



359802

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2009	.	
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The Committee on Governmental Oversight and Accountability
(Crist) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1), (2), and (3), paragraph (d) of
subsection (4), and subsections (5), (7), (8), (9), and (10) of
section 288.1089, Florida Statutes, are amended, and subsections
(11) and (12) are added to that section, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the
Office of Tourism, Trade, and Economic Development to ensure



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12 that sufficient resources are available to allow the state to
13 respond expeditiously to extraordinary economic opportunities
14 and to compete effectively for high-value research and
15 development, ~~and~~ innovation business, and alternative and
16 renewal energy projects.

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

18 (a) "Alternative and renewable energy" means electrical,
19 mechanical, or thermal energy produced from a method that uses
20 one or more of the following fuels or energy sources: ethanol,
21 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
22 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
23 or geothermal.

24 (b) "Average private sector wage" means the statewide
25 average wage in the private sector or the average of all private
26 sector wages in the county or in the standard metropolitan area
27 in which the project is located as determined by the Agency for
28 Workforce Innovation.

29 (c) "Brownfield area" means an area designated as a
30 brownfield area pursuant to s. 376.80.

31 (d) "Commission" means the Florida Energy and Climate
32 Commission.

33 (e)~~(d)~~ "Cumulative investment" means cumulative capital
34 investment and all eligible capital costs, as defined in s.
35 220.191.

36 (f)~~(e)~~ "Director" means the director of the Office of
37 Tourism, Trade, and Economic Development.

38 (g)~~(f)~~ "Enterprise zone" means an area designated as an
39 enterprise zone pursuant to s. 290.0065.

40 (h)~~(g)~~ "Fiscal year" means the state fiscal year.



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41 (i) "Industry wage" means the average annual wage paid to
42 employees in a particular industry, as designated by the North
43 American Industry Classification System (NAICS), and compiled by
44 the Bureau of Labor Statistics of the United States Department
45 of Labor.

46 (j)~~(h)~~ "Innovation business" means a business expanding or
47 locating in this state that is likely to serve as a catalyst for
48 the growth of an existing or emerging technology cluster or will
49 significantly impact the regional economy in which it is to
50 expand or locate.

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

57 (l) "Naming opportunities" means charitable donations from
58 any person or entity in consideration for the right to have all
59 or a portion of the facility named for or in the memory of any
60 person, living or dead, or for any entity.

61 (m) "Net royalty revenues" means all royalty revenues less
62 the cost of obtaining, maintaining, and enforcing related patent
63 and intellectual property rights, both foreign and domestic.

64 (n)~~(j)~~ "Match" means funding from local sources, public or
65 private, which will be paid to the applicant and which is equal
66 to 100 percent of an award. Eligible match funding may include
67 any tax abatement granted to the applicant under s. 196.1995 or
68 the appraised market value of land, buildings, infrastructure,
69 or equipment conveyed or provided at a discount to the



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70 applicant. Complete documentation of a match payment or other
71 conveyance must be presented to and verified by the office prior
72 to transfer of state funds to an applicant. An applicant may not
73 provide, directly or indirectly, more than 5 percent of match
74 funding in any fiscal year. The sources of such funding may not
75 include, directly or indirectly, state funds appropriated from
76 the General Revenue Fund or any state trust fund, excluding tax
77 revenues shared with local governments pursuant to law.

78 (o)~~(k)~~ "Office" means the Office of Tourism, Trade, and
79 Economic Development.

80 (p)~~(l)~~ "Project" means the location to or expansion in this
81 state by an innovation business, a ~~or~~ research and development
82 applicant, or an alternative and renewable energy applicant
83 approved for an award pursuant to this section.

84 (q)~~(m)~~ "Research and development" means basic and applied
85 research in the sciences or engineering, as well as the design,
86 development, and testing of prototypes or processes of new or
87 improved products. Research and development does not include
88 market research, routine consumer product testing, sales
89 research, research in the social sciences or psychology,
90 nontechnological activities, or technical services.

91 (r)~~(n)~~ "Research and development facility" means a facility
92 that is predominately engaged in research and development
93 activities. For purposes of this paragraph, the term
94 "predominantly" means at least 51 percent of the time.

95 (s)~~(o)~~ "Rural area" means a rural city, rural community, or
96 rural county as defined in s. 288.106.

97 (3) To be eligible for consideration for an innovation
98 incentive award, an innovation business, a ~~or~~ research and



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99 development entity, or an alternative and renewable energy
100 company project must submit a written application to Enterprise
101 Florida, Inc., before making a decision to locate new operations
102 in this state or expand an existing operation in this state. The
103 application must include, but not be limited to:

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

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

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

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

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

118 (f) The number of net new full-time equivalent jobs in this
119 state the applicant anticipates having created as of December 31
120 of each year in the project and the average annual wage of such
121 jobs.

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

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

126 (i) A detailed explanation of why the innovation incentive
127 is needed to induce the applicant to expand or locate in the



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128 state and whether an award would cause the applicant to locate
129 or expand in this state.

130 (j) If applicable, an estimate of the proportion of the
131 revenues resulting from the project that will be generated
132 outside this state.

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

136 (d) For an alternative and renewable energy project in this
137 state, the project must:

138 1. Demonstrate a plan for significant collaboration with an
139 institution of higher education;

140 2. Provide the state, at a minimum, a break-even return on
141 investment within a 20-year period;

142 3. Include matching funds provided by the applicant or
143 other available sources. The match requirement may be reduced or
144 waived in rural areas of critical economic concern or reduced in
145 rural areas, brownfield areas, and enterprise zones ~~This~~
146 ~~requirement may be waived if the office and the department~~
147 ~~determine that the merits of the individual project or the~~
148 ~~specific circumstances warrant such action;~~

149 4. Be located in this state; and

150 5. Provide at least 35 direct, new jobs that pay an
151 estimated annual average wage that equals at least 130 percent
152 of the average private sector wage. ~~The average wage requirement~~
153 ~~may be waived if the office and the commission determine that~~
154 ~~the merits of the individual project or the specific~~
155 ~~circumstances warrant such action; and~~

156 ~~6. Meet one of the following criteria:~~



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157 ~~a. Result in the creation of at least 35 direct, new jobs~~
158 ~~at the business.~~

159 ~~b. Have an activity or product that uses feedstock or other~~
160 ~~raw materials grown or produced in this state.~~

161 ~~e. Have a cumulative investment of at least \$50 million~~
162 ~~within a 5-year period.~~

163 ~~d. Address the technical feasibility of the technology, and~~
164 ~~the extent to which the proposed project has been demonstrated~~
165 ~~to be technically feasible based on pilot project~~
166 ~~demonstrations, laboratory testing, scientific modeling, or~~
167 ~~engineering or chemical theory that supports the proposal.~~

168 ~~e. Include innovative technology and the degree to which~~
169 ~~the project or business incorporates an innovative new~~
170 ~~technology or an innovative application of an existing~~
171 ~~technology.~~

172 ~~f. Include production potential and the degree to which a~~
173 ~~project or business generates thermal, mechanical, or electrical~~
174 ~~energy by means of a renewable energy resource that has~~
175 ~~substantial long-term production potential. The project must, to~~
176 ~~the extent possible, quantify annual production potential in~~
177 ~~megawatts or kilowatts.~~

178 ~~g. Include and address energy efficiency and the degree to~~
179 ~~which a project demonstrates efficient use of energy, water, and~~
180 ~~material resources.~~

181 ~~h. Include project management and the ability of management~~
182 ~~to administer and complete the business project.~~

183 (5) Enterprise Florida, Inc., shall evaluate proposals for
184 all three categories of innovation incentive awards and transmit
185 recommendations for awards to the office. Before making its



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186 recommendations on alternative and renewable energy projects,
187 Enterprise Florida, Inc., shall solicit comments and
188 recommendations from the Florida Energy and Climate Commission
189 ~~for alternative and renewable energy project proposals.~~ For each
190 project, Such evaluation and recommendation to the office must
191 include, but need not be limited to:

192 (a) A description of the project, its required facilities,
193 and the associated product, service, or research and development
194 associated with the project.

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

196 (c) The number of full-time equivalent jobs that will be
197 created by the project, the total estimated average annual wages
198 of such jobs, and the types of business activities and jobs
199 likely to be stimulated by the project.

200 (d) The cumulative investment to be dedicated to the
201 project within 5 years and the total investment expected in the
202 project if more than 5 years.

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

205 (f) A statement of any special impacts the project is
206 expected to stimulate in a particular business sector in the
207 state or regional economy or in the state's universities and
208 community colleges.

209 (g) A statement of any anticipated or proposed
210 relationships with state universities.

211 (h) A statement of the role the incentive is expected to
212 play in the decision of the applicant to locate or expand in
213 this state.

214 (i) A recommendation and explanation of the amount of the



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215 award needed to cause the applicant to expand or locate in this
216 state.

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

221 (k) A recommendation for specific performance criteria the
222 applicant would be expected to achieve in order to receive
223 payments from the fund and penalties or sanctions for failure to
224 meet or maintain performance conditions.

225 (l) Additional evaluative criteria for a research and
226 development facility project include:

227 1. A description of the extent to which the project has the
228 potential to serve as catalyst for an emerging or evolving
229 cluster.

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

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

236 4. A description of the project's contribution to the
237 diversity and resiliency of the innovation economy of this
238 state.

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

242 (m) Additional evaluative criteria for alternative and
243 renewable energy proposals include:



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244 1. The availability of matching funds or other in-kind
245 contributions applied to the total project from an applicant.
246 The commission shall give greater preference to projects that
247 provide such matching funds or other in-kind contributions.

248 2. The degree to which the project stimulates in-state
249 capital investment and economic development in metropolitan and
250 rural areas, including the creation of jobs and the future
251 development of a commercial market for renewable energy
252 technologies.

253 3. The extent to which the proposed project has been
254 demonstrated to be technically feasible based on pilot project
255 demonstrations, laboratory testing, scientific modeling, or
256 engineering or chemical theory that supports the proposal.

257 4. The degree to which the project incorporates an
258 innovative new technology or an innovative application of an
259 existing technology.

