers, values, and percentages. The disbursement
 2893 conditions shall include, but are not limited to, the following
 2894 areas:

2895 (a) Demonstrate creation of jobs and report on the average
 2896 salaries paid.

2897 (b) Beginning 18 months after the grantee's occupancy of
 2898 its permanent facility, the grantee shall annually obtain
 2899 \$100,000 of nonstate funding for each full-time equivalent
 2900 tenured-track faculty member employed at the grantee's Florida
 2901 facility.

2902 (c) No later than 3 years after the grantee's occupancy of
 2903 its permanent facility, the grantee shall apply to the relevant
 2904 accrediting agency for accreditation of its Florida graduate
 2905 program.

2906 (d) The grantee shall purchase equipment for its Florida
 2907 facility as scheduled in its contract with the corporation.

2908 (e) No later than 18 months after occupying its permanent
 2909 facility, the grantee shall establish a program for qualified
 2910 graduate students from Florida universities permitting them
 2911 access to the facility for doctoral, thesis-related research.

2912 (f) No later than 18 months after occupancy of the
 2913 permanent facility, the grantee shall establish a summer
 2914 internship for high school students.

2915 (g) No later than 3 years after occupancy of the permanent
 2916 facility, the grantee shall establish a research program for
 2917 middle and high school teachers.

2918 (h) No later than 18 months after occupancy of the
 2919 permanent facility, the grantee shall establish a program for
 2920 adjunct professors.

2921 (i) No later than 6 months after commissioning its high
 2922 throughput technology, the grantee shall establish a program to
 2923 allow open access for qualified science projects.

2924 (j) ~~Beginning June 2004,~~ The grantee shall collaborate
 2925 ~~commence collaborative efforts~~ with Florida public and private
 2926 colleges and universities, and shall continue cooperative
 2927 collaboration through the term of the agreement.

2928 (k) Beginning 18 months after the grantee occupies the
 2929 permanent facility, the grantee shall establish an annual
 2930 seminar series featuring a review of the science work done by
 2931 the grantee and its collaborators at the Florida facility.

2932 (l) ~~Beginning June 2004,~~ The grantee shall collaborate
 2933 ~~commence collaboration efforts~~ with the Office of Tourism,

2934 Trade, and Economic Development by complying with reasonable
 2935 requests for cooperation in economic development efforts in the
 2936 biomed/biotech industry. ~~No later than July 2004,~~ The grantee
 2937 shall also designate a person who shall be charged with
 2938 assisting in these collaborative efforts.

2939 (11) DISBURSEMENTS TO THE SCRIPPS RESEARCH INSTUTUTE.--

2940 (a) The corporation shall disburse funds to the grantee
 2941 over a period of 7 calendar years starting in the calendar year
 2942 beginning January 1, 2004, under the terms and conditions of the
 2943 contract. The corporation shall complete disbursement of the
 2944 total amount of funds payable to the grantee under the contract
 2945 no later than December 31, 2010, unless the grantee fails to
 2946 satisfy the terms and conditions of the contract. Any funds of
 2947 the corporation that are not disbursed by December 31, 2010,
 2948 shall be paid to the Biomedical Research Trust Fund of the
 2949 Department of Health.

2950 (b) The contract shall provide for a reduction or
 2951 elimination of funding in any year if:

- 2952 1. The grantee is no longer operating in this state;
- 2953 2. The grantee has failed to commit in writing to maintain
 2954 operations in the state for the succeeding year; or
- 2955 3. The grantee commits a material default or breach of the
 2956 contract, as defined and governed by the contract. Determination
 2957 of material default or breach of contract shall require the
 2958 affirmative vote of at least seven of the nine members of the
 2959 board.

2960 (c) Each disbursement by the corporation to the grantee
 2961 under this section is conditioned upon the affirmative approval

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2962 of at least five of the nine members of the board of directors
 2963 and upon demonstration by the grantee that it has met the
 2964 particular contractual deliverables that are the basis for that
 2965 disbursement.

