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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/17/2009	.	
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	.	

The Committee on Commerce (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 462 and 463
insert:

Section 2. Subsection (6) of section 166.231, Florida
Statutes, is amended to read:

166.231 Municipalities; public service tax.—

(6) A municipality may exempt from the tax imposed by this
section any amount up to, and including, the total amount of
electricity, metered natural gas, liquefied petroleum gas either
metered or bottled, or manufactured gas either metered or
bottled purchased per month, or reduce the rate of taxation on



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13 the purchase of such electricity or gas when purchased by an
14 industrial consumer which uses the electricity or gas directly
15 in industrial manufacturing, processing, compounding, or a
16 production process, at a fixed location in the municipality, of
17 items of tangible personal property for sale. The municipality
18 shall establish the requirements for qualification for this
19 exemption in the manner prescribed by ordinance. Possession by a
20 seller of a written certification by the purchaser, certifying
21 the purchaser's entitlement to an exemption permitted by this
22 subsection, relieves the seller from the responsibility of
23 collecting the tax on the nontaxable amounts, and the
24 municipality shall look solely to the purchaser for recovery of
25 such tax if it determines that the purchaser was not entitled to
26 the exemption. Any municipality granting an exemption pursuant
27 to this subsection shall grant the exemption to all companies
28 classified in the same five-digit NAICS ~~SIC~~ Industry ~~Major Group~~
29 Number.

30 Section 3. Paragraph (i) of subsection (1) of section
31 212.05, Florida Statutes, is amended to read:

32 212.05 Sales, storage, use tax.—It is hereby declared to be
33 the legislative intent that every person is exercising a taxable
34 privilege who engages in the business of selling tangible
35 personal property at retail in this state, including the
36 business of making mail order sales, or who rents or furnishes
37 any of the things or services taxable under this chapter, or who
38 stores for use or consumption in this state any item or article
39 of tangible personal property as defined herein and who leases
40 or rents such property within the state.

41 (1) For the exercise of such privilege, a tax is levied on



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42 each taxable transaction or incident, which tax is due and
43 payable as follows:

44 (i)1. At the rate of 6 percent on charges for all:

45 a. Detective, burglar protection, and other protection
46 services (NAICS National SIC Industry Numbers 561611, 561612,
47 561613, 7381 and 561621 7382). Any law enforcement officer, as
48 defined in s. 943.10, who is performing approved duties as
49 determined by his or her local law enforcement agency in his or
50 her capacity as a law enforcement officer, and who is subject to
51 the direct and immediate command of his or her law enforcement
52 agency, and in the law enforcement officer's uniform as
53 authorized by his or her law enforcement agency, is performing
54 law enforcement and public safety services and is not performing
55 detective, burglar protection, or other protective services, if
56 the law enforcement officer is performing his or her approved
57 duties in a geographical area in which the law enforcement
58 officer has arrest jurisdiction. Such law enforcement and public
59 safety services are not subject to tax irrespective of whether
60 the duty is characterized as "extra duty," "off-duty," or
61 "secondary employment," and irrespective of whether the officer
62 is paid directly or through the officer's agency by an outside
63 source. The term "law enforcement officer" includes full-time or
64 part-time law enforcement officers, and any auxiliary law
65 enforcement officer, when such auxiliary law enforcement officer
66 is working under the direct supervision of a full-time or part-
67 time law enforcement officer.

68 b. Nonresidential cleaning and nonresidential pest control
69 services (NAICS National Numbers 561710, 561720, and 561790 SIC
70 Industry Group Number 734).



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71 2. As used in this paragraph, "NAICS SIC" means those
72 classifications contained in the North American Industry
73 ~~Standard Industrial Classification System Manual, 1987~~, as
74 published by the Office of Management and Budget, Executive
75 Office of the President.

76 3. Charges for detective, burglar protection, and other
77 protection security services performed in this state but used
78 outside this state are exempt from taxation. Charges for
79 detective, burglar protection, and other protection security
80 services performed outside this state and used in this state are
81 subject to tax.

82 4. If a transaction involves both the sale or use of a
83 service taxable under this paragraph and the sale or use of a
84 service or any other item not taxable under this chapter, the
85 consideration paid must be separately identified and stated with
86 respect to the taxable and exempt portions of the transaction or
87 the entire transaction shall be presumed taxable. The burden
88 shall be on the seller of the service or the purchaser of the
89 service, whichever applicable, to overcome this presumption by
90 providing documentary evidence as to which portion of the
91 transaction is exempt from tax. The department is authorized to
92 adjust the amount of consideration identified as the taxable and
93 exempt portions of the transaction; however, a determination
94 that the taxable and exempt portions are inaccurately stated and
95 that the adjustment is applicable must be supported by
96 substantial competent evidence.

97 5. Each seller of services subject to sales tax pursuant to
98 this paragraph shall maintain a monthly log showing each
99 transaction for which sales tax was not collected because the



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100 services meet the requirements of subparagraph 3. for out-of-
101 state use. The log must identify the purchaser's name, location
102 and mailing address, and federal employer identification number,
103 if a business, or the social security number, if an individual,
104 the service sold, the price of the service, the date of sale,
105 the reason for the exemption, and the sales invoice number. The
106 monthly log shall be maintained pursuant to the same
107 requirements and subject to the same penalties imposed for the
108 keeping of similar records pursuant to this chapter.

109 Section 4. Paragraphs (ff), (xx), and (yy) of subsection
110 (7) of section 212.08, Florida Statutes, are amended to read:

111 212.08 Sales, rental, use, consumption, distribution, and
112 storage tax; specified exemptions.—The sale at retail, the
113 rental, the use, the consumption, the distribution, and the
114 storage to be used or consumed in this state of the following
115 are hereby specifically exempt from the tax imposed by this
116 chapter.

117 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
118 entity by this chapter do not inure to any transaction that is
119 otherwise taxable under this chapter when payment is made by a
120 representative or employee of the entity by any means,
121 including, but not limited to, cash, check, or credit card, even
122 when that representative or employee is subsequently reimbursed
123 by the entity. In addition, exemptions provided to any entity by
124 this subsection do not inure to any transaction that is
125 otherwise taxable under this chapter unless the entity has
126 obtained a sales tax exemption certificate from the department
127 or the entity obtains or provides other documentation as
128 required by the department. Eligible purchases or leases made



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129 with such a certificate must be in strict compliance with this
130 subsection and departmental rules, and any person who makes an
131 exempt purchase with a certificate that is not in strict
132 compliance with this subsection and the rules is liable for and
133 shall pay the tax. The department may adopt rules to administer
134 this subsection.

135 (ff) *Certain electricity or steam uses.*—

136 1. Subject to the provisions of subparagraph 4., charges
137 for electricity or steam used to operate machinery and equipment
138 at a fixed location in this state when such machinery and
139 equipment is used to manufacture, process, compound, produce, or
140 prepare for shipment items of tangible personal property for
141 sale, or to operate pollution control equipment, recycling
142 equipment, maintenance equipment, or monitoring or control
143 equipment used in such operations are exempt to the extent
144 provided in this paragraph. If 75 percent or more of the
145 electricity or steam used at the fixed location is used to
146 operate qualifying machinery or equipment, 100 percent of the
147 charges for electricity or steam used at the fixed location are
148 exempt. If less than 75 percent but 50 percent or more of the
149 electricity or steam used at the fixed location is used to
150 operate qualifying machinery or equipment, 50 percent of the
151 charges for electricity or steam used at the fixed location are
152 exempt. If less than 50 percent of the electricity or steam used
153 at the fixed location is used to operate qualifying machinery or
154 equipment, none of the charges for electricity or steam used at
155 the fixed location are exempt.

156 2. This exemption applies only to industries classified
157 under NAICS Sector ~~SIC Industry Major Group~~ Numbers 21, 31, 32,



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158 and 33 and NAICS National Numbers 113310, 238910, 488390,
159 511110, 511120, 511130, 511140, 511191, 511199, 512220, 512230,
160 519130, 541360, 541710, and 811490 ~~10, 12, 13, 14, 20, 22, 23,~~
161 ~~24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and~~
162 ~~39 and Industry Group Number 212.~~ As used in this paragraph,
163 "NAICS SIC" means those classifications contained in the North
164 American Industry Standard Industrial Classification System
165 ~~Manual, 1987,~~ as published by the Office of Management and
166 Budget, Executive Office of the President.

167 3. Possession by a seller of a written certification by the
168 purchaser, certifying the purchaser's entitlement to an
169 exemption permitted by this subsection, relieves the seller from
170 the responsibility of collecting the tax on the nontaxable
171 amounts, and the department shall look solely to the purchaser
172 for recovery of such tax if it determines that the purchaser was
173 not entitled to the exemption.

174 4. Such exemption shall be applied as follows: beginning
175 July 1, 2000, 100 percent of the charges for such electricity or
176 steam shall be exempt.

177 ~~(xx) *Certain repair and labor charges.*~~

178 1. Subject to the provisions of subparagraphs 2. and 3.,
179 there is exempt from the tax imposed by this chapter all labor
180 charges for the repair of, and parts and materials used in the
181 repair of and incorporated into, industrial machinery and
182 equipment which is used for the manufacture, processing,
183 compounding, production, or preparation for shipping of items of
184 tangible personal property at a fixed location within this
185 state.

186 2. This exemption applies only to industries classified



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187 under NAICS Sector SIC Industry Major Group Numbers 21, 31, 32,
188 and 33 and NAICS National Numbers 113310, 238910, 488390,
189 511110, 511120, 511130, 511140, 511191, 511199, 512220, 512230,
190 519130, 541360, 541710, and 811490 ~~10, 12, 13, 14, 20, 22, 23,~~
191 ~~24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and~~
192 ~~39 and Industry Group Number 212.~~ As used in this subparagraph,
193 "NAICS SIC" means those classifications contained in the North
194 American Industry Standard Industrial Classification System
195 Manual, 1987, as published by the Office of Management and
196 Budget, Executive Office of the President.