260 5. The degree to which a project generates thermal,
261 mechanical, or electrical energy by means of a renewable energy
262 resource that has substantial long-term production potential.

263 6. The degree to which a project demonstrates efficient use
264 of energy and material resources.

265 7. The degree to which the project fosters overall
266 understanding and appreciation of renewable energy technologies.

267 8. The ability to administer a complete project.

268 9. Project duration and timeline for expenditures.

269 10. The geographic area in which the project is to be
270 conducted in relation to other projects.

271 11. The degree of public visibility and interaction.

272 (7) Upon receipt of the evaluation and recommendation from



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273 Enterprise Florida, Inc., ~~and from the Florida Energy and~~
274 ~~Climate Commission for alternative and renewable energy project~~
275 ~~proposals,~~ the director shall recommend to the Governor the
276 approval or disapproval of an award. In recommending approval of
277 an award, the director shall include proposed performance
278 conditions that the applicant must meet in order to obtain
279 incentive funds and any other conditions that must be met before
280 the receipt of any incentive funds. The Governor shall consult
281 with the President of the Senate and the Speaker of the House of
282 Representatives before giving approval for an award. Upon review
283 and approval of an award by the Legislative Budget Commission,
284 the Executive Office of the Governor shall release the funds
285 ~~pursuant to the legislative consultation and review requirements~~
286 ~~set forth in s. 216.177.~~

287 (8) (a) After the conditions ~~Upon approval by the Governor~~
288 ~~and release of the funds as set forth in subsection (7) have~~
289 been met, the director shall issue a letter certifying the
290 applicant as qualified for an award. The office and the award
291 recipient applicant shall enter into an agreement that sets
292 forth the conditions for payment of the incentive funds
293 incentives. The agreement must include, at a minimum:

294 1. The total amount of funds awarded.~~†~~

295 2. The performance conditions that must be met in order to
296 obtain the award or portions of the award, including, but not
297 limited to, net new employment in the state, average wage, and
298 total cumulative investment.†

299 3. Demonstration of a baseline of current service and a
300 measure of enhanced capability.~~†~~

301 4. The methodology for validating performance.~~†~~



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302 5. The schedule of payments. ~~and~~

303 6. Sanctions for failure to meet performance conditions,
304 including any clawback provisions.

305 (b) Additionally, agreements signed on or after July 1,
306 2009, must include the following provisions:

307 1. Notwithstanding subsection (4), a requirement that the
308 jobs created by the recipient of the incentive funds pay an
309 annual average wage at least equal to the relevant industry's
310 annual average wage or at least 130 percent of the average
311 private-sector wage, whichever is greater.

312 2. A reinvestment requirement. Each recipient of an award
313 shall reinvest up to 15 percent of net royalty revenues,
314 including revenues from spin-off companies and the revenues from
315 the sale of stock it receives from the licensing or transfer of
316 inventions, methods, processes, and other patentable discoveries
317 conceived or reduced to practice using its facilities in Florida
318 or its Florida-based employees, in whole or in part, and to
319 which the recipient of the grant becomes entitled during the 20
320 years following the effective date of its agreement with the
321 office. Each recipient of an award also shall reinvest up to 15
322 percent of the gross revenues it receives from naming
323 opportunities associated with any facility it builds in this
324 state. Reinvestment payments shall commence no later than 6
325 months after the recipient of the grant has received the final
326 disbursement under the contract and shall continue until the
327 maximum reinvestment, as specified in the contract, has been
328 paid. Reinvestment payments shall be remitted to the office for
329 deposit in the Biomedical Research Trust Fund for companies
330 specializing in biomedicine or life sciences, or in the Economic



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331 Development Trust Fund for companies specializing in fields
332 other than biomedicine or the life sciences. If these trust
333 funds no longer exist at the time of the reinvestment, the
334 state's share of reinvestment shall be deposited in their
335 successor trust funds as determined by law. Each recipient of an
336 award shall annually submit a schedule of the shares of stock
337 held by it as payment of the royalty required by this paragraph
338 and report on any trades or activity concerning such stock. Each
339 recipient's reinvestment obligations survive the expiration or
340 termination of its agreement with the state.

341 3. Requirements for the establishment of internship
342 programs or other learning opportunities for educators and
343 secondary, postsecondary, graduate, and doctoral students.

344 4. A requirement that the recipient submit quarterly
345 reports and annual reports related to activities and performance
346 to the office, according to standardized reporting periods.

347 5. A requirement for an annual accounting to the office of
348 the expenditure of funds disbursed under this section.

349 6. A process for amending the agreement.

350 (9) Enterprise Florida, Inc., shall assist the office in
351 validating the performance of an innovation business, ~~a~~ or
352 research and development facility, or an alternative and
353 renewable energy business that has received an award. At the
354 conclusion of the innovation incentive award agreement, or its
355 earlier termination, Enterprise Florida, Inc., shall, within 90
356 days, submit a report ~~the results of the innovation incentive~~
357 ~~award~~ to the Governor, the President of the Senate, and the
358 Speaker of the House of Representatives detailing whether the
359 recipient of the innovation incentive grant achieved its



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360 specified outcomes.

361 (10) Each recipient of an award shall comply with
362 Enterprise Florida, Inc., shall develop business ethics
363 standards developed by Enterprise Florida, Inc., which are based
364 on appropriate best industry practices which shall be applicable
365 to all award recipients. The standards shall address ethical
366 duties of business enterprises, fiduciary responsibilities of
367 management, and compliance with the laws of this state.
368 ~~Enterprise Florida, Inc., may collaborate with the State~~
369 ~~University System in reviewing and evaluating appropriate~~
370 ~~business ethics standards. Such standards shall be provided to~~
371 ~~the Governor, the President of the Senate, and the Speaker of~~
372 ~~the House of Representatives by December 31, 2006. An award~~
373 ~~agreement entered into on or after December 31, 2006, shall~~
374 ~~require a recipient to comply with the business ethics standards~~
375 ~~developed pursuant to this section.~~

376 (11) (a) Beginning January 5, 2010, and every year
377 thereafter, the office shall submit to the Governor, the
378 President of the Senate, and the Speaker of the House of
379 Representatives a report summarizing the activities and
380 accomplishments of the recipients of grants from the Innovation
381 Incentive Program during the previous 12 months and an
382 evaluation by the office of whether the recipients are catalysts
383 for additional direct and indirect economic development in
384 Florida.

385 (b) Beginning March 1, 2010, and every third year
386 thereafter, the Office of Program Policy Analysis and Government
387 Accountability, in consultation with the Auditor General's
388 Office, shall release a report evaluating the Innovation



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389 Incentive Program's progress toward creating clusters of high-
390 wage, high-skilled, complementary industries that serve as
391 catalysts for economic growth specifically in the regions in
392 which they are located, and generally for the state as a whole.
393 Such report should include critical analyses of quarterly and
394 annual reports, annual audits, and other documents prepared by
395 the Innovation Incentive program awardees; relevant economic
396 development reports prepared by the office, Enterprise Florida,
397 Inc., and local or regional economic development organizations;
398 interviews with the parties involved; and any other relevant
399 data. Such report should also include legislative
400 recommendations, if necessary, on how to improve the Innovation
401 Incentive Program so that the program reaches its anticipated
402 potential as a catalyst for direct and indirect economic
403 development in this state.

404 (12) The office may seek the assistance of the Office of
405 Program Policy Analysis and Government Accountability, the
406 Legislature's Office of Economic and Demographic Research, and
407 other entities for the purpose of developing performance
408 measures or techniques to quantify the synergistic economic
409 development impacts that awardees of grants are having within
410 their communities.

411 Section 2. Paragraph (b) of subsection (10) of section
412 212.097, Florida Statutes, are amended to read:

413 212.097 Urban High-Crime Area Job Tax Credit Program.—

414 (10)

415 (b) Applications shall be reviewed and certified pursuant
416 to s. 288.061. Within 30 working days after receipt of an
417 application for credit, the Office of Tourism, Trade, and



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418 ~~Economic Development shall review the application to determine~~
419 ~~whether it contains all the information required by this~~
420 ~~subsection and meets the criteria set out in this section.~~
421 ~~Subject to the provisions of paragraph (c), the Office of~~
422 ~~Tourism, Trade, and Economic Development shall approve all~~
423 ~~applications that contain the information required by this~~
424 ~~subsection and meet the criteria set out in this section as~~
425 ~~eligible to receive a credit.~~

426 Section 3. Subsection (5) of section 220.191, Florida
427 Statutes, is amended to read:

428 220.191 Capital investment tax credit.-

429 (5) Applications shall be reviewed and certified pursuant
430 to s. 288.061. The office, upon a recommendation by Enterprise
431 Florida, Inc., shall first certify a business as eligible to
432 receive tax credits pursuant to this section prior to the
433 commencement of operations of a qualifying project, and such
434 certification shall be transmitted to the Department of Revenue.
435 Upon receipt of the certification, the Department of Revenue
436 shall enter into a written agreement with the qualifying
437 business specifying, at a minimum, the method by which income
438 generated by or arising out of the qualifying project will be
439 determined.

440 Section 4. Section 288.061, Florida Statutes, is created to
441 read:

442 288.061 Economic development incentive application
443 process.-

444 (1) Within 10 business days after receiving a submitted
445 economic development incentive application, Enterprise Florida,
446 Inc., shall review the application and inform the applicant



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447 business whether or not its application is complete. Within 10
448 business days after the application is deemed complete,
449 Enterprise Florida, Inc., shall evaluate the application and
450 recommend approval or disapproval of the application to the
451 director of the Office of Tourism, Trade, and Economic
452 Development. In recommending an applicant business for approval,
453 Enterprise Florida, Inc., shall include in its evaluation a
454 recommended grant award amount and a review of the applicant's
455 ability to meet specific program criteria.