2966 (12) USE OF FUNDS.--

2967 (a) Funds appropriated in furtherance of this section may
 2968 not be disbursed or expended for activities that do not
 2969 principally benefit or that are not directly related to the
 2970 establishment or operation of the grantee in this state, except
 2971 upon approval of the affirmative vote of at least seven of the
 2972 nine members of the board of directors.

2973 (b) ~~No~~ Funds appropriated in furtherance of this section
 2974 may not be used for the purpose of lobbying any branch or agency
 2975 of state government or any political subdivision of the state.

2976 (c) The grantee must provide for separate accounts for any
 2977 funds appropriated in furtherance of this section and separate
 2978 books and records relating to The Scripps Research Institute's
 2979 Florida operation.

2980 (13) REINVESTMENT.--

2981 (a) The grantee shall reinvest 15 percent of the net
 2982 royalty revenues, including the revenues from the sale of stock,
 2983 received by The Scripps Research Institute from the licensing or
 2984 transfer of inventions, methods, processes, and other patentable
 2985 discoveries conceived or reduced to practice using the grantee's
 2986 Florida facilities or Florida employees, in whole or in part,
 2987 and to which the grantee becomes entitled during the 20 years
 2988 following the effective date of the contract between the
 2989 corporation and the grantee. For purposes of this paragraph, the

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2990 term "net royalty revenues" means all royalty revenues less the
2991 cost of obtaining, maintaining, and enforcing related patent and
2992 intellectual property rights, both foreign and domestic.

2993 Reinvestment payments under this paragraph shall commence no
2994 later than 6 months after the grantee has received the final
2995 disbursement under the contract and shall continue until the
2996 maximum reinvestment has been paid.

2997 (b) The grantee shall reinvest 15 percent of the gross
2998 revenues it receives from naming opportunities associated with
2999 any facility it builds in this state. For purposes of this
3000 section, the term "naming opportunities" includes charitable
3001 donations from any person or entity in consideration for the
3002 right to have all or a portion of the facility named for or in
3003 the memory of any person, living or dead, or for any entity. The
3004 obligation to make reinvestment payments under this section
3005 shall commence upon the execution of the contract between the
3006 corporation and the grantee.

3007
3008 All reinvestment payments made pursuant to this section shall be
3009 remitted to the state for deposit in the Biomedical Research
3010 Trust Fund or, if such fund has ceased to exist, in another
3011 trust fund that supports biomedical research, as determined by
3012 law. The maximum reinvestment required of the grantee pursuant
3013 to this subsection shall not exceed \$200 million. At such time
3014 as the reinvestment payments equal \$155 million or the contract
3015 expires, whichever is earlier, the board of the corporation
3016 shall determine whether the performance expectations and
3017 disbursement conditions have been met. If the board determines

3018 that the performance expectations and disbursement conditions
 3019 have been met, the amount of \$200 million shall be reduced to
 3020 \$155 million. The grantee shall annually submit a schedule of
 3021 the shares of stock held by it as payment of the royalty
 3022 referred to in paragraph (a) and report on any trades or
 3023 activity concerning such stock. The grantee's obligations under
 3024 this subsection shall survive the expiration or termination of
 3025 the contract between the corporation and the grantee.

3026 (14) ANNUAL REPORT ON THE SCRIPPS RESEARCH INSTITUTE.--By
 3027 December 1 of each year, the corporation shall prepare a report
 3028 of the activities and outcomes under this section for the
 3029 preceding fiscal year. The report, at a minimum, must include:

3030 (a) A description of the activities of the corporation in
 3031 managing and enforcing the contract with the grantee.

3032 (b) An accounting of the amount of funds disbursed during
 3033 the preceding fiscal year to the grantee.

3034 (c) An accounting of expenditures by the grantee during
 3035 the fiscal year of funds disbursed under this section.

3036 (d) Information on the number and salary level of jobs
 3037 created by the grantee, including the number and salary level of
 3038 jobs created for residents of this state.

3039 (e) Information on the amount and nature of economic
 3040 activity generated through the activities of the grantee.