197 3. This exemption shall be applied as follows:

198 a. Beginning July 1, 2000, 50 percent of such charges for
199 repair parts and labor shall be exempt.

200 b. Beginning July 1, 2001, 75 percent of such charges for
201 repair parts and labor shall be exempt.

202 c. Beginning July 1, 2002, 100 percent of such charges for
203 repair parts and labor shall be exempt.

204 (yy) *Film and other printing supplies.*—Also exempt are the
205 following materials purchased, produced, or created by
206 businesses classified under NAICS National SIC Industry Numbers
207 323110, 323111, 323112, 323113, 323114, 323115, 323116, 323118,
208 323119, 323121, 323122, 511191, and 519130 ~~275, 276, 277, 278,~~
209 ~~or 279~~ for use in producing graphic matter for sale: film,
210 photographic paper, dyes used for embossing and engraving,
211 artwork, typography, lithographic plates, and negatives. As used
212 in this paragraph, "NAICS SIC" means those classifications
213 contained in the North American Industry Standard Industrial
214 Classification System Manual, 1987, as published by the Office
215 of Management and Budget, Executive Office of the President.



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216 Section 5. Paragraph (a) of subsection (1) and paragraph
217 (b) of subsection (10) of section 212.097, Florida Statutes, is
218 amended to read:

219 212.097 Urban High-Crime Area Job Tax Credit Program.—

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

221 (a) "Eligible business" means any sole proprietorship,
222 firm, partnership, or corporation that is located in a qualified
223 county and is predominantly engaged in, or is headquarters for a
224 business predominantly engaged in, activities usually provided
225 for consideration by firms classified within the following North
226 American Industry Classification System ~~standard industrial~~

227 classifications: NAICS Sector Number 11 ~~SIC 01-SIC 09~~

228 (agriculture, forestry, and fishing, and hunting); NAICS Sector
229 Numbers 31-33 and NAICS National Numbers 212324, 212325, 212393,
230 and 212399 ~~SIC 20-SIC 39~~ (manufacturing); NAICS National Numbers

231 212324, 441110, 441120, 441210, 441221, 441222, 441229, 441310,

232 441320, 442110, 442210, 442291, 442299, 443111, 443112, 443120,

233 443130, 444110, 444120, 444130, 444190, 444210, 444220, 445110,

234 445120, 445210, 445220, 445230, 445291, 445292, 445299, 445310,

235 446110, 446120, 446130, 446191, 446199, 447110, 447190, 448110,

236 448120, 448130, 448140, 448150, 448190, 448210, 448310, 448320,

237 451110, 451120, 451130, 451140, 451211, 451212, 451220, 452111,

238 452112, 452910, 452990, 453110, 453210, 453220, 453310, 453910,

239 453920, 453930, 453991, 453998, 454111, 454112, 454113, 454210,

240 454311, 454312, 454319, 454390, 488390, 511110, 511120, 511130,

241 511140, 511191, 511199, 512220, 512230, 519130, 522298, 541320,

242 541710, 541940, 561730, 722213, 722330, 811490, and 812910 ~~SIC~~

243 52-SIC 57 and SIC 59 (retail); NAICS National Numbers 493110,

244 493120, 493130, 493190, and 531130 ~~SIC 422~~ (public warehousing



245 and storage); NAICS National Numbers 721110, 721120, 721191,
246 721199, 721211, 721214, and 721310 ~~SIC 70~~ (hotels and other
247 lodging places); NAICS National Number 541710 ~~SIC 7391~~ (research
248 and development); NAICS National Numbers 334612, 512110, 512191,
249 512199, 532220, 532490, 541214, 541690, 561310, and 711510 ~~SIC~~
250 ~~781~~ (motion picture production and allied services); NAICS
251 National Number 713910 ~~SIC 7992~~ (public golf courses); and NAICS
252 National Number 713110 ~~SIC 7996~~ (amusement parks). A call center
253 or similar customer service operation that services a multistate
254 market or international market is also an eligible business. In
255 addition, the Office of Tourism, Trade, and Economic Development
256 may, as part of its final budget request submitted pursuant to
257 s. 216.023, recommend additions to or deletions from the list of
258 standard industrial classifications used to determine an
259 eligible business, and the Legislature may implement such
260 recommendations. Excluded from eligible receipts are receipts
261 from retail sales, except such receipts for NAICS National
262 Numbers 311330, 311340, 311811, 314121, 314129, 315222, 315233,
263 327112, 337110, 337121, 337122, 339113, 339115, 441110, 441120,
264 441210, 441221, 441222, 441229, 441310, 441320, 442110, 442210,
265 442291, 442299, 443111, 443112, 443120, 443130, 444110, 444120,
266 444130, 444190, 444210, 444220, 445110, 445120, 445210, 445220,
267 445230, 445291, 445292, 445299, 445310, 446110, 446120, 446130,
268 446191, 446199, 447110, 447190, 448110, 448120, 448130, 448140,
269 448150, 448190, 448210, 448310, 448320, 451110, 451120, 451130,
270 451140, 451211, 451212, 451220, 452111, 452112, 452910, 452990,
271 453110, 453210, 453220, 453310, 453910, 453920, 453930, 453991,
272 453998, 454111, 454112, 454113, 454210, 454311, 454312, 454319,
273 454390, 522298, 722213, and 722330 ~~SIC 52-SIC 57 and SIC 59~~



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274 (retail), hotels and other lodging places classified in NAICS
275 National Numbers 721110, 721120, 721191, 721199, 721211, 721214,
276 and 721310 ~~SIC 70~~, public golf courses in NAICS National Number
277 713910 ~~SIC 7992~~, and amusement parks in NAICS National Number
278 713110 ~~SIC 7996~~. For purposes of this paragraph, the term
279 "predominantly" means that more than 50 percent of the
280 business's gross receipts from all sources is generated by those
281 activities usually provided for consideration by firms in the
282 specified standard industrial classification. The determination
283 of whether the business is located in a qualified high-crime
284 area and the tier ranking of that area must be based on the date
285 of application for the credit under this section. Commonly owned
286 and controlled entities are to be considered a single business
287 entity.

288 (10)

289 (b) Applications shall be reviewed and certified pursuant to
290 s. 288.061. Within 30 working days after receipt of an
291 application for credit, the Office of Tourism, Trade, and
292 Economic Development shall review the application to determine
293 whether it contains all the information required by this
294 subsection and meets the criteria set out in this section.
295 ~~Subject to the provisions of paragraph (c), the Office of~~
296 ~~Tourism, Trade, and Economic Development shall approve all~~
297 ~~applications that contain the information required by this~~
298 ~~subsection and meet the criteria set out in this section as~~
299 ~~eligible to receive a credit.~~

300 Section 6. Paragraph (a) of subsection (1) of section
301 212.098, Florida Statutes, is amended to read:

302 212.098 Rural Job Tax Credit Program.-



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303 (1) As used in this section, the term:
304 (a) "Eligible business" means any sole proprietorship,
305 firm, partnership, or corporation that is located in a qualified
306 county and is predominantly engaged in, or is headquarters for a
307 business predominantly engaged in, activities usually provided
308 for consideration by firms classified within the following North
309 American Industry Classification System ~~standard industrial~~
310 classifications: NAICS Sector Number 11 and NAICS National
311 Numbers 541320, 541940, 561730, and 812910 ~~SIC 01-SIC 09~~
312 (agriculture, forestry, and fishing, and hunting); NAICS Sector
313 Numbers 31-33 and NAICS National Numbers 212324, 212325, 212393,
314 212399, 488390, 511110, 511120, 511130, 511140, 511191, 511199,
315 512220, 512230, 519130, 541710, and 811490 ~~SIC 20-SIC 39~~
316 (manufacturing); NAICS National Numbers 493110, 493120, 493130,
317 493190, and 531130 ~~SIC 422~~ (public warehousing and storage);
318 NAICS National Numbers 721110, 721120, 721191, 721199, 721211,
319 721214, and 721310 ~~SIC 70~~ (hotels and other lodging places);
320 NAICS National Number 541710 ~~SIC 7391~~ (research and
321 development); NAICS National Numbers 334612, 512110, 512191,
322 512199, 532220, 532490, 541214, 541690, 561310, and 711510 ~~SIC~~
323 ~~781~~ (motion picture production and allied services); NAICS
324 National Number 713910 ~~SIC 7992~~ (public golf courses); NAICS
325 National Number 713110 ~~SIC 7996~~ (amusement parks); and a
326 targeted industry eligible for the qualified target industry
327 business tax refund under s. 288.106. A call center or similar
328 customer service operation that services a multistate market or
329 an international market is also an eligible business. In
330 addition, the Office of Tourism, Trade, and Economic Development
331 may, as part of its final budget request submitted pursuant to



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332 s. 216.023, recommend additions to or deletions from the list of
333 standard industrial classifications used to determine an
334 eligible business, and the Legislature may implement such
335 recommendations. Excluded from eligible receipts are receipts
336 from retail sales, except such receipts for hotels and other
337 lodging places classified in NAICS National Numbers 721110,
338 721120, 721191, 721199, 721211, 721214, and 721310 ~~SIC 70,~~
339 public golf courses in NAICS National Number 713910 ~~SIC 7992,~~
340 and amusement parks in NAICS National Number 713110 ~~SIC 7996.~~
341 For purposes of this paragraph, the term "predominantly" means
342 that more than 50 percent of the business's gross receipts from
343 all sources is generated by those activities usually provided
344 for consideration by firms in the specified standard industrial
345 classification. The determination of whether the business is
346 located in a qualified county and the tier ranking of that
347 county must be based on the date of application for the credit
348 under this section. Commonly owned and controlled entities are
349 to be considered a single business entity.