456 (2) Within 10 calendar days after the Office of Tourism,
457 Trade, and Economic Development receives the evaluation and
458 recommendation from Enterprise Florida, Inc., the office shall
459 notify Enterprise Florida, Inc., whether or not the application
460 is reviewable. Within 22 calendar days after the office receives
461 the recommendation from Enterprise Florida, Inc., the director
462 of the office shall review the application and issue a letter of
463 certification to the applicant that approves or disapproves an
464 applicant business and includes a justification of that
465 decision, unless the business requests an extension of that
466 time. The final order shall specify the total amount of the
467 award, the performance conditions that must be met to obtain the
468 award, and the schedule for payment.

469 Section 5. Subsection (4) of section 288.063, Florida
470 Statutes, is amended to read:

471 288.063 Contracts for transportation projects.-

472 (4) The Office of Tourism, Trade, and Economic Development
473 may adopt criteria by which transportation projects are to be
474 reviewed and certified in accordance with s. 288.061 specified
475 and identified. In approving transportation projects for



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476 funding, the Office of Tourism, Trade, and Economic Development
477 shall consider factors including, but not limited to, the cost
478 per job created or retained considering the amount of
479 transportation funds requested; the average hourly rate of wages
480 for jobs created; the reliance on the program as an inducement
481 for the project's location decision; the amount of capital
482 investment to be made by the business; the demonstrated local
483 commitment; the location of the project in an enterprise zone
484 designated pursuant to s. 290.0055; the location of the project
485 in a spaceport territory as defined in s. 331.304; the
486 unemployment rate of the surrounding area; the poverty rate of
487 the community; and the adoption of an economic element as part
488 of its local comprehensive plan in accordance with s.
489 163.3177(7)(j). The Office of Tourism, Trade, and Economic
490 Development may contact any agency it deems appropriate for
491 additional input regarding the approval of projects.

492 Section 6. Subsection (2) of section 288.065, Florida
493 Statutes, is amended to read:

494 288.065 Rural Community Development Revolving Loan Fund.—

495 (2) The program shall provide for long-term loans, loan
496 guarantees, and loan loss reserves to units of local
497 governments, or economic development organizations substantially
498 underwritten by a unit of local government, within counties with
499 populations of 75,000 or fewer less, or within any county with
500 ~~that has~~ a population of 125,000 100,000 or fewer which less and
501 is contiguous to a county with a population of 75,000 or fewer
502 less, based on as determined by the most recent official
503 population estimate as determined under ~~pursuant to~~ s. 186.901,
504 including those residing in incorporated areas and those



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505 residing in unincorporated areas of the county, or to units of
506 local government, or economic development organizations
507 substantially underwritten by a unit of local government, within
508 a rural area of critical economic concern. Requests for loans
509 shall be made by application to the Office of Tourism, Trade,
510 and Economic Development. Loans shall be made pursuant to
511 agreements specifying the terms and conditions agreed to between
512 the applicant and the Office of Tourism, Trade, and Economic
513 Development. The loans shall be the legal obligations of the
514 applicant. All repayments of principal and interest shall be
515 returned to the loan fund and made available for loans to other
516 applicants. However, in a rural area of critical economic
517 concern designated by the Governor, and upon approval by the
518 Office of Tourism, Trade, and Economic Development, repayments
519 of principal and interest may be retained by the applicant if
520 such repayments are dedicated and matched to fund regionally
521 based economic development organizations representing the rural
522 area of critical economic concern.

523 Section 7. Paragraphs (b) and (e) of subsection (2) and
524 subsection (3) of section 288.0655, Florida Statutes, are
525 amended to read:

526 288.0655 Rural Infrastructure Fund.—

527 (2)

528 (b) To facilitate access of rural communities and rural
529 areas of critical economic concern as defined by the Rural
530 Economic Development Initiative to infrastructure funding
531 programs of the Federal Government, such as those offered by the
532 United States Department of Agriculture and the United States
533 Department of Commerce, and state programs, including those



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534 offered by Rural Economic Development Initiative agencies, and
535 to facilitate local government or private infrastructure funding
536 efforts, the office may award grants for up to 30 percent of the
537 total infrastructure project cost. If an application for funding
538 is for a catalyst site, as defined in s. 288.0656, the office
539 may award grants for up to 40 percent of the total
540 infrastructure project cost. Eligible projects must be related
541 to specific job-creation or job-retention opportunities.
542 Eligible projects may also include improving any inadequate
543 infrastructure that has resulted in regulatory action that
544 prohibits economic or community growth or reducing the costs to
545 community users of proposed infrastructure improvements that
546 exceed such costs in comparable communities. Eligible uses of
547 funds shall include improvements to public infrastructure for
548 industrial or commercial sites and upgrades to or development of
549 public tourism infrastructure. Authorized infrastructure may
550 include the following public or public-private partnership
551 facilities: storm water systems; telecommunications facilities;
552 broadband facilities; roads or other remedies to transportation
553 impediments; nature-based tourism facilities; or other physical
554 requirements necessary to facilitate tourism, trade, and
555 economic development activities in the community. Authorized
556 infrastructure may also include publicly or privately owned
557 self-powered nature-based tourism facilities, publicly owned
558 telecommunications facilities, and broadband facilities, and
559 additions to the distribution facilities of the existing natural
560 gas utility as defined in s. 366.04(3)(c), the existing electric
561 utility as defined in s. 366.02, or the existing water or
562 wastewater utility as defined in s. 367.021(12), or any other



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563 existing water or wastewater facility, which owns a gas or
564 electric distribution system or a water or wastewater system in
565 this state where:

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

570 2. Such utilities as defined herein are willing and able to
571 provide such service.

572 (e) To enable local governments to access the resources
573 available pursuant to s. 403.973(18), the office may award
574 grants for surveys, feasibility studies, and other activities
575 related to the identification and preclearance review of land
576 which is suitable for preclearance review. Authorized grants
577 under this paragraph shall not exceed \$75,000 each, except in
578 the case of a project in a rural area of critical economic
579 concern, in which case the grant shall not exceed \$300,000. Any
580 funds awarded under this paragraph must be matched at a level of
581 50 percent with local funds, except that any funds awarded for a
582 project in a rural area of critical economic concern must be
583 matched at a level of 33 percent with local funds. If an
584 application for funding is for a catalyst site, as defined in s.
585 288.0656, the requirement for local match may be waived pursuant
586 to the process in s. 288.06561. In evaluating applications under
587 this paragraph, the office shall consider the extent to which
588 the application seeks to minimize administrative and consultant
589 expenses.

590 (3) The office, in consultation with Enterprise Florida,
591 Inc., VISIT Florida, the Department of Environmental Protection,



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592 and the Florida Fish and Wildlife Conservation Commission, as
593 appropriate, shall review and certify applications pursuant to
594 s. 288.061. The review shall include an evaluation of and
595 ~~evaluate~~ the economic benefit of the projects and their long-
596 term viability. The office shall have final approval for any
597 grant under this section ~~and must make a grant decision within~~
598 ~~30 days of receiving a completed application~~.

599 Section 8. Section 288.0656, Florida Statutes, is amended
600 to read:

601 288.0656 Rural Economic Development Initiative.-

602 (1) (a) Recognizing that rural communities and regions
603 continue to face extraordinary challenges in their efforts to
604 significantly improve their economies, specifically in terms of
605 personal income, job creation, average wages, and strong tax
606 bases, it is the intent of the Legislature to encourage and
607 facilitate the location and expansion of major economic
608 development projects of significant scale in such rural
609 communities.

610 (b) The Rural Economic Development Initiative, known as
611 "REDI," is created within the Office of Tourism, Trade, and
612 Economic Development, and the participation of state and
613 regional agencies in this initiative is authorized.

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

615 (a) "Catalyst project" means a business locating or
616 expanding in a rural area of critical economic concern to serve
617 as an economic generator of regional significance for the growth
618 of a regional target industry cluster. The project must provide
619 capital investment on a scale significant enough to affect the
620 entire region and result in the development of high-wage and



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621 high-skill jobs.

622 (b) "Catalyst site" means a parcel or parcels of land
623 within a rural area of critical economic concern that has been
624 prioritized as a geographic site for economic development
625 through partnerships with state, regional, and local
626 organizations. The site must be reviewed by REDI and approved by
627 the Office of Tourism, Trade, and Economic Development for the
628 purposes of locating a catalyst project.

629 (c)-~~(a)~~ "Economic distress" means conditions affecting the
630 fiscal and economic viability of a rural community, including
631 such factors as low per capita income, low per capita taxable
632 values, high unemployment, high underemployment, low weekly
633 earned wages compared to the state average, low housing values
634 compared to the state average, high percentages of the
635 population receiving public assistance, high poverty levels
636 compared to the state average, and a lack of year-round stable
637 employment opportunities.

638 (d) "Rural area of critical economic concern" means a rural
639 community, or a region composed of rural communities, designated
640 by the Governor, that has been adversely affected by an
641 extraordinary economic event, severe or chronic distress, or a
642 natural disaster or that presents a unique economic development
643 opportunity of regional impact.

644 (e)-~~(b)~~ "Rural community" means:

- 645 1. A county with a population of 75,000 or less.
- 646 2. A county with a population of 125,000 ~~100,000~~ or less
647 that is contiguous to a county with a population of 75,000 or
648 less.
- 649 3. A municipality within a county described in subparagraph



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650 1. or subparagraph 2.

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

658
659 For purposes of this paragraph, population shall be
660 determined in accordance with the most recent official estimate
661 pursuant to s. 186.901.

662 (3) REDI shall be responsible for coordinating and focusing
663 the efforts and resources of state and regional agencies on the
664 problems which affect the fiscal, economic, and community
665 viability of Florida's economically distressed rural
666 communities, working with local governments, community-based
667 organizations, and private organizations that have an interest
668 in the growth and development of these communities to find ways
669 to balance environmental and growth management issues with local
670 needs.

671 (4) REDI shall review and evaluate the impact of statutes
672 and rules on rural communities and shall work to minimize any
673 adverse impact and undertake outreach and capacity building
674 efforts.

675 (5) REDI shall facilitate better access to state resources
676 by promoting direct access and referrals to appropriate state
677 and regional agencies and statewide organizations. REDI may
678 undertake outreach, capacity-building, and other advocacy



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679 efforts to improve conditions in rural communities. These
680 activities may include sponsorship of conferences and
681 achievement awards.