3041 (f) An assessment of factors affecting the progress toward
 3042 achieving the projected biotech industry cluster associated with
 3043 the grantee's operations, as projected by economists on behalf
 3044 of the Executive Office of the Governor.

3045 (g) A compliance and financial audit of the accounts and
 3046 records of the corporation at the end of the preceding fiscal
 3047 year conducted by an independent certified public accountant in
 3048 accordance with rules of the Auditor General.

3049 (h) A description of the status of the performance
 3050 expectations under subsection (9) and the disbursement
 3051 conditions under subsection (10).

3052
 3053 The corporation shall submit the report to the Governor, the
 3054 President of the Senate, and the Speaker of the House of
 3055 Representatives.

3056 (15) REPORT ON INNOVATION INCENTIVE PROGRAM
 3057 ACTIVITIES.--The corporation shall prepare an annual report of
 3058 the activities and outcomes related to its oversight role for
 3059 the Innovation Incentive Program for the preceding fiscal year.
 3060 The report, at a minimum, must include:

3061 (a) An assessment of the progress made by each grant
 3062 recipient of the Innovation Incentive Program in achieving its
 3063 agreement objectives, benchmarks, and performance expectations,
 3064 and a discussion of all relevant factors related to its progress
 3065 or lack thereof.

3066 (b) A review of the previous year's compliance and
 3067 financial audits of the accounts and records of each grant
 3068 recipient conducted by an independent certified public
 3069 accountant in accordance with rules of the Auditor General.

3070 (c) Any recommended legislative changes or administrative
 3071 improvements that may be undertaken by the Executive Office of
 3072 the Governor.

3073
 3074 The corporation shall submit the report to the Governor, the
 3075 President of the Senate, and the Speaker of the House of
 3076 Representatives by January 10 of each year, beginning in 2009.

3077 (16)~~(15)~~ PROGRAM EVALUATION.--

3078 (a) Before January 1, 2007, the Office of Program Policy
 3079 Analysis and Government Accountability shall conduct a
 3080 performance audit of the Office of Tourism, Trade, and Economic
 3081 Development and the corporation relating to the provisions of
 3082 this section. The audit shall assess the implementation and
 3083 outcomes of activities under this section. At a minimum, the
 3084 audit shall address:

3085 1. Performance of the Office of Tourism, Trade, and
 3086 Economic Development in disbursing funds appropriated under this
 3087 section.

3088 2. Performance of the corporation in managing and
 3089 enforcing the contract with the grantee.

3090 3. Compliance by the corporation with the provisions of
 3091 this section and the provisions of the contract.

3092 4. Economic activity generated through funds disbursed
 3093 under the contract.

3094 (b) Before January 1, 2010, the Office of Program Policy
 3095 Analysis and Government Accountability shall update the report
 3096 required under paragraph (a) ~~this subsection~~. In addition to
 3097 addressing the items prescribed in paragraph (a), the updated
 3098 report shall include a recommendation on whether the Legislature
 3099 should retain the statutory authority for the corporation taking

3100 into account the corporation's oversight role for the Innovation
 3101 Incentive Program.

3102
 3103 A report of each audit's findings and recommendations shall be
 3104 submitted to the Governor, the President of the Senate, and the
 3105 Speaker of the House of Representatives. In completing the
 3106 performance audits required under this subsection, the Office of
 3107 Program Policy Analysis and Government Accountability shall
 3108 maximize the use of reports submitted by the grantee to the
 3109 Federal Government or to other organizations awarding research
 3110 grants to the grantee.

3111 (17)~~(16)~~ LIABILITY.--

3112 (a) The appropriation or disbursement of funds under this
 3113 section does not constitute a debt, liability, or obligation of
 3114 the State of Florida, any political subdivision thereof, or the
 3115 corporation or a pledge of the faith and credit of the state or
 3116 of any such political subdivision.

3117 (b) The appropriation or disbursement of funds under this
 3118 section does not subject the State of Florida, any political
 3119 subdivision thereof, or the corporation to liability related to
 3120 the research activities and research products of the grantee.