350 Section 7. Paragraph (b) of subsection (5) of section
351 220.15, Florida Statutes, is amended to read:

352 220.15 Apportionment of adjusted federal income.—

353 (5) The sales factor is a fraction the numerator of which
354 is the total sales of the taxpayer in this state during the
355 taxable year or period and the denominator of which is the total
356 sales of the taxpayer everywhere during the taxable year or
357 period.

358 (b)1. Sales of tangible personal property occur in this
359 state if the property is delivered or shipped to a purchaser
360 within this state, regardless of the f.o.b. point, other



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361 conditions of the sale, or ultimate destination of the property,
362 unless shipment is made via a common or contract carrier.
363 However, for industries in NAICS National ~~SIC~~ Industry Number
364 311411 ~~2037~~, if the ultimate destination of the product is to a
365 location outside this state, regardless of the method of
366 shipment or f.o.b. point, the sale shall not be deemed to occur
367 in this state.

368 2. When citrus fruit is delivered by a cooperative for a
369 grower-member, by a grower-member to a cooperative, or by a
370 grower-participant to a Florida processor, the sales factor for
371 the growers for such citrus fruit delivered to such processor
372 shall be the same as the sales factor for the most recent
373 taxable year of that processor. That sales factor, expressed
374 only as a percentage and not in terms of the dollar volume of
375 sales, so as to protect the confidentiality of the sales of the
376 processor, shall be furnished on the request of such a grower
377 promptly after it has been determined for that taxable year.

378 3. Reimbursement of expenses under an agency contract
379 between a cooperative, a grower-member of a cooperative, or a
380 grower and a processor is not a sale within this state.

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

383 220.191 Capital investment tax credit.-

384 (5) Applications shall be reviewed and certified pursuant
385 to s. 288.061. The office, upon a recommendation by Enterprise
386 Florida, Inc., shall first certify a business as eligible to
387 receive tax credits pursuant to this section prior to the
388 commencement of operations of a qualifying project, and such
389 certification shall be transmitted to the Department of Revenue.



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390 Upon receipt of the certification, the Department of Revenue
391 shall enter into a written agreement with the qualifying
392 business specifying, at a minimum, the method by which income
393 generated by or arising out of the qualifying project will be
394 determined.

395 Section 9. Section 288.061, Florida Statutes, is created to
396 read:

397 288.061 Economic development incentive application
398 process.—

399 (1) Within 10 business days after receiving a submitted
400 economic development incentive application, Enterprise Florida,
401 Inc., shall review the application and inform the applicant
402 business whether or not its application is complete. Within 10
403 business days after the application is deemed complete,
404 Enterprise Florida, Inc., shall evaluate the application and
405 recommend approval or disapproval of the application to the
406 director of the Office of Tourism, Trade, and Economic
407 Development. In recommending an applicant business for approval,
408 Enterprise Florida, Inc., shall include in its evaluation a
409 recommended grant award amount and a review of the applicant's
410 ability to meet specific program criteria.

411 (2) Within 10 calendar days after the Office of Tourism,
412 Trade, and Economic Development receives the evaluation and
413 recommendation from Enterprise Florida, Inc., the office shall
414 notify Enterprise Florida, Inc., whether or not the application
415 is reviewable. Within 22 calendar days after the office receives
416 the recommendation from Enterprise Florida, Inc., the director
417 of the office shall review the application and issue a letter of
418 certification to the applicant that approves or disapproves an



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419 applicant business and includes a justification of that
420 decision, unless the business requests an extension of that
421 time. The final order shall specify the total amount of the
422 award, the performance conditions that must be met to obtain the
423 award, and the schedule for payment.

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

426 288.063 Contracts for transportation projects.—

427 (4) The Office of Tourism, Trade, and Economic Development
428 may adopt criteria by which transportation projects are to be
429 reviewed and certified in accordance with s. 288.061 ~~specified~~
430 ~~and identified~~. In approving transportation projects for
431 funding, the Office of Tourism, Trade, and Economic Development
432 shall consider factors including, but not limited to, the cost
433 per job created or retained considering the amount of
434 transportation funds requested; the average hourly rate of wages
435 for jobs created; the reliance on the program as an inducement
436 for the project's location decision; the amount of capital
437 investment to be made by the business; the demonstrated local
438 commitment; the location of the project in an enterprise zone
439 designated pursuant to s. 290.0055; the location of the project
440 in a spaceport territory as defined in s. 331.304; the
441 unemployment rate of the surrounding area; the poverty rate of
442 the community; and the adoption of an economic element as part
443 of its local comprehensive plan in accordance with s.
444 163.3177(7)(j). The Office of Tourism, Trade, and Economic
445 Development may contact any agency it deems appropriate for
446 additional input regarding the approval of projects.

447 Section 11. Subsection (2) of section 288.065, Florida



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448 Statutes, is amended to read:

449 288.065 Rural Community Development Revolving Loan Fund.—

450 (2) The program shall provide for long-term loans, loan
451 guarantees, and loan loss reserves to units of local
452 governments, or economic development organizations substantially
453 underwritten by a unit of local government, within counties with
454 populations of 75,000 or less, or within any county with that
455 ~~has~~ a population of 125,000 ~~100,000~~ or less that and is
456 contiguous to a county with a population of 75,000 or less,
457 based on as determined by the most recent official population
458 estimate as determined under ~~pursuant to~~ s. 186.901, including
459 those residing in incorporated areas and those residing in
460 unincorporated areas of the county, or to units of local
461 government, or economic development organizations substantially
462 underwritten by a unit of local government, within a rural area
463 of critical economic concern. Requests for loans shall be made
464 by application to the Office of Tourism, Trade, and Economic
465 Development. Loans shall be made pursuant to agreements
466 specifying the terms and conditions agreed to between the
467 applicant and the Office of Tourism, Trade, and Economic
468 Development. The loans shall be the legal obligations of the
469 applicant. All repayments of principal and interest shall be
470 returned to the loan fund and made available for loans to other
471 applicants. However, in a rural area of critical economic
472 concern designated by the Governor, and upon approval by the
473 Office of Tourism, Trade, and Economic Development, repayments
474 of principal and interest may be retained by the applicant if
475 such repayments are dedicated and matched to fund regionally
476 based economic development organizations representing the rural



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477 area of critical economic concern.

478 Section 12. Paragraphs (b) and (e) of subsection (2) and
479 subsection (3) of section 288.0655, Florida Statutes, are
480 amended to read:

481 288.0655 Rural Infrastructure Fund.—

482 (2)

483 (b) To facilitate access of rural communities and rural
484 areas of critical economic concern as defined by the Rural
485 Economic Development Initiative to infrastructure funding
486 programs of the Federal Government, such as those offered by the
487 United States Department of Agriculture and the United States
488 Department of Commerce, and state programs, including those
489 offered by Rural Economic Development Initiative agencies, and
490 to facilitate local government or private infrastructure funding
491 efforts, the office may award grants for up to 30 percent of the
492 total infrastructure project cost. If an application for funding
493 is for a catalyst site, as defined in s. 288.0656, the office
494 may award grants for up to 40 percent of the total
495 infrastructure project cost. Eligible projects must be related
496 to specific job-creation or job-retention opportunities.
497 Eligible projects may also include improving any inadequate
498 infrastructure that has resulted in regulatory action that
499 prohibits economic or community growth or reducing the costs to
500 community users of proposed infrastructure improvements that
501 exceed such costs in comparable communities. Eligible uses of
502 funds shall include improvements to public infrastructure for
503 industrial or commercial sites and upgrades to or development of
504 public tourism infrastructure. Authorized infrastructure may
505 include the following public or public-private partnership



506 facilities: storm water systems; telecommunications facilities;
507 broadband facilities; roads or other remedies to transportation
508 impediments; nature-based tourism facilities; or other physical
509 requirements necessary to facilitate tourism, trade, and
510 economic development activities in the community. Authorized
511 infrastructure may also include publicly or privately owned
512 self-powered nature-based tourism facilities, publicly owned
513 telecommunications facilities, and broadband facilities, and
514 additions to the distribution facilities of the existing natural
515 gas utility as defined in s. 366.04(3)(c), the existing electric
516 utility as defined in s. 366.02, or the existing water or
517 wastewater utility as defined in s. 367.021(12), or any other
518 existing water or wastewater facility, which owns a gas or
519 electric distribution system or a water or wastewater system in
520 this state where:

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

525 2. Such utilities as defined herein are willing and able to
526 provide such service.

527 (e) To enable local governments to access the resources
528 available pursuant to s. 403.973(18), the office may award
529 grants for surveys, feasibility studies, and other activities
530 related to the identification and preclearance review of land
531 which is suitable for preclearance review. Authorized grants
532 under this paragraph shall not exceed \$75,000 each, except in
533 the case of a project in a rural area of critical economic
534 concern, in which case the grant shall not exceed \$300,000. Any



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535 funds awarded under this paragraph must be matched at a level of
536 50 percent with local funds, except that any funds awarded for a
537 project in a rural area of critical economic concern must be
538 matched at a level of 33 percent with local funds. If an
539 application for funding is for a catalyst site, as defined in s.
540 288.0656, the requirement for local match may be waived pursuant
541 to the process in s. 288.06561. In evaluating applications under
542 this paragraph, the office shall consider the extent to which
543 the application seeks to minimize administrative and consultant
544 expenses.

545 (3) The office, in consultation with Enterprise Florida,
546 Inc., VISIT Florida, the Department of Environmental Protection,
547 and the Florida Fish and Wildlife Conservation Commission, as
548 appropriate, shall review and certify applications pursuant to
549 s. 288.061. The review shall include an evaluation of ~~and~~
550 ~~evaluate~~ the economic benefit of the projects and their long-
551 term viability. The office shall have final approval for any
552 grant under this section ~~and must make a grant decision within~~
553 ~~30 days of receiving a completed application.~~

554 Section 13. Section 288.0656, Florida Statutes, is amended
555 to read:

556 288.0656 Rural Economic Development Initiative.—

557 (1) (a) Recognizing that rural communities and regions
558 continue to face extraordinary challenges in their efforts to
559 significantly improve their economies, specifically in terms of
560 personal income, job creation, average wages, and strong tax
561 bases, it is the intent of the Legislature to encourage and
562 facilitate the location and expansion of major economic
563 development projects of significant scale in such rural



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564 communities.