682 (6) (a) By August 1 of each year, the head of each of the
683 following agencies and organizations shall designate a deputy
684 secretary or higher-level ~~high-level~~ staff person from within
685 the agency or organization to serve as the REDI representative
686 for the agency or organization:

- 687 1. The Department of Community Affairs.
- 688 2. The Department of Transportation.
- 689 3. The Department of Environmental Protection.
- 690 4. The Department of Agriculture and Consumer Services.
- 691 5. The Department of State.
- 692 6. The Department of Health.
- 693 7. The Department of Children and Family Services.
- 694 8. The Department of Corrections.
- 695 9. The Agency for Workforce Innovation.
- 696 10. The Department of Education.
- 697 11. The Department of Juvenile Justice.
- 698 12. The Fish and Wildlife Conservation Commission.
- 699 13. Each water management district.
- 700 14. Enterprise Florida, Inc.
- 701 15. Workforce Florida, Inc.
- 702 16. The Florida Commission on Tourism or VISIT Florida.
- 703 17. The Florida Regional Planning Council Association.
- 704 18. The Agency for Health Care Administration ~~Florida State~~
705 ~~Rural Development Council.~~
- 706 19. The Institute of Food and Agricultural Sciences (IFAS).
- 707



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708 An alternate for each designee shall also be chosen, and
709 the names of the designees and alternates shall be sent to the
710 director of the Office of Tourism, Trade, and Economic
711 Development.

712 (b) Each REDI representative must have comprehensive
713 knowledge of his or her agency's functions, both regulatory and
714 service in nature, and of the state's economic goals, policies,
715 and programs. This person shall be the primary point of contact
716 for his or her agency with REDI on issues and projects relating
717 to economically distressed rural communities and with regard to
718 expediting project review, shall ensure a prompt effective
719 response to problems arising with regard to rural issues, and
720 shall work closely with the other REDI representatives in the
721 identification of opportunities for preferential awards of
722 program funds and allowances and waiver of program requirements
723 when necessary to encourage and facilitate long-term private
724 capital investment and job creation.

725 (c) The REDI representatives shall work with REDI in the
726 review and evaluation of statutes and rules for adverse impact
727 on rural communities and the development of alternative
728 proposals to mitigate that impact.

729 (d) Each REDI representative shall be responsible for
730 ensuring that each district office or facility of his or her
731 agency is informed about the Rural Economic Development
732 Initiative and for providing assistance throughout the agency in
733 the implementation of REDI activities.

734 (7) (a) REDI may recommend to the Governor up to three rural
735 areas of critical economic concern. ~~A rural area of critical~~
736 ~~economic concern must be a rural community, or a region composed~~



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737 ~~of such, that has been adversely affected by an extraordinary~~
738 ~~economic event or a natural disaster or that presents a unique~~
739 ~~economic development opportunity of regional impact that will~~
740 ~~create more than 1,000 jobs over a 5-year period.~~ The Governor
741 may by executive order designate up to three rural areas of
742 critical economic concern which will establish these areas as
743 priority assignments for REDI as well as to allow the Governor,
744 acting through REDI, to waive criteria, requirements, or similar
745 provisions of any economic development incentive. Such
746 incentives shall include, but not be limited to: the Qualified
747 Target Industry Tax Refund Program under s. 288.106, the Quick
748 Response Training Program under s. 288.047, the Quick Response
749 Training Program for participants in the welfare transition
750 program under s. 288.047(8), transportation projects under s.
751 288.063, the brownfield redevelopment bonus refund under s.
752 288.107, and the rural job tax credit program under ss. 212.098
753 and 220.1895.

754 **(b)** Designation as a rural area of critical economic
755 concern under this subsection shall be contingent upon the
756 execution of a memorandum of agreement among the Office of
757 Tourism, Trade, and Economic Development; the governing body of
758 the county; and the governing bodies of any municipalities to be
759 included within a rural area of critical economic concern. Such
760 agreement shall specify the terms and conditions of the
761 designation, including, but not limited to, the duties and
762 responsibilities of the county and any participating
763 municipalities to take actions designed to facilitate the
764 retention and expansion of existing businesses in the area, as
765 well as the recruitment of new businesses to the area.



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766 (c) Each rural area of critical economic concern may
767 designate catalyst projects, provided that each catalyst project
768 is specifically recommended by REDI, identified as a catalyst
769 project by Enterprise Florida, Inc., and confirmed as a catalyst
770 project by the Office of Tourism, Trade, and Economic
771 Development. All state agencies and departments shall use all
772 available tools and resources to the extent permissible by law
773 to promote the creation and development of each catalyst project
774 and the development of catalyst sites.

775 (8) REDI shall assist local governments within rural areas
776 of critical economic concern with comprehensive planning needs
777 that further the provisions of this section. Such assistance
778 shall reflect a multidisciplinary approach among all agencies
779 and include economic development and planning objectives.

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

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

785 2. REDI representatives shall meet with the local
786 government within 15 days after such request to develop the
787 scope of assistance that will be provided for the development,
788 transmittal, and adoption of the proposed comprehensive plan
789 amendment.

790 3. As part of the assistance provided, REDI representatives
791 shall also identify other needed local and developer actions for
792 approval of the project and recommend a timeline for the local
793 government and developer that will minimize project delays.

794 (b) In addition, each year REDI shall solicit requests for



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795 assistance from local governments within a rural area of
796 critical economic concern to update the future land use element
797 and other associated elements of the local government's
798 comprehensive plan to better position the community to respond
799 to economic development potential within the county or
800 municipality. REDI shall provide direct assistance to such local
801 governments to update their comprehensive plans pursuant to this
802 paragraph. At least one comprehensive planning technical
803 assistance effort shall be selected each year.

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

807 (9) ~~(8)~~ REDI shall submit a report to the Governor, the
808 President of the Senate, and the Speaker of the House of
809 Representatives each year on or before ~~September~~ February 1 on
810 all REDI activities for the prior fiscal year. This report shall
811 include a status report on all projects currently being
812 coordinated through REDI, the number of preferential awards and
813 allowances made pursuant to this section, the dollar amount of
814 such awards, and the names of the recipients. The report shall
815 also include a description of all waivers of program
816 requirements granted. The report shall also include information
817 as to the economic impact of the projects coordinated by REDI,
818 and recommendations based on the review and evaluation of
819 statutes and rules having an adverse impact on rural
820 communities, and proposals to mitigate such adverse impacts.

821 Section 9. Section 288.06561, Florida Statutes, is amended
822 to read:

823 288.06561 Reduction or waiver of financial match



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824 requirements.—Notwithstanding any other law, the member agencies
825 and organizations of the Rural Economic Development Initiative
826 (REDI), as defined in s. 288.0656(6) (a), shall review the
827 financial match requirements for projects in rural areas as
828 defined in s. 288.0656(2) ~~(b)~~.

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

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

834 (3) These proposals shall be delivered to the Office of
835 Tourism, Trade, and Economic Development for distribution to the
836 REDI agencies and organizations. A meeting of REDI agencies and
837 organizations must be called within 30 days after receipt of
838 such proposals for REDI comment and recommendations on each
839 proposal.

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

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

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

850 (7) To the fullest extent possible, agencies and
851 organizations shall expedite the rule adoption and amendment
852 process if necessary to incorporate the reduction in match by



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853 rural areas in fiscal distress.

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

857 Section 10. Subsection (1) of section 288.0657, Florida
858 Statutes, is amended to read:

859 288.0657 Florida rural economic development strategy
860 grants.—

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

863 (a) A county with a population of 75,000 or fewer ~~less~~.

864 (b) A county with a population of 125,000 ~~100,000~~ or fewer
865 which less than is contiguous to a county with a population of
866 75,000 or fewer ~~less~~.

867 (c) A municipality within a county described in paragraph
868 (a) or paragraph (b).

869

870 For purposes of this subsection, population shall be
871 determined in accordance with the most recent official estimate
872 pursuant to s. 186.901.

873 Section 11. Paragraph (c) of subsection (2), paragraphs
874 (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3),
875 and paragraph (c) of subsection (5) of section 288.1045, Florida
876 Statutes, are amended to read:

877 288.1045 Qualified defense contractor and space flight
878 business tax refund program.—

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

880 (c) A qualified applicant may not receive more than \$5 ~~\$7.5~~
881 million in tax refunds pursuant to this section in all fiscal



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882 years.

883 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
884 DETERMINATION.—

885 (a) To apply for certification as a qualified applicant
886 pursuant to this section, an applicant must file an application
887 with the office which satisfies the requirements of paragraphs
888 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
889 paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for
890 certification pursuant to this section after a proposal has been
891 submitted for a new Department of Defense contract, after the
892 applicant has made the decision to consolidate an existing
893 Department of Defense contract in this state for which such
894 applicant is seeking certification, after a proposal has been
895 submitted for a new space flight business contract in this
896 state, after the applicant has made the decision to consolidate
897 an existing space flight business contract in this state for
898 which such applicant is seeking certification, or after the
899 applicant has made the decision to convert defense production
900 jobs to nondefense production jobs for which such applicant is
901 seeking certification.

902 (e) To qualify for review by the office, the application of
903 an applicant must, at a minimum, establish the following to the
904 satisfaction of the office:

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

910 2. The consolidation of a Department of Defense contract



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911 must result in a net increase of at least 25 percent in the
912 number of jobs at the applicant's facilities in this state or
913 the addition of at least 80 jobs at the applicant's facilities
914 in this state.

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

918 4. The Department of Defense contract or the space flight
919 business contract cannot allow the business to include the costs
920 of relocation or retooling in its base as allowable costs under
921 a cost-plus, or similar, contract.

922 5. A business unit of the applicant must have derived not
923 less than 60 percent of its gross receipts in this state from
924 Department of Defense contracts or space flight business
925 contracts over the applicant's last fiscal year, and must have
926 derived not less than an average of 60 percent of its gross
927 receipts in this state from Department of Defense contracts or
928 space flight business contracts over the 5 years preceding the
929 date an application is submitted pursuant to this section. This
930 subparagraph does not apply to any application for certification
931 based on a contract for reuse of a defense-related facility.