3121 (18)~~(17)~~ FORCE MAJEURE.--Notwithstanding any other
 3122 provisions contained in this act, if the grantee is prevented
 3123 from timely achieving any deadlines set forth in this act due to
 3124 its inability to occupy its permanent Florida facility within 2
 3125 years after entering into the memorandum of agreement pursuant
 3126 to s. 403.973, as a result of permitting delays and related
 3127 administrative or judicial proceedings, acts of God, labor

3128 | disturbances, or other similar events beyond the control of the
 3129 | grantee, the deadline shall be extended by the number of days by
 3130 | which the grantee was delayed in commencing its occupancy of its
 3131 | permanent Florida facility. In no event shall the extension be
 3132 | for more than 4 years. Upon the occurrence of a force majeure
 3133 | event, the Scripps Florida Funding Corporation shall continue to
 3134 | fund the grantee at a level that permits it to sustain its
 3135 | current level of operations until the force majeure event ceases
 3136 | and the grantee is able to resume the contract schedule
 3137 | governing disbursement.

3138 | Section 25. Subsection (2) and paragraph (a) of subsection
 3139 | (4) of section 288.9624, Florida Statutes, are amended to read:

3140 | 288.9624 Florida Opportunity Fund; creation; duties.--

3141 | (2) Upon organization, the board shall conduct a national
 3142 | solicitation for investment plan proposals from qualified
 3143 | venture capital investment managers for the raising and
 3144 | investing of capital by the Florida Opportunity Fund. Any
 3145 | proposed investment plan must address the applicant's level of
 3146 | experience, quality of management, investment philosophy and
 3147 | process, provability of success in fundraising, prior investment
 3148 | fund results, and plan for achieving the purposes of ss.

3149 | 288.9621-288.9624. The board shall recommend ~~select~~ only venture
 3150 | capital investment managers having demonstrated expertise in the
 3151 | management of and investment in companies for final approval to
 3152 | the board of directors of Enterprise Florida, Inc.

3153 | (4) For the purpose of mobilizing investment in a broad
 3154 | variety of Florida-based, new technology companies and
 3155 | generating a return sufficient to continue reinvestment, the

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3156 fund shall:

3157 (a)1. Except as otherwise provided in this section, invest
3158 directly only in seed and early stage venture capital funds that
3159 have experienced managers or management teams with demonstrated
3160 experience, expertise, and a successful history in the
3161 investment of venture capital funds. Investments must be
3162 focused, ~~focusing~~ on opportunities in this state. The fund may
3163 ~~not~~ make direct investments in individual businesses if the
3164 business can demonstrate significant economic benefit to the
3165 state. While not precluded from investing in venture capital
3166 funds that have investments outside this state, the fund must
3167 require a venture capital fund to show a record of successful
3168 investment in this state, to be based in this state, or to have
3169 an office in this state staffed with a full-time, professional
3170 venture investment executive in order to be eligible for
3171 investment.

3172 2. In entering into partnerships with state universities
3173 that are designated as research universities having very high
3174 research activity by the 2005 Carnegie Classifications, invest
3175 directly in state-based seed or early state venture capital
3176 funds. These investments shall be used to support companies that
3177 are developing the commercialization of a particular product or
3178 service and that are operating from laboratory or office space
3179 on a university campus which has been constructed by a private
3180 developer who is providing a minimum match of \$3 for every \$1 of
3181 state funds for constructions and investment.

3182 Section 26. Subsection (7) is added to section 290.0055,
3183 Florida Statutes, to read:

3184 290.0055 Local nominating procedure.--

3185 (7) The governing body of a jurisdiction that contains a

3186 designated enterprise zone that includes a state-designated

3187 rural area of critical economic concern, pursuant to s.

3188 288.0656(7), may apply to the Office of Tourism, Trade, and

3189 Economic Development to expand the boundaries of the enterprise

3190 zone by not more than 3 square miles. The expansion must be

3191 contiguous to an existing enterprise zone boundary.

3192 Notwithstanding the area of limitations found in subsection (4),

3193 the Office of Tourism, Trade, and Economic Development may

3194 approve the boundary amendment if the boundary change continues

3195 to satisfy the requirements of paragraphs (6)(b) and (c).