565 (b) The Rural Economic Development Initiative, known as
566 "REDI," is created within the Office of Tourism, Trade, and
567 Economic Development, and the participation of state and
568 regional agencies in this initiative is authorized.

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

570 (a) "Catalyst project" means a business locating or
571 expanding in a rural area of critical economic concern to serve
572 as an economic generator of regional significance for the growth
573 of a regional target industry cluster. The project must provide
574 capital investment on a scale significant enough to affect the
575 entire region and result in the development of high-wage and
576 high-skill jobs.

577 (b) "Catalyst site" means a parcel or parcels of land
578 within a rural area of critical economic concern that has been
579 prioritized as a geographic site for economic development
580 through partnerships with state, regional, and local
581 organizations. The site must be reviewed by REDI and approved by
582 the Office of Tourism, Trade, and Economic Development for the
583 purposes of locating a catalyst project.

584 (c) ~~(a)~~ "Economic distress" means conditions affecting the
585 fiscal and economic viability of a rural community, including
586 such factors as low per capita income, low per capita taxable
587 values, high unemployment, high underemployment, low weekly
588 earned wages compared to the state average, low housing values
589 compared to the state average, high percentages of the
590 population receiving public assistance, high poverty levels
591 compared to the state average, and a lack of year-round stable
592 employment opportunities.



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593 (d) "Rural area of critical economic concern" means a rural
594 community, or a region composed of rural communities, designated
595 by the Governor, that has been adversely affected by an
596 extraordinary economic event, severe or chronic distress, or a
597 natural disaster or that presents a unique economic development
598 opportunity of regional impact.

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

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

601 2. A county with a population of 125,000 ~~100,000~~ or less
602 that is contiguous to a county with a population of 75,000 or
603 less.

604 3. A municipality within a county described in subparagraph
605 1. or subparagraph 2.

606 4. An unincorporated federal enterprise community or an
607 incorporated rural city with a population of 25,000 or less and
608 an employment base focused on traditional agricultural or
609 resource-based industries, located in a county not defined as
610 rural, which has at least three or more of the economic distress
611 factors identified in paragraph (c) ~~(a)~~ and verified by the
612 Office of Tourism, Trade, and Economic Development.

613
614 For purposes of this paragraph, population shall be
615 determined in accordance with the most recent official estimate
616 pursuant to s. 186.901.

617 (3) REDI shall be responsible for coordinating and focusing
618 the efforts and resources of state and regional agencies on the
619 problems which affect the fiscal, economic, and community
620 viability of Florida's economically distressed rural
621 communities, working with local governments, community-based



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622 organizations, and private organizations that have an interest
623 in the growth and development of these communities to find ways
624 to balance environmental and growth management issues with local
625 needs.

626 (4) REDI shall review and evaluate the impact of statutes
627 and rules on rural communities and shall work to minimize any
628 adverse impact and undertake outreach and capacity building
629 efforts.

630 (5) REDI shall facilitate better access to state resources
631 by promoting direct access and referrals to appropriate state
632 and regional agencies and statewide organizations. REDI may
633 undertake outreach, capacity-building, and other advocacy
634 efforts to improve conditions in rural communities. These
635 activities may include sponsorship of conferences and
636 achievement awards.

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

- 641 1. The Department of Community Affairs.
- 642 2. The Department of Transportation.
- 643 3. The Department of Environmental Protection.
- 644 4. The Department of Agriculture and Consumer Services.
- 645 5. The Department of State.
- 646 6. The Department of Health.
- 647 7. The Department of Children and Family Services.
- 648 8. The Department of Corrections.
- 649 9. The Agency for Workforce Innovation.
- 650 10. The Department of Education.



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- 651 11. The Department of Juvenile Justice.
- 652 12. The Fish and Wildlife Conservation Commission.
- 653 13. Each water management district.
- 654 14. Enterprise Florida, Inc.
- 655 15. Workforce Florida, Inc.
- 656 16. The Florida Commission on Tourism or VISIT Florida.
- 657 17. The Florida Regional Planning Council Association.
- 658 18. The Agency for Health Care Administration ~~Florida State~~
- 659 ~~Rural Development Council.~~
- 660 19. The Institute of Food and Agricultural Sciences (IFAS).

661
662 An alternate for each designee shall also be chosen, and
663 the names of the designees and alternates shall be sent to the
664 director of the Office of Tourism, Trade, and Economic
665 Development.

666 (b) Each REDI representative must have comprehensive
667 knowledge of his or her agency's functions, both regulatory and
668 service in nature, and of the state's economic goals, policies,
669 and programs. This person shall be the primary point of contact
670 for his or her agency with REDI on issues and projects relating
671 to economically distressed rural communities and with regard to
672 expediting project review, shall ensure a prompt effective
673 response to problems arising with regard to rural issues, and
674 shall work closely with the other REDI representatives in the
675 identification of opportunities for preferential awards of
676 program funds and allowances and waiver of program requirements
677 when necessary to encourage and facilitate long-term private
678 capital investment and job creation.

679 (c) The REDI representatives shall work with REDI in the



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680 review and evaluation of statutes and rules for adverse impact
681 on rural communities and the development of alternative
682 proposals to mitigate that impact.

683 (d) Each REDI representative shall be responsible for
684 ensuring that each district office or facility of his or her
685 agency is informed about the Rural Economic Development
686 Initiative and for providing assistance throughout the agency in
687 the implementation of REDI activities.

688 (7) (a) REDI may recommend to the Governor up to three rural
689 areas of critical economic concern. ~~A rural area of critical~~
690 ~~economic concern must be a rural community, or a region composed~~
691 ~~of such, that has been adversely affected by an extraordinary~~
692 ~~economic event or a natural disaster or that presents a unique~~
693 ~~economic development opportunity of regional impact that will~~
694 ~~create more than 1,000 jobs over a 5-year period.~~ The Governor
695 may by executive order designate up to three rural areas of
696 critical economic concern which will establish these areas as
697 priority assignments for REDI as well as to allow the Governor,
698 acting through REDI, to waive criteria, requirements, or similar
699 provisions of any economic development incentive. Such
700 incentives shall include, but not be limited to: the Qualified
701 Target Industry Tax Refund Program under s. 288.106, the Quick
702 Response Training Program under s. 288.047, the Quick Response
703 Training Program for participants in the welfare transition
704 program under s. 288.047(8), transportation projects under s.
705 288.063, the brownfield redevelopment bonus refund under s.
706 288.107, and the rural job tax credit program under ss. 212.098
707 and 220.1895.

708 (b) Designation as a rural area of critical economic



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709 concern under this subsection shall be contingent upon the
710 execution of a memorandum of agreement among the Office of
711 Tourism, Trade, and Economic Development; the governing body of
712 the county; and the governing bodies of any municipalities to be
713 included within a rural area of critical economic concern. Such
714 agreement shall specify the terms and conditions of the
715 designation, including, but not limited to, the duties and
716 responsibilities of the county and any participating
717 municipalities to take actions designed to facilitate the
718 retention and expansion of existing businesses in the area, as
719 well as the recruitment of new businesses to the area.

720 (c) Each rural area of critical economic concern may
721 designate catalyst projects, provided that each catalyst project
722 is specifically recommended by REDI, identified as a catalyst
723 project by Enterprise Florida, Inc., and confirmed as a catalyst
724 project by the Office of Tourism, Trade, and Economic
725 Development. All state agencies and departments shall use all
726 available tools and resources to the extent permissible by law
727 to promote the creation and development of each catalyst project
728 and the development of catalyst sites.

729 (8) REDI shall assist local governments within rural areas
730 of critical economic concern with comprehensive planning needs
731 that further the provisions of this section. Such assistance
732 shall reflect a multidisciplinary approach among all agencies
733 and include economic development and planning objectives.

734 (a) A local government may request assistance in the
735 preparation of comprehensive plan amendments, pursuant to part
736 II of chapter 163, which will stimulate economic activity.

737 1. The local government must contact the Office of Tourism,



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738 Trade, and Economic Development to request assistance.

739 2. REDI representatives shall meet with the local
740 government within 15 days after such request to develop the
741 scope of assistance that will be provided for the development,
742 transmittal, and adoption of the proposed comprehensive plan
743 amendment.

744 3. As part of the assistance provided, REDI representatives
745 shall also identify other needed local and developer actions for
746 approval of the project and recommend a timeline for the local
747 government and developer that will minimize project delays.

748 (b) In addition, each year REDI shall solicit requests for
749 assistance from local governments within a rural area of
750 critical economic concern to update the future land use element
751 and other associated elements of the local government's
752 comprehensive plan to better position the community to respond
753 to economic development potential within the county or
754 municipality. REDI shall provide direct assistance to such local
755 governments to update their comprehensive plans pursuant to this
756 paragraph. At least one comprehensive planning technical
757 assistance effort shall be selected each year.

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

761 (9)-(8) REDI shall submit a report to the Governor, the
762 President of the Senate, and the Speaker of the House of
763 Representatives each year on or before ~~September~~ February 1 on
764 all REDI activities for the prior fiscal year. This report shall
765 include a status report on all projects currently being
766 coordinated through REDI, the number of preferential awards and



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767 allowances made pursuant to this section, the dollar amount of
768 such awards, and the names of the recipients. The report shall
769 also include a description of all waivers of program
770 requirements granted. The report shall also include information
771 as to the economic impact of the projects coordinated by REDI.