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

934 7. A new space flight business contract or the
935 consolidation of a space flight business contract must result in
936 net increases in space flight business employment at the
937 applicant's facilities in this state.

938 (f) Each application meeting the requirements of paragraphs
939 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or



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940 paragraphs (e) and (j) ~~(k)~~ must be submitted to the office for a
941 determination of eligibility. The office shall review and
942 evaluate each application based on, but not limited to, the
943 following criteria:

944 1. Expected contributions to the state strategic economic
945 development plan adopted by Enterprise Florida, Inc., taking
946 into account the extent to which the project contributes to the
947 state's high-technology base, and the long-term impact of the
948 project and the applicant on the state's economy.

949 2. The economic benefit of the jobs created or retained by
950 the project in this state, taking into account the cost and
951 average wage of each job created or retained, and the potential
952 risk to existing jobs.

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

955 4. The local commitment and support for the project and
956 applicant.

957 5. The impact of the project on the local community, taking
958 into account the unemployment rate for the county where the
959 project will be located.

960 6. The dependence of the local community on the defense
961 industry or space flight business.

962 7. The impact of any tax refunds granted pursuant to this
963 section on the viability of the project and the probability that
964 the project will occur in this state if such tax refunds are
965 granted to the applicant, taking into account the expected long-
966 term commitment of the applicant to economic growth and
967 employment in this state.

968 8. The length of the project, or the expected long-term



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969 commitment to this state resulting from the project.

970 (g) Applications shall be reviewed and certified pursuant
971 to s. 288.061. ~~The office shall forward its written findings and~~
972 ~~evaluation on each application meeting the requirements of~~
973 ~~paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)~~
974 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
975 ~~calendar days after receipt of a complete application. The~~
976 ~~office shall notify each applicant when its application is~~
977 ~~complete, and when the 60-day period begins. In its written~~
978 ~~report to the director, the office shall specifically address~~
979 ~~each of the factors specified in paragraph (f), and shall make a~~
980 ~~specific assessment with respect to the minimum requirements~~
981 ~~established in paragraph (e). The office shall include in its~~
982 ~~report projections of the tax refunds the applicant would be~~
983 ~~eligible to receive in each fiscal year based on the creation~~
984 ~~and maintenance of the net new Florida jobs specified in~~
985 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
986 ~~subparagraph (k)6. as of December 31 of the preceding state~~
987 ~~fiscal year.~~

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

995 (h)(i) The director may not certify any applicant as a
996 qualified applicant when the value of tax refunds to be included
997 in that letter of certification exceeds the available amount of



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998 authority to certify new businesses as determined in s.
999 288.095(3). A letter of certification that approves an
1000 application must specify the maximum amount of a tax refund that
1001 is to be available to the contractor for each fiscal year and
1002 the total amount of tax refunds for all fiscal years.

1003 (i)~~(j)~~ This section does not create a presumption that an
1004 applicant should receive any tax refunds under this section.

1005 (j)~~(k)~~ Applications for certification based upon a new
1006 space flight business contract or the consolidation of a space
1007 flight business contract must be submitted to the office as
1008 prescribed by the office and must include, but are not limited
1009 to, the following information:

1010 1. The applicant's federal employer identification number,
1011 the applicant's Florida sales tax registration number, and a
1012 signature of an officer of the applicant.

1013 2. The permanent location of the space flight business
1014 facility in this state where the project is or will be located.

1015 3. The new space flight business contract number, the space
1016 flight business contract numbers of the contract to be
1017 consolidated, or the request-for-proposal number of a proposed
1018 space flight business contract.

1019 4. The date the contract was executed and the date the
1020 contract is due to expire, is expected to expire, or was
1021 canceled.

1022 5. The commencement date for project operations under the
1023 contract in this state.

1024 6. The number of net new full-time equivalent Florida jobs
1025 included in the project as of December 31 of each year and the
1026 average wage of such jobs.



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1027 7. The total number of full-time equivalent employees
1028 employed by the applicant in this state.

1029 8. The percentage of the applicant's gross receipts derived
1030 from space flight business contracts during the 5 taxable years
1031 immediately preceding the date the application is submitted.

1032 9. The number of full-time equivalent jobs in this state to
1033 be retained by the project.

1034 10. A brief statement concerning the applicant's need for
1035 tax refunds and the proposed uses of such refunds by the
1036 applicant.

1037 11. A resolution adopted by the governing board of the
1038 county or municipality in which the project will be located
1039 which recommends the applicant be approved as a qualified
1040 applicant and indicates that the necessary commitments of local
1041 financial support for the applicant exist. Prior to the adoption
1042 of the resolution, the county commission may review the proposed
1043 public or private sources of such support and determine whether
1044 the proposed sources of local financial support can be provided
1045 or, for any applicant whose project is located in a county
1046 designated by the Rural Economic Development Initiative, a
1047 resolution adopted by the county commissioners of such county
1048 requesting that the applicant's project be exempt from the local
1049 financial support requirement.

1050 12. Any additional information requested by the office.

1051 (5) ANNUAL CLAIM FOR REFUND.—

1052 (c) A tax refund may not be approved for any qualified
1053 applicant unless local financial support has been paid to the
1054 Economic Development Trust Fund for that refund. If the local
1055 financial support is less than 20 percent of the approved tax



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1056 refund, the tax refund shall be reduced. The tax refund paid may
1057 not exceed 5 times the local financial support received. Funding
1058 from local sources includes tax abatement under s. 196.1995 or
1059 the appraised market value of municipal or county land,
1060 including any improvements or structures, conveyed or provided
1061 at a discount through a sale or lease to that applicant. The
1062 amount of any tax refund for an applicant approved under this
1063 section shall be reduced by the amount of any such tax abatement
1064 granted or the value of the land granted, including the value of
1065 any improvements or structures; and the limitations in
1066 subsection (2) ~~and paragraph (3)(h)~~ shall be reduced by the
1067 amount of any such tax abatement or the value of the land
1068 granted, including any improvements or structures. A report
1069 listing all sources of the local financial support shall be
1070 provided to the office when such support is paid to the Economic
1071 Development Trust Fund.

1072 Section 12. Paragraphs (k) and (t) of subsection (1),
1073 subsection (3), paragraph (b) of subsection (4), paragraph (c)
1074 of subsection (5), and subsection (8) of section 288.106,
1075 Florida Statutes, are amended to read:

1076 288.106 Tax refund program for qualified target industry
1077 businesses.—

1078 (1) DEFINITIONS.—As used in this section:

1079 (k) "Local financial support exemption option" means the
1080 option to exercise an exemption from the local financial support
1081 requirement available to any applicant whose project is located
1082 in a brownfield area or a county with a population of 75,000 or
1083 fewer or a county with a population of 125,000 ~~100,000~~ or fewer
1084 which is contiguous to a county with a population of 75,000 or



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1085 fewer. Any applicant that exercises this option shall not be
1086 eligible for more than 80 percent of the total tax refunds
1087 allowed such applicant under this section.

1088 (t) "Rural community" means:

1089 1. A county with a population of 75,000 or fewer ~~less~~.

1090 2. A county with a population of 125,000 ~~100,000~~ or fewer
1091 which less than is contiguous to a county with a population of
1092 75,000 or fewer ~~less~~.

1093 3. A municipality within a county described in subparagraph
1094 1. or subparagraph 2.

1095

1096 For purposes of this paragraph, population shall be
1097 determined in accordance with the most recent official estimate
1098 pursuant to s. 186.901.

1099 (3) APPLICATION AND APPROVAL PROCESS.—

1100 (a) To apply for certification as a qualified target
1101 industry business under this section, the business must file an
1102 application with the office before the business has made the
1103 decision to locate a new business in this state or before the
1104 business had made the decision to expand an existing business in
1105 this state. The application shall include, but is not limited
1106 to, the following information:

1107 1. The applicant's federal employer identification number
1108 and the applicant's state sales tax registration number.

1109 2. The permanent location of the applicant's facility in
1110 this state at which the project is or is to be located.

1111 3. A description of the type of business activity or
1112 product covered by the project, including four-digit SIC codes
1113 for all activities included in the project.



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1114 4. The number of net new full-time equivalent Florida jobs
1115 at the qualified target industry business as of December 31 of
1116 each year included in the project and the average wage of those
1117 jobs. If more than one type of business activity or product is
1118 included in the project, the number of jobs and average wage for
1119 those jobs must be separately stated for each type of business
1120 activity or product.

1121 5. The total number of full-time equivalent employees
1122 employed by the applicant in this state.

1123 6. The anticipated commencement date of the project.

1124 7. A brief statement concerning the role that the tax
1125 refunds requested will play in the decision of the applicant to
1126 locate or expand in this state.

1127 8. An estimate of the proportion of the sales resulting
1128 from the project that will be made outside this state.

1129 9. A resolution adopted by the governing board of the
1130 county or municipality in which the project will be located,
1131 which resolution recommends that certain types of businesses be
1132 approved as a qualified target industry business and states that
1133 the commitments of local financial support necessary for the
1134 target industry business exist. In advance of the passage of
1135 such resolution, the office may also accept an official letter
1136 from an authorized local economic development agency that
1137 endorses the proposed target industry project and pledges that
1138 sources of local financial support for such project exist. For
1139 the purposes of making pledges of local financial support under
1140 this subsection, the authorized local economic development
1141 agency shall be officially designated by the passage of a one-
1142 time resolution by the local governing authority.



