

By the Committees on Commerce; and Commerce

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1 A bill to be entitled
2 An act relating to economic development; amending s.
3 288.1089, F.S.; defining the terms "commission,"
4 "industry wage," "naming opportunities," and "net
5 royalty revenues"; expanding the definition of
6 "project" to include alternative and renewable energy
7 applicants; requiring that an application for an
8 incentive award include certain information;
9 authorizing the waiver or reduction of requirements
10 relating to matching funds for alternative and
11 renewable energy projects; requiring that Enterprise
12 Florida, Inc., evaluate proposals for all categories
13 of innovation incentive awards and solicit comments
14 from the Florida Energy and Climate Commission before
15 making its recommendations; providing requirements for
16 such evaluations and recommendations; providing
17 additional criteria for a research and development
18 facility; deleting qualifying criteria for alternative
19 and renewable energy projects; creating additional
20 evaluation criteria for alternative and renewable
21 energy projects; requiring that the Executive Office
22 of the Governor release funds upon review and approval
23 of an award by the Legislative Budget Commission;
24 requiring the Office of Tourism, Trade, and Economic
25 Development and the recipient of an award to enter
26 into a contract setting forth conditions for the
27 payment of incentive funds; requiring that such
28 agreement include certain provisions; requiring that
29 agreements signed after a specified date contain

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30 certain additional provisions; requiring that
31 Enterprise Florida, Inc., submit a report containing
32 certain information within a specified period after
33 the conclusion of such agreement to the Governor, the
34 President of the Senate, and the Speaker of the House
35 of Representatives; requiring that each recipient of
36 an award comply with certain business ethics standards
37 developed by Enterprise Florida, Inc.; deleting
38 provisions authorizing Enterprise Florida, Inc., to
39 collaborate with the State University System in
40 reviewing and evaluating business ethics standards;
41 requiring that the office submit to the Governor, the
42 President of the Senate, and the Speaker of the House
43 of Representatives a report containing certain
44 information; specifying a date on which the office
45 shall begin submitting such reports; requiring that
46 the Office of Program Policy Analysis and Government
47 Accountability and the Office of the Auditor General
48 submit a report; requiring that such reports be
49 submitted at specified intervals; requiring that such
50 reports include certain information; authorizing the
51 office to seek the assistance of certain government
52 entities for certain purposes; amending ss. 166.231,
53 212.05, 212.08, 212.098, and 220.15, F.S.; revising
54 industry code designations; amending 212.097, F.S.;
55 revising industry code designations; specifying a
56 review and certification requirement for the urban
57 high crime area job tax credit applications; amending
58 s. 220.191, F.S.; specifying a review and

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59 certification requirement for capital investment tax
60 credit applications; creating s. 288.061, F.S.;

61 providing requirements and procedures for an economic
62 development incentive application process; providing
63 time periods and requirements for certification for
64 economic development incentive applications; providing
65 duties and responsibilities of Enterprise Florida,
66 Inc., and the Office of Tourism, Trade, and Economic
67 Development; amending s. 288.063, F.S.; revising
68 required criteria for review and certification of
69 transportation projects by the Office of Tourism,
70 Trade, and Economic Development; amending s. 288.065,
71 F.S.; revising county population criteria for loans
72 from the Rural Community Development Revolving Loan
73 Fund; amending s. 288.0655, F.S.; authorizing the
74 Office of Tourism, Trade, and Economic Development to
75 award grants for a certain percentage of total
76 infrastructure project costs for certain catalyst site
77 funding applications; expanding eligible facilities
78 for authorized infrastructure projects; providing for
79 waiver of the local matching requirement; specifying a
80 review and certification requirement for the office
81 for certain Rural Infrastructure Fund grant
82 applications; amending s. 288.0656, F.S.; providing
83 legislative intent; revising and providing
84 definitions; providing additional review and action
85 requirements for the Rural Economic Development
86 Initiative relating to rural communities; revising
87 representation on the initiative; deleting a

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88 limitation on characterization as a rural area of
89 critical economic concern; authorizing rural areas of
90 critical economic concern to designate certain
91 catalyst projects for certain purposes; providing
92 project requirements; requiring the initiative to
93 assist local governments with certain comprehensive
94 planning needs; providing procedures and requirements
95 for such assistance; revising certain reporting
96 requirements for the initiative; amending s.
97 288.06561, F.S., conforming cross-references; amending
98 s. 288.0657, F.S.; revising the definition of the term
99 "rural community"; amending s. 288.1045, F.S.;
100 revising provisions relating to the application and
101 refund process for the qualified defense contractor
102 tax refund program; specifying a review and
103 certification requirement for program refunds;
104 revising the cap on refunds per applicant; deleting a
105 report requirement; amending s. 288.106, F.S.;
106 revising certain definitions; revising industry code
107 designation requirements for certain activities under
108 the tax refund program for qualified target industry
109 businesses; revising program application and approval
110 process provisions; specifying a review and
111 certification requirement for program applications;
112 revising tax refund agreement requirements; revising
113 an economic-stimulus exemption request provision;
114 extending a final date for exemption requests;
115 extending a certification expiration provision;
116 amending s. 288.107, F.S.; providing an additional

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117 criterion for participation in brownfield
118 redevelopment bonus refunds; specifying a review and
119 certification requirement for brownfield redevelopment
120 bonus refund applications; amending s. 288.108, F.S.;
121 specifying a review and certification requirement for
122 applications for high-impact business performance
123 grants; deleting certain final order and report
124 requirements; amending s. 288.1088, F.S.; specifying a
125 review requirement for Quick Action Closing Fund
126 project applications; providing a time period for the
127 director to recommend approval or disapproval of a
128 project for receipt of funds from the Quick Action
129 Closing Fund; amending ss. 257.193, 288.019, and
130 627.6699, F.S.; conforming cross-references; providing
131 an effective date.

132

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

134

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

139 288.1089 Innovation Incentive Program.—

140 (1) The Innovation Incentive Program is created within the
141 Office of Tourism, Trade, and Economic Development to ensure
142 that sufficient resources are available to allow the state to
143 respond expeditiously to extraordinary economic opportunities
144 and to compete effectively for high-value research and
145 development, and innovation business, and alternative and

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146 renewal energy projects.

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

148 (a) "Alternative and renewable energy" means electrical,
149 mechanical, or thermal energy produced from a method that uses
150 one or more of the following fuels or energy sources: ethanol,
151 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
152 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
153 or geothermal.

154 (b) "Average private sector wage" means the statewide
155 average wage in the private sector or the average of all private
156 sector wages in the county or in the standard metropolitan area
157 in which the project is located as determined by the Agency for
158 Workforce Innovation.

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

161 (d) "Commission" means the Florida Energy and Climate
162 Commission.

163 (e)~~(d)~~ "Cumulative investment" means cumulative capital
164 investment and all eligible capital costs, as defined in s.
165 220.191.

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

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

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

171 (i) "Industry wage" means the average annual wage paid to
172 employees in a particular industry, as designated by the North
173 American Industry Classification System (NAICS), and compiled by
174 the Bureau of Labor Statistics of the United States Department

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175 of Labor.

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

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

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

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

194 (n)~~(j)~~ "Match" means funding from local sources, public or
195 private, which will be paid to the applicant and which is equal
196 to 100 percent of an award. Eligible match funding may include
197 any tax abatement granted to the applicant under s. 196.1995 or
198 the appraised market value of land, buildings, infrastructure,
199 or equipment conveyed or provided at a discount to the
200 applicant. Complete documentation of a match payment or other
201 conveyance must be presented to and verified by the office prior
202 to transfer of state funds to an applicant. An applicant may not
203 provide, directly or indirectly, more than 5 percent of match

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204 funding in any fiscal year. The sources of such funding may not
205 include, directly or indirectly, state funds appropriated from
206 the General Revenue Fund or any state trust fund, excluding tax
207 revenues shared with local governments pursuant to law.

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

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

214 (q)~~(m)~~ "Research and development" means basic and applied
215 research in the sciences or engineering, as well as the design,
216 development, and testing of prototypes or processes of new or
217 improved products. Research and development does not include
218 market research, routine consumer product testing, sales
219 research, research in the social sciences or psychology,
220 nontechnological activities, or technical services.

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

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

227 (3) To be eligible for consideration for an innovation
228 incentive award, an innovation business, a ~~or~~ research and
229 development entity, or an alternative and renewable energy
230 company project must submit a written application to Enterprise
231 Florida, Inc., before making a decision to locate new operations
232 in this state or expand an existing operation in this state. The

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233 application must include, but not be limited to:

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

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

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

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

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

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

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

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

256 (i) A detailed explanation of why the innovation incentive
257 is needed to induce the applicant to expand or locate in the
258 state and whether an award would cause the applicant to locate
259 or expand in this state.

260 (j) If applicable, an estimate of the proportion of the
261 revenues resulting from the project that will be generated

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262 outside this state.

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

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

268 1. Demonstrate a plan for significant collaboration with an
269 institution of higher education;

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

272 3. Include matching funds provided by the applicant or
273 other available sources. The match requirement may be reduced or
274 waived in rural areas of critical economic concern or reduced in
275 rural areas, brownfield areas, and enterprise zones ~~This~~
276 ~~requirement may be waived if the office and the department~~
277 ~~determine that the merits of the individual project or the~~
278 ~~specific circumstances warrant such action;~~

279 4. Be located in this state; and

280 5. Provide at least 35 direct, new jobs that pay an
281 estimated annual average wage that equals at least 130 percent
282 of the average private sector wage. ~~The average wage requirement~~
283 ~~may be waived if the office and the commission determine that~~
284 ~~the merits of the individual project or the specific~~
285 ~~circumstances warrant such action; and~~

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

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

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

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

293 ~~d. Address the technical feasibility of the technology, and~~
294 ~~the extent to which the proposed project has been demonstrated~~
295 ~~to be technically feasible based on pilot project~~
296 ~~demonstrations, laboratory testing, scientific modeling, or~~
297 ~~engineering or chemical theory that supports the proposal.~~

298 ~~e. Include innovative technology and the degree to which~~
299 ~~the project or business incorporates an innovative new~~
300 ~~technology or an innovative application of an existing~~
301 ~~technology.~~

302 ~~f. Include production potential and the degree to which a~~
303 ~~project or business generates thermal, mechanical, or electrical~~
304 ~~energy by means of a renewable energy resource that has~~
305 ~~substantial long-term production potential. The project must, to~~
306 ~~the extent possible, quantify annual production potential in~~
307 ~~megawatts or kilowatts.~~

308 ~~g. Include and address energy efficiency and the degree to~~
309 ~~which a project demonstrates efficient use of energy, water, and~~
310 ~~material resources.~~

311 ~~h. Include project management and the ability of management~~
312 ~~to administer and complete the business project.~~

313 (5) Enterprise Florida, Inc., shall evaluate proposals for
314 all three categories of innovation incentive awards and transmit
315 recommendations for awards to the office. Before making its
316 recommendations on alternative and renewable energy projects,
317 Enterprise Florida, Inc., shall solicit comments and
318 recommendations from the Florida Energy and Climate Commission
319 for alternative and renewable energy project proposals. For each

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320 project, ~~Such~~ evaluation and recommendation to the office must
321 include, but need not be limited to:

322 (a) A description of the project, its required facilities,
323 and the associated product, service, or research and development
324 associated with the project.

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

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

330 (d) The cumulative investment to be dedicated to the
331 project within 5 years and the total investment expected in the
332 project if more than 5 years.

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

335 (f) A statement of any special impacts the project is
336 expected to stimulate in a particular business sector in the
337 state or regional economy or in the state's universities and
338 community colleges.

339 (g) A statement of any anticipated or proposed
340 relationships with state universities.

341 (h) A statement of the role the incentive is expected to
342 play in the decision of the applicant to locate or expand in
343 this state.

344 (i) A recommendation and explanation of the amount of the
345 award needed to cause the applicant to expand or locate in this
346 state.

347 (j) A discussion of the efforts and commitments made by the
348 local community in which the project is to be located to induce

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349 the applicant's location or expansion, taking into consideration
350 local resources and abilities.