772 Section 14. Section 288.06561, Florida Statutes, is amended
773 to read:

774 288.06561 Reduction or waiver of financial match
775 requirements.—Notwithstanding any other law, the member agencies
776 and organizations of the Rural Economic Development Initiative
777 (REDI), as defined in s. 288.0656(6)(a), shall review the
778 financial match requirements for projects in rural areas as
779 defined in s. 288.0656(2) ~~(b)~~.

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

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

785 (3) These proposals shall be delivered to the Office of
786 Tourism, Trade, and Economic Development for distribution to the
787 REDI agencies and organizations. A meeting of REDI agencies and
788 organizations must be called within 30 days after receipt of
789 such proposals for REDI comment and recommendations on each
790 proposal.

791 (4) Waivers and reductions must be requested by the county
792 or community, and such county or community must have three or
793 more of the factors identified in s. 288.0656(2) (c) ~~(a)~~.

794 (5) Any other funds available to the project may be used
795 for financial match of federal programs when there is fiscal



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796 hardship, and the match requirements may not be waived or
797 reduced.

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

801 (7) To the fullest extent possible, agencies and
802 organizations shall expedite the rule adoption and amendment
803 process if necessary to incorporate the reduction in match by
804 rural areas in fiscal distress.

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

808 Section 15. Subsection (1) of section 288.0657, Florida
809 Statutes, is amended to read:

810 288.0657 Florida rural economic development strategy
811 grants.—

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

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

815 (b) A county with a population of 125,000 ~~100,000~~ or less
816 that is contiguous to a county with a population of 75,000 or
817 less.

818 (c) A municipality within a county described in paragraph
819 (a) or paragraph (b).

820

821 For purposes of this subsection, population shall be
822 determined in accordance with the most recent official estimate
823 pursuant to s. 186.901.

824 Section 16. Paragraph (c) of subsection (2), paragraphs



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825 (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3),
826 and paragraph (c) of subsection (5) of section 288.1045, Florida
827 Statutes, are amended to read:

828 288.1045 Qualified defense contractor and space flight
829 business tax refund program.—

830 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

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

834 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
835 DETERMINATION.—

836 (a) To apply for certification as a qualified applicant
837 pursuant to this section, an applicant must file an application
838 with the office which satisfies the requirements of paragraphs
839 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
840 paragraphs (e) and (j) ~~(*)~~. An applicant may not apply for
841 certification pursuant to this section after a proposal has been
842 submitted for a new Department of Defense contract, after the
843 applicant has made the decision to consolidate an existing
844 Department of Defense contract in this state for which such
845 applicant is seeking certification, after a proposal has been
846 submitted for a new space flight business contract in this
847 state, after the applicant has made the decision to consolidate
848 an existing space flight business contract in this state for
849 which such applicant is seeking certification, or after the
850 applicant has made the decision to convert defense production
851 jobs to nondefense production jobs for which such applicant is
852 seeking certification.

853 (e) To qualify for review by the office, the application of



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854 an applicant must, at a minimum, establish the following to the
855 satisfaction of the office:

856 1. The jobs proposed to be provided under the application,
857 pursuant to subparagraph (b)6., subparagraph (c)6., or
858 subparagraph (j)~~(k)~~6., must pay an estimated annual average wage
859 equaling at least 115 percent of the average wage in the area
860 where the project is to be located.

861 2. The consolidation of a Department of Defense contract
862 must result in a net increase of at least 25 percent in the
863 number of jobs at the applicant's facilities in this state or
864 the addition of at least 80 jobs at the applicant's facilities
865 in this state.

866 3. The conversion of defense production jobs to nondefense
867 production jobs must result in net increases in nondefense
868 employment at the applicant's facilities in this state.

869 4. The Department of Defense contract or the space flight
870 business contract cannot allow the business to include the costs
871 of relocation or retooling in its base as allowable costs under
872 a cost-plus, or similar, contract.

873 5. A business unit of the applicant must have derived not
874 less than 60 percent of its gross receipts in this state from
875 Department of Defense contracts or space flight business
876 contracts over the applicant's last fiscal year, and must have
877 derived not less than an average of 60 percent of its gross
878 receipts in this state from Department of Defense contracts or
879 space flight business contracts over the 5 years preceding the
880 date an application is submitted pursuant to this section. This
881 subparagraph does not apply to any application for certification
882 based on a contract for reuse of a defense-related facility.



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883 6. The reuse of a defense-related facility must result in
884 the creation of at least 100 jobs at such facility.

885 7. A new space flight business contract or the
886 consolidation of a space flight business contract must result in
887 net increases in space flight business employment at the
888 applicant's facilities in this state.

889 (f) Each application meeting the requirements of paragraphs
890 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
891 paragraphs (e) and (j) ~~(k)~~ must be submitted to the office for a
892 determination of eligibility. The office shall review and
893 evaluate each application based on, but not limited to, the
894 following criteria:

895 1. Expected contributions to the state strategic economic
896 development plan adopted by Enterprise Florida, Inc., taking
897 into account the extent to which the project contributes to the
898 state's high-technology base, and the long-term impact of the
899 project and the applicant on the state's economy.

900 2. The economic benefit of the jobs created or retained by
901 the project in this state, taking into account the cost and
902 average wage of each job created or retained, and the potential
903 risk to existing jobs.

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

906 4. The local commitment and support for the project and
907 applicant.

908 5. The impact of the project on the local community, taking
909 into account the unemployment rate for the county where the
910 project will be located.

911 6. The dependence of the local community on the defense



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912 industry or space flight business.

913 7. The impact of any tax refunds granted pursuant to this
914 section on the viability of the project and the probability that
915 the project will occur in this state if such tax refunds are
916 granted to the applicant, taking into account the expected long-
917 term commitment of the applicant to economic growth and
918 employment in this state.

919 8. The length of the project, or the expected long-term
920 commitment to this state resulting from the project.

921 (g) Applications shall be reviewed and certified pursuant
922 to s. 288.061. ~~The office shall forward its written findings and~~
923 ~~evaluation on each application meeting the requirements of~~
924 ~~paragraphs (b) and (c), paragraphs (c) and (e), paragraphs (d)~~
925 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
926 ~~calendar days after receipt of a complete application. The~~
927 ~~office shall notify each applicant when its application is~~
928 ~~complete, and when the 60-day period begins. In its written~~
929 ~~report to the director, the office shall specifically address~~
930 ~~each of the factors specified in paragraph (f), and shall make a~~
931 ~~specific assessment with respect to the minimum requirements~~
932 ~~established in paragraph (e). The office shall include in its~~
933 ~~report projections of the tax refunds the applicant would be~~
934 ~~eligible to receive in each fiscal year based on the creation~~
935 ~~and maintenance of the net new Florida jobs specified in~~
936 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
937 ~~subparagraph (k)6. as of December 31 of the preceding state~~
938 ~~fiscal year.~~

939 ~~(h) Within 30 days after receipt of the office's findings~~
940 ~~and evaluation, the director shall issue a letter of~~



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941 ~~certification which either approves or disapproves an~~
942 ~~application. The decision must be in writing and provide the~~
943 ~~justifications for either approval or disapproval. If~~
944 appropriate, the director shall enter into a written agreement
945 with the qualified applicant pursuant to subsection (4).

946 (h)~~(i)~~ The director may not certify any applicant as a
947 qualified applicant when the value of tax refunds to be included
948 in that letter of certification exceeds the available amount of
949 authority to certify new businesses as determined in s.
950 288.095(3). A letter of certification that approves an
951 application must specify the maximum amount of a tax refund that
952 is to be available to the contractor for each fiscal year and
953 the total amount of tax refunds for all fiscal years.

954 (i)~~(j)~~ This section does not create a presumption that an
955 applicant should receive any tax refunds under this section.

956 (j)~~(k)~~ Applications for certification based upon a new
957 space flight business contract or the consolidation of a space
958 flight business contract must be submitted to the office as
959 prescribed by the office and must include, but are not limited
960 to, the following information:

961 1. The applicant's federal employer identification number,
962 the applicant's Florida sales tax registration number, and a
963 signature of an officer of the applicant.

964 2. The permanent location of the space flight business
965 facility in this state where the project is or will be located.

966 3. The new space flight business contract number, the space
967 flight business contract numbers of the contract to be
968 consolidated, or the request-for-proposal number of a proposed
969 space flight business contract.



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970 4. The date the contract was executed and the date the
971 contract is due to expire, is expected to expire, or was
972 canceled.

973 5. The commencement date for project operations under the
974 contract in this state.

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

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

980 8. The percentage of the applicant's gross receipts derived
981 from space flight business contracts during the 5 taxable years
982 immediately preceding the date the application is submitted.

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

985 10. A brief statement concerning the applicant's need for
986 tax refunds and the proposed uses of such refunds by the
987 applicant.

988 11. A resolution adopted by the governing board of the
989 county or municipality in which the project will be located
990 which recommends the applicant be approved as a qualified
991 applicant and indicates that the necessary commitments of local
992 financial support for the applicant exist. Prior to the adoption
993 of the resolution, the county commission may review the proposed
994 public or private sources of such support and determine whether
995 the proposed sources of local financial support can be provided
996 or, for any applicant whose project is located in a county
997 designated by the Rural Economic Development Initiative, a
998 resolution adopted by the county commissioners of such county



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999 requesting that the applicant's project be exempt from the local
1000 financial support requirement.

1001 12. Any additional information requested by the office.