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1143 10. Any additional information requested by the office.
1144 (b) To qualify for review by the office, the application of
1145 a target industry business must, at a minimum, establish the
1146 following to the satisfaction of the office:
1147 1. The jobs proposed to be provided under the application,
1148 pursuant to subparagraph (a)4., must pay an estimated annual
1149 average wage equaling at least 115 percent of the average
1150 private sector wage in the area where the business is to be
1151 located or the statewide private sector average wage. In
1152 determining the average annual wage, the office shall include
1153 only new proposed jobs, and wages for existing jobs shall be
1154 excluded from this calculation. The office may waive the ~~this~~
1155 average wage requirement at the request of the local governing
1156 body recommending the project and Enterprise Florida, Inc. The
1157 wage requirement may only be waived for a project located in a
1158 brownfield area designated under s. 376.80 or in a rural city or
1159 county or in an enterprise zone and only when the merits of the
1160 individual project or the specific circumstances in the
1161 community in relationship to the project warrant such action. If
1162 the local governing body and Enterprise Florida, Inc., make such
1163 a recommendation, it must be transmitted in writing and the
1164 specific justification for the waiver recommendation must be
1165 explained. If the director elects to waive the wage requirement,
1166 the waiver must be stated in writing and the reasons for
1167 granting the waiver must be explained.
1168 2. The target industry business's project must result in
1169 the creation of at least 10 jobs at such project and, if an
1170 expansion of an existing business, must result in a net increase
1171 in employment of at least ~~not less than~~ 10 percent at the ~~such~~



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1172 business. Notwithstanding the definition of the term "expansion
1173 of an existing business" in paragraph (1)(g), at the request of
1174 the local governing body recommending the project and Enterprise
1175 Florida, Inc., the office may define an "expansion of an
1176 existing business" in a rural community or an enterprise zone as
1177 the expansion of a business resulting in a net increase in
1178 employment of less than 10 percent at such business if the
1179 merits of the individual project or the specific circumstances
1180 in the community in relationship to the project warrant such
1181 action. If the local governing body and Enterprise Florida,
1182 Inc., make such a request, the request ~~it~~ must be transmitted in
1183 writing and the specific justification for the request must be
1184 explained. If the director elects to grant the ~~such~~ request, the
1185 grant ~~such election~~ must be stated in writing and the reason for
1186 granting the request must be explained.

1187 3. The business activity or product for the applicant's
1188 project is within an industry or industries that have been
1189 identified by the office to be high-value-added industries that
1190 contribute to the area and to the economic growth of the state
1191 and that produce a higher standard of living for residents
1192 ~~citizens~~ of this state in the new global economy or that can be
1193 shown to make an equivalent contribution to the area and state's
1194 economic progress. The director must approve requests to waive
1195 the wage requirement for brownfield areas designated under s.
1196 376.80 unless it is demonstrated that such action is not in the
1197 public interest.

1198 (c) Each application meeting the requirements of paragraph
1199 (b) must be submitted to the office for determination of
1200 eligibility. The office shall review and evaluate each



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1201 application based on, but not limited to, the following
1202 criteria:

1203 1. Expected contributions to the state strategic economic
1204 development plan adopted by Enterprise Florida, Inc., taking
1205 into account the long-term effects of the project and of the
1206 applicant on the state economy.

1207 2. The economic benefit of the jobs created by the project
1208 in this state, taking into account the cost and average wage of
1209 each job created.

1210 3. The amount of capital investment to be made by the
1211 applicant in this state.

1212 4. The local commitment and support for the project.

1213 5. The effect of the project on the local community, taking
1214 into account the unemployment rate for the county where the
1215 project will be located.

1216 6. The effect of any tax refunds granted pursuant to this
1217 section on the viability of the project and the probability that
1218 the project will be undertaken in this state if such tax refunds
1219 are granted to the applicant, taking into account the expected
1220 long-term commitment of the applicant to economic growth and
1221 employment in this state.

1222 7. The expected long-term commitment to this state
1223 resulting from the project.

1224 8. A review of the business's past activities in this state
1225 or other states, including whether such business has been
1226 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1227 This subparagraph does not ~~shall~~ require the disclosure of
1228 confidential information.

1229 (d) Applications shall be reviewed and certified pursuant



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1230 ~~to s. 288.061. The office shall forward its written findings and~~
1231 ~~evaluation concerning each application meeting the requirements~~
1232 ~~of paragraph (b) to the director within 45 calendar days after~~
1233 ~~receipt of a complete application. The office shall notify each~~
1234 ~~target industry business when its application is complete, and~~
1235 ~~of the time when the 45-day period begins. In its written report~~
1236 ~~to the director, the office shall specifically address each of~~
1237 ~~the factors specified in paragraph (c) and shall make a specific~~
1238 ~~assessment with respect to the minimum requirements established~~
1239 ~~in paragraph (b). The office shall include in its review report~~
1240 ~~projections of the tax refunds the business would be eligible to~~
1241 ~~receive in each fiscal year based on the creation and~~
1242 ~~maintenance of the net new Florida jobs specified in~~
1243 ~~subparagraph (a)4. as of December 31 of the preceding state~~
1244 ~~fiscal year.~~

1245 ~~(e)1. Within 30 days after receipt of the office's findings~~
1246 ~~and evaluation, the director shall issue a letter of~~
1247 ~~certification that either approves or disapproves the~~
1248 ~~application of the target industry business. The decision must~~
1249 ~~be in writing and must provide the justifications for approval~~
1250 ~~or disapproval.~~

1251 ~~2. If appropriate, the director shall enter into a written~~
1252 ~~agreement with the qualified target industry business pursuant~~
1253 ~~to subsection (4).~~

1254 ~~(e)-(f)~~ The director may not certify any target industry
1255 business as a qualified target industry business if the value of
1256 tax refunds to be included in that letter of certification
1257 exceeds the available amount of authority to certify new
1258 businesses as determined in s. 288.095(3). However, if the



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1259 commitments of local financial support represent less than 20
1260 percent of the eligible tax refund payments, or to otherwise
1261 preserve the viability and fiscal integrity of the program, the
1262 director may certify a qualified target industry business to
1263 receive tax refund payments of less than the allowable amounts
1264 specified in paragraph (2) (b). A letter of certification that
1265 approves an application must specify the maximum amount of tax
1266 refund that will be available to the qualified industry business
1267 in each fiscal year and the total amount of tax refunds that
1268 will be available to the business for all fiscal years.

1269 ~~(f)(g) Nothing in~~ This section does not ~~shall~~ create a
1270 presumption that an applicant shall ~~will~~ receive any tax refunds
1271 under this section. However, the office may issue nonbinding
1272 opinion letters, upon the request of prospective applicants, as
1273 to the applicants' eligibility and the potential amount of
1274 refunds.

1275 (4) TAX REFUND AGREEMENT.—

1276 (b) Compliance with the terms and conditions of the
1277 agreement is a condition precedent for the receipt of a tax
1278 refund each year. The failure to comply with the terms and
1279 conditions of the tax refund agreement results in the loss of
1280 eligibility for receipt of all tax refunds previously authorized
1281 under this section and the revocation by the director of the
1282 certification of the business entity as a qualified target
1283 industry business, unless the business is eligible to receive
1284 and elects to accept a prorated refund under paragraph (5) (d) or
1285 the office grants the business an economic-stimulus exemption.

1286 1. A qualified target industry business may submit, in
1287 writing, a request to the office for an economic-stimulus



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1288 exemption. The request must provide quantitative evidence
1289 demonstrating how negative economic conditions in the business's
1290 industry, the effects of the impact of a named hurricane or
1291 tropical storm, or specific acts of terrorism affecting the
1292 qualified target industry business have prevented the business
1293 from complying with the terms and conditions of its tax refund
1294 agreement.

1295 2. Upon receipt of a request under subparagraph 1., the
1296 director shall have 45 days to notify the requesting business,
1297 in writing, if its exemption has been granted or denied. In
1298 determining if an exemption should be granted, the director
1299 shall consider the extent to which negative economic conditions
1300 in the requesting business's industry have occurred in the state
1301 or the effects of the impact of a named hurricane or tropical
1302 storm, or specific acts of terrorism affecting the qualified
1303 target industry business have prevented the business from
1304 complying with the terms and conditions of its tax refund
1305 agreement. The office shall consider current employment
1306 statistics for this state by industry, including whether the
1307 business's industry had substantial job loss during the prior
1308 year, when determining whether an exemption shall be granted.

1309 3. As a condition for receiving a prorated refund under
1310 paragraph (5) (d) or an economic-stimulus exemption under this
1311 paragraph, a qualified target industry business must agree to
1312 renegotiate its tax refund agreement with the office to, at a
1313 minimum, ensure that the terms of the agreement comply with
1314 current law and office procedures governing application for and
1315 award of tax refunds. Upon approving the award of a prorated
1316 refund or granting an economic-stimulus exemption, the office



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1317 shall renegotiate the tax refund agreement with the business as
1318 required by this subparagraph. When amending the agreement of a
1319 business receiving an economic-stimulus exemption, the office
1320 may extend the duration of the agreement for a period not to
1321 exceed 2 years.

1322 4. A qualified target industry business may submit a
1323 request for an economic-stimulus exemption to the office in lieu
1324 of any tax refund claim scheduled to be submitted after January
1325 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.

1326 5. A qualified target industry business that receives an
1327 economic-stimulus exemption may not receive a tax refund for the
1328 period covered by the exemption.

1329 (5) ANNUAL CLAIM FOR REFUND.—

1330 (c) A tax refund may not be approved for a qualified target
1331 industry business unless the required local financial support
1332 has been paid into the account for that refund. If the local
1333 financial support provided is less than 20 percent of the
1334 approved tax refund, the tax refund must be reduced. In no event
1335 may the tax refund exceed an amount that is equal to 5 times the
1336 amount of the local financial support received. Further, funding
1337 from local sources includes any tax abatement granted to that
1338 business under s. 196.1995 or the appraised market value of
1339 municipal or county land conveyed or provided at a discount to
1340 that business. The amount of any tax refund for such business
1341 approved under this section must be reduced by the amount of any
1342 such tax abatement granted or the value of the land granted; and
1343 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
1344 be reduced by the amount of any such tax abatement or the value
1345 of the land granted. A report listing all sources of the local



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1346 financial support shall be provided to the office when such
1347 support is paid to the account.

1348 (8) EXPIRATION.—An applicant may not be certified as
1349 qualified under this section after June 30, 2010. A tax refund
1350 agreement existing on that date shall continue in effect in
1351 accordance with its terms.