351 (k) A recommendation for specific performance criteria the
352 applicant would be expected to achieve in order to receive
353 payments from the fund and penalties or sanctions for failure to
354 meet or maintain performance conditions.

355 (l) Additional evaluative criteria for a research and
356 development facility project include:

357 1. A description of the extent to which the project has the
358 potential to serve as catalyst for an emerging or evolving
359 cluster.

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

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

366 4. A description of the project's contribution to the
367 diversity and resiliency of the innovation economy of this
368 state.

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

372 (m) Additional evaluative criteria for alternative and
373 renewable energy proposals include:

374 1. The availability of matching funds or other in-kind
375 contributions applied to the total project from an applicant.
376 The commission shall give greater preference to projects that
377 provide such matching funds or other in-kind contributions.

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378 2. The degree to which the project stimulates in-state
379 capital investment and economic development in metropolitan and
380 rural areas, including the creation of jobs and the future
381 development of a commercial market for renewable energy
382 technologies.

383 3. The extent to which the proposed project has been
384 demonstrated to be technically feasible based on pilot project
385 demonstrations, laboratory testing, scientific modeling, or
386 engineering or chemical theory that supports the proposal.

387 4. The degree to which the project incorporates an
388 innovative new technology or an innovative application of an
389 existing technology.

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

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

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

397 8. The ability to administer a complete project.

398 9. Project duration and timeline for expenditures.

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

401 11. The degree of public visibility and interaction.

402 (7) Upon receipt of the evaluation and recommendation from
403 Enterprise Florida, Inc., ~~and from the Florida Energy and~~
404 ~~Climate Commission for alternative and renewable energy project~~
405 ~~proposals,~~ the director shall recommend to the Governor the
406 approval or disapproval of an award. In recommending approval of

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407 an award, the director shall include proposed performance
408 conditions that the applicant must meet in order to obtain
409 incentive funds and any other conditions that must be met before
410 the receipt of any incentive funds. The Governor shall consult
411 with the President of the Senate and the Speaker of the House of
412 Representatives before giving approval for an award. Upon review
413 and approval of an award by the Legislative Budget Commission,
414 the Executive Office of the Governor shall release the funds
415 ~~pursuant to the legislative consultation and review requirements~~
416 ~~set forth in s. 216.177.~~

417 (8) (a) After the conditions ~~Upon approval by the Governor~~
418 ~~and release of the funds as set forth in subsection (7) have~~
419 been met, the director shall issue a letter certifying the
420 applicant as qualified for an award. The office and the award
421 recipient applicant shall enter into an agreement that sets
422 forth the conditions for payment of the incentive funds
423 incentives. The agreement must include, at a minimum:

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

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

429 3. Demonstration of a baseline of current service and a
430 measure of enhanced capability.†

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

432 5. The schedule of payments.~~†~~ ~~and~~

433 6. Sanctions for failure to meet performance conditions,
434 including any clawback provisions.

435 (b) Additionally, agreements signed on or after July 1,

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436 2009, must include the following provisions:

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

442 2. A reinvestment requirement. Each recipient of an award
443 shall reinvest up to 15 percent of net royalty revenues,
444 including revenues from spin-off companies and the revenues from
445 the sale of stock it receives from the licensing or transfer of
446 inventions, methods, processes, and other patentable discoveries
447 conceived or reduced to practice using its facilities in Florida
448 or its Florida-based employees, in whole or in part, and to
449 which the recipient of the grant becomes entitled during the 20
450 years following the effective date of its agreement with the
451 office. Each recipient of an award also shall reinvest up to 15
452 percent of the gross revenues it receives from naming
453 opportunities associated with any facility it builds in this
454 state. Reinvestment payments shall commence no later than 6
455 months after the recipient of the grant has received the final
456 disbursement under the contract and shall continue until the
457 maximum reinvestment, as specified in the contract, has been
458 paid. Reinvestment payments shall be remitted to the office for
459 deposit in the Biomedical Research Trust Fund for companies
460 specializing in biomedicine or life sciences, or in the Economic
461 Development Trust Fund for companies specializing in fields
462 other than biomedicine or the life sciences. If these trust
463 funds no longer exist at the time of the reinvestment, the
464 state's share of reinvestment shall be deposited in their

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465 successor trust funds as determined by law. Each recipient of an
466 award shall annually submit a schedule of the shares of stock
467 held by it as payment of the royalty required by this paragraph
468 and report on any trades or activity concerning such stock. Each
469 recipient's reinvestment obligations survive the expiration or
470 termination of its agreement with the state.

471 3. Requirements for the establishment of internship
472 programs or other learning opportunities for educators and
473 secondary, postsecondary, graduate, and doctoral students.

474 4. A requirement that the recipient submit quarterly
475 reports and annual reports related to activities and performance
476 to the office, according to standardized reporting periods.

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

479 6. A process for amending the agreement.

480 (9) Enterprise Florida, Inc., shall assist the office in
481 validating the performance of an innovation business, ~~a or~~
482 research and development facility, or an alternative and
483 renewable energy business that has received an award. At the
484 conclusion of the innovation incentive award agreement, or its
485 earlier termination, Enterprise Florida, Inc., shall, within 90
486 days, submit a report ~~the results of the innovation incentive~~
487 ~~award~~ to the Governor, the President of the Senate, and the
488 Speaker of the House of Representatives detailing whether the
489 recipient of the innovation incentive grant achieved its
490 specified outcomes.

491 (10) Each recipient of an award shall comply with
492 ~~Enterprise Florida, Inc., shall develop~~ business ethics
493 standards developed by Enterprise Florida, Inc., which are based

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494 on appropriate best industry practices ~~which shall be applicable~~
495 ~~to all award recipients~~. The standards shall address ethical
496 duties of business enterprises, fiduciary responsibilities of
497 management, and compliance with the laws of this state.
498 ~~Enterprise Florida, Inc., may collaborate with the State~~
499 ~~University System in reviewing and evaluating appropriate~~
500 ~~business ethics standards. Such standards shall be provided to~~
501 ~~the Governor, the President of the Senate, and the Speaker of~~
502 ~~the House of Representatives by December 31, 2006. An award~~
503 ~~agreement entered into on or after December 31, 2006, shall~~
504 ~~require a recipient to comply with the business ethics standards~~
505 ~~developed pursuant to this section.~~

506 (11) (a) Beginning January 5, 2010, and every year
507 thereafter, the office shall submit to the Governor, the
508 President of the Senate, and the Speaker of the House of
509 Representatives a report summarizing the activities and
510 accomplishments of the recipients of grants from the Innovation
511 Incentive Program during the previous 12 months and an
512 evaluation by the office of whether the recipients are catalysts
513 for additional direct and indirect economic development in
514 Florida.

515 (b) Beginning March 1, 2010, and every third year
516 thereafter, the Office of Program Policy Analysis and Government
517 Accountability, in consultation with the Auditor General's
518 Office, shall release a report evaluating the Innovation
519 Incentive Program's progress toward creating clusters of high-
520 wage, high-skilled, complementary industries that serve as
521 catalysts for economic growth specifically in the regions in
522 which they are located, and generally for the state as a whole.

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523 Such report should include critical analyses of quarterly and
524 annual reports, annual audits, and other documents prepared by
525 the Innovation Incentive program awardees; relevant economic
526 development reports prepared by the office, Enterprise Florida,
527 Inc., and local or regional economic development organizations;
528 interviews with the parties involved; and any other relevant
529 data. Such report should also include legislative
530 recommendations, if necessary, on how to improve the Innovation
531 Incentive Program so that the program reaches its anticipated
532 potential as a catalyst for direct and indirect economic
533 development in this state.

534 (12) The office may seek the assistance of the Office of
535 Program Policy Analysis and Government Accountability, the
536 Legislature's Office of Economic and Demographic Research, and
537 other entities for the purpose of developing performance
538 measures or techniques to quantify the synergistic economic
539 development impacts that awardees of grants are having within
540 their communities.

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

543 166.231 Municipalities; public service tax.—

544 (6) A municipality may exempt from the tax imposed by this
545 section any amount up to, and including, the total amount of
546 electricity, metered natural gas, liquefied petroleum gas either
547 metered or bottled, or manufactured gas either metered or
548 bottled purchased per month, or reduce the rate of taxation on
549 the purchase of such electricity or gas when purchased by an
550 industrial consumer which uses the electricity or gas directly
551 in industrial manufacturing, processing, compounding, or a

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552 production process, at a fixed location in the municipality, of
553 items of tangible personal property for sale. The municipality
554 shall establish the requirements for qualification for this
555 exemption in the manner prescribed by ordinance. Possession by a
556 seller of a written certification by the purchaser, certifying
557 the purchaser's entitlement to an exemption permitted by this
558 subsection, relieves the seller from the responsibility of
559 collecting the tax on the nontaxable amounts, and the
560 municipality shall look solely to the purchaser for recovery of
561 such tax if it determines that the purchaser was not entitled to
562 the exemption. Any municipality granting an exemption pursuant
563 to this subsection shall grant the exemption to all companies
564 classified in the same five-digit NAICS SIC Industry Major Group
565 Number.

566 Section 3. Paragraph (i) of subsection (1) of section
567 212.05, Florida Statutes, is amended to read:

568 212.05 Sales, storage, use tax.—It is hereby declared to be
569 the legislative intent that every person is exercising a taxable
570 privilege who engages in the business of selling tangible
571 personal property at retail in this state, including the
572 business of making mail order sales, or who rents or furnishes
573 any of the things or services taxable under this chapter, or who
574 stores for use or consumption in this state any item or article
575 of tangible personal property as defined herein and who leases
576 or rents such property within the state.

577 (1) For the exercise of such privilege, a tax is levied on
578 each taxable transaction or incident, which tax is due and
579 payable as follows:

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

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581 a. Detective, burglar protection, and other protection
582 services (NAICS National SIC Industry Numbers 561611, 561612,
583 561613, ~~7381~~ and 561621 ~~7382~~). Any law enforcement officer, as
584 defined in s. 943.10, who is performing approved duties as
585 determined by his or her local law enforcement agency in his or
586 her capacity as a law enforcement officer, and who is subject to
587 the direct and immediate command of his or her law enforcement
588 agency, and in the law enforcement officer's uniform as
589 authorized by his or her law enforcement agency, is performing
590 law enforcement and public safety services and is not performing
591 detective, burglar protection, or other protective services, if
592 the law enforcement officer is performing his or her approved
593 duties in a geographical area in which the law enforcement
594 officer has arrest jurisdiction. Such law enforcement and public
595 safety services are not subject to tax irrespective of whether
596 the duty is characterized as "extra duty," "off-duty," or
597 "secondary employment," and irrespective of whether the officer
598 is paid directly or through the officer's agency by an outside
599 source. The term "law enforcement officer" includes full-time or
600 part-time law enforcement officers, and any auxiliary law
601 enforcement officer, when such auxiliary law enforcement officer
602 is working under the direct supervision of a full-time or part-
603 time law enforcement officer.

604 b. Nonresidential cleaning and nonresidential pest control
605 services (NAICS National Numbers 561710, 561720, and 561790 ~~SIC~~
606 ~~Industry Group Number 734~~).

607 2. As used in this paragraph, "NAICS ~~SIC~~" means those
608 classifications contained in the North American Industry
609 Standard Industrial Classification System Manual, 1987, as

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610 published by the Office of Management and Budget, Executive
611 Office of the President.

612 3. Charges for detective, burglar protection, and other
613 protection security services performed in this state but used
614 outside this state are exempt from taxation. Charges for
615 detective, burglar protection, and other protection security
616 services performed outside this state and used in this state are
617 subject to tax.

618 4. If a transaction involves both the sale or use of a
619 service taxable under this paragraph and the sale or use of a
620 service or any other item not taxable under this chapter, the
621 consideration paid must be separately identified and stated with
622 respect to the taxable and exempt portions of the transaction or
623 the entire transaction shall be presumed taxable. The burden
624 shall be on the seller of the service or the purchaser of the
625 service, whichever applicable, to overcome this presumption by
626 providing documentary evidence as to which portion of the
627 transaction is exempt from tax. The department is authorized to
628 adjust the amount of consideration identified as the taxable and
629 exempt portions of the transaction; however, a determination
630 that the taxable and exempt portions are inaccurately stated and
631 that the adjustment is applicable must be supported by
632 substantial competent evidence.