1002 (5) ANNUAL CLAIM FOR REFUND.—

1003 (c) A tax refund may not be approved for any qualified
1004 applicant unless local financial support has been paid to the
1005 Economic Development Trust Fund for that refund. If the local
1006 financial support is less than 20 percent of the approved tax
1007 refund, the tax refund shall be reduced. The tax refund paid may
1008 not exceed 5 times the local financial support received. Funding
1009 from local sources includes tax abatement under s. 196.1995 or
1010 the appraised market value of municipal or county land,
1011 including any improvements or structures, conveyed or provided
1012 at a discount through a sale or lease to that applicant. The
1013 amount of any tax refund for an applicant approved under this
1014 section shall be reduced by the amount of any such tax abatement
1015 granted or the value of the land granted, including the value of
1016 any improvements or structures; and the limitations in
1017 subsection (2) ~~and paragraph (3)(h)~~ shall be reduced by the
1018 amount of any such tax abatement or the value of the land
1019 granted, including any improvements or structures. A report
1020 listing all sources of the local financial support shall be
1021 provided to the office when such support is paid to the Economic
1022 Development Trust Fund.

1023 Section 17. Paragraphs (k) and (t) of subsection (1),
1024 subsection (3), paragraph (b) of subsection (4), paragraph (c)
1025 of subsection (5), and subsection (8) of section 288.106,
1026 Florida Statutes, are amended to read:

1027 288.106 Tax refund program for qualified target industry



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1028 businesses.-

1029 (1) DEFINITIONS.-As used in this section:

1030 (k) "Local financial support exemption option" means the
1031 option to exercise an exemption from the local financial support
1032 requirement available to any applicant whose project is located
1033 in a brownfield area or a county with a population of 75,000 or
1034 fewer or a county with a population of 125,000 ~~100,000~~ or fewer
1035 that ~~which~~ is contiguous to a county with a population of 75,000
1036 or fewer. Any applicant that exercises this option shall not be
1037 eligible for more than 80 percent of the total tax refunds
1038 allowed such applicant under this section.

1039 (t) "Rural community" means:

1040 1. A county with a population of 75,000 or less.

1041 2. A county with a population of 125,000 ~~100,000~~ or less
1042 that is contiguous to a county with a population of 75,000 or
1043 less.

1044 3. A municipality within a county described in subparagraph
1045 1. or subparagraph 2.

1046
1047 For purposes of this paragraph, population shall be
1048 determined in accordance with the most recent official estimate
1049 pursuant to s. 186.901.

1050 (3) APPLICATION AND APPROVAL PROCESS.-

1051 (a) To apply for certification as a qualified target
1052 industry business under this section, the business must file an
1053 application with the office before the business has made the
1054 decision to locate a new business in this state or before the
1055 business had made the decision to expand an existing business in
1056 this state. The application shall include, but is not limited



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1057 to, the following information:

1058 1. The applicant's federal employer identification number
1059 and the applicant's state sales tax registration number.

1060 2. The permanent location of the applicant's facility in
1061 this state at which the project is or is to be located.

1062 3. A description of the type of business activity or
1063 product covered by the project, including a minimum of a five-
1064 digit NAICS code ~~four-digit SIC codes~~ for all activities
1065 included in the project.

1066 4. The number of net new full-time equivalent Florida jobs
1067 at the qualified target industry business as of December 31 of
1068 each year included in the project and the average wage of those
1069 jobs. If more than one type of business activity or product is
1070 included in the project, the number of jobs and average wage for
1071 those jobs must be separately stated for each type of business
1072 activity or product.

1073 5. The total number of full-time equivalent employees
1074 employed by the applicant in this state.

1075 6. The anticipated commencement date of the project.

1076 7. A brief statement concerning the role that the tax
1077 refunds requested will play in the decision of the applicant to
1078 locate or expand in this state.

1079 8. An estimate of the proportion of the sales resulting
1080 from the project that will be made outside this state.

1081 9. A resolution adopted by the governing board of the
1082 county or municipality in which the project will be located,
1083 which resolution recommends that certain types of businesses be
1084 approved as a qualified target industry business and states that
1085 the commitments of local financial support necessary for the



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1086 target industry business exist. In advance of the passage of
1087 such resolution, the office may also accept an official letter
1088 from an authorized local economic development agency that
1089 endorses the proposed target industry project and pledges that
1090 sources of local financial support for such project exist. For
1091 the purposes of making pledges of local financial support under
1092 this subsection, the authorized local economic development
1093 agency shall be officially designated by the passage of a one-
1094 time resolution by the local governing authority.

1095 10. Any additional information requested by the office.

1096 (b) To qualify for review by the office, the application of
1097 a target industry business must, at a minimum, establish the
1098 following to the satisfaction of the office:

1099 1. The jobs proposed to be provided under the application,
1100 pursuant to subparagraph (a)4., must pay an estimated annual
1101 average wage equaling at least 115 percent of the average
1102 private sector wage in the area where the business is to be
1103 located or the statewide private sector average wage. In
1104 determining the average annual wage, the office shall only
1105 include new proposed jobs, and wages for existing jobs shall be
1106 excluded from this calculation. The office may waive the ~~this~~
1107 average wage requirement at the request of the local governing
1108 body recommending the project and Enterprise Florida, Inc. The
1109 wage requirement may only be waived for a project located in a
1110 brownfield area designated under s. 376.80 or in a rural city or
1111 county or in an enterprise zone and only when the merits of the
1112 individual project or the specific circumstances in the
1113 community in relationship to the project warrant such action. If
1114 the local governing body and Enterprise Florida, Inc., make such



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1115 a recommendation, it must be transmitted in writing and the
1116 specific justification for the waiver recommendation must be
1117 explained. If the director elects to waive the wage requirement,
1118 the waiver must be stated in writing and the reasons for
1119 granting the waiver must be explained.

1120 2. The target industry business's project must result in
1121 the creation of at least 10 jobs at such project and, if an
1122 expansion of an existing business, must result in a net increase
1123 in employment of at least ~~not less than~~ 10 percent at the ~~such~~
1124 business. Notwithstanding the definition of the term "expansion
1125 of an existing business" in paragraph (1)(g), at the request of
1126 the local governing body recommending the project and Enterprise
1127 Florida, Inc., the office may define an "expansion of an
1128 existing business" in a rural community or an enterprise zone as
1129 the expansion of a business resulting in a net increase in
1130 employment of less than 10 percent at such business if the
1131 merits of the individual project or the specific circumstances
1132 in the community in relationship to the project warrant such
1133 action. If the local governing body and Enterprise Florida,
1134 Inc., make such a request, the request ~~it~~ must be transmitted in
1135 writing and the specific justification for the request must be
1136 explained. If the director elects to grant the ~~such~~ request, the
1137 grant ~~such election~~ must be stated in writing and the reason for
1138 granting the request must be explained.

1139 3. The business activity or product for the applicant's
1140 project is within an industry or industries that have been
1141 identified by the office to be high-value-added industries that
1142 contribute to the area and to the economic growth of the state
1143 and that produce a higher standard of living for residents



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1144 ~~citizens~~ of this state in the new global economy or that can be
1145 shown to make an equivalent contribution to the area and state's
1146 economic progress. The director must approve requests to waive
1147 the wage requirement for brownfield areas designated under s.
1148 376.80 unless it is demonstrated that such action is not in the
1149 public interest.

1150 (c) Each application meeting the requirements of paragraph
1151 (b) must be submitted to the office for determination of
1152 eligibility. The office shall review and evaluate each
1153 application based on, but not limited to, the following
1154 criteria:

1155 1. Expected contributions to the state strategic economic
1156 development plan adopted by Enterprise Florida, Inc., taking
1157 into account the long-term effects of the project and of the
1158 applicant on the state economy.

1159 2. The economic benefit of the jobs created by the project
1160 in this state, taking into account the cost and average wage of
1161 each job created.

1162 3. The amount of capital investment to be made by the
1163 applicant in this state.

1164 4. The local commitment and support for the project.

1165 5. The effect of the project on the local community, taking
1166 into account the unemployment rate for the county where the
1167 project will be located.

1168 6. The effect of any tax refunds granted pursuant to this
1169 section on the viability of the project and the probability that
1170 the project will be undertaken in this state if such tax refunds
1171 are granted to the applicant, taking into account the expected
1172 long-term commitment of the applicant to economic growth and



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1173 employment in this state.

1174 7. The expected long-term commitment to this state
1175 resulting from the project.

1176 8. A review of the business's past activities in this state
1177 or other states, including whether such business has been
1178 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1179 This subparagraph does not shall require the disclosure of
1180 confidential information.

1181 (d) Applications shall be reviewed and certified pursuant
1182 to s. 288.061. ~~The office shall forward its written findings and~~
1183 ~~evaluation concerning each application meeting the requirements~~
1184 ~~of paragraph (b) to the director within 45 calendar days after~~
1185 ~~receipt of a complete application. The office shall notify each~~
1186 ~~target industry business when its application is complete, and~~
1187 ~~of the time when the 45-day period begins. In its written report~~
1188 ~~to the director, the office shall specifically address each of~~
1189 ~~the factors specified in paragraph (c) and shall make a specific~~
1190 ~~assessment with respect to the minimum requirements established~~
1191 ~~in paragraph (b).~~ The office shall include in its review report
1192 projections of the tax refunds the business would be eligible to
1193 receive in each fiscal year based on the creation and
1194 maintenance of the net new Florida jobs specified in
1195 subparagraph (a)4. as of December 31 of the preceding state
1196 fiscal year.

1197 ~~(e)1. Within 30 days after receipt of the office's findings~~
1198 ~~and evaluation, the director shall issue a letter of~~
1199 ~~certification that either approves or disapproves the~~
1200 ~~application of the target industry business. The decision must~~
1201 ~~be in writing and must provide the justifications for approval~~



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1202 ~~or disapproval.~~

1203 ~~2.~~ If appropriate, the director shall enter into a written
1204 agreement with the qualified target industry business pursuant
1205 to subsection (4).