1352 Section 13. Paragraph (e) of subsection (1), paragraph (b)
1353 of subsection (3), and paragraph (f) of subsection (4) of
1354 section 288.107, Florida Statutes, are amended, and paragraph
1355 (e) is added to subsection (3) of that section, to read:

1356 288.107 Brownfield redevelopment bonus refunds.—

1357 (1) Definitions.— As used in this section:

1358 (e) "Eligible business" means:

1359 1. A qualified target industry business as defined in s.
1360 288.106(1) (o); or

1361 2. A business that can demonstrate a fixed capital
1362 investment of at least \$2 million in mixed-use business
1363 activities, including multiunit housing, commercial, retail, and
1364 industrial in brownfield areas, or at least \$500,000 in
1365 brownfield areas that do not require site cleanup, and which
1366 provides benefits to its employees.

1367 (3) CRITERIA.—The minimum criteria for participation in the
1368 brownfield redevelopment bonus refund are:

1369 (b) The completion of a fixed capital investment of at
1370 least \$2 million in mixed-use business activities, including
1371 multiunit housing, commercial, retail, and industrial in
1372 brownfield areas, or at least \$500,000 in brownfield areas that
1373 do not require site cleanup, by an eligible business applying
1374 for a refund under paragraph (2) (b) which provides benefits to



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1375 its employees.

1376 (e) A resolution adopted by the governing board of the
1377 county or municipality in which the project will be located that
1378 recommends that certain types of businesses be approved.

1379 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1380 (f) Applications shall be reviewed and certified pursuant
1381 to s. 288.061. The office shall review all applications
1382 submitted under s. 288.106 or other similar application forms
1383 for other eligible businesses as defined in paragraph (1)(e)
1384 which indicate that the proposed project will be located in a
1385 brownfield and determine, with the assistance of the Department
1386 of Environmental Protection, that the project location is within
1387 a brownfield as provided in this act.

1388 Section 14. Paragraphs (b), (c), and (d) of subsection (5)
1389 and subsections (7) and (8) of section 288.108, Florida
1390 Statutes, are amended to read:

1391 288.108 High-impact business.—

1392 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1393 (b) Applications shall be reviewed and certified pursuant
1394 to s. 288.061. ~~Enterprise Florida, Inc., shall review each~~
1395 ~~submitted application and inform the applicant business whether~~
1396 ~~or not its application is complete within 10 working days. Once~~
1397 ~~the application is deemed complete, Enterprise Florida, Inc.,~~
1398 ~~has 10 working days within which to evaluate the application and~~
1399 ~~recommend approval or disapproval of the application to the~~
1400 ~~director. In recommending an applicant business for approval,~~
1401 ~~Enterprise Florida, Inc., shall include a recommended grant~~
1402 ~~award amount in its evaluation forwarded to the office.~~

1403 ~~(c) Upon receipt of the evaluation and recommendation of~~



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

1412 ~~(c)~~ (c) The director and the qualified high-impact business
1413 shall enter into a performance grant agreement setting forth the
1414 conditions for payment of the qualified high-impact business
1415 performance grant. The agreement shall include the total amount
1416 of the qualified high-impact business facility performance grant
1417 award, the performance conditions that must be met to obtain the
1418 award, including the employment, average salary, investment, the
1419 methodology for determining if the conditions have been met, and
1420 the schedule of performance grant payments.

1421 ~~(7) REPORTING.~~ ~~The office shall by December 1 of each year~~
1422 ~~issue a complete and detailed report of all designated high-~~
1423 ~~impact sectors, all applications received and their disposition,~~
1424 ~~all final orders issued, and all payments made, including~~
1425 ~~analyses of benefits and costs, types of projects supported, and~~
1426 ~~employment and investments created. The report shall be~~
1427 ~~submitted to the Governor, the President of the Senate, and the~~
1428 ~~Speaker of the House of Representatives.~~

1429 ~~(7)~~ (7) ~~(8)~~ RULEMAKING.—The office may adopt rules necessary to
1430 carry out the provisions of this section.

1431 Section 15. Paragraphs (a), (b), and (c) of subsection (3)
1432 of section 288.1088, Florida Statutes, are amended to read:



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1433 288.1088 Quick Action Closing Fund.—

1434 (3) (a) Enterprise Florida, Inc., shall review applications
1435 pursuant to s. 288.061 and determine eligibility of each project
1436 consistent with the criteria in subsection (2). Enterprise
1437 Florida, Inc., in consultation with the Office of Tourism,
1438 Trade, and Economic Development, may waive these criteria based
1439 on extraordinary circumstances or in rural areas of critical
1440 economic concern if the project would significantly benefit the
1441 local or regional economy. Enterprise Florida, Inc., shall
1442 evaluate individual proposals for high-impact business
1443 facilities and forward recommendations regarding the use of
1444 moneys in the fund for such facilities to the director of the
1445 Office of Tourism, Trade, and Economic Development. Such
1446 evaluation and recommendation must include, but need not be
1447 limited to:

1448 1. A description of the type of facility or infrastructure,
1449 its operations, and the associated product or service associated
1450 with the facility.

1451 2. The number of full-time-equivalent jobs that will be
1452 created by the facility and the total estimated average annual
1453 wages of those jobs or, in the case of privately developed rural
1454 infrastructure, the types of business activities and jobs
1455 stimulated by the investment.

1456 3. The cumulative amount of investment to be dedicated to
1457 the facility within a specified period.

1458 4. A statement of any special impacts the facility is
1459 expected to stimulate in a particular business sector in the
1460 state or regional economy or in the state's universities and
1461 community colleges.



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1462 5. A statement of the role the incentive is expected to
1463 play in the decision of the applicant business to locate or
1464 expand in this state or for the private investor to provide
1465 critical rural infrastructure.

1466 6. A report evaluating the quality and value of the company
1467 submitting a proposal. The report must include:

1468 a. A financial analysis of the company, including an
1469 evaluation of the company's short-term liquidity ratio as
1470 measured by its assets to liability, the company's profitability
1471 ratio, and the company's long-term solvency as measured by its
1472 debt-to-equity ratio;

1473 b. The historical market performance of the company;

1474 c. A review of any independent evaluations of the company;

1475 d. A review of the latest audit of the company's financial
1476 statement and the related auditor's management letter; and

1477 e. A review of any other types of audits that are related
1478 to the internal and management controls of the company.

1479 (b) Within 22 calendar days after receiving ~~Upon receipt of~~
1480 the evaluation and recommendation from Enterprise Florida, Inc.,
1481 the director shall recommend to the Governor approval or
1482 disapproval of a project for receipt of funds from the Quick
1483 Action Closing Fund ~~to the Governor~~. In recommending a project,
1484 the director shall include proposed performance conditions that
1485 the project must meet to obtain incentive funds. The Governor
1486 shall provide the evaluation of projects recommended for
1487 approval to the President of the Senate and the Speaker of the
1488 House of Representatives and consult with the President of the
1489 Senate and the Speaker of the House of Representatives before
1490 giving final approval for a project. The Executive Office of the



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1491 Governor shall recommend approval of a project and the release
1492 of funds pursuant to the legislative consultation and review
1493 requirements set forth in s. 216.177. The recommendation must
1494 include proposed performance conditions that the project must
1495 meet in order to obtain funds.

1496 (c) Upon the approval of the Governor, the director of the
1497 Office of Tourism, Trade, and Economic Development and the
1498 business shall enter into a contract that sets forth the
1499 conditions for payment of moneys from the fund. The contract
1500 must include the total amount of funds awarded; the performance
1501 conditions that must be met to obtain the award, including, but
1502 not limited to, net new employment in the state, average salary,
1503 and total capital investment; demonstrate a baseline of current
1504 service and a measure of enhanced capability; the methodology
1505 for validating performance; the schedule of payments from the
1506 fund; and sanctions for failure to meet performance conditions.
1507 The contract must provide that payment of moneys from the fund
1508 is contingent upon sufficient appropriation of funds by the
1509 Legislature and upon sufficient release of appropriated funds by
1510 the Legislative Budget Commission.

1511 Section 16. Subsection (2) of section 257.193, Florida
1512 Statutes, is amended to read:

1513 257.193 Community Libraries in Caring Program.—

1514 (2) The purpose of the Community Libraries in Caring
1515 Program is to assist libraries in rural communities, as defined
1516 in s. 288.0656(2) ~~(b)~~ and subject to the provisions of s.
1517 288.06561, to strengthen their collections and services, improve
1518 literacy in their communities, and improve the economic
1519 viability of their communities.



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1520 Section 17. Section 288.019, Florida Statutes, is amended
1521 to read:

1522 288.019 Rural considerations in grant review and evaluation
1523 processes.—Notwithstanding any other law, and to the fullest
1524 extent possible, the member agencies and organizations of the
1525 Rural Economic Development Initiative (REDI) as defined in s.
1526 288.0656(6) (a) shall review all grant and loan application
1527 evaluation criteria to ensure the fullest access for rural
1528 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available
1529 throughout the state.

1530 (1) Each REDI agency and organization shall review all
1531 evaluation and scoring procedures and develop modifications to
1532 those procedures which minimize the impact of a project within a
1533 rural area.

1534 (2) Evaluation criteria and scoring procedures must provide
1535 for an appropriate ranking based on the proportionate impact
1536 that projects have on a rural area when compared with similar
1537 project impacts on an urban area.

1538 (3) Evaluation criteria and scoring procedures must
1539 recognize the disparity of available fiscal resources for an
1540 equal level of financial support from an urban county and a
1541 rural county.

1542 (a) The evaluation criteria should weight contribution in
1543 proportion to the amount of funding available at the local
1544 level.

1545 (b) In-kind match should be allowed and applied as
1546 financial match when a county is experiencing financial distress
1547 through elevated unemployment at a rate in excess of the state's
1548 average by 5 percentage points or because of the loss of its ad



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1549 valorem base.

1550 (4) For existing programs, the modified evaluation criteria
1551 and scoring procedure must be delivered to the Office of
1552 Tourism, Trade, and Economic Development for distribution to the
1553 REDI agencies and organizations. The REDI agencies and
1554 organizations shall review and make comments. Future rules,
1555 programs, evaluation criteria, and scoring processes must be
1556 brought before a REDI meeting for review, discussion, and
1557 recommendation to allow rural counties fuller access to the
1558 state's resources.