633 5. Each seller of services subject to sales tax pursuant to
634 this paragraph shall maintain a monthly log showing each
635 transaction for which sales tax was not collected because the
636 services meet the requirements of subparagraph 3. for out-of-
637 state use. The log must identify the purchaser's name, location
638 and mailing address, and federal employer identification number,

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639 if a business, or the social security number, if an individual,
640 the service sold, the price of the service, the date of sale,
641 the reason for the exemption, and the sales invoice number. The
642 monthly log shall be maintained pursuant to the same
643 requirements and subject to the same penalties imposed for the
644 keeping of similar records pursuant to this chapter.

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

647 212.08 Sales, rental, use, consumption, distribution, and
648 storage tax; specified exemptions.—The sale at retail, the
649 rental, the use, the consumption, the distribution, and the
650 storage to be used or consumed in this state of the following
651 are hereby specifically exempt from the tax imposed by this
652 chapter.

653 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
654 entity by this chapter do not inure to any transaction that is
655 otherwise taxable under this chapter when payment is made by a
656 representative or employee of the entity by any means,
657 including, but not limited to, cash, check, or credit card, even
658 when that representative or employee is subsequently reimbursed
659 by the entity. In addition, exemptions provided to any entity by
660 this subsection do not inure to any transaction that is
661 otherwise taxable under this chapter unless the entity has
662 obtained a sales tax exemption certificate from the department
663 or the entity obtains or provides other documentation as
664 required by the department. Eligible purchases or leases made
665 with such a certificate must be in strict compliance with this
666 subsection and departmental rules, and any person who makes an
667 exempt purchase with a certificate that is not in strict

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668 compliance with this subsection and the rules is liable for and
669 shall pay the tax. The department may adopt rules to administer
670 this subsection.

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

672 1. Subject to the provisions of subparagraph 4., charges
673 for electricity or steam used to operate machinery and equipment
674 at a fixed location in this state when such machinery and
675 equipment is used to manufacture, process, compound, produce, or
676 prepare for shipment items of tangible personal property for
677 sale, or to operate pollution control equipment, recycling
678 equipment, maintenance equipment, or monitoring or control
679 equipment used in such operations are exempt to the extent
680 provided in this paragraph. If 75 percent or more of the
681 electricity or steam used at the fixed location is used to
682 operate qualifying machinery or equipment, 100 percent of the
683 charges for electricity or steam used at the fixed location are
684 exempt. If less than 75 percent but 50 percent or more of the
685 electricity or steam used at the fixed location is used to
686 operate qualifying machinery or equipment, 50 percent of the
687 charges for electricity or steam used at the fixed location are
688 exempt. If less than 50 percent of the electricity or steam used
689 at the fixed location is used to operate qualifying machinery or
690 equipment, none of the charges for electricity or steam used at
691 the fixed location are exempt.

692 2. This exemption applies only to industries classified
693 under NAICS Sector ~~SIC Industry Major Group~~ Numbers 21, 31, 32,
694 and 33 and NAICS National Numbers 113310, 238910, 488390,
695 511110, 511120, 511130, 511140, 511191, 511199, 512220, 512230,
696 519130, 541360, 541710, and 811490 ~~10, 12, 13, 14, 20, 22, 23,~~

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697 ~~24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and~~
698 ~~39 and Industry Group Number 212.~~ As used in this paragraph,
699 "NAICS SIC" means those classifications contained in the North
700 American Industry Standard Industrial Classification System
701 Manual, 1987, as published by the Office of Management and
702 Budget, Executive Office of the President.

703 3. Possession by a seller of a written certification by the
704 purchaser, certifying the purchaser's entitlement to an
705 exemption permitted by this subsection, relieves the seller from
706 the responsibility of collecting the tax on the nontaxable
707 amounts, and the department shall look solely to the purchaser
708 for recovery of such tax if it determines that the purchaser was
709 not entitled to the exemption.

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

713 (xx) *Certain repair and labor charges.*—

714 1. Subject to the provisions of subparagraphs 2. and 3.,
715 there is exempt from the tax imposed by this chapter all labor
716 charges for the repair of, and parts and materials used in the
717 repair of and incorporated into, industrial machinery and
718 equipment which is used for the manufacture, processing,
719 compounding, production, or preparation for shipping of items of
720 tangible personal property at a fixed location within this
721 state.

722 2. This exemption applies only to industries classified
723 under NAICS Sector SIC Industry Major Group Numbers 21, 31, 32,
724 and 33 and NAICS National Numbers 113310, 238910, 488390,
725 511110, 511120, 511130, 511140, 511191, 511199, 512220, 512230,

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726 519130, 541360, 541710, and 811490 ~~10, 12, 13, 14, 20, 22, 23,~~
 727 ~~24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and~~
 728 ~~39 and Industry Group Number 212.~~ As used in this subparagraph,
 729 "NAICS ~~SIC~~" means those classifications contained in the North
 730 American Industry Standard Industrial Classification System
 731 Manual, 1987, as published by the Office of Management and
 732 Budget, Executive Office of the President.

733 3. This exemption shall be applied as follows:

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

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

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

740 (yy) *Film and other printing supplies.*—Also exempt are the
 741 following materials purchased, produced, or created by
 742 businesses classified under NAICS National SIC Industry Numbers
 743 323110, 323111, 323112, 323113, 323114, 323115, 323116, 323118,
 744 323119, 323121, 323122, 511191, and 519130 ~~275, 276, 277, 278,~~
 745 ~~or 279~~ for use in producing graphic matter for sale: film,
 746 photographic paper, dyes used for embossing and engraving,
 747 artwork, typography, lithographic plates, and negatives. As used
 748 in this paragraph, "NAICS ~~SIC~~" means those classifications
 749 contained in the North American Industry Standard Industrial
 750 Classification System Manual, 1987, as published by the Office
 751 of Management and Budget, Executive Office of the President.

752 Section 5. Paragraph (a) of subsection (1) and paragraph
 753 (b) of subsection (10) of section 212.097, Florida Statutes, are
 754 amended to read:

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755 212.097 Urban High-Crime Area Job Tax Credit Program.—
756 (1) As used in this section, the term:
757 (a) "Eligible business" means any sole proprietorship,
758 firm, partnership, or corporation that is located in a qualified
759 county and is predominantly engaged in, or is headquarters for a
760 business predominantly engaged in, activities usually provided
761 for consideration by firms classified within the following North
762 American Industry Classification System ~~standard industrial~~
763 classifications: NAICS Sector Number 11 ~~SIC 01-SIC 09~~
764 (agriculture, forestry, and fishing, and hunting); NAICS Sector
765 Numbers 31-33 and NAICS National Numbers 212324, 212325, 212393,
766 and 212399 ~~SIC 20-SIC 39~~ (manufacturing); NAICS National Numbers
767 212324, 441110, 441120, 441210, 441221, 441222, 441229, 441310,
768 441320, 442110, 442210, 442291, 442299, 443111, 443112, 443120,
769 443130, 444110, 444120, 444130, 444190, 444210, 444220, 445110,
770 445120, 445210, 445220, 445230, 445291, 445292, 445299, 445310,
771 446110, 446120, 446130, 446191, 446199, 447110, 447190, 448110,
772 448120, 448130, 448140, 448150, 448190, 448210, 448310, 448320,
773 451110, 451120, 451130, 451140, 451211, 451212, 451220, 452111,
774 452112, 452910, 452990, 453110, 453210, 453220, 453310, 453910,
775 453920, 453930, 453991, 453998, 454111, 454112, 454113, 454210,
776 454311, 454312, 454319, 454390, 488390, 511110, 511120, 511130,
777 511140, 511191, 511199, 512220, 512230, 519130, 522298, 541320,
778 541710, 541940, 561730, 722213, 722330, 811490, and 812910 ~~SIC~~
779 ~~52-SIC 57 and SIC 59~~ (retail); NAICS National Numbers 493110,
780 493120, 493130, 493190, and 531130 ~~SIC 422~~ (public warehousing
781 and storage); NAICS National Numbers 721110, 721120, 721191,
782 721199, 721211, 721214, and 721310 ~~SIC 70~~ (hotels and other
783 lodging places); NAICS National Number 541710 ~~SIC 7391~~ (research

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784 and development); NAICS National Numbers 334612, 512110, 512191,
785 512199, 532220, 532490, 541214, 541690, 561310, and 711510 ~~SIC~~
786 ~~781~~ (motion picture production and allied services); NAICS
787 National Number 713910 ~~SIC 7992~~ (public golf courses); and NAICS
788 National Number 713110 ~~SIC 7996~~ (amusement parks). A call center
789 or similar customer service operation that services a multistate
790 market or international market is also an eligible business. In
791 addition, the Office of Tourism, Trade, and Economic Development
792 may, as part of its final budget request submitted pursuant to
793 s. 216.023, recommend additions to or deletions from the list of
794 standard industrial classifications used to determine an
795 eligible business, and the Legislature may implement such
796 recommendations. Excluded from eligible receipts are receipts
797 from retail sales, except such receipts for NAICS National
798 Numbers 311330, 311340, 311811, 314121, 314129, 315222, 315233,
799 327112, 337110, 337121, 337122, 339113, 339115, 441110, 441120,
800 441210, 441221, 441222, 441229, 441310, 441320, 442110, 442210,
801 442291, 442299, 443111, 443112, 443120, 443130, 444110, 444120,
802 444130, 444190, 444210, 444220, 445110, 445120, 445210, 445220,
803 445230, 445291, 445292, 445299, 445310, 446110, 446120, 446130,
804 446191, 446199, 447110, 447190, 448110, 448120, 448130, 448140,
805 448150, 448190, 448210, 448310, 448320, 451110, 451120, 451130,
806 451140, 451211, 451212, 451220, 452111, 452112, 452910, 452990,
807 453110, 453210, 453220, 453310, 453910, 453920, 453930, 453991,
808 453998, 454111, 454112, 454113, 454210, 454311, 454312, 454319,
809 454390, 522298, 722213, and 722330 ~~SIC 52~~ ~~SIC 57~~ and ~~SIC 59~~
810 (retail), hotels and other lodging places classified in NAICS
811 National Numbers 721110, 721120, 721191, 721199, 721211, 721214,
812 and 721310 ~~SIC 70~~, public golf courses in NAICS National Number

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813 713910 ~~SIC 7992~~, and amusement parks in NAICS National Number
814 713110 ~~SIC 7996~~. For purposes of this paragraph, the term
815 "predominantly" means that more than 50 percent of the
816 business's gross receipts from all sources is generated by those
817 activities usually provided for consideration by firms in the
818 specified standard industrial classification. The determination
819 of whether the business is located in a qualified high-crime
820 area and the tier ranking of that area must be based on the date
821 of application for the credit under this section. Commonly owned
822 and controlled entities are to be considered a single business
823 entity.