1206 ~~(e)~~ ~~(f)~~ The director may not certify any target industry
1207 business as a qualified target industry business if the value of
1208 tax refunds to be included in that letter of certification
1209 exceeds the available amount of authority to certify new
1210 businesses as determined in s. 288.095(3). However, if the
1211 commitments of local financial support represent less than 20
1212 percent of the eligible tax refund payments, or to otherwise
1213 preserve the viability and fiscal integrity of the program, the
1214 director may certify a qualified target industry business to
1215 receive tax refund payments of less than the allowable amounts
1216 specified in paragraph (2)(b). A letter of certification that
1217 approves an application must specify the maximum amount of tax
1218 refund that will be available to the qualified industry business
1219 in each fiscal year and the total amount of tax refunds that
1220 will be available to the business for all fiscal years.

1221 ~~(f)~~ ~~(g)~~ ~~Nothing in~~ This section does not ~~shall~~ create a
1222 presumption that an applicant shall ~~will~~ receive any tax refunds
1223 under this section. However, the office may issue nonbinding
1224 opinion letters, upon the request of prospective applicants, as
1225 to the applicants' eligibility and the potential amount of
1226 refunds.

1227 (4) TAX REFUND AGREEMENT.—

1228 (b) Compliance with the terms and conditions of the
1229 agreement is a condition precedent for the receipt of a tax
1230 refund each year. The failure to comply with the terms and



1231 conditions of the tax refund agreement results in the loss of
1232 eligibility for receipt of all tax refunds previously authorized
1233 under this section and the revocation by the director of the
1234 certification of the business entity as a qualified target
1235 industry business, unless the business is eligible to receive
1236 and elects to accept a prorated refund under paragraph (5)(d) or
1237 the office grants the business an economic-stimulus exemption.

1238 1. A qualified target industry business may submit, in
1239 writing, a request to the office for an economic-stimulus
1240 exemption. The request must provide quantitative evidence
1241 demonstrating how negative economic conditions in the business's
1242 industry, the effects of the impact of a named hurricane or
1243 tropical storm, or specific acts of terrorism affecting the
1244 qualified target industry business have prevented the business
1245 from complying with the terms and conditions of its tax refund
1246 agreement.

1247 2. Upon receipt of a request under subparagraph 1., the
1248 director shall have 45 days to notify the requesting business,
1249 in writing, if its exemption has been granted or denied. In
1250 determining if an exemption should be granted, the director
1251 shall consider the extent to which negative economic conditions
1252 in the requesting business's industry have occurred in the state
1253 or the effects of the impact of a named hurricane or tropical
1254 storm, or specific acts of terrorism affecting the qualified
1255 target industry business have prevented the business from
1256 complying with the terms and conditions of its tax refund
1257 agreement. The office shall consider current employment
1258 statistics for this state by industry, including whether the
1259 business's industry had substantial job loss during the prior



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1260 year, when determining whether an exemption shall be granted.

1261 3. As a condition for receiving a prorated refund under
1262 paragraph (5)(d) or an economic-stimulus exemption under this
1263 paragraph, a qualified target industry business must agree to
1264 renegotiate its tax refund agreement with the office to, at a
1265 minimum, ensure that the terms of the agreement comply with
1266 current law and office procedures governing application for and
1267 award of tax refunds. Upon approving the award of a prorated
1268 refund or granting an economic-stimulus exemption, the office
1269 shall renegotiate the tax refund agreement with the business as
1270 required by this subparagraph. When amending the agreement of a
1271 business receiving an economic-stimulus exemption, the office
1272 may extend the duration of the agreement for a period not to
1273 exceed 2 years.

1274 4. A qualified target industry business may submit a
1275 request for an economic-stimulus exemption to the office in lieu
1276 of any tax refund claim scheduled to be submitted after January
1277 1, 2009 ~~2005~~, but before July 1, 2010 ~~2006~~.

1278 5. A qualified target industry business that receives an
1279 economic-stimulus exemption may not receive a tax refund for the
1280 period covered by the exemption.

1281 (5) ANNUAL CLAIM FOR REFUND.—

1282 (c) A tax refund may not be approved for a qualified target
1283 industry business unless the required local financial support
1284 has been paid into the account for that refund. If the local
1285 financial support provided is less than 20 percent of the
1286 approved tax refund, the tax refund must be reduced. In no event
1287 may the tax refund exceed an amount that is equal to 5 times the
1288 amount of the local financial support received. Further, funding



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1289 from local sources includes any tax abatement granted to that
1290 business under s. 196.1995 or the appraised market value of
1291 municipal or county land conveyed or provided at a discount to
1292 that business. The amount of any tax refund for such business
1293 approved under this section must be reduced by the amount of any
1294 such tax abatement granted or the value of the land granted; and
1295 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
1296 be reduced by the amount of any such tax abatement or the value
1297 of the land granted. A report listing all sources of the local
1298 financial support shall be provided to the office when such
1299 support is paid to the account.

1300 (8) EXPIRATION.—An applicant may not be certified as
1301 qualified under this section after June 30, 2014 ~~2010~~. A tax
1302 refund agreement existing on that date shall continue in effect
1303 in accordance with its terms.

1304 Section 18. Paragraph (e) is added to subsection (3) of
1305 section 288.107, Florida Statutes, and paragraph (f) of
1306 subsection (4) of that section is amended, to read:

1307 288.107 Brownfield redevelopment bonus refunds.—

1308 (3) CRITERIA.—The minimum criteria for participation in the
1309 brownfield redevelopment bonus refund are:

1310 (e) A resolution adopted by the governing board of the
1311 county or municipality in which the project will be located that
1312 recommends that certain types of businesses be approved.

1313 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1314 (f) Applications shall be reviewed and certified pursuant
1315 to s. 288.061. The office shall review all applications
1316 submitted under s. 288.106 or other similar application forms
1317 for other eligible businesses as defined in paragraph (1) (e)



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1318 which indicate that the proposed project will be located in a
1319 brownfield and determine, with the assistance of the Department
1320 of Environmental Protection, that the project location is within
1321 a brownfield as provided in this act.

1322 Section 19. Paragraphs (b), (c), and (d) of subsection (5)
1323 and subsections (7) and (8) of section 288.108, Florida
1324 Statutes, are amended to read:

1325 288.108 High-impact business.—

1326 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1327 (b) Applications shall be reviewed and certified pursuant
1328 to s. 288.061. Enterprise Florida, Inc., shall review each
1329 submitted application and inform the applicant business whether
1330 or not its application is complete within 10 working days. Once
1331 the application is deemed complete, Enterprise Florida, Inc.,
1332 has 10 working days within which to evaluate the application and
1333 recommend approval or disapproval of the application to the
1334 director. In recommending an applicant business for approval,
1335 Enterprise Florida, Inc., shall include a recommended grant
1336 award amount in its evaluation forwarded to the office.

1337 ~~(c) Upon receipt of the evaluation and recommendation of~~
1338 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1339 ~~enter a final order that either approves or disapproves an~~
1340 ~~applicant business as a qualified high-impact business facility,~~
1341 ~~unless the business requests an extension of the time. The final~~
1342 ~~order shall specify the total amount of the qualified high-~~
1343 ~~impact business facility performance grant award, the~~
1344 ~~performance conditions that must be met to obtain the award, and~~
1345 ~~the schedule for payment of the performance grant.~~

1346 (c) ~~(d)~~ The director and the qualified high-impact business



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1347 shall enter into a performance grant agreement setting forth the
1348 conditions for payment of the qualified high-impact business
1349 performance grant. The agreement shall include the total amount
1350 of the qualified high-impact business facility performance grant
1351 award, the performance conditions that must be met to obtain the
1352 award, including the employment, average salary, investment, the
1353 methodology for determining if the conditions have been met, and
1354 the schedule of performance grant payments.

1355 ~~(7) REPORTING.—The office shall by December 1 of each year~~
1356 ~~issue a complete and detailed report of all designated high-~~
1357 ~~impact sectors, all applications received and their disposition,~~
1358 ~~all final orders issued, and all payments made, including~~
1359 ~~analyses of benefits and costs, types of projects supported, and~~
1360 ~~employment and investments created. The report shall be~~
1361 ~~submitted to the Governor, the President of the Senate, and the~~
1362 ~~Speaker of the House of Representatives.~~

1363 (7) ~~(8)~~ RULEMAKING.—The office may adopt rules necessary to
1364 carry out the provisions of this section.

1365 Section 20. Paragraphs (a), (b), and (c) of subsection (3)
1366 of section 288.1088, Florida Statutes, are amended to read:

1367 288.1088 Quick Action Closing Fund.—

1368 (3) (a) Enterprise Florida, Inc., shall review applications
1369 pursuant to s. 288.061 and determine eligibility of each project
1370 consistent with the criteria in subsection (2). Enterprise
1371 Florida, Inc., in consultation with the Office of Tourism,
1372 Trade, and Economic Development, may waive these criteria based
1373 on extraordinary circumstances or in rural areas of critical
1374 economic concern if the project would significantly benefit the
1375 local or regional economy. Enterprise Florida, Inc., shall



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1376 evaluate individual proposals for high-impact business
1377 facilities and forward recommendations regarding the use of
1378 moneys in the fund for such facilities to the director of the
1379 Office of Tourism, Trade, and Economic Development. Such
1380 evaluation and recommendation must include, but need not be
1381 limited to:

1382 1. A description of the type of facility or infrastructure,
1383 its operations, and the associated product or service associated
1384 with the facility.

1385 2. The number of full-time-equivalent jobs that will be
1386 created by the facility and the total estimated average annual
1387 wages of those jobs or, in the case of privately developed rural
1388 infrastructure, the types of business activities and jobs
1389 stimulated by the investment.

1390 3. The cumulative amount of investment to be dedicated to
1391 the facility within a specified period.

1392 4. A statement of any special impacts the facility is
1393 expected to stimulate in a particular business sector in the
1394 state or regional economy or in the state's universities and
1395 community colleges.

1396 5. A statement of the role the incentive is expected to
1397 play in the decision of the applicant business to locate or
1398 expand in this state or for the private investor to provide
1399 critical rural infrastructure.