3196 Section 27. Paragraph (f) is added to subsection (3) of

3197 section 403.973, Florida Statutes, and subsection (8) of that

3198 section is amended to read:

3199 403.973 Expedited permitting; comprehensive plan

3200 amendments.--

3201 (3)

3202 (f) Projects that are associated with new mixed-use

3203 community housing research and development, manufacturing, and

3204 demonstration of technologies for improving energy-efficiency of

3205 residential and nonresidential uses and using an alternative

3206 source of water supply are eligible for the expedited permitting

3207 process.

3208 (8) Each memorandum of agreement shall include a process

3209 for final agency action on permit applications and local

3210 comprehensive plan amendment approvals within 90 days after

3211 receipt of a completed application, unless the applicant agrees

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3212 to a longer time period or the office determines that unforeseen
 3213 or uncontrollable circumstances preclude final agency action
 3214 within the 90-day timeframe. Permit applications governed by
 3215 federally delegated or approved permitting programs whose
 3216 requirements would prohibit or be inconsistent with the 90-day
 3217 timeframe are exempt from this provision, but must be processed
 3218 by the agency with federally delegated or approved program
 3219 responsibility as expeditiously as possible. For projects for
 3220 which a completed application has been submitted prior to
 3221 qualification of the project under this section, the memorandum
 3222 of agreement may proceed concurrently with the processing of
 3223 applications, and the timeframes in this section shall begin
 3224 from receipt of certification or the project's eligibility.

3225 Section 28. Effective October 1, 2008, subsection (18) of
 3226 section 443.036, Florida Statutes, is amended to read:

3227 443.036 Definitions.--As used in this chapter, the term:

3228 (18) "Employee leasing company" means an employing unit
 3229 that has a valid and active license under chapter 468 and that
 3230 maintains the records required by s. 443.171(5) and, in
 3231 addition, maintains quarterly reports on the clients of the
 3232 employee leasing company and the internal staff of the employee
 3233 leasing company ~~a listing of the clients of the employee leasing~~
 3234 ~~company and of the employees, including their social security~~
 3235 ~~numbers, who have been assigned to work at each client company~~
 3236 ~~job site. Further, each client company job site must be~~
 3237 ~~identified by industry, products or services, and address. The~~
 3238 ~~client list must be provided to the tax collection service~~
 3239 ~~provider by June 30 and by December 31 of each year.~~ As used in

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3240 this subsection, the term "client" means a party who has
3241 contracted with an employee leasing company to provide a worker,
3242 or workers, to perform services for the client. ~~Leased employees~~
3243 ~~include employees subsequently placed on the payroll of the~~
3244 ~~employee leasing company on behalf of the client.~~ An employee
3245 leasing company must notify the tax collection service provider
3246 within 30 days after the initiation or termination of the
3247 company's relationship with any client company under chapter
3248 468.

3249 Section 29. Paragraph (a) of subsection (1) of section
3250 443.1216, Florida Statutes, is amended to read:

3251 443.1216 Employment.--Employment, as defined in s.
3252 443.036, is subject to this chapter under the following
3253 conditions:

3254 (1)(a) The employment subject to this chapter includes a
3255 service performed, including a service performed in interstate
3256 commerce, by:

3257 1. An officer of a corporation.

3258 2. An individual who, under the usual common-law rules
3259 applicable in determining the employer-employee relationship, is
3260 an employee. However, whenever a client, as defined in s.

3261 443.036(18), which would otherwise be designated as an employing
3262 unit has contracted with an employee leasing company to supply
3263 it with workers, those workers are considered employees of the
3264 employee leasing company. An employee leasing company may lease
3265 corporate officers of the client to the client and other workers
3266 to the client, except as prohibited by regulations of the
3267 Internal Revenue Service. Employees of an employee leasing

3268 company must be reported under the employee leasing company's
3269 tax identification number and contribution rate for work
3270 performed for the employee leasing company.