824 (10)

825 (b) Applications shall be reviewed and certified pursuant
826 to s. 288.061. ~~Within 30 working days after receipt of an~~
827 ~~application for credit, the Office of Tourism, Trade, and~~
828 ~~Economic Development shall review the application to determine~~
829 ~~whether it contains all the information required by this~~
830 ~~subsection and meets the criteria set out in this section.~~
831 ~~Subject to the provisions of paragraph (c), the Office of~~
832 ~~Tourism, Trade, and Economic Development shall approve all~~
833 ~~applications that contain the information required by this~~
834 ~~subsection and meet the criteria set out in this section as~~
835 ~~eligible to receive a credit.~~

836 Section 6. Paragraph (a) of subsection (1) of section
837 212.098, Florida Statutes, is amended to read:

838 212.098 Rural Job Tax Credit Program.—

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

840 (a) "Eligible business" means any sole proprietorship,
841 firm, partnership, or corporation that is located in a qualified

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842 county and is predominantly engaged in, or is headquarters for a
843 business predominantly engaged in, activities usually provided
844 for consideration by firms classified within the following North
845 American Industry Classification System ~~standard industrial~~
846 classifications: NAICS Sector Number 11 and NAICS National
847 Numbers 541320, 541940, 561730, and 812910 ~~SIC 01-SIC 09~~
848 (agriculture, forestry, and fishing, and hunting); NAICS Sector
849 Numbers 31-33 and NAICS National Numbers 212324, 212325, 212393,
850 212399, 488390, 511110, 511120, 511130, 511140, 511191, 511199,
851 512220, 512230, 519130, 541710, and 811490 ~~SIC 20-SIC 39~~
852 (manufacturing); NAICS National Numbers 493110, 493120, 493130,
853 493190, and 531130 ~~SIC 422~~ (public warehousing and storage);
854 NAICS National Numbers 721110, 721120, 721191, 721199, 721211,
855 721214, and 721310 ~~SIC 70~~ (hotels and other lodging places);
856 NAICS National Number 541710 ~~SIC 7391~~ (research and
857 development); NAICS National Numbers 334612, 512110, 512191,
858 512199, 532220, 532490, 541214, 541690, 561310, and 711510 ~~SIC~~
859 ~~781~~ (motion picture production and allied services); NAICS
860 National Number 713910 ~~SIC 7992~~ (public golf courses); NAICS
861 National Number 713110 ~~SIC 7996~~ (amusement parks); and a
862 targeted industry eligible for the qualified target industry
863 business tax refund under s. 288.106. A call center or similar
864 customer service operation that services a multistate market or
865 an international market is also an eligible business. In
866 addition, the Office of Tourism, Trade, and Economic Development
867 may, as part of its final budget request submitted pursuant to
868 s. 216.023, recommend additions to or deletions from the list of
869 standard industrial classifications used to determine an
870 eligible business, and the Legislature may implement such

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871 recommendations. Excluded from eligible receipts are receipts
872 from retail sales, except such receipts for hotels and other
873 lodging places classified in NAICS National Numbers 721110,
874 721120, 721191, 721199, 721211, 721214, and 721310 ~~SIC 70,~~
875 public golf courses in NAICS National Number 713910 ~~SIC 7992,~~
876 and amusement parks in NAICS National Number 713110 ~~SIC 7996.~~
877 For purposes of this paragraph, the term "predominantly" means
878 that more than 50 percent of the business's gross receipts from
879 all sources is generated by those activities usually provided
880 for consideration by firms in the specified standard industrial
881 classification. The determination of whether the business is
882 located in a qualified county and the tier ranking of that
883 county must be based on the date of application for the credit
884 under this section. Commonly owned and controlled entities are
885 to be considered a single business entity.

886 Section 7. Paragraph (b) of subsection (5) of section
887 220.15, Florida Statutes, is amended to read:

888 220.15 Apportionment of adjusted federal income.—

889 (5) The sales factor is a fraction the numerator of which
890 is the total sales of the taxpayer in this state during the
891 taxable year or period and the denominator of which is the total
892 sales of the taxpayer everywhere during the taxable year or
893 period.

894 (b)1. Sales of tangible personal property occur in this
895 state if the property is delivered or shipped to a purchaser
896 within this state, regardless of the f.o.b. point, other
897 conditions of the sale, or ultimate destination of the property,
898 unless shipment is made via a common or contract carrier.
899 However, for industries in NAICS National ~~SIC Industry~~ Number

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900 311411 ~~2037~~, if the ultimate destination of the product is to a
901 location outside this state, regardless of the method of
902 shipment or f.o.b. point, the sale shall not be deemed to occur
903 in this state.

904 2. When citrus fruit is delivered by a cooperative for a
905 grower-member, by a grower-member to a cooperative, or by a
906 grower-participant to a Florida processor, the sales factor for
907 the growers for such citrus fruit delivered to such processor
908 shall be the same as the sales factor for the most recent
909 taxable year of that processor. That sales factor, expressed
910 only as a percentage and not in terms of the dollar volume of
911 sales, so as to protect the confidentiality of the sales of the
912 processor, shall be furnished on the request of such a grower
913 promptly after it has been determined for that taxable year.

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

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

919 220.191 Capital investment tax credit.—

920 (5) Applications shall be reviewed and certified pursuant
921 to s. 288.061. The office, upon a recommendation by Enterprise
922 Florida, Inc., shall first certify a business as eligible to
923 receive tax credits pursuant to this section prior to the
924 commencement of operations of a qualifying project, and such
925 certification shall be transmitted to the Department of Revenue.
926 Upon receipt of the certification, the Department of Revenue
927 shall enter into a written agreement with the qualifying
928 business specifying, at a minimum, the method by which income

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929 generated by or arising out of the qualifying project will be
930 determined.

931 Section 9. Section 288.061, Florida Statutes, is created to
932 read:

933 288.061 Economic development incentive application
934 process.—

935 (1) Within 10 business days after receiving a submitted
936 economic development incentive application, Enterprise Florida,
937 Inc., shall review the application and inform the applicant
938 business whether or not its application is complete. Within 10
939 business days after the application is deemed complete,
940 Enterprise Florida, Inc., shall evaluate the application and
941 recommend approval or disapproval of the application to the
942 director of the Office of Tourism, Trade, and Economic
943 Development. In recommending an applicant business for approval,
944 Enterprise Florida, Inc., shall include in its evaluation a
945 recommended grant award amount and a review of the applicant's
946 ability to meet specific program criteria.

947 (2) Within 10 calendar days after the Office of Tourism,
948 Trade, and Economic Development receives the evaluation and
949 recommendation from Enterprise Florida, Inc., the office shall
950 notify Enterprise Florida, Inc., whether or not the application
951 is reviewable. Within 22 calendar days after the office receives
952 the recommendation from Enterprise Florida, Inc., the director
953 of the office shall review the application and issue a letter of
954 certification to the applicant that approves or disapproves an
955 applicant business and includes a justification of that
956 decision, unless the business requests an extension of that
957 time. The final order shall specify the total amount of the

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958 award, the performance conditions that must be met to obtain the
959 award, and the schedule for payment.

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

962 288.063 Contracts for transportation projects.—

963 (4) The Office of Tourism, Trade, and Economic Development
964 may adopt criteria by which transportation projects are to be
965 reviewed and certified in accordance with s. 288.061 ~~specified~~
966 ~~and identified~~. In approving transportation projects for
967 funding, the Office of Tourism, Trade, and Economic Development
968 shall consider factors including, but not limited to, the cost
969 per job created or retained considering the amount of
970 transportation funds requested; the average hourly rate of wages
971 for jobs created; the reliance on the program as an inducement
972 for the project's location decision; the amount of capital
973 investment to be made by the business; the demonstrated local
974 commitment; the location of the project in an enterprise zone
975 designated pursuant to s. 290.0055; the location of the project
976 in a spaceport territory as defined in s. 331.304; the
977 unemployment rate of the surrounding area; the poverty rate of
978 the community; and the adoption of an economic element as part
979 of its local comprehensive plan in accordance with s.
980 163.3177(7)(j). The Office of Tourism, Trade, and Economic
981 Development may contact any agency it deems appropriate for
982 additional input regarding the approval of projects.

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

985 288.065 Rural Community Development Revolving Loan Fund.—

986 (2) The program shall provide for long-term loans, loan

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987 guarantees, and loan loss reserves to units of local
988 governments, or economic development organizations substantially
989 underwritten by a unit of local government, within counties with
990 populations of 75,000 or fewer less, or within any county with
991 ~~that has~~ a population of 125,000 ~~100,000~~ or fewer which less and
992 is contiguous to a county with a population of 75,000 or fewer
993 less, based on ~~as determined by~~ the most recent official
994 population estimate as determined under ~~pursuant to~~ s. 186.901,
995 including those residing in incorporated areas and those
996 residing in unincorporated areas of the county, or to units of
997 local government, or economic development organizations
998 substantially underwritten by a unit of local government, within
999 a rural area of critical economic concern. Requests for loans
1000 shall be made by application to the Office of Tourism, Trade,
1001 and Economic Development. Loans shall be made pursuant to
1002 agreements specifying the terms and conditions agreed to between
1003 the applicant and the Office of Tourism, Trade, and Economic
1004 Development. The loans shall be the legal obligations of the
1005 applicant. All repayments of principal and interest shall be
1006 returned to the loan fund and made available for loans to other
1007 applicants. However, in a rural area of critical economic
1008 concern designated by the Governor, and upon approval by the
1009 Office of Tourism, Trade, and Economic Development, repayments
1010 of principal and interest may be retained by the applicant if
1011 such repayments are dedicated and matched to fund regionally
1012 based economic development organizations representing the rural
1013 area of critical economic concern.

1014 Section 12. Paragraphs (b) and (e) of subsection (2) and
1015 subsection (3) of section 288.0655, Florida Statutes, are

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1016 amended to read:

1017 288.0655 Rural Infrastructure Fund.—

1018 (2)

1019 (b) To facilitate access of rural communities and rural
1020 areas of critical economic concern as defined by the Rural
1021 Economic Development Initiative to infrastructure funding
1022 programs of the Federal Government, such as those offered by the
1023 United States Department of Agriculture and the United States
1024 Department of Commerce, and state programs, including those
1025 offered by Rural Economic Development Initiative agencies, and
1026 to facilitate local government or private infrastructure funding
1027 efforts, the office may award grants for up to 30 percent of the
1028 total infrastructure project cost. If an application for funding
1029 is for a catalyst site, as defined in s. 288.0656, the office
1030 may award grants for up to 40 percent of the total
1031 infrastructure project cost. Eligible projects must be related
1032 to specific job-creation or job-retention opportunities.
1033 Eligible projects may also include improving any inadequate
1034 infrastructure that has resulted in regulatory action that
1035 prohibits economic or community growth or reducing the costs to
1036 community users of proposed infrastructure improvements that
1037 exceed such costs in comparable communities. Eligible uses of
1038 funds shall include improvements to public infrastructure for
1039 industrial or commercial sites and upgrades to or development of
1040 public tourism infrastructure. Authorized infrastructure may
1041 include the following public or public-private partnership
1042 facilities: storm water systems; telecommunications facilities;
1043 broadband facilities; roads or other remedies to transportation
1044 impediments; nature-based tourism facilities; or other physical

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1045 requirements necessary to facilitate tourism, trade, and
1046 economic development activities in the community. Authorized
1047 infrastructure may also include publicly or privately owned
1048 self-powered nature-based tourism facilities, publicly owned
1049 telecommunications facilities, and broadband facilities, and
1050 additions to the distribution facilities of the existing natural
1051 gas utility as defined in s. 366.04(3)(c), the existing electric
1052 utility as defined in s. 366.02, or the existing water or
1053 wastewater utility as defined in s. 367.021(12), or any other
1054 existing water or wastewater facility, which owns a gas or
1055 electric distribution system or a water or wastewater system in
1056 this state where:

1057 1. A contribution-in-aid of construction is required to
1058 serve public or public-private partnership facilities under the
1059 tariffs of any natural gas, electric, water, or wastewater
1060 utility as defined herein; and

1061 2. Such utilities as defined herein are willing and able to
1062 provide such service.

1063 (e) To enable local governments to access the resources
1064 available pursuant to s. 403.973(18), the office may award
1065 grants for surveys, feasibility studies, and other activities
1066 related to the identification and preclearance review of land
1067 which is suitable for preclearance review. Authorized grants
1068 under this paragraph shall not exceed \$75,000 each, except in
1069 the case of a project in a rural area of critical economic
1070 concern, in which case the grant shall not exceed \$300,000. Any
1071 funds awarded under this paragraph must be matched at a level of
1072 50 percent with local funds, except that any funds awarded for a
1073 project in a rural area of critical economic concern must be

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1074 matched at a level of 33 percent with local funds. If an
1075 application for funding is for a catalyst site, as defined in s.
1076 288.0656, the requirement for local match may be waived pursuant
1077 to the process in s. 288.06561. In evaluating applications under
1078 this paragraph, the office shall consider the extent to which
1079 the application seeks to minimize administrative and consultant
1080 expenses.