1400 6. A report evaluating the quality and value of the company
1401 submitting a proposal. The report must include:

1402 a. A financial analysis of the company, including an
1403 evaluation of the company's short-term liquidity ratio as
1404 measured by its assets to liability, the company's profitability



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1405 ratio, and the company's long-term solvency as measured by its
1406 debt-to-equity ratio;

1407 b. The historical market performance of the company;

1408 c. A review of any independent evaluations of the company;

1409 d. A review of the latest audit of the company's financial
1410 statement and the related auditor's management letter; and

1411 e. A review of any other types of audits that are related
1412 to the internal and management controls of the company.

1413 (b) Within 22 calendar days after receiving ~~Upon receipt of~~
1414 the evaluation and recommendation from Enterprise Florida, Inc.,
1415 the director shall recommend to the Governor approval or
1416 disapproval of a project for receipt of funds from the Quick
1417 Action Closing Fund ~~to the Governor~~. In recommending a project,
1418 the director shall include proposed performance conditions that
1419 the project must meet to obtain incentive funds. The Governor
1420 shall provide the evaluation of projects recommended for
1421 approval to the President of the Senate and the Speaker of the
1422 House of Representatives and consult with the President of the
1423 Senate and the Speaker of the House of Representatives before
1424 giving final approval for a project. The Executive Office of the
1425 Governor shall recommend approval of a project and the release
1426 of funds pursuant to the legislative consultation and review
1427 requirements set forth in s. 216.177. The recommendation must
1428 include proposed performance conditions that the project must
1429 meet in order to obtain funds.

1430 (c) Upon the approval of the Governor, the director of the
1431 Office of Tourism, Trade, and Economic Development and the
1432 business shall enter into a contract that sets forth the
1433 conditions for payment of moneys from the fund. The contract



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1434 must include the total amount of funds awarded; the performance
1435 conditions that must be met to obtain the award, including, but
1436 not limited to, net new employment in the state, average salary,
1437 and total capital investment; demonstrate a baseline of current
1438 service and a measure of enhanced capability; the methodology
1439 for validating performance; the schedule of payments from the
1440 fund; and sanctions for failure to meet performance conditions.
1441 The contract must provide that payment of moneys from the fund
1442 is contingent upon sufficient appropriation of funds by the
1443 Legislature and upon sufficient release of appropriated funds by
1444 the Legislative Budget Commission.

1445 Section 21. Subsection (2) of section 257.193, Florida
1446 Statutes, is amended to read:

1447 257.193 Community Libraries in Caring Program.—

1448 (2) The purpose of the Community Libraries in Caring
1449 Program is to assist libraries in rural communities, as defined
1450 in s. 288.0656(2) ~~(b)~~ and subject to the provisions of s.
1451 288.06561, to strengthen their collections and services, improve
1452 literacy in their communities, and improve the economic
1453 viability of their communities.

1454 Section 22. Section 288.019, Florida Statutes, is amended
1455 to read:

1456 288.019 Rural considerations in grant review and evaluation
1457 processes.—Notwithstanding any other law, and to the fullest
1458 extent possible, the member agencies and organizations of the
1459 Rural Economic Development Initiative (REDI) as defined in s.
1460 288.0656(6) (a) shall review all grant and loan application
1461 evaluation criteria to ensure the fullest access for rural
1462 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available



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1463 throughout the state.

1464 (1) Each REDI agency and organization shall review all
1465 evaluation and scoring procedures and develop modifications to
1466 those procedures which minimize the impact of a project within a
1467 rural area.

1468 (2) Evaluation criteria and scoring procedures must provide
1469 for an appropriate ranking based on the proportionate impact
1470 that projects have on a rural area when compared with similar
1471 project impacts on an urban area.

1472 (3) Evaluation criteria and scoring procedures must
1473 recognize the disparity of available fiscal resources for an
1474 equal level of financial support from an urban county and a
1475 rural county.

1476 (a) The evaluation criteria should weight contribution in
1477 proportion to the amount of funding available at the local
1478 level.

1479 (b) In-kind match should be allowed and applied as
1480 financial match when a county is experiencing financial distress
1481 through elevated unemployment at a rate in excess of the state's
1482 average by 5 percentage points or because of the loss of its ad
1483 valorem base.

1484 (4) For existing programs, the modified evaluation criteria
1485 and scoring procedure must be delivered to the Office of
1486 Tourism, Trade, and Economic Development for distribution to the
1487 REDI agencies and organizations. The REDI agencies and
1488 organizations shall review and make comments. Future rules,
1489 programs, evaluation criteria, and scoring processes must be
1490 brought before a REDI meeting for review, discussion, and
1491 recommendation to allow rural counties fuller access to the



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1492 state's resources.

1493 Section 23. Paragraph (d) of subsection (15) of section
1494 627.6699, Florida Statutes, is amended to read:

1495 627.6699 Employee Health Care Access Act.—

1496 (15) SMALL EMPLOYERS ACCESS PROGRAM.—

1497 (d) *Eligibility*.—

1498 1. Any small employer that is actively engaged in business,
1499 has its principal place of business in this state, employs up to
1500 25 eligible employees on business days during the preceding
1501 calendar year, employs at least 2 employees on the first day of
1502 the plan year, and has had no prior coverage for the last 6
1503 months may participate.

1504 2. Any municipality, county, school district, or hospital
1505 employer located in a rural community as defined in s.
1506 288.0656(2) ~~(b)~~ may participate.

1507 3. Nursing home employers may participate.

1508 4. Each dependent of a person eligible for coverage is also
1509 eligible to participate.

1510

1511 Any employer participating in the program must do so until
1512 the end of the term for which the carrier providing the coverage
1513 is obligated to provide such coverage to the program. Coverage
1514 for a small employer group that ceases to meet the eligibility
1515 requirements of this section may be terminated at the end of the
1516 policy period for which the necessary premiums have been paid.

1517

1518

1519 ===== T I T L E A M E N D M E N T =====

1520 And the title is amended as follows:



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1521 Delete line 52
1522 and insert:
1523 entities for certain purposes; amending ss. 166.231,
1524 212.05, 212.08, 212.098, and 220.15, F.S.; revising industry
1525 code designations; amending 212.097, F.S.; revising industry
1526 code designations; specifying a review and certification
1527 requirement for the urban high crime area job tax credit
1528 applications; amending s. 220.191, F.S.; specifying a review and
1529 certification requirement for capital investment tax credit
1530 applications; creating s. 288.061, F.S.; providing requirements
1531 and procedures for an economic development incentive application
1532 process; providing time periods and requirements for
1533 certification for economic development incentive applications;
1534 providing duties and responsibilities of Enterprise Florida,
1535 Inc., and the Office of Tourism, Trade, and Economic
1536 Development; amending s. 288.063, F.S.; revising required
1537 criteria for review and certification of transportation projects
1538 by the Office of Tourism, Trade, and Economic Development;
1539 amending s. 288.065, F.S.; revising county population criteria
1540 for loans from the Rural Community Development Revolving Loan
1541 Fund; amending s. 288.0655, F.S.; authorizing the Office of
1542 Tourism, Trade, and Economic Development to award grants for a
1543 certain percentage of total infrastructure project costs for
1544 certain catalyst site funding applications; expanding eligible
1545 facilities for authorized infrastructure projects; providing for
1546 waiver of the local matching requirement; specifying a review
1547 and certification requirement for the office for certain Rural
1548 Infrastructure Fund grant applications; amending s. 288.0656,
1549 F.S.; providing legislative intent; revising and providing



1550 definitions; providing additional review and action requirements
1551 for the Rural Economic Development Initiative relating to rural
1552 communities; revising representation on the initiative; deleting
1553 a limitation on characterization as a rural area of critical
1554 economic concern; authorizing rural areas of critical economic
1555 concern to designate certain catalyst projects for certain
1556 purposes; providing project requirements; requiring the
1557 initiative to assist local governments with certain
1558 comprehensive planning needs; providing procedures and
1559 requirements for such assistance; revising certain reporting
1560 requirements for the initiative; amending s. 288.06561, F.S.,
1561 conforming cross-references; amending s. 288.0657, F.S.;
1562 revising the definition of the term "rural community"; amending
1563 s. 288.1045, F.S.; revising provisions relating to the
1564 application and refund process for the qualified defense
1565 contractor tax refund program; specifying a review and
1566 certification requirement for program refunds; revising the cap
1567 on refunds per applicant; deleting a report requirement;
1568 amending s. 288.106, F.S.; revising certain definitions;
1569 revising industry code designation requirements for certain
1570 activities under the tax refund program for qualified target
1571 industry businesses; revising program application and approval
1572 process provisions; specifying a review and certification
1573 requirement for program applications; revising tax refund
1574 agreement requirements; revising an economic-stimulus exemption
1575 request provision; extending a final date for exemption
1576 requests; extending a certification expiration provision;
1577 amending s. 288.107, F.S.; providing an additional criterion for
1578 participation in brownfield redevelopment bonus refunds;



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1579 specifying a review and certification requirement for brownfield
1580 redevelopment bonus refund applications; amending s. 288.108,
1581 F.S.; specifying a review and certification requirement for
1582 applications for high-impact business performance grants;
1583 deleting certain final order and report requirements; amending
1584 s. 288.1088, F.S.; specifying a review requirement for Quick
1585 Action Closing Fund project applications; providing a time
1586 period for the director to recommend approval or disapproval of
1587 a project for receipt of funds from the Quick Action Closing
1588 Fund; creating s. 288.10895, F.S.; providing requirements and
1589 procedures for and limitations on transfers of economic
1590 development credits or incentives; providing for amount of
1591 credit or incentive that may be transferred; providing
1592 conditions for use of transferred credit or incentive; providing
1593 a limitation on the number of transfers; providing eligibility
1594 of transfers; providing for recovery of transfers under certain
1595 circumstances; providing certain agency rulemaking authority;
1596 amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming
1597 cross-references; providing an effective
1598