3271 a. In addition to any other report required to be filed by
3272 law, an employee leasing company shall submit to the Agency for
3273 Workforce Innovation, Labor Market Statistics Center, or as
3274 otherwise directed by the agency, a report that must include
3275 every client establishment and each establishment of the
3276 employee leasing company and must include the following
3277 information for each establishment:

3278 (I) The trade or establishment name.

3279 (II) The former unemployment compensation account number,
3280 if available.

3281 (III) The former Federal Employment Identification Number
3282 (FEIN), if available.

3283 (IV) The industry code recognized and published by the
3284 United States Office of Management and Budget, if available.

3285 (V) A description of the client's primary business
3286 activity in order to verify or assign an industry code.

3287 (VI) The physical location address.

3288 (VII) The number of full-time and part-time employees who
3289 worked during or received pay that was subject to unemployment
3290 compensation taxes for the pay period, including the 12th of the
3291 month for each month of the quarter.

3292 (VIII) The total wages subject to unemployment
3293 compensation taxes paid during the calendar quarter.

3294 (IX) An internal identification code to uniquely identify
3295 each establishment of each client.

3296 (X) The month and year the client entered into the
 3297 contract.

3298 (XI) The month and year the client terminated the contract
 3299 for services.

3300 b. The report shall be submitted electronically or in a
 3301 manner otherwise prescribed by the agency in the format
 3302 specified by the United States Bureau of Labor Statistics for
 3303 its Multiple Worksite Report for Professional Employer
 3304 Organizations. The report must be provided quarterly to the
 3305 Agency for Workforce Innovation, Labor Market Statistics Center,
 3306 or as otherwise directed by the agency, and must be filed by the
 3307 last day of the month immediately following the end of the
 3308 calendar quarter. The information required in sub-sub-
 3309 subparagraphs a.(X) and (XI) need only be provided in the
 3310 quarter in which the contract to which it relates was entered
 3311 into or terminated. The sum of the employment data and the sum
 3312 of the wage data on this report must match the employment and
 3313 wages reported on the unemployment compensation quarterly tax
 3314 and wage report.

3315 c. The Agency for Workforce Innovation shall have
 3316 rulemaking authority as necessary to implement the provisions of
 3317 this subparagraph and shall have the authority to administer,
 3318 collect, enforce, and waive the penalty imposed by s.
 3319 443.141(1)(b) for the report required by this subparagraph.

3320 d. For the purposes of this subparagraph, the term
 3321 "establishment" or "worksite" shall mean any location where
 3322 business is conducted or where services or industrial operations
 3323 are performed.

3324 3. An individual other than an individual who is an
 3325 employee under subparagraph 1. or subparagraph 2., who performs
 3326 services for remuneration for any person:

3327 a. As an agent-driver or commission-driver engaged in
 3328 distributing meat products, vegetable products, fruit products,
 3329 bakery products, beverages other than milk, or laundry or
 3330 drycleaning services for his or her principal.

3331 b. As a traveling or city salesperson engaged on a full-
 3332 time basis in the solicitation on behalf of, and the
 3333 transmission to, his or her principal of orders from
 3334 wholesalers, retailers, contractors, or operators of hotels,
 3335 restaurants, or other similar establishments for merchandise for
 3336 resale or supplies for use in their business operations. This
 3337 sub-subparagraph does not apply to an agent-driver or a
 3338 commission-driver and does not apply to sideline sales
 3339 activities performed on behalf of a person other than the
 3340 salesperson's principal.

3341 4. The services described in subparagraph 3. are
 3342 employment subject to this chapter only if:

3343 a. The contract of service contemplates that substantially
 3344 all of the services are to be performed personally by the
 3345 individual;

3346 b. The individual does not have a substantial investment
 3347 in facilities used in connection with the services, other than
 3348 facilities used for transportation; and

3349 c. The services are not in the nature of a single
 3350 transaction that is not part of a continuing relationship with
 3351 the person for whom the services are performed.