1081 (3) The office, in consultation with Enterprise Florida,
1082 Inc., VISIT Florida, the Department of Environmental Protection,
1083 and the Florida Fish and Wildlife Conservation Commission, as
1084 appropriate, shall review and certify applications pursuant to
1085 s. 288.061. The review shall include an evaluation of ~~and~~
1086 ~~evaluate~~ the economic benefit of the projects and their long-
1087 term viability. The office shall have final approval for any
1088 grant under this section ~~and must make a grant decision within~~
1089 ~~30 days of receiving a completed application.~~

1090 Section 13. Section 288.0656, Florida Statutes, is amended
1091 to read:

1092 288.0656 Rural Economic Development Initiative.—

1093 (1) (a) Recognizing that rural communities and regions
1094 continue to face extraordinary challenges in their efforts to
1095 significantly improve their economies, specifically in terms of
1096 personal income, job creation, average wages, and strong tax
1097 bases, it is the intent of the Legislature to encourage and
1098 facilitate the location and expansion of major economic
1099 development projects of significant scale in such rural
1100 communities.

1101 (b) The Rural Economic Development Initiative, known as
1102 "REDI," is created within the Office of Tourism, Trade, and

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1103 Economic Development, and the participation of state and
1104 regional agencies in this initiative is authorized.

1105 (2) As used in this section, the term:

1106 (a) "Catalyst project" means a business locating or
1107 expanding in a rural area of critical economic concern to serve
1108 as an economic generator of regional significance for the growth
1109 of a regional target industry cluster. The project must provide
1110 capital investment on a scale significant enough to affect the
1111 entire region and result in the development of high-wage and
1112 high-skill jobs.

1113 (b) "Catalyst site" means a parcel or parcels of land
1114 within a rural area of critical economic concern that has been
1115 prioritized as a geographic site for economic development
1116 through partnerships with state, regional, and local
1117 organizations. The site must be reviewed by REDI and approved by
1118 the Office of Tourism, Trade, and Economic Development for the
1119 purposes of locating a catalyst project.

1120 (c)~~(a)~~ "Economic distress" means conditions affecting the
1121 fiscal and economic viability of a rural community, including
1122 such factors as low per capita income, low per capita taxable
1123 values, high unemployment, high underemployment, low weekly
1124 earned wages compared to the state average, low housing values
1125 compared to the state average, high percentages of the
1126 population receiving public assistance, high poverty levels
1127 compared to the state average, and a lack of year-round stable
1128 employment opportunities.

1129 (d) "Rural area of critical economic concern" means a rural
1130 community, or a region composed of rural communities, designated
1131 by the Governor, that has been adversely affected by an

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1132 extraordinary economic event, severe or chronic distress, or a
1133 natural disaster or that presents a unique economic development
1134 opportunity of regional impact.

1135 (e) ~~(b)~~ "Rural community" means:

- 1136 1. A county with a population of 75,000 or less.
- 1137 2. A county with a population of 125,000 ~~100,000~~ or less
1138 that is contiguous to a county with a population of 75,000 or
1139 less.
- 1140 3. A municipality within a county described in subparagraph
1141 1. or subparagraph 2.
- 1142 4. An unincorporated federal enterprise community or an
1143 incorporated rural city with a population of 25,000 or less and
1144 an employment base focused on traditional agricultural or
1145 resource-based industries, located in a county not defined as
1146 rural, which has at least three or more of the economic distress
1147 factors identified in paragraph (c) ~~(a)~~ and verified by the
1148 Office of Tourism, Trade, and Economic Development.

1149
1150 For purposes of this paragraph, population shall be determined
1151 in accordance with the most recent official estimate pursuant to
1152 s. 186.901.

1153 (3) REDI shall be responsible for coordinating and focusing
1154 the efforts and resources of state and regional agencies on the
1155 problems which affect the fiscal, economic, and community
1156 viability of Florida's economically distressed rural
1157 communities, working with local governments, community-based
1158 organizations, and private organizations that have an interest
1159 in the growth and development of these communities to find ways
1160 to balance environmental and growth management issues with local

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1161 needs.

1162 (4) REDI shall review and evaluate the impact of statutes
1163 and rules on rural communities and shall work to minimize any
1164 adverse impact and undertake outreach and capacity building
1165 efforts.

1166 (5) REDI shall facilitate better access to state resources
1167 by promoting direct access and referrals to appropriate state
1168 and regional agencies and statewide organizations. REDI may
1169 undertake outreach, capacity-building, and other advocacy
1170 efforts to improve conditions in rural communities. These
1171 activities may include sponsorship of conferences and
1172 achievement awards.

1173 (6) (a) By August 1 of each year, the head of each of the
1174 following agencies and organizations shall designate a high-
1175 level staff person from within the agency or organization to
1176 serve as the REDI representative for the agency or organization:

- 1177 1. The Department of Community Affairs.
- 1178 2. The Department of Transportation.
- 1179 3. The Department of Environmental Protection.
- 1180 4. The Department of Agriculture and Consumer Services.
- 1181 5. The Department of State.
- 1182 6. The Department of Health.
- 1183 7. The Department of Children and Family Services.
- 1184 8. The Department of Corrections.
- 1185 9. The Agency for Workforce Innovation.
- 1186 10. The Department of Education.
- 1187 11. The Department of Juvenile Justice.
- 1188 12. The Fish and Wildlife Conservation Commission.
- 1189 13. Each water management district.

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- 1190 14. Enterprise Florida, Inc.
1191 15. Workforce Florida, Inc.
1192 16. The Florida Commission on Tourism or VISIT Florida.
1193 17. The Florida Regional Planning Council Association.
1194 18. The Agency for Health Care Administration ~~Florida State~~
1195 ~~Rural Development Council.~~
1196 19. The Institute of Food and Agricultural Sciences (IFAS).
1197

1198 An alternate for each designee shall also be chosen, and the
1199 names of the designees and alternates shall be sent to the
1200 director of the Office of Tourism, Trade, and Economic
1201 Development.

1202 (b) Each REDI representative must have comprehensive
1203 knowledge of his or her agency's functions, both regulatory and
1204 service in nature, and of the state's economic goals, policies,
1205 and programs. This person shall be the primary point of contact
1206 for his or her agency with REDI on issues and projects relating
1207 to economically distressed rural communities and with regard to
1208 expediting project review, shall ensure a prompt effective
1209 response to problems arising with regard to rural issues, and
1210 shall work closely with the other REDI representatives in the
1211 identification of opportunities for preferential awards of
1212 program funds and allowances and waiver of program requirements
1213 when necessary to encourage and facilitate long-term private
1214 capital investment and job creation.

1215 (c) The REDI representatives shall work with REDI in the
1216 review and evaluation of statutes and rules for adverse impact
1217 on rural communities and the development of alternative
1218 proposals to mitigate that impact.

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1219 (d) Each REDI representative shall be responsible for
1220 ensuring that each district office or facility of his or her
1221 agency is informed about the Rural Economic Development
1222 Initiative and for providing assistance throughout the agency in
1223 the implementation of REDI activities.

1224 (7) (a) REDI may recommend to the Governor up to three rural
1225 areas of critical economic concern. ~~A rural area of critical~~
1226 ~~economic concern must be a rural community, or a region composed~~
1227 ~~of such, that has been adversely affected by an extraordinary~~
1228 ~~economic event or a natural disaster or that presents a unique~~
1229 ~~economic development opportunity of regional impact that will~~
1230 ~~create more than 1,000 jobs over a 5-year period.~~ The Governor
1231 may by executive order designate up to three rural areas of
1232 critical economic concern which will establish these areas as
1233 priority assignments for REDI as well as to allow the Governor,
1234 acting through REDI, to waive criteria, requirements, or similar
1235 provisions of any economic development incentive. Such
1236 incentives shall include, but not be limited to: the Qualified
1237 Target Industry Tax Refund Program under s. 288.106, the Quick
1238 Response Training Program under s. 288.047, the Quick Response
1239 Training Program for participants in the welfare transition
1240 program under s. 288.047(8), transportation projects under s.
1241 288.063, the brownfield redevelopment bonus refund under s.
1242 288.107, and the rural job tax credit program under ss. 212.098
1243 and 220.1895.

1244 (b) Designation as a rural area of critical economic
1245 concern under this subsection shall be contingent upon the
1246 execution of a memorandum of agreement among the Office of
1247 Tourism, Trade, and Economic Development; the governing body of

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1248 the county; and the governing bodies of any municipalities to be
1249 included within a rural area of critical economic concern. Such
1250 agreement shall specify the terms and conditions of the
1251 designation, including, but not limited to, the duties and
1252 responsibilities of the county and any participating
1253 municipalities to take actions designed to facilitate the
1254 retention and expansion of existing businesses in the area, as
1255 well as the recruitment of new businesses to the area.

1256 (c) Each rural area of critical economic concern may
1257 designate catalyst projects, provided that each catalyst project
1258 is specifically recommended by REDI, identified as a catalyst
1259 project by Enterprise Florida, Inc., and confirmed as a catalyst
1260 project by the Office of Tourism, Trade, and Economic
1261 Development. All state agencies and departments shall use all
1262 available tools and resources to the extent permissible by law
1263 to promote the creation and development of each catalyst project
1264 and the development of catalyst sites.

1265 (8) REDI shall assist local governments within rural areas
1266 of critical economic concern with comprehensive planning needs
1267 that further the provisions of this section. Such assistance
1268 shall reflect a multidisciplinary approach among all agencies
1269 and include economic development and planning objectives.

1270 (a) A local government may request assistance in the
1271 preparation of comprehensive plan amendments, pursuant to part
1272 II of chapter 163, which will stimulate economic activity.

1273 1. The local government must contact the Office of Tourism,
1274 Trade, and Economic Development to request assistance.

1275 2. REDI representatives shall meet with the local
1276 government within 15 days after such request to develop the

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1277 scope of assistance that will be provided for the development,
1278 transmittal, and adoption of the proposed comprehensive plan
1279 amendment.

1280 3. As part of the assistance provided, REDI representatives
1281 shall also identify other needed local and developer actions for
1282 approval of the project and recommend a timeline for the local
1283 government and developer that will minimize project delays.

1284 (b) In addition, each year REDI shall solicit requests for
1285 assistance from local governments within a rural area of
1286 critical economic concern to update the future land use element
1287 and other associated elements of the local government's
1288 comprehensive plan to better position the community to respond
1289 to economic development potential within the county or
1290 municipality. REDI shall provide direct assistance to such local
1291 governments to update their comprehensive plans pursuant to this
1292 paragraph. At least one comprehensive planning technical
1293 assistance effort shall be selected each year.

1294 (c) REDI shall develop and annually update a technical
1295 assistance manual based upon experiences learned in providing
1296 direct assistance under this subsection.

1297 (9)~~(8)~~ REDI shall submit a report to the Governor, the
1298 President of the Senate, and the Speaker of the House of
1299 Representatives each year on or before September ~~February~~ 1 on
1300 all REDI activities for the prior fiscal year. This report shall
1301 include a status report on all projects currently being
1302 coordinated through REDI, the number of preferential awards and
1303 allowances made pursuant to this section, the dollar amount of
1304 such awards, and the names of the recipients. The report shall
1305 also include a description of all waivers of program

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1306 requirements granted. The report shall also include information
1307 as to the economic impact of the projects coordinated by REDI.

1308 Section 14. Section 288.06561, Florida Statutes, is amended
1309 to read:

1310 288.06561 Reduction or waiver of financial match
1311 requirements.—Notwithstanding any other law, the member agencies
1312 and organizations of the Rural Economic Development Initiative
1313 (REDI), as defined in s. 288.0656(6)(a), shall review the
1314 financial match requirements for projects in rural areas as
1315 defined in s. 288.0656(2) ~~(b)~~.

1316 (1) Each agency and organization shall develop a proposal
1317 to waive or reduce the match requirement for rural areas.

1318 (2) Agencies and organizations shall ensure that all
1319 proposals are submitted to the Office of Tourism, Trade, and
1320 Economic Development for review by the REDI agencies.