1559 Section 18. Paragraph (d) of subsection (15) of section
1560 627.6699, Florida Statutes, is amended to read:

1561 627.6699 Employee Health Care Access Act.—

1562 (15) SMALL EMPLOYERS ACCESS PROGRAM.—

1563 (d) *Eligibility*.—

1564 1. Any small employer that is actively engaged in business,
1565 has its principal place of business in this state, employs up to
1566 25 eligible employees on business days during the preceding
1567 calendar year, employs at least 2 employees on the first day of
1568 the plan year, and has had no prior coverage for the last 6
1569 months may participate.

1570 2. Any municipality, county, school district, or hospital
1571 employer located in a rural community as defined in s.
1572 288.0656(2) ~~(b)~~ may participate.

1573 3. Nursing home employers may participate.

1574 4. Each dependent of a person eligible for coverage is also
1575 eligible to participate.

1576

1577 Any employer participating in the program must do so until



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1578 the end of the term for which the carrier providing the coverage
1579 is obligated to provide such coverage to the program. Coverage
1580 for a small employer group that ceases to meet the eligibility
1581 requirements of this section may be terminated at the end of the
1582 policy period for which the necessary premiums have been paid.

1583 Section 19. Subsection (2) of section 288.9622, Florida
1584 Statutes, is amended to read:

1585 288.9622 Findings and intent.—

1586 (2) It is the intent of the Legislature that ss. 288.9621-
1587 288.9625 serve to mobilize private investment in a broad variety
1588 of venture capital partnerships in diversified industries and
1589 geographies; retain private sector investment criteria focused
1590 on rate of return; use the services of highly qualified managers
1591 in the venture capital industry regardless of location;
1592 facilitate the organization of the Florida Opportunity Fund as
1593 an ~~fund of funds~~ investor in seed and early stage businesses,
1594 infrastructure projects, venture capital funds, and angel funds;
1595 and precipitate capital investment and extensions of credit to
1596 and in the Florida Opportunity Fund.

1597 Section 20. Subsection (4) and paragraph (a) of subsection
1598 (5) of section 288.9624, Florida Statutes, are amended to read

1599 288.9624 Florida Opportunity Fund; creation; duties.—

1600 (4) For the purpose of mobilizing investment in a broad
1601 variety of Florida-based, new technology companies and
1602 generating a return sufficient to continue reinvestment, the
1603 fund shall:

1604 (a) Invest ~~directly only~~ in seed and early stage venture
1605 capital funds that have experienced managers or management teams
1606 with demonstrated experience, expertise, and a successful



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1607 history in the investment of venture capital funds, focusing on
1608 opportunities in this state. The fund also may ~~not~~ make direct
1609 investments, including loans, in individual businesses and
1610 infrastructure projects. While not precluded from investing in
1611 venture capital funds that have investments outside this state,
1612 the fund must require a venture capital fund to show a record of
1613 successful investment in this state, to be based in this state,
1614 or to have an office in this state staffed with a full-time,
1615 professional venture investment executive in order to be
1616 eligible for investment.

1617 (b) Negotiate for investment capital or loan proceeds from
1618 private, institutional, or banking sources.

1619 (c) Negotiate any and all terms and conditions for its
1620 investments.

1621 (d) Invest only in funds, businesses, and infrastructure
1622 projects that have raised capital from other sources so that the
1623 amount invested in such funds, businesses, or infrastructure
1624 projects ~~an entity in this state~~ is at least twice the amount
1625 invested by the fund. Direct investments must be made in either
1626 (i) Florida infrastructure projects or (ii) businesses that are
1627 Florida-based or have significant business activities in Florida
1628 and operate in technology sectors that are strategic to Florida
1629 ~~companies,~~ including, but not limited to, enterprises in life
1630 sciences, information technology, advanced manufacturing
1631 processes, aviation and aerospace, and homeland security and
1632 defense, as well as other strategic technologies.

1633 (e) Form or operate other entities and accept additional
1634 funds from other public and private sources to further its
1635 purpose.



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The Opportunity Fund may not use its original legislative appropriation of \$29.5 million for direct investments, including loans, in businesses or infrastructure projects, or for any purpose not specified in ch. 2007-189, L.O.F.

(5) By December 1 of each year, the board shall issue an annual report concerning the activities conducted by the fund to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report, at a minimum, must include:

(a) An accounting of the amount of investments disbursed by the fund and the progress of the fund, including the progress of business and infrastructure projects that have been provided direct investment by the fund.

Section 21. This act shall take effect July 1, 2009.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the



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1665 waiver or reduction of requirements relating to matching funds
1666 for alternative and renewable energy projects; requiring that
1667 Enterprise Florida, Inc., evaluate proposals for all categories
1668 of innovation incentive awards and solicit comments from the
1669 Florida Energy and Climate Commission before making its
1670 recommendations; providing requirements for such evaluations and
1671 recommendations; providing additional criteria for a research
1672 and development facility; deleting qualifying criteria for
1673 alternative and renewable energy projects; creating additional
1674 evaluation criteria for alternative and renewable energy
1675 projects; requiring that the Executive Office of the Governor
1676 release funds upon review and approval of an award by the
1677 Legislative Budget Commission; requiring the Office of Tourism,
1678 Trade, and Economic Development and the recipient of an award to
1679 enter into a contract setting forth conditions for the payment
1680 of incentive funds; requiring that such agreement include
1681 certain provisions; requiring that agreements signed after a
1682 specified date contain certain additional provisions; requiring
1683 that Enterprise Florida, Inc., submit a report containing
1684 certain information within a specified period after the
1685 conclusion of such agreement to the Governor, the President of
1686 the Senate, and the Speaker of the House of Representatives;
1687 requiring that each recipient of an award comply with certain
1688 business ethics standards developed by Enterprise Florida, Inc.;
1689 deleting provisions authorizing Enterprise Florida, Inc., to
1690 collaborate with the State University System in reviewing and
1691 evaluating business ethics standards; requiring that the office
1692 submit to the Governor, the President of the Senate, and the
1693 Speaker of the House of Representatives a report containing



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1694 certain information; specifying a date on which the office shall
1695 begin submitting such reports; requiring that the Office of
1696 Program Policy Analysis and Government Accountability and the
1697 Office of the Auditor General submit a report; requiring that
1698 such reports be submitted at specified intervals; requiring that
1699 such reports include certain information; authorizing the office
1700 to seek the assistance of certain government entities for
1701 certain purposes; amending 212.097, F.S.; specifying a review
1702 and certification requirement for the urban high crime area job
1703 tax credit applications; amending s. 220.191, F.S.; specifying a
1704 review and certification requirement for capital investment tax
1705 credit applications; creating s. 288.061, F.S.; providing
1706 requirements and procedures for an economic development
1707 incentive application process; providing time periods and
1708 requirements for certification for economic development
1709 incentive applications; providing duties and responsibilities of
1710 Enterprise Florida, Inc., and the Office of Tourism, Trade, and
1711 Economic Development; amending s. 288.063, F.S.; revising
1712 required criteria for review and certification of transportation
1713 projects by the Office of Tourism, Trade, and Economic
1714 Development; amending s. 288.065, F.S.; revising county
1715 population criteria for loans from the Rural Community
1716 Development Revolving Loan Fund; amending s. 288.0655, F.S.;
1717 authorizing the Office of Tourism, Trade, and Economic
1718 Development to award grants for a certain percentage of total
1719 infrastructure project costs for certain catalyst site funding
1720 applications; expanding eligible facilities for authorized
1721 infrastructure projects; providing for waiver of the local
1722 matching requirement; specifying a review and certification



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1723 requirement for the office for certain Rural Infrastructure Fund
1724 grant applications; amending s. 288.0656, F.S.; providing
1725 legislative intent; revising and providing definitions;
1726 providing additional review and action requirements for the
1727 Rural Economic Development Initiative relating to rural
1728 communities; revising representation on the initiative; deleting
1729 a limitation on characterization as a rural area of critical
1730 economic concern; authorizing rural areas of critical economic
1731 concern to designate certain catalyst projects for certain
1732 purposes; providing project requirements; requiring the
1733 initiative to assist local governments with certain
1734 comprehensive planning needs; providing procedures and
1735 requirements for such assistance; revising certain reporting
1736 requirements for the initiative; amending s. 288.06561, F.S.,
1737 conforming cross-references; amending s. 288.0657, F.S.;
1738 revising the definition of the term "rural community"; amending
1739 s. 288.1045, F.S.; revising provisions relating to the
1740 application and refund process for the qualified defense
1741 contractor tax refund program; specifying a review and
1742 certification requirement for program refunds; revising the cap
1743 on refunds per applicant; deleting a report requirement;
1744 amending s. 288.106, F.S.; revising certain definitions;
1745 revising industry code designation requirements for certain
1746 activities under the tax refund program for qualified target
1747 industry businesses; revising program application and approval
1748 process provisions; specifying a review and certification
1749 requirement for program applications; revising tax refund
1750 agreement requirements; revising an economic-stimulus exemption
1751 request provision; extending a final date for exemption



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1752 requests; extending a certification expiration provision;
1753 amending s. 288.107, F.S.; revising a definition; revising
1754 criteria for participation in brownfield redevelopment bonus
1755 refunds; specifying a review and certification requirement for
1756 brownfield redevelopment bonus refund applications; amending s.
1757 288.108, F.S.; specifying a review and certification requirement
1758 for applications for high-impact business performance grants;
1759 deleting certain final order and report requirements; amending
1760 s. 288.1088, F.S.; specifying a review requirement for Quick
1761 Action Closing Fund project applications; providing a time
1762 period for the director to recommend approval or disapproval of
1763 a project for receipt of funds from the Quick Action Closing
1764 Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.;
1765 conforming cross-references; amending s. 288.9622, F.S.;
1766 expanding the types of investments that may be made by the
1767 Florida Opportunity Fund; amending s. 288.9624, F.S.; providing
1768 a limitation on how the originally appropriated funds may be
1769 invested; allowing the Florida Opportunity Fund to form or
1770 create other entities for investment purposes; revising a
1771 reporting requirement; providing an effective date.

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