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3352 Section 30. Section 770.041, Florida Statutes, is created
3353 to read:

3354 770.041 Civil liability of entities that provide for
3355 business evaluations based on consumer complaints.--

3356 (1) Any business that evaluates, ranks, or rates another
3357 business shall not be liable for any damages caused to the
3358 business being evaluated, ranked, or rated for any defamatory
3359 statement published or uttered in or as a part of an evaluation,
3360 ranking, or rating of a business unless it shall be alleged and
3361 proved by a preponderance of the evidence by the complaining
3362 party that the business that evaluated, ranked, or rated a
3363 business failed to exercise due care to prevent the publication
3364 or utterance of such statement.

3365 (2) A business that evaluates, ranks, or rates another
3366 business shall be entitled to a presumption that due care was
3367 exercised if the business providing the evaluation, ranking, or
3368 rating provides for the business that is being evaluated,
3369 ranked, or rated to provide a response to the evaluation,
3370 ranking, or rating. The opportunity to respond must be made
3371 available to the business being evaluated, ranked, or rated at
3372 no cost. The response of a business that is being evaluated,
3373 ranked, or rated shall be published at the same time and manner
3374 that the evaluation, rating, or ranking is published.

3375 (3) A party that prevails in proving a cause of action as
3376 provided for in subsection (1) shall be entitled to the recovery
3377 of attorney's fees, expenses, and court costs.

3378 (4) A party that prevails in proving a cause of action as
3379 provided in this section shall be entitled to treble damages.

3380 Section 31. Subsection (2) of section 257.193, Florida
 3381 Statutes, is amended to read:

3382 257.193 Community Libraries in Caring Program.--

3383 (2) The purpose of the Community Libraries in Caring
 3384 Program is to assist libraries in rural communities, as defined
 3385 in s. 288.0656~~(2)(b)~~ and subject to the provisions of s.
 3386 288.06561, to strengthen their collections and services, improve
 3387 literacy in their communities, and improve the economic
 3388 viability of their communities.

3389 Section 32. Section 288.019, Florida Statutes, is amended
 3390 to read:

3391 288.019 Rural considerations in grant review and
 3392 evaluation processes.--Notwithstanding any other law, and to the
 3393 fullest extent possible, the member agencies and organizations
 3394 of the Rural Economic Development Initiative (REDI) as defined
 3395 in s. 288.0656(6)(a) shall review all grant and loan application
 3396 evaluation criteria to ensure the fullest access for rural
 3397 counties as defined in s. 288.0656~~(2)(b)~~ to resources available
 3398 throughout the state.

3399 (1) Each REDI agency and organization shall review all
 3400 evaluation and scoring procedures and develop modifications to
 3401 those procedures which minimize the impact of a project within a
 3402 rural area.

3403 (2) Evaluation criteria and scoring procedures must
 3404 provide for an appropriate ranking based on the proportionate
 3405 impact that projects have on a rural area when compared with
 3406 similar project impacts on an urban area.

3407 (3) Evaluation criteria and scoring procedures must
 3408 recognize the disparity of available fiscal resources for an
 3409 equal level of financial support from an urban county and a
 3410 rural county.

3411 (a) The evaluation criteria should weight contribution in
 3412 proportion to the amount of funding available at the local
 3413 level.

3414 (b) In-kind match should be allowed and applied as
 3415 financial match when a county is experiencing financial distress
 3416 through elevated unemployment at a rate in excess of the state's
 3417 average by 5 percentage points or because of the loss of its ad
 3418 valorem base.

3419 (4) For existing programs, the modified evaluation
 3420 criteria and scoring procedure must be delivered to the Office
 3421 of Tourism, Trade, and Economic Development for distribution to
 3422 the REDI agencies and organizations. The REDI agencies and
 3423 organizations shall review and make comments. Future rules,
 3424 programs, evaluation criteria, and scoring processes must be
 3425 brought before a REDI meeting for review, discussion, and
 3426 recommendation to allow rural counties fuller access to the
 3427 state's resources.