1321 (3) These proposals shall be delivered to the Office of
1322 Tourism, Trade, and Economic Development for distribution to the
1323 REDI agencies and organizations. A meeting of REDI agencies and
1324 organizations must be called within 30 days after receipt of
1325 such proposals for REDI comment and recommendations on each
1326 proposal.

1327 (4) Waivers and reductions must be requested by the county
1328 or community, and such county or community must have three or
1329 more of the factors identified in s. 288.0656(2) (c) ~~(a)~~.

1330 (5) Any other funds available to the project may be used
1331 for financial match of federal programs when there is fiscal
1332 hardship, and the match requirements may not be waived or
1333 reduced.

1334 (6) When match requirements are not reduced or eliminated,

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1335 donations of land, though usually not recognized as an in-kind
1336 match, may be permitted.

1337 (7) To the fullest extent possible, agencies and
1338 organizations shall expedite the rule adoption and amendment
1339 process if necessary to incorporate the reduction in match by
1340 rural areas in fiscal distress.

1341 (8) REDI shall include in its annual report an evaluation
1342 on the status of changes to rules, number of awards made with
1343 waivers, and recommendations for future changes.

1344 Section 15. Subsection (1) of section 288.0657, Florida
1345 Statutes, is amended to read:

1346 288.0657 Florida rural economic development strategy
1347 grants.—

1348 (1) As used in this section, the term "rural community"
1349 means:

1350 (a) A county with a population of 75,000 or fewer ~~less~~.

1351 (b) A county with a population of 125,000 ~~100,000~~ or fewer
1352 which less that is contiguous to a county with a population of
1353 75,000 or fewer ~~less~~.

1354 (c) A municipality within a county described in paragraph
1355 (a) or paragraph (b).

1356

1357 For purposes of this subsection, population shall be determined
1358 in accordance with the most recent official estimate pursuant to
1359 s. 186.901.

1360 Section 16. Paragraph (c) of subsection (2), paragraphs
1361 (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3),
1362 and paragraph (c) of subsection (5) of section 288.1045, Florida
1363 Statutes, are amended to read:

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1364 288.1045 Qualified defense contractor and space flight
1365 business tax refund program.—

1366 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1367 (c) A qualified applicant may not receive more than \$5 ~~\$7.5~~
1368 million in tax refunds pursuant to this section in all fiscal
1369 years.

1370 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
1371 DETERMINATION.—

1372 (a) To apply for certification as a qualified applicant
1373 pursuant to this section, an applicant must file an application
1374 with the office which satisfies the requirements of paragraphs
1375 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
1376 paragraphs (e) and (j) ~~(*)~~. An applicant may not apply for
1377 certification pursuant to this section after a proposal has been
1378 submitted for a new Department of Defense contract, after the
1379 applicant has made the decision to consolidate an existing
1380 Department of Defense contract in this state for which such
1381 applicant is seeking certification, after a proposal has been
1382 submitted for a new space flight business contract in this
1383 state, after the applicant has made the decision to consolidate
1384 an existing space flight business contract in this state for
1385 which such applicant is seeking certification, or after the
1386 applicant has made the decision to convert defense production
1387 jobs to nondefense production jobs for which such applicant is
1388 seeking certification.

1389 (e) To qualify for review by the office, the application of
1390 an applicant must, at a minimum, establish the following to the
1391 satisfaction of the office:

1392 1. The jobs proposed to be provided under the application,

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1393 pursuant to subparagraph (b)6., subparagraph (c)6., or
1394 subparagraph (j)~~(k)~~6., must pay an estimated annual average wage
1395 equaling at least 115 percent of the average wage in the area
1396 where the project is to be located.

1397 2. The consolidation of a Department of Defense contract
1398 must result in a net increase of at least 25 percent in the
1399 number of jobs at the applicant's facilities in this state or
1400 the addition of at least 80 jobs at the applicant's facilities
1401 in this state.

1402 3. The conversion of defense production jobs to nondefense
1403 production jobs must result in net increases in nondefense
1404 employment at the applicant's facilities in this state.

1405 4. The Department of Defense contract or the space flight
1406 business contract cannot allow the business to include the costs
1407 of relocation or retooling in its base as allowable costs under
1408 a cost-plus, or similar, contract.

1409 5. A business unit of the applicant must have derived not
1410 less than 60 percent of its gross receipts in this state from
1411 Department of Defense contracts or space flight business
1412 contracts over the applicant's last fiscal year, and must have
1413 derived not less than an average of 60 percent of its gross
1414 receipts in this state from Department of Defense contracts or
1415 space flight business contracts over the 5 years preceding the
1416 date an application is submitted pursuant to this section. This
1417 subparagraph does not apply to any application for certification
1418 based on a contract for reuse of a defense-related facility.

1419 6. The reuse of a defense-related facility must result in
1420 the creation of at least 100 jobs at such facility.

1421 7. A new space flight business contract or the

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1422 consolidation of a space flight business contract must result in
1423 net increases in space flight business employment at the
1424 applicant's facilities in this state.

1425 (f) Each application meeting the requirements of paragraphs
1426 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
1427 paragraphs (e) and (j) ~~(k)~~ must be submitted to the office for a
1428 determination of eligibility. The office shall review and
1429 evaluate each application based on, but not limited to, the
1430 following criteria:

1431 1. Expected contributions to the state strategic economic
1432 development plan adopted by Enterprise Florida, Inc., taking
1433 into account the extent to which the project contributes to the
1434 state's high-technology base, and the long-term impact of the
1435 project and the applicant on the state's economy.

1436 2. The economic benefit of the jobs created or retained by
1437 the project in this state, taking into account the cost and
1438 average wage of each job created or retained, and the potential
1439 risk to existing jobs.

1440 3. The amount of capital investment to be made by the
1441 applicant in this state.

1442 4. The local commitment and support for the project and
1443 applicant.

1444 5. The impact of the project on the local community, taking
1445 into account the unemployment rate for the county where the
1446 project will be located.

1447 6. The dependence of the local community on the defense
1448 industry or space flight business.

1449 7. The impact of any tax refunds granted pursuant to this
1450 section on the viability of the project and the probability that

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1451 the project will occur in this state if such tax refunds are
1452 granted to the applicant, taking into account the expected long-
1453 term commitment of the applicant to economic growth and
1454 employment in this state.

1455 8. The length of the project, or the expected long-term
1456 commitment to this state resulting from the project.

1457 (g) Applications shall be reviewed and certified pursuant
1458 to s. 288.061. ~~The office shall forward its written findings and~~
1459 ~~evaluation on each application meeting the requirements of~~
1460 ~~paragraphs (b) and (c), paragraphs (c) and (e), paragraphs (d)~~
1461 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
1462 ~~calendar days after receipt of a complete application. The~~
1463 ~~office shall notify each applicant when its application is~~
1464 ~~complete, and when the 60-day period begins. In its written~~
1465 ~~report to the director, the office shall specifically address~~
1466 ~~each of the factors specified in paragraph (f), and shall make a~~
1467 ~~specific assessment with respect to the minimum requirements~~
1468 ~~established in paragraph (c). The office shall include in its~~
1469 ~~report projections of the tax refunds the applicant would be~~
1470 ~~eligible to receive in each fiscal year based on the creation~~
1471 ~~and maintenance of the net new Florida jobs specified in~~
1472 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
1473 ~~subparagraph (k)6. as of December 31 of the preceding state~~
1474 ~~fiscal year.~~

1475 ~~(h) Within 30 days after receipt of the office's findings~~
1476 ~~and evaluation, the director shall issue a letter of~~
1477 ~~certification which either approves or disapproves an~~
1478 ~~application. The decision must be in writing and provide the~~
1479 ~~justifications for either approval or disapproval. If~~

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1480 appropriate, the director shall enter into a written agreement
1481 with the qualified applicant pursuant to subsection (4).

1482 (h)~~(i)~~ The director may not certify any applicant as a
1483 qualified applicant when the value of tax refunds to be included
1484 in that letter of certification exceeds the available amount of
1485 authority to certify new businesses as determined in s.
1486 288.095(3). A letter of certification that approves an
1487 application must specify the maximum amount of a tax refund that
1488 is to be available to the contractor for each fiscal year and
1489 the total amount of tax refunds for all fiscal years.

1490 (i)~~(j)~~ This section does not create a presumption that an
1491 applicant should receive any tax refunds under this section.

1492 (j)~~(k)~~ Applications for certification based upon a new
1493 space flight business contract or the consolidation of a space
1494 flight business contract must be submitted to the office as
1495 prescribed by the office and must include, but are not limited
1496 to, the following information:

1497 1. The applicant's federal employer identification number,
1498 the applicant's Florida sales tax registration number, and a
1499 signature of an officer of the applicant.

1500 2. The permanent location of the space flight business
1501 facility in this state where the project is or will be located.

1502 3. The new space flight business contract number, the space
1503 flight business contract numbers of the contract to be
1504 consolidated, or the request-for-proposal number of a proposed
1505 space flight business contract.

1506 4. The date the contract was executed and the date the
1507 contract is due to expire, is expected to expire, or was
1508 canceled.

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1509 5. The commencement date for project operations under the
1510 contract in this state.

1511 6. The number of net new full-time equivalent Florida jobs
1512 included in the project as of December 31 of each year and the
1513 average wage of such jobs.

1514 7. The total number of full-time equivalent employees
1515 employed by the applicant in this state.

1516 8. The percentage of the applicant's gross receipts derived
1517 from space flight business contracts during the 5 taxable years
1518 immediately preceding the date the application is submitted.

1519 9. The number of full-time equivalent jobs in this state to
1520 be retained by the project.

1521 10. A brief statement concerning the applicant's need for
1522 tax refunds and the proposed uses of such refunds by the
1523 applicant.

1524 11. A resolution adopted by the governing board of the
1525 county or municipality in which the project will be located
1526 which recommends the applicant be approved as a qualified
1527 applicant and indicates that the necessary commitments of local
1528 financial support for the applicant exist. Prior to the adoption
1529 of the resolution, the county commission may review the proposed
1530 public or private sources of such support and determine whether
1531 the proposed sources of local financial support can be provided
1532 or, for any applicant whose project is located in a county
1533 designated by the Rural Economic Development Initiative, a
1534 resolution adopted by the county commissioners of such county
1535 requesting that the applicant's project be exempt from the local
1536 financial support requirement.

1537 12. Any additional information requested by the office.

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1538 (5) ANNUAL CLAIM FOR REFUND.—

1539 (c) A tax refund may not be approved for any qualified
1540 applicant unless local financial support has been paid to the
1541 Economic Development Trust Fund for that refund. If the local
1542 financial support is less than 20 percent of the approved tax
1543 refund, the tax refund shall be reduced. The tax refund paid may
1544 not exceed 5 times the local financial support received. Funding
1545 from local sources includes tax abatement under s. 196.1995 or
1546 the appraised market value of municipal or county land,
1547 including any improvements or structures, conveyed or provided
1548 at a discount through a sale or lease to that applicant. The
1549 amount of any tax refund for an applicant approved under this
1550 section shall be reduced by the amount of any such tax abatement
1551 granted or the value of the land granted, including the value of
1552 any improvements or structures; and the limitations in
1553 subsection (2) ~~and paragraph (3)(h)~~ shall be reduced by the
1554 amount of any such tax abatement or the value of the land
1555 granted, including any improvements or structures. A report
1556 listing all sources of the local financial support shall be
1557 provided to the office when such support is paid to the Economic
1558 Development Trust Fund.

1559 Section 17. Paragraphs (k) and (t) of subsection (1),
1560 subsection (3), paragraph (b) of subsection (4), paragraph (c)
1561 of subsection (5), and subsection (8) of section 288.106,
1562 Florida Statutes, are amended to read:

1563 288.106 Tax refund program for qualified target industry
1564 businesses.—

1565 (1) DEFINITIONS.—As used in this section:

1566 (k) "Local financial support exemption option" means the

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1567 option to exercise an exemption from the local financial support
1568 requirement available to any applicant whose project is located
1569 in a brownfield area or a county with a population of 75,000 or
1570 fewer or a county with a population of 125,000 ~~100,000~~ or fewer
1571 which is contiguous to a county with a population of 75,000 or
1572 fewer. Any applicant that exercises this option shall not be
1573 eligible for more than 80 percent of the total tax refunds
1574 allowed such applicant under this section.

1575 (t) "Rural community" means:

1576 1. A county with a population of 75,000 or fewer ~~less~~.

1577 2. A county with a population of 125,000 ~~100,000~~ or fewer
1578 which less than is contiguous to a county with a population of
1579 75,000 or fewer ~~less~~.

1580 3. A municipality within a county described in subparagraph
1581 1. or subparagraph 2.

1582
1583 For purposes of this paragraph, population shall be determined
1584 in accordance with the most recent official estimate pursuant to
1585 s. 186.901.

1586 (3) APPLICATION AND APPROVAL PROCESS.—

1587 (a) To apply for certification as a qualified target
1588 industry business under this section, the business must file an
1589 application with the office before the business has made the
1590 decision to locate a new business in this state or before the
1591 business had made the decision to expand an existing business in
1592 this state. The application shall include, but is not limited
1593 to, the following information:

1594 1. The applicant's federal employer identification number
1595 and the applicant's state sales tax registration number.

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1596 2. The permanent location of the applicant's facility in
1597 this state at which the project is or is to be located.

1598 3. A description of the type of business activity or
1599 product covered by the project, including a minimum of a five-
1600 digit NAICS code ~~four-digit SIC codes~~ for all activities
1601 included in the project.

1602 4. The number of net new full-time equivalent Florida jobs
1603 at the qualified target industry business as of December 31 of
1604 each year included in the project and the average wage of those
1605 jobs. If more than one type of business activity or product is
1606 included in the project, the number of jobs and average wage for
1607 those jobs must be separately stated for each type of business
1608 activity or product.

1609 5. The total number of full-time equivalent employees
1610 employed by the applicant in this state.

1611 6. The anticipated commencement date of the project.

1612 7. A brief statement concerning the role that the tax
1613 refunds requested will play in the decision of the applicant to
1614 locate or expand in this state.

1615 8. An estimate of the proportion of the sales resulting
1616 from the project that will be made outside this state.

1617 9. A resolution adopted by the governing board of the
1618 county or municipality in which the project will be located,
1619 which resolution recommends that certain types of businesses be
1620 approved as a qualified target industry business and states that
1621 the commitments of local financial support necessary for the
1622 target industry business exist. In advance of the passage of
1623 such resolution, the office may also accept an official letter
1624 from an authorized local economic development agency that

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1625 endorses the proposed target industry project and pledges that
1626 sources of local financial support for such project exist. For
1627 the purposes of making pledges of local financial support under
1628 this subsection, the authorized local economic development
1629 agency shall be officially designated by the passage of a one-
1630 time resolution by the local governing authority.

1631 10. Any additional information requested by the office.

1632 (b) To qualify for review by the office, the application of
1633 a target industry business must, at a minimum, establish the
1634 following to the satisfaction of the office:

1635 1. The jobs proposed to be provided under the application,
1636 pursuant to subparagraph (a)4., must pay an estimated annual
1637 average wage equaling at least 115 percent of the average
1638 private sector wage in the area where the business is to be
1639 located or the statewide private sector average wage. In
1640 determining the average annual wage, the office shall include
1641 only new proposed jobs, and wages for existing jobs shall be
1642 excluded from this calculation. The office may waive the ~~this~~
1643 average wage requirement at the request of the local governing
1644 body recommending the project and Enterprise Florida, Inc. The
1645 wage requirement may only be waived for a project located in a
1646 brownfield area designated under s. 376.80 or in a rural city or
1647 county or in an enterprise zone and only when the merits of the
1648 individual project or the specific circumstances in the
1649 community in relationship to the project warrant such action. If
1650 the local governing body and Enterprise Florida, Inc., make such
1651 a recommendation, it must be transmitted in writing and the
1652 specific justification for the waiver recommendation must be
1653 explained. If the director elects to waive the wage requirement,

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1654 the waiver must be stated in writing and the reasons for
1655 granting the waiver must be explained.

1656 2. The target industry business's project must result in
1657 the creation of at least 10 jobs at such project and, if an
1658 expansion of an existing business, must result in a net increase
1659 in employment of at least ~~not less than~~ 10 percent at the such
1660 business. Notwithstanding the definition of the term "expansion
1661 of an existing business" in paragraph (1)(g), at the request of
1662 the local governing body recommending the project and Enterprise
1663 Florida, Inc., the office may define an "expansion of an
1664 existing business" in a rural community or an enterprise zone as
1665 the expansion of a business resulting in a net increase in
1666 employment of less than 10 percent at such business if the
1667 merits of the individual project or the specific circumstances
1668 in the community in relationship to the project warrant such
1669 action. If the local governing body and Enterprise Florida,
1670 Inc., make such a request, the request ~~it~~ must be transmitted in
1671 writing and the specific justification for the request must be
1672 explained. If the director elects to grant the such request, the
1673 grant such election must be stated in writing and the reason for
1674 granting the request must be explained.

1675 3. The business activity or product for the applicant's
1676 project is within an industry or industries that have been
1677 identified by the office to be high-value-added industries that
1678 contribute to the area and to the economic growth of the state
1679 and that produce a higher standard of living for residents
1680 ~~citizens~~ of this state in the new global economy or that can be
1681 shown to make an equivalent contribution to the area and state's
1682 economic progress. The director must approve requests to waive

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1683 the wage requirement for brownfield areas designated under s.
1684 376.80 unless it is demonstrated that such action is not in the
1685 public interest.

1686 (c) Each application meeting the requirements of paragraph
1687 (b) must be submitted to the office for determination of
1688 eligibility. The office shall review and evaluate each
1689 application based on, but not limited to, the following
1690 criteria:

1691 1. Expected contributions to the state strategic economic
1692 development plan adopted by Enterprise Florida, Inc., taking
1693 into account the long-term effects of the project and of the
1694 applicant on the state economy.

1695 2. The economic benefit of the jobs created by the project
1696 in this state, taking into account the cost and average wage of
1697 each job created.

1698 3. The amount of capital investment to be made by the
1699 applicant in this state.

1700 4. The local commitment and support for the project.

1701 5. The effect of the project on the local community, taking
1702 into account the unemployment rate for the county where the
1703 project will be located.

1704 6. The effect of any tax refunds granted pursuant to this
1705 section on the viability of the project and the probability that
1706 the project will be undertaken in this state if such tax refunds
1707 are granted to the applicant, taking into account the expected
1708 long-term commitment of the applicant to economic growth and
1709 employment in this state.

1710 7. The expected long-term commitment to this state
1711 resulting from the project.

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1712 8. A review of the business's past activities in this state
1713 or other states, including whether such business has been
1714 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1715 This subparagraph does not ~~shall~~ require the disclosure of
1716 confidential information.

1717 (d) Applications shall be reviewed and certified pursuant
1718 to s. 288.061. ~~The office shall forward its written findings and~~
1719 ~~evaluation concerning each application meeting the requirements~~
1720 ~~of paragraph (b) to the director within 45 calendar days after~~
1721 ~~receipt of a complete application. The office shall notify each~~
1722 ~~target industry business when its application is complete, and~~
1723 ~~of the time when the 45-day period begins. In its written report~~
1724 ~~to the director, the office shall specifically address each of~~
1725 ~~the factors specified in paragraph (c) and shall make a specific~~
1726 ~~assessment with respect to the minimum requirements established~~
1727 ~~in paragraph (b).~~ The office shall include in its review report
1728 projections of the tax refunds the business would be eligible to
1729 receive in each fiscal year based on the creation and
1730 maintenance of the net new Florida jobs specified in
1731 subparagraph (a)4. as of December 31 of the preceding state
1732 fiscal year.

1733 ~~(e)1. Within 30 days after receipt of the office's findings~~
1734 ~~and evaluation, the director shall issue a letter of~~
1735 ~~certification that either approves or disapproves the~~
1736 ~~application of the target industry business. The decision must~~
1737 ~~be in writing and must provide the justifications for approval~~
1738 ~~or disapproval.~~

1739 2. If appropriate, the director shall enter into a written
1740 agreement with the qualified target industry business pursuant

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1741 to subsection (4).

1742 (e)~~(f)~~ The director may not certify any target industry
1743 business as a qualified target industry business if the value of
1744 tax refunds to be included in that letter of certification
1745 exceeds the available amount of authority to certify new
1746 businesses as determined in s. 288.095(3). However, if the
1747 commitments of local financial support represent less than 20
1748 percent of the eligible tax refund payments, or to otherwise
1749 preserve the viability and fiscal integrity of the program, the
1750 director may certify a qualified target industry business to
1751 receive tax refund payments of less than the allowable amounts
1752 specified in paragraph (2)(b). A letter of certification that
1753 approves an application must specify the maximum amount of tax
1754 refund that will be available to the qualified industry business
1755 in each fiscal year and the total amount of tax refunds that
1756 will be available to the business for all fiscal years.

1757 (f)~~(g)~~ ~~Nothing in~~ This section does not ~~shall~~ create a
1758 presumption that an applicant shall ~~will~~ receive any tax refunds
1759 under this section. However, the office may issue nonbinding
1760 opinion letters, upon the request of prospective applicants, as
1761 to the applicants' eligibility and the potential amount of
1762 refunds.

1763 (4) TAX REFUND AGREEMENT.—

1764 (b) Compliance with the terms and conditions of the
1765 agreement is a condition precedent for the receipt of a tax
1766 refund each year. The failure to comply with the terms and
1767 conditions of the tax refund agreement results in the loss of
1768 eligibility for receipt of all tax refunds previously authorized
1769 under this section and the revocation by the director of the

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1770 certification of the business entity as a qualified target
1771 industry business, unless the business is eligible to receive
1772 and elects to accept a prorated refund under paragraph (5) (d) or
1773 the office grants the business an economic-stimulus exemption.

1774 1. A qualified target industry business may submit, in
1775 writing, a request to the office for an economic-stimulus
1776 exemption. The request must provide quantitative evidence
1777 demonstrating how negative economic conditions in the business's
1778 industry, the effects of the impact of a named hurricane or
1779 tropical storm, or specific acts of terrorism affecting the
1780 qualified target industry business have prevented the business
1781 from complying with the terms and conditions of its tax refund
1782 agreement.

1783 2. Upon receipt of a request under subparagraph 1., the
1784 director shall have 45 days to notify the requesting business,
1785 in writing, if its exemption has been granted or denied. In
1786 determining if an exemption should be granted, the director
1787 shall consider the extent to which negative economic conditions
1788 in the requesting business's industry have occurred in the state
1789 or~~7~~ the effects of the impact of a named hurricane or tropical
1790 storm~~7~~ or specific acts of terrorism affecting the qualified
1791 target industry business have prevented the business from
1792 complying with the terms and conditions of its tax refund
1793 agreement. The office shall consider current employment
1794 statistics for this state by industry, including whether the
1795 business's industry had substantial job loss during the prior
1796 year, when determining whether an exemption shall be granted.

1797 3. As a condition for receiving a prorated refund under
1798 paragraph (5) (d) or an economic-stimulus exemption under this

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1799 paragraph, a qualified target industry business must agree to
1800 renegotiate its tax refund agreement with the office to, at a
1801 minimum, ensure that the terms of the agreement comply with
1802 current law and office procedures governing application for and
1803 award of tax refunds. Upon approving the award of a prorated
1804 refund or granting an economic-stimulus exemption, the office
1805 shall renegotiate the tax refund agreement with the business as
1806 required by this subparagraph. When amending the agreement of a
1807 business receiving an economic-stimulus exemption, the office
1808 may extend the duration of the agreement for a period not to
1809 exceed 2 years.

1810 4. A qualified target industry business may submit a
1811 request for an economic-stimulus exemption to the office in lieu
1812 of any tax refund claim scheduled to be submitted after January
1813 1, 2009 ~~2005~~, but before July 1, 2010 ~~2006~~.

1814 5. A qualified target industry business that receives an
1815 economic-stimulus exemption may not receive a tax refund for the
1816 period covered by the exemption.