3428 Section 33. Section 288.06561, Florida Statutes, is
 3429 amended to read:

3430 288.06561 Reduction or waiver of financial match
 3431 requirements.--Notwithstanding any other law, the member
 3432 agencies and organizations of the Rural Economic Development
 3433 Initiative (REDI), as defined in s. 288.0656(6)(a), shall review

3434 the financial match requirements for projects in rural areas as
 3435 defined in s. 288.0656-~~(2)~~-~~(b)~~.

3436 (1) Each agency and organization shall develop a proposal
 3437 to waive or reduce the match requirement for rural areas.

3438 (2) Agencies and organizations shall ensure that all
 3439 proposals are submitted to the Office of Tourism, Trade, and
 3440 Economic Development for review by the REDI agencies.

3441 (3) These proposals shall be delivered to the Office of
 3442 Tourism, Trade, and Economic Development for distribution to the
 3443 REDI agencies and organizations. A meeting of REDI agencies and
 3444 organizations must be called within 30 days after receipt of
 3445 such proposals for REDI comment and recommendations on each
 3446 proposal.

3447 (4) Waivers and reductions must be requested by the county
 3448 or community, and such county or community must have three or
 3449 more of the factors identified in s. 288.0656(2)(a).

3450 (5) Any other funds available to the project may be used
 3451 for financial match of federal programs when there is fiscal
 3452 hardship, and the match requirements may not be waived or
 3453 reduced.

3454 (6) When match requirements are not reduced or eliminated,
 3455 donations of land, though usually not recognized as an in-kind
 3456 match, may be permitted.

3457 (7) To the fullest extent possible, agencies and
 3458 organizations shall expedite the rule adoption and amendment
 3459 process if necessary to incorporate the reduction in match by
 3460 rural areas in fiscal distress.

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3461 (8) REDI shall include in its annual report an evaluation
 3462 on the status of changes to rules, number of awards made with
 3463 waivers, and recommendations for future changes.

3464 Section 34. Subsection (2) of section 288.7094, Florida
 3465 Statutes, is amended to read:

3466 288.7094 Black business investment corporations.--

3467 (2) A black business investment corporation that meets the
 3468 requirements of s. 288.7102 (4) ~~(3)~~ is eligible to participate in
 3469 the Black Business Loan Program and shall receive priority
 3470 consideration by the Office of Tourism, Trade, and Economic
 3471 Development for participation in the program.

3472 Section 35. Paragraph (d) of subsection (15) of section
 3473 627.6699, Florida Statutes, is amended to read:

3474 627.6699 Employee Health Care Access Act.--

3475 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

3476 (d) Eligibility.--

3477 1. Any small employer that is actively engaged in
 3478 business, has its principal place of business in this state,
 3479 employs up to 25 eligible employees on business days during the
 3480 preceding calendar year, employs at least 2 employees on the
 3481 first day of the plan year, and has had no prior coverage for
 3482 the last 6 months may participate.

3483 2. Any municipality, county, school district, or hospital
 3484 employer located in a rural community as defined in s.
 3485 288.0656 ~~(2)~~ ~~(b)~~ may participate.

3486 3. Nursing home employers may participate.

3487 4. Each dependent of a person eligible for coverage is
 3488 also eligible to participate.

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3490 Any employer participating in the program must do so until the
3491 end of the term for which the carrier providing the coverage is
3492 obligated to provide such coverage to the program. Coverage for
3493 a small employer group that ceases to meet the eligibility
3494 requirements of this section may be terminated at the end of the
3495 policy period for which the necessary premiums have been paid.

3496 Section 36. In order to carry out the additional
3497 responsibilities in this act, two full-time equivalent positions
3498 and the recurring sum of \$160,000 for associated salaries and
3499 benefits is appropriated from the General Revenue Fund to the
3500 Office of Tourism, Trade, and Economic Development.

3501 Section 37. If any provision of this act or its
3502 application to any person or circumstance is held invalid, the
3503 invalidity does not affect other provisions or applications of
3504 the act which can be given effect without the invalid provision
3505 or application, and to this end the provisions of this act are
3506 declared severable.

3507 Section 38. Except as otherwise expressly provided in
3508 this act, this act shall take effect July 1, 2008.