1817 (5) ANNUAL CLAIM FOR REFUND.—

1818 (c) A tax refund may not be approved for a qualified target
1819 industry business unless the required local financial support
1820 has been paid into the account for that refund. If the local
1821 financial support provided is less than 20 percent of the
1822 approved tax refund, the tax refund must be reduced. In no event
1823 may the tax refund exceed an amount that is equal to 5 times the
1824 amount of the local financial support received. Further, funding
1825 from local sources includes any tax abatement granted to that
1826 business under s. 196.1995 or the appraised market value of
1827 municipal or county land conveyed or provided at a discount to

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1828 that business. The amount of any tax refund for such business
1829 approved under this section must be reduced by the amount of any
1830 such tax abatement granted or the value of the land granted; and
1831 the limitations in subsection (2) and paragraph (3) ~~(e)-(f)~~ must
1832 be reduced by the amount of any such tax abatement or the value
1833 of the land granted. A report listing all sources of the local
1834 financial support shall be provided to the office when such
1835 support is paid to the account.

1836 (8) EXPIRATION.—An applicant may not be certified as
1837 qualified under this section after June 30, 2014 ~~2010~~. A tax
1838 refund agreement existing on that date shall continue in effect
1839 in accordance with its terms.

1840 Section 18. Paragraph (e) is added to subsection (3) of
1841 section 288.107, Florida Statutes, and paragraph (f) of
1842 subsection (4) of that section is amended, to read:

1843 288.107 Brownfield redevelopment bonus refunds.—

1844 (3) CRITERIA.—The minimum criteria for participation in the
1845 brownfield redevelopment bonus refund are:

1846 (e) A resolution adopted by the governing board of the
1847 county or municipality in which the project will be located that
1848 recommends that certain types of businesses be approved.

1849 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1850 (f) Applications shall be reviewed and certified pursuant
1851 to s. 288.061. The office shall review all applications
1852 submitted under s. 288.106 or other similar application forms
1853 for other eligible businesses as defined in paragraph (1) (e)
1854 which indicate that the proposed project will be located in a
1855 brownfield and determine, with the assistance of the Department
1856 of Environmental Protection, that the project location is within

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1857 a brownfield as provided in this act.

1858 Section 19. Paragraphs (b), (c), and (d) of subsection (5)
1859 and subsections (7) and (8) of section 288.108, Florida
1860 Statutes, are amended to read:

1861 288.108 High-impact business.—

1862 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1863 (b) Applications shall be reviewed and certified pursuant
1864 to s. 288.061. Enterprise Florida, Inc., shall review each
1865 submitted application and inform the applicant business whether
1866 or not its application is complete within 10 working days. Once
1867 the application is deemed complete, Enterprise Florida, Inc.,
1868 has 10 working days within which to evaluate the application and
1869 recommend approval or disapproval of the application to the
1870 director. In recommending an applicant business for approval,
1871 Enterprise Florida, Inc., shall include a recommended grant
1872 award amount in its evaluation forwarded to the office.

1873 ~~(c) Upon receipt of the evaluation and recommendation of~~
1874 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1875 ~~enter a final order that either approves or disapproves an~~
1876 ~~applicant business as a qualified high-impact business facility,~~
1877 ~~unless the business requests an extension of the time. The final~~
1878 ~~order shall specify the total amount of the qualified high-~~
1879 ~~impact business facility performance grant award, the~~
1880 ~~performance conditions that must be met to obtain the award, and~~
1881 ~~the schedule for payment of the performance grant.~~

1882 (c)-(d) The director and the qualified high-impact business
1883 shall enter into a performance grant agreement setting forth the
1884 conditions for payment of the qualified high-impact business
1885 performance grant. The agreement shall include the total amount

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1886 of the qualified high-impact business facility performance grant
 1887 award, the performance conditions that must be met to obtain the
 1888 award, including the employment, average salary, investment, the
 1889 methodology for determining if the conditions have been met, and
 1890 the schedule of performance grant payments.

1891 ~~(7) REPORTING.—The office shall by December 1 of each year~~
 1892 ~~issue a complete and detailed report of all designated high-~~
 1893 ~~impact sectors, all applications received and their disposition,~~
 1894 ~~all final orders issued, and all payments made, including~~
 1895 ~~analyses of benefits and costs, types of projects supported, and~~
 1896 ~~employment and investments created. The report shall be~~
 1897 ~~submitted to the Governor, the President of the Senate, and the~~
 1898 ~~Speaker of the House of Representatives.~~

1899 ~~(7)-(8)~~ RULEMAKING.—The office may adopt rules necessary to
 1900 carry out the provisions of this section.

1901 Section 20. Paragraphs (a), (b), and (c) of subsection (3)
 1902 of section 288.1088, Florida Statutes, are amended to read:

1903 288.1088 Quick Action Closing Fund.—

1904 (3) (a) Enterprise Florida, Inc., shall review applications
 1905 pursuant to s. 288.061 and determine eligibility of each project
 1906 consistent with the criteria in subsection (2). Enterprise
 1907 Florida, Inc., in consultation with the Office of Tourism,
 1908 Trade, and Economic Development, may waive these criteria based
 1909 on extraordinary circumstances or in rural areas of critical
 1910 economic concern if the project would significantly benefit the
 1911 local or regional economy. Enterprise Florida, Inc., shall
 1912 evaluate individual proposals for high-impact business
 1913 facilities and forward recommendations regarding the use of
 1914 moneys in the fund for such facilities to the director of the

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1915 Office of Tourism, Trade, and Economic Development. Such
1916 evaluation and recommendation must include, but need not be
1917 limited to:

1918 1. A description of the type of facility or infrastructure,
1919 its operations, and the associated product or service associated
1920 with the facility.

1921 2. The number of full-time-equivalent jobs that will be
1922 created by the facility and the total estimated average annual
1923 wages of those jobs or, in the case of privately developed rural
1924 infrastructure, the types of business activities and jobs
1925 stimulated by the investment.

1926 3. The cumulative amount of investment to be dedicated to
1927 the facility within a specified period.

1928 4. A statement of any special impacts the facility is
1929 expected to stimulate in a particular business sector in the
1930 state or regional economy or in the state's universities and
1931 community colleges.

1932 5. A statement of the role the incentive is expected to
1933 play in the decision of the applicant business to locate or
1934 expand in this state or for the private investor to provide
1935 critical rural infrastructure.

1936 6. A report evaluating the quality and value of the company
1937 submitting a proposal. The report must include:

1938 a. A financial analysis of the company, including an
1939 evaluation of the company's short-term liquidity ratio as
1940 measured by its assets to liability, the company's profitability
1941 ratio, and the company's long-term solvency as measured by its
1942 debt-to-equity ratio;

1943 b. The historical market performance of the company;

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1944 c. A review of any independent evaluations of the company;

1945 d. A review of the latest audit of the company's financial
1946 statement and the related auditor's management letter; and

1947 e. A review of any other types of audits that are related
1948 to the internal and management controls of the company.

1949 (b) Within 22 calendar days after receiving ~~Upon receipt of~~
1950 the evaluation and recommendation from Enterprise Florida, Inc.,
1951 the director shall recommend to the Governor approval or
1952 disapproval of a project for receipt of funds from the Quick
1953 Action Closing Fund ~~to the Governor~~. In recommending a project,
1954 the director shall include proposed performance conditions that
1955 the project must meet to obtain incentive funds. The Governor
1956 shall provide the evaluation of projects recommended for
1957 approval to the President of the Senate and the Speaker of the
1958 House of Representatives and consult with the President of the
1959 Senate and the Speaker of the House of Representatives before
1960 giving final approval for a project. The Executive Office of the
1961 Governor shall recommend approval of a project and the release
1962 of funds pursuant to the legislative consultation and review
1963 requirements set forth in s. 216.177. The recommendation must
1964 include proposed performance conditions that the project must
1965 meet in order to obtain funds.

1966 (c) Upon the approval of the Governor, the director of the
1967 Office of Tourism, Trade, and Economic Development and the
1968 business shall enter into a contract that sets forth the
1969 conditions for payment of moneys from the fund. The contract
1970 must include the total amount of funds awarded; the performance
1971 conditions that must be met to obtain the award, including, but
1972 not limited to, net new employment in the state, average salary,

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1973 and total capital investment; demonstrate a baseline of current
1974 service and a measure of enhanced capability; the methodology
1975 for validating performance; the schedule of payments from the
1976 fund; and sanctions for failure to meet performance conditions.
1977 The contract must provide that payment of moneys from the fund
1978 is contingent upon sufficient appropriation of funds by the
1979 Legislature and upon sufficient release of appropriated funds by
1980 the Legislative Budget Commission.

1981 Section 21. Subsection (2) of section 257.193, Florida
1982 Statutes, is amended to read:

1983 257.193 Community Libraries in Caring Program.—

1984 (2) The purpose of the Community Libraries in Caring
1985 Program is to assist libraries in rural communities, as defined
1986 in s. 288.0656(2) ~~(b)~~ and subject to the provisions of s.
1987 288.06561, to strengthen their collections and services, improve
1988 literacy in their communities, and improve the economic
1989 viability of their communities.

1990 Section 22. Section 288.019, Florida Statutes, is amended
1991 to read:

1992 288.019 Rural considerations in grant review and evaluation
1993 processes.—Notwithstanding any other law, and to the fullest
1994 extent possible, the member agencies and organizations of the
1995 Rural Economic Development Initiative (REDI) as defined in s.
1996 288.0656(6) (a) shall review all grant and loan application
1997 evaluation criteria to ensure the fullest access for rural
1998 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available
1999 throughout the state.

2000 (1) Each REDI agency and organization shall review all
2001 evaluation and scoring procedures and develop modifications to

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2002 those procedures which minimize the impact of a project within a
2003 rural area.

2004 (2) Evaluation criteria and scoring procedures must provide
2005 for an appropriate ranking based on the proportionate impact
2006 that projects have on a rural area when compared with similar
2007 project impacts on an urban area.

2008 (3) Evaluation criteria and scoring procedures must
2009 recognize the disparity of available fiscal resources for an
2010 equal level of financial support from an urban county and a
2011 rural county.

2012 (a) The evaluation criteria should weight contribution in
2013 proportion to the amount of funding available at the local
2014 level.

2015 (b) In-kind match should be allowed and applied as
2016 financial match when a county is experiencing financial distress
2017 through elevated unemployment at a rate in excess of the state's
2018 average by 5 percentage points or because of the loss of its ad
2019 valorem base.

2020 (4) For existing programs, the modified evaluation criteria
2021 and scoring procedure must be delivered to the Office of
2022 Tourism, Trade, and Economic Development for distribution to the
2023 REDI agencies and organizations. The REDI agencies and
2024 organizations shall review and make comments. Future rules,
2025 programs, evaluation criteria, and scoring processes must be
2026 brought before a REDI meeting for review, discussion, and
2027 recommendation to allow rural counties fuller access to the
2028 state's resources.

2029 Section 23. Paragraph (d) of subsection (15) of section
2030 627.6699, Florida Statutes, is amended to read:

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2031 627.6699 Employee Health Care Access Act.—

2032 (15) SMALL EMPLOYERS ACCESS PROGRAM.—

2033 (d) *Eligibility*.—

2034 1. Any small employer that is actively engaged in business,
2035 has its principal place of business in this state, employs up to
2036 25 eligible employees on business days during the preceding
2037 calendar year, employs at least 2 employees on the first day of
2038 the plan year, and has had no prior coverage for the last 6
2039 months may participate.

2040 2. Any municipality, county, school district, or hospital
2041 employer located in a rural community as defined in s.

2042 288.0656(2) ~~(b)~~ may participate.

2043 3. Nursing home employers may participate.

2044 4. Each dependent of a person eligible for coverage is also
2045 eligible to participate.

2046

2047 Any employer participating in the program must do so until the
2048 end of the term for which the carrier providing the coverage is
2049 obligated to provide such coverage to the program. Coverage for
2050 a small employer group that ceases to meet the eligibility
2051 requirements of this section may be terminated at the end of the
2052 policy period for which the necessary premiums have been paid.

2053 Section 24. This act shall take effect July 1, 